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WELSH STATUTORY INSTRUMENTS

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**2022 No. 343**

**The Firefighters' Pension Scheme  
(Wales) (Amendment) Regulations 2022**

**Amendments to the Firefighters' Pension Scheme (Wales) Regulations 2015**

2.—(1) Regulation 74 (entitlement to lower tier ill-health pension and higher tier ill-health pension) of the 2015 Regulations is amended as follows.

(2) After paragraph (1) insert—

“(1A) Paragraph (1) is met, and an active member is entitled to immediate payment of a lower tier ill-health pension under paragraph (1), where paragraph (2B) applies and a determination under paragraph (2C) is subsequently made that the member would have been entitled to a lower tier ill-health pension under the 1992 Scheme<sup>(1)</sup> but for being transferred to this scheme.”

(3) After paragraph (2) insert—

“(2A) Paragraph (2) is met, and an active member is entitled to immediate payment of a higher tier ill-health pension under paragraph (2), where paragraph (2B) applies and a determination under paragraph (2C) is subsequently made that the member would have been entitled to a higher tier ill-health pension under the 1992 Scheme but for being transferred to this scheme.

(2B) This paragraph applies where—

- (a) prior to 1 April 2022 the authority has decided to obtain the written opinion of an independent qualified medical practitioner 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 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 authority's determination has not been made prior to 1 April 2022

(2C) Where paragraph (2B) applies the scheme manager must determine whether a lower tier ill-health pension or a higher tier ill-health pension, or both, would have been payable under rule B3 (ill-health awards) of the 1992 Scheme on 31 March 2022 had the determination referred to in paragraph (2B)(b) been made on 31 March 2022. Part 12 (determinations and appeals) of this scheme applies to the determination of the scheme manager made under this paragraph.”

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<sup>(1)</sup> 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), 2018/577 (W. 104) and 2020/1511 (W. 323) and 354.