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WELSH STATUTORY INSTRUMENTS

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**2018 No. 577**

**The Firefighters' Pension Schemes and Compensation  
Scheme (Wales) (Amendment) Order 2018**

**Amendment of the Firemen's Pension Scheme Order 1992**

**2.—(1)** Schedule 2 to the Firemen's Pension Scheme Order 1992(1) (in which is set out the Firefighters' Pension (Wales) Scheme) is amended as follows.

(2) In Part B (personal awards)—

(a) in rule B1A(3)(2) (continuous service pension)—

(i) in sub-paragraph (a), for “paragraph (1)(a)” substitute “paragraph (1)(b)”; and

(ii) for sub-paragraph (b) substitute—

“(b) paragraph (1) of this rule applies as if the age ascertained under sub-paragraph (a) were substituted for “normal pension age”.”;

(b) in rule B2A(3) (continued pension), for “rule B1A(3)(i)” substitute “rule B1A(3)(a)”;

(c) in rule B5A(4B)(a)(4) (entitlement to two pensions), for “ $(A/B) \times (B/C) \times G$ ,” substitute “ $(A/E) \times (B/C) \times G$ .”;

(d) in rule B5D(1A)(5) (additional pension benefit: supplementary provisions), for “paragraph (3)(i)” substitute “paragraph (3)(a)”.

(3) In Part C (awards on death – spouses), in rule C9 (effect of remarriage)—

(a) in paragraph (1), for “A person” substitute “Subject to paragraphs (3) to (6), a person”;

(b) in paragraph (2), for “Where a person” substitute “Subject to paragraphs (3) to (6), where a person”; and

(c) after paragraph (2) insert—

“(3) Paragraphs (1) and (2) do not apply in relation to a person (“P”) who is entitled to a pension or gratuity under this Part, where—

(a) P is either—

(i) entitled to a pension under rule C1 (spouse's ordinary pension), rule C4 (spouse's accrued pension), rule C5 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership), rule C6 (spouse or civil partner's requisite benefit and temporary pension) or rule C8 (limitation where spouses living apart); or

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(1) [S.I. 1992/129](#); amended by S.I.s [1997/2309](#) and [2851](#), [1998/1010](#), [2001/3649](#) and [3691](#), [2004/1912](#) and [2918](#) (W. 257), [2006/1672](#) (W. 160), [2007/1074](#) (W. 112), [2009/1226](#) (W. 109), [2010/234](#), [2013/736](#) (W. 88), [2014/522](#) (W. 63) and [3242](#) (W. 329) and [2015/1016](#) (W. 71).

(2) Rule B1A was inserted by regulation 4 of and Schedule 3 to [S.I. 2015/1016](#) (W. 71).

(3) Rule B2A was inserted by regulation 4 of, and Schedule 3 to, [S.I. 2015/1016](#) (W. 71).

(4) Rule B5A was inserted by article 2 of, and the Schedule to, [S.I. 2009/1226](#) (W. 109) and paragraphs (4A) and (4B) inserted by article 2 of, and the Schedule to, [S.I. 2014/3242](#) (W. 329).

(5) Rule B5D was inserted by article 2 of, and the Schedule to, [S.I. 2009/1226](#) (W. 109) and paragraph (1A) inserted by regulation 4 of, and Schedule 3 to, [S.I. 2015/1016](#) (W. 71).

- (ii) receiving a gratuity under rule C8(7); and
  - (b) the deceased spouse or civil partner of P (“D”) died as a result of an injury—
    - (i) received in the exercise of D’s duties as a firefighter; or
    - (ii) sustained while on a journey necessary to enable D to report for duty or return home after duty.
  - (4) Where P’s entitlement to a pension or any part of a gratuity under this Part was removed by virtue of paragraph (1) or (2) prior to 1 April 2015 and the conditions in paragraph (3) were satisfied in relation to P, entitlement to the pension or part of gratuity is reinstated with effect from 1 April 2015 and the pension or part of gratuity becomes payable as from that date.
  - (5) Nothing in paragraph (4) requires the making of any payment where the person to whom the payment would otherwise have been made has died prior to 1 April 2015.
  - (6) Where a payment is required to be made under paragraph (4) in respect of a person who has died between 1 April 2015 and 1 June 2018, the amount due must be paid to that person’s personal representatives.”
  - (4) In Part G (pensionable pay and contributions)—
    - (a) in rule G1 (pensionable pay and average pensionable pay)—
      - (i) in paragraphs (10) and (11)(6), for “paragraph 34 of Schedule 2” substitute “paragraph 33 of Schedule 2”;
      - (ii) in paragraph (11), for “paragraph 34(4) of Schedule 2” substitute “paragraph 33(4) of Schedule 2”;
      - (iii) in paragraph (13), for “paragraph 34(3) of Schedule 2” substitute “paragraph 33(3) of Schedule 2”; and
    - (b) in rule G2 (pension contributions)—
      - (i) in paragraph (1), for “paragraph (1B)”(7) substitute “paragraphs (1B) to (1D)”;
      - (ii) after paragraph (1B) insert—
        - “(1C) A firefighter who is—
          - (a) below the age of 50 and has reckoned 30 years’ pensionable service; and
          - (b) entitled to be credited with additional pension benefit under rule B5B or B5C,
- until the firefighter attains the age of 50, pays pensions contributions to the fire and rescue authority only in relation to that additional pension benefit.
- (1D) Contributions payable under paragraph (1C) are payable—
    - (a) at the rate of 11% in the period starting on 1 December 2006 and ending on 31 March 2012; and
    - (b) on and after 1 April 2012 at the rate specified in the Table in paragraph 3 of Part A1 of Schedule 8.”; and
  - (iii) for paragraph (4) substitute—
    - “(4) The annual contribution is such percentage of the authority’s estimate of the aggregate of the pensionable pay, for the year in respect of which the contribution is made, of those firefighters employed by the authority who are—
      - (a) required by paragraph (1) to make pensions contributions in that year; and

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(6) Rule G1(10) to (13) was inserted by [S.I. 2015/1016 \(W. 71\)](#).

(7) Rule G2(1B) was inserted by [S.I. 2016/1136 \(W. 274\)](#).

(b) below the age of 50 and have reckoned 30 years' pensionable service,  
as shall have been notified to them for that year by the Secretary of State.”

(5) In Part 2A(8) (continuous service pension) of Schedule 2 (personal awards), for “40 years”, where the words occur for the first time, substitute “30 years”.