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STATUTORY INSTRUMENTS

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**2014 No. 2848**

**The Firefighters' Pension Scheme (England) Regulations 2014**

**PART 13**

**Supplementary**

**CHAPTER 2**

**Forfeiture**

**Forfeiture: offences committed by members, surviving partners or eligible children**

**171.**—(1) If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold pensions payable under this scheme to—

- (a) the member;
- (b) any person in respect of the member;
- (c) a surviving partner; or
- (d) an eligible child.

(2) Where a surviving partner's or an eligible child's pension under Part 6 (death benefits) is to be withheld under paragraph (1) as a result of a relevant offence falling under paragraph (a) or (b) of the definition of that expression in paragraph (5), the offence must have been committed after the death on which the person became entitled to the surviving partner or eligible child's pension, as the case may be.

(3) The scheme manager may only withhold that part of a person's pension that exceeds any guaranteed minimum to which the person is entitled under—

- (a) section 14 of PSA 1993 (earner's guaranteed minimum); or
- (b) section 17 (minimum pensions for widows and widowers)(**1**) of that Act.

(4) The scheme manager may, at any time and to such extent and for such duration as it thinks fit—

- (a) apply for the benefit of any dependant of the member; or
- (b) restore to the member,

so much of any pension as has been withheld under this regulation.

(5) In this regulation—

“forfeiture certificate” means a certificate stating that the Secretary of State issuing the certificate considers that the offence—

- (a) has been gravely injurious to the interests of the State, or

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(1) Section 17 was amended by the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c.2) Schedule 1 paragraph 39; the Child Support, Pensions and Social Security Act 2000 (c.19) Schedule 5 paragraph 1 and Schedule 9 Part 3; the Pensions Act 2004 (c.35) section 284(2); the Pensions Act 2007 (c.22) section 14(2); the Marriage (Same Sex Couples) Act 2013 (c.30) Schedule 4 paragraphs 18 and 20; and S.I. 2005/2050 and 2014/560.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) is liable to lead to serious loss of confidence in the public service;  
“relevant offence” means—
  - (a) offences of treason,
  - (b) offences under the Official Secrets Acts 1911 to 1989<sup>(2)</sup> for which the member has been sentenced on the same occasion—
    - (i) to a term of imprisonment of at least 10 years,
    - (ii) to two or more consecutive terms amounting in the aggregate to at least 10 years, or
  - (c) offences—
    - (i) committed in connection with the member’s scheme employment; and
    - (ii) in respect of which the Secretary of State has issued a forfeiture certificate.

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(2) 1989 c.6; see section 16(2) for the meaning of “Official Secrets Acts 1911 to 1989”.