

2022 No. 336

PUBLIC SERVICE PENSIONS, ENGLAND AND WALES

**The Police and Firefighters' Pension Schemes (Amendment)
Regulations 2022**

<i>Made</i> - - - -	<i>16th March 2022</i>
<i>Laid before Parliament</i>	<i>21st March 2022</i>
<i>Coming into force</i> - -	<i>1st April 2022</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1), (2)(f) and (g), 2 and 3 of, and Schedule 3 to, the Public Service Pensions Act 2013(a).

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

In accordance with section 21(1) of that Act(b), the Secretary of State has consulted the representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police and Firefighters' Pension Schemes (Amendment) Regulations 2022.

(2) These Regulations come into force on 1st April 2022.

(3) These Regulations extend to England and Wales.

Amendment of the Firefighters' Pension Scheme (England) Regulations 2014

2.—(1) The Firefighters' Pension Scheme (England) Regulations 2014(c) are amended as follows.

(2) After regulation 65(2) (entitlement to higher tier ill-health pension) insert—

“(2A) Where paragraph (2B) applies, the references to normal pension age in paragraphs (1)(a) and (2)(a) are to be read as references to normal pension age under the 1992 Scheme.

(2B) This paragraph applies where—

(a) the authority has decided to obtain the written opinion of an IQMP under rule H1 (determination by fire authority) of the 1992 Scheme concerning whether a member of that Scheme is permanently disabled or able to undertake regular

(a) 2013 c. 25. Section 3 was amended by section 94(2) to (6) of the Public Service Pensions and Judicial Offices Act 2022 (c. 7).

(b) Section 21 was amended by section 94(8) of the Public Service Pensions and Judicial Offices Act 2022.

(c) S.I. 2014/2848.

employment before making a determination as to whether the member is entitled to an ill-health award under rule B3 (ill health awards) of the 1992 Scheme; and

(b) the determination has not been made before 1st April 2022.”.

(3) In Schedule 2(a) (transitional provisions)—

(a) in paragraph 1 (interpretation)—

(i) in the definition of “closing date”, in paragraph (c), for “member, or” to the end substitute—

“member,

(ii) if the member is a full protection member of the 1992 Scheme or the NFPS, 31st March 2022, or

(iii) if the member is not a protected member of one of those schemes, the scheme closing date”;

(ii) in the definition of “transition date”, for “member, and” to the end substitute—

“member,

(b) if the member is a full protection member of the 1992 Scheme or the NFPS, 1st April 2022, and

(c) if the member is not a protected member of the 1992 Scheme or the NFPS, the day after the scheme closing date, or the day the person ceased to be a protected member of that scheme, if later”;

(b) in paragraph 3(3) (meaning of “tapered protection closing date”), at the end insert “which must be before 1st April 2022”;

(c) in paragraph 9(2) (full protection members of the 1992 Scheme or the NFPS), for the words “as the case may be,” to the end substitute—

“as the case may be—

(a) on 31st March 2022; or

(b) when P ceases to be in pensionable service under that scheme and ceases to be eligible to be an active member of the NFPS (unless sub-paragraph (3) or (4) applies), if earlier.”;

(d) in paragraph 31(2)(a) (pensionable service under the NFPS), omit the words from “or if T returns to pensionable service” to the end;

(e) omit paragraphs 37 (authority determines the entitlement of a member of the NFPS to an ill-health award) and 38 (authority determines the entitlement of a member of the 1992 Scheme to an ill-health award).

Amendment of the Police Pensions Regulations 2015

3.—(1) Schedule 4 (transitional provisions) to the Police Pensions Regulations 2015(b) is amended as follows.

(2) In paragraph 1 (interpretation)—

(a) in the definition of “closing date”, before sub-paragraph (a) insert—

“(za) if the member is a full protection member of the existing police pension scheme, 31st March 2022;”;

(b) in the definition of “transition date”, before sub-paragraph (a) insert—

“(za) if the member is a full protection member of the existing police pension scheme, 1st April 2022;”.

(a) Schedule 2 was amended by S.I. 2015/589 and S.I. 2017/888. There is another amendment to Schedule 2, but it is not relevant.

