

## SCHEDULE 1

### THE NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)

## PART 13

### FIREFIGHTERS' PENSION FUND

#### **Excess amounts: estimated deficits**

5.—(1) Where, having taken into account the 2007 estimate, the 2008 estimate, the 2008 revised estimate or the estimate (as the case may be), and any other relevant information available to him, it appears to the Secretary of State that the total amount likely to be payable out of an authority's FPF in the year in question will exceed the total amount likely to be credited to the authority's FPF in that year, he shall pay to the authority an amount equal to 80 per cent of the likely deficit.

(2) Subject to paragraph (3), where, having taken into account any revised estimate and any other relevant information available to him, it appears to the Secretary of State that—

(a) the total amount likely to be payable out of the authority's FPF in the year in question will exceed the total amount likely to be credited to the authority's FPF in that year; and

(b) 80 per cent of the likely deficit is more than—

(i) the amount paid or payable by him to the authority by virtue of paragraph (1) in relation to the relevant year; or

(ii) where no such amount was paid or payable by him, zero,

he may pay to the authority such amount as he thinks fit.

(3) The aggregate of the amounts paid to an authority under paragraphs (1) and (2) in relation to a particular year shall not exceed 80 per cent of the authority's likely deficit for that year.

(4) Where the Secretary of State pays an amount to the authority under paragraph (2), any amount paid or payable to him in relation to the year in question under rule 6(1) shall not be payable and, if already paid, the Secretary of State shall repay it to the authority.

(5) An amount payable to the authority under paragraph (1) shall be paid—

(a) where the year in question ends on 31st March 2007, on or before that date;

(b) where the year in question ends on or after 31st March 2008, in July in the year in question.

(6) Any amount payable or repayable by the Secretary of State to an authority under paragraph (2) or (4) shall be paid or repaid before the end of the year in question.