

## SCHEDULES

### SCHEDULE 2

#### Amendment of Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007

**3.** In Part 3 (personal awards)—

(a) in rule 1 (ordinary pension), after paragraph (1) insert—

“(1A) Subject to paragraph (2), this rule applies to a connected member of this Scheme who was a firefighter member of this Scheme, satisfies an eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age under this Scheme.”;

(b) in rule 1A (special member's ordinary pension), after paragraph (1) insert—

“(1A) Subject to paragraph (2), this rule applies to a connected special member of this Scheme who satisfies a special eligibility condition and retires from scheme employment in the 2015 Scheme having reached normal retirement age.”;

(c) after rule 1A (special member's ordinary pension) insert—

**“Continued pension**

**1B.** Where a connected member, or connected special member, is entitled to an equivalent amount to the NFPS lower tier ill-health pension under regulation 74(4)(a) (entitlement to lower tier ill-health pension and to higher tier ill-health pension) of the 2015 Regulations and that member reaches normal retirement age under this Scheme, that member is entitled to a continued pension of an amount equal to the annual rate of the equivalent amount to the NFPS lower tier ill-health pension.”;

(d) in rule 3 (deferred pension), after paragraph (1) insert—

“(1A) Subject to paragraph (7), this rule applies to a person who ceases to be a firefighter member or a special firefighter member under rule 1B (cessation of firefighter membership and special firefighter membership) of Part 2.

(1B) Subject to paragraph (7), this rule applies to a connected member, or a connected special member, who—

(a) opts out of pensionable service in the 2015 Scheme,

(b) leaves scheme employment under the 2015 Scheme before reaching normal retirement age, or

(c) ceases to be entitled to a lower tier ill-health pension or a higher tier ill-health pension under the 2015 Scheme in consequence of a review under regulation 78 (consequences of review) of the 2015 Regulations and declines an offer of employment made by the authority referred to in regulation 78(3)(b) of those Regulations.

(1C) This rule ceases to apply to a connected member who re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years.”;

(e) in rule 4 (cancellation of deferred pension)—

(i) in paragraph (1) for “Where” substitute “Subject to paragraph (4), where”;

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- (ii) after paragraph (3) insert—
  - “(4) Where the person entitled to receive a deferred pension is not a protected member of this Scheme, the member may not instruct the authority to cancel the deferred pension.
  - (5) Where the person entitled to receive a deferred pension was a connected member of this Scheme and re-joins the 2015 Scheme after a gap in pensionable service not exceeding 5 years, the authority must cancel the deferred pension.”;
- (f) in rule 6 (pension on authority-initiated retirement), after paragraph (3) insert—
  - “(4) Where an authority is considering making a determination under regulation 71 (employer initiated retirement) of the 2015 Regulations that an active member of that Scheme who has attained the age of 55 should receive the payment of a pension without the early payment reduction, the authority must also consider making a determination under paragraph (1) of this rule.”;
- (g) in rule 7 (entitlement to two pensions), after paragraph (9) insert—
  - “(10) Where a person to whom this rule applies is a person to whom paragraph (7) of rule 1 of Part 11 applies, this rule applies with the substitution in paragraph (4) for “final pensionable pay to which the member is entitled on the last day of the member’s membership of the Scheme” with “final pensionable pay as modified by paragraph (7) or (8) of rule 1 of Part 11.”;
- (h) in rule 7C (additional pension benefit: supplementary provisions)—
  - (i) after paragraph (2) insert—
    - “(2A) Where rule 1B of Part 2 applies to a person (P) who is not a connected member or entitled to the payment of an ill-health award under regulation 74 (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations, additional pension benefit is payable at normal benefit age; paragraphs (4) to (6) of rule 3 (deferred pension) apply in relation to that benefit as if it were a deferred pension to which P was entitled under that rule.”;
  - (ii) after paragraph (3) insert—
    - “(3A) Where the firefighter member is entitled to an ill-health award under regulation 74 of the 2015 Regulations, additional pension benefit is payable under this Scheme at the same time as the equivalent amount to the NFPS lower tier ill-health pension is payable under the 2015 Scheme.”;
- (i) in rule 9 (commutation: general)—
  - (i) in paragraph (1) for “Subject to paragraphs (3) and (4)” substitute “Subject to paragraphs (1B), (3) and (4)”;
  - (ii) after paragraph (1) insert—
    - “(1A) This rule applies to an equivalent amount of the NFPS lower tier ill-health pension included in the annual rate of a retirement pension for the person under regulation 68(2)(ba) of the 2015 Regulations.
    - (1B) Where a person is entitled to a continued pension under rule 1B, that person may not commute a portion of that pension under this rule.”;
- (j) in rule 11 (allocation of pension), in paragraph (1), after “A firefighter member” insert “, a connected member or a connected special member”.