(b) S.I. 2015/445.

- (3) For paragraph 9(2) (meaning of “full protection member” (the 1987 scheme)) substitute—
“ (2) P ceases to be a full protection member of the 1987 scheme on whichever of the following days occurs first—
(a) the day on which P ceases to be in pensionable service under that scheme; or
(b) 31st March 2022.”.
- (4) For paragraph 12(2) (meaning of “full protection member” (the 2006 scheme)) substitute—
“ (2) P ceases to be a full protection member of the 2006 scheme on whichever of the following days occurs first—
(a) the day on which P ceases to be in pensionable service under that scheme; or
(b) 31st March 2022.”.
- (5) In paragraph 35(2) (pensionable service under the existing police pension scheme), for “purchase of increased benefits” substitute “an election to purchase increased benefits made before 1st April 2022”.

16th March 2022

Greenhalgh
Minister of State
Home Office

We consent to the making of these Regulations

16th March 2022

Alan Mak
Michael Tomlinson
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Firefighters’ Pension Scheme (England) Regulations 2014 (S.I. 2014/2848) (“the Firefighters’ Regulations”) and the Police Pensions Regulations 2015 (S.I. 2015/445) (“the Police Regulations”) in consequence of provision made by the Public Service Pensions and Judicial Offices Act 2022 (c. 7).

The amendments ensure that the existing pension schemes established by the Firefighters’ Pension Scheme (England) Order 2006 (No. 3432) (“the NFSPS”), the Firemen’s Pension Scheme Order 1992 (S.I. 1992/129) (“the 1992 Firefighters’ Scheme”), the Police Pensions Regulations 1987 (S.I. 1987/257) and the Police Pensions Regulations 2006 (S.I. 2006/3541) (“the 2006 Police Scheme”) will, except for limited purposes, be closed to the accrual of pension benefits on and after 1st April 2022, and that any members currently treated as being in pensionable service under the existing pension schemes will, on that date, begin accruing benefits in the scheme established by, as appropriate, the Firefighters’ Regulations (“the 2014 Firefighters’ Scheme”) or the Police Regulations (“the 2015 Police Scheme”).

Regulation 2(2) amends regulation 65 of the Firefighters’ Regulations so that where members of the 1992 Firefighters’ Scheme are awaiting a decision on whether they are entitled to an ill-health award when they join the 2014 Firefighters’ Scheme on 1st April 2022, the criteria used to determine entitlement to such an award reflect the criteria in the 1992 Firefighters’ Scheme (where normal pension age is 55, not 60 as under the 2014 Firefighters’ Scheme).

Regulation 2(3) amends Schedule 2 to the Firefighters’ Regulations as follows—

- the definitions of “closing date” and “transition date” in paragraph 1 are amended to insert dates in respect of those terms that apply to full protection members so that provisions which refer to those terms operate as intended in respect of such members;

- paragraph 3(3) is amended so that a scheme manager may only set a tapered protection closing date under that paragraph if such date is before 1st April 2022;
- paragraph 9(2) is amended so that protection ceases for a full protection member on the earlier of the day on which they leave pensionable service under the existing scheme, or 31st March 2022;
- paragraph 31(2) is amended so that no new elections to purchase additional service under the NFPS may be made after 31st March 2022;
- paragraphs 37 and 38 are omitted so that members who are awaiting a decision on whether they are entitled to an ill-health award under an existing scheme on 1st April 2022 transition to the 2014 Firefighters’ Scheme on that date.

Regulation 3 amends Schedule 4 to the Police Regulations as follows—

- the definitions of “closing date” and “transition date” in paragraph 1 are amended to insert dates in respect of those terms that apply to full protection members so that provisions which refer to those terms operate as intended in respect of such members;
- paragraph 9(2) and 12(2) are amended so that protection ceases for a full protection member on the earlier of the day on which they leave pensionable service under the legacy scheme, or 31st March 2022;
- paragraph 35(2) is amended to make it clear that the provisions in the existing pension schemes relating to elections for the purchase of increased benefits made under those schemes continue to apply after the member’s closing date (but not so as to allow new elections to be made after that date).

A full impact assessment has not been produced for this instrument.

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