
WELSH STATUTORY INSTRUMENTS

2020 No. 1511

The Firefighters' Pension Schemes and Compensation Scheme (Wales) (Amendment) Regulations 2020

PART 2

Firemen's Pension Scheme Order 1992

Amendments to the Firemen's Pension Scheme Order 1992

2. Schedule 2 to the Firemen's Pension Scheme Order 1992(1) (in which is set out the Firefighters' Pension (Wales) Scheme(2) ("the 1992 Scheme")) is amended as set out in regulations 3 to 5.

Increases to split pensions: the 1992 Scheme

3. In Part B (personal awards), in rule B5A (entitlement to two pensions)(3)—

- (a) in paragraph (2), for "exceeds" substitute "is lower than";
- (b) after paragraph (3) insert—

“(3A) The amount of the first pension determined under paragraph (3) or (4B)(a), is increased for each year before the firefighter's last day of service by an amount equivalent to that which would apply if the first pension were a pension in payment commencing from the day after the date of the firefighter's last day of service at the higher rate of pay, to which the Pensions (Increase) Act 1971(4) applied.”;

- (c) in paragraph (6), after "B1," insert "B1A,";
- (d) in paragraph (9), for "paragraph (3)" substitute "paragraph (4)".

Survivor benefits for civil partners and same sex spouses: the 1992 Scheme

4.—(1) In Part C (awards on death – spouses)—

- (a) in rule C1 (spouse's ordinary pension)—
 - (i) in paragraph (2)(5), after "spouse" insert "or surviving civil partner";
 - (ii) omit paragraph (2A)(6);
- (b) in rule C4 (spouse's accrued pension), in paragraph (3)(7)—

(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), 2014/560, 2015/1016 (W. 71) and 2018/577 (W. 104).

(2) S.I. 2004/2918, article 4(2) renamed the 1992 Scheme.

(3) Rule B5A was inserted by article 2 of, and paragraph 1 of the Schedule to, S.I. 2009/1226 (W. 109) and was amended by S.I. 2014/3242 (W. 329), 2015/1016 (W. 71) and S.I. 2018/577 (W. 104).

(4) 1971 c. 56.

(5) Paragraph (2) of rule C1 was substituted by article 2 of, and paragraph 3(a) of Schedule 1 to, S.I. 2014/3242 (W. 329).

(6) Paragraph (2A) of rule C1 was inserted by article 2 of, and paragraph 3 of Schedule 2 to, S.I. 2006/1672 (W. 160).

(7) Paragraph (3) of rule C4 was substituted by article 2 of, and paragraph 6 of Schedule 2 to, S.I. 2006/1672 (W. 160).

- (i) in sub-paragraph (a), after “spouse” insert “or surviving civil partner”;
- (ii) omit sub-paragraph (b) and the “and” preceding it;
- (c) in rule C5 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership)(8)—
 - (i) in paragraph (2), after “spouse” insert “or surviving civil partner”;
 - (ii) omit paragraph (3);
- (d) in rule C6 (spouse or civil partner’s requisite benefit and temporary pension), in paragraph (4)(9)—
 - (i) in sub-paragraph (a), omit “in the case of a surviving spouse.”;
 - (ii) omit sub-paragraph (b) and the “and” preceding it;
- (e) in rule C8 (limitation where spouses living apart), in paragraph (2)(10)—
 - (i) in sub-paragraph (a), omit “in the case of a surviving spouse.”;
 - (ii) omit sub-paragraph (b) and the “and” preceding it.
- (2) In Part J (special cases), in rule J1 (guaranteed minimum pensions)(11)—
 - (a) in paragraph (2)—
 - (i) for sub-paragraph (b) substitute—
 - “(b) in the case of a person who dies at any time and leaves a widow, a surviving same sex spouse or surviving civil partner, that person is entitled to a pension of a weekly rate equal to half the deceased person’s guaranteed minimum, and”;
 - (ii) omit sub-paragraph (d) and the “and” preceding it;
 - (b) in paragraph (4), for “, (c) or (d)” substitute “or (c)”.
- (3) In Schedule 1 (interpretation) to the 1992 Scheme, omit paragraphs 1 and 2 of Part 3 (provision relating to same sex couples)(12).
- (4) In Schedule 3 (awards on death – spouses) to the 1992 Scheme—
 - (a) in Part 3 (spouse’s accrued pension)—
 - (i) in paragraph 2(1), after “spouse’s” insert “, or surviving civil partner’s.”;
 - (ii) in paragraph 3(1), after “spouse” insert “or surviving civil partner”;
 - (b) in Part 4 (pension for surviving spouse of post-retirement marriage), in paragraphs 1(1)(13) and 2(1), after “surviving spouse” insert “or surviving civil partner”.

Commutation of small pension credits: the 1992 Scheme

5. In Part IA (pension credit members), in rule IA2(1)(14) (commutation of the pension credit benefits), for “In the circumstances described in regulation 3(2)(b) of the Pension Sharing (Pension

(8) Rule C5 was substituted by article 2 of, and paragraph 7 of Schedule 2 to, [S.I. 2006/1672 \(W. 160\)](#); paragraphs (2) and (3) were amended by article 2 of, and paragraph 17 of Schedule 1 to, [S.I. 2007/1074 \(W. 112\)](#).

(9) Rule C6 was substituted by article 2 of, and paragraph 18 of Schedule 1 to, [S.I. 2007/1074 \(W. 112\)](#).

(10) Paragraph (2) of rule C8 was substituted by article 2 of, and paragraph 10 of Schedule 2 to, [S.I. 2006/1672 \(W. 160\)](#); and amended by article 2 of, and paragraph 20 of Schedule 1 to, [S.I. 2007/1074 \(W. 112\)](#).

(11) Paragraph 2(d) of rule J1 was substituted by article 2 of, and paragraph 11 of Schedule 1 to, [S.I. 2014/3242 \(W. 329\)](#); paragraph (4) was amended by article 2 of, and paragraph 21 of Schedule 2 to, [S.I. 2006/1672 \(W. 160\)](#).

(12) Part 3 of Schedule 1 to the 1992 Scheme was inserted by article 4 of, and paragraph 17 of Part 2 of Schedule 3 to, [S.I. 2014/560](#); there is an amendment to paragraph 1 not relevant to this instrument.

(13) Part 4 was substituted by article 2 of, and paragraph 83(b) of Schedule 1 to, [S.I. 2006/1672 \(W. 160\)](#); paragraph 1(1) was amended and paragraph 1(2) was substituted by article 2 of, and paragraph 63(c) of Schedule 1 to, [S.I. 2007/1074 \(W. 112\)](#).

(14) Rule IA2(1) was amended by article 2 of, and paragraph 10(b) of Schedule 1 to, [S.I. 2014/3242 \(W. 329\)](#).

Credit Benefit) Regulations 2000 (commutation of pension credit benefit: small pensions)” substitute “Where the amount of pension payable under rule IA1 does not exceed the trivial commutation lump sum limit in paragraph 7 of Schedule 29 to the Finance Act 2004 (lump sum rule)(15)”.

(15) 2004 c. 12; there are amendments to Part 1 of Schedule 29 which is not relevant.