STATUTORY RULES OF NORTHERN IRELAND

2024 No. 218

PUBLIC SERVICE PENSIONS

The Firefighters' Pension Schemes and Compensation Scheme (Amendment) (No. 2) Regulations (Northern Ireland) 2024

Made - - - -	*17th December 2024*
Coming into operation	*9th January 2025*

The Department of Health(**a**) makes these Regulations in exercise of the powers conferred by sections 1(1), (2)(f), 2(1), 3(1), (2)(a) and (c) and (3) and paragraph 6 of Schedule 2 to the Public Service Pensions Act (Northern Ireland) 2014(**b**) ("the 2014 Act") and sections 5(1) and (5), 6(1), 7(3), 10(1), 11(5), 18(2), (3), (5) and (6), 19(1), (4) and (5), 21, 22(1) and (6), 24(1), 26(1) and (2) of the Public Service Pensions and Judicial Offices Act 2022 ("PSPJOA 2022"):

In accordance with section 21 of the 2014 Act, the Department has consulted the representatives of such persons as appear to it likely to be affected by these Regulations.

These Regulations are made in accordance with Department of Finance directions made under section 27 of PSPJOA 2022.

In accordance with section 3(5) of 2014 Act, the Department of Finance(**c**) has consented to the making of these Regulations.

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Firefighters' Pension Schemes and Compensation Scheme (Amendment) (No. 2) Regulations (Northern Ireland) 2024 and come into operation on 9th January 2025.

(2) The amendments made by regulation 5(2), (3), (4)(a), (b) and (d) have effect from 1 April 2015.

(3) The amendments made by regulation 4(2)(b) have effect from 1 April 2006.

(4) The amendments made by regulation 6 have effect from 1 October 2023.

Amendment to the Firefighters' Pension Scheme Order (Northern Ireland) 2007

2.—(1) The Annex to the Firefighters' Pension Scheme Order (Northern Ireland) 2007(**a**) shall be amended as follows.

(**a**) Formerly the Department of Health, Social Services and Public Safety, see 2016 c.5 (N.I.).
(**b**) 2014 c.2. (NI). Section 3 was amended by section 94(11) to (14) of the Public Service Pensions and Judicial Offices Act 2022 (c. 7).
(**c**) Formerly the Department of Finance and Personnel, see 2016 c.5 (N.I.)

(2) In Schedule 8 (Appeal to independent medical referee)—

(a) for paragraph 2(1), substitute—

"**2.** On receiving a notice of appeal the Board shall supply the independent medical referee, as appointed by the Department, with a copy of the notice and a copy of the opinion.";

(b) omit paragraph 2(2);

(c) omit paragraph 3;

(d) for paragraph 4(2), substitute—

"(2) The independent medical referee shall provide the Board with the time and place for every interview and medical examination and give not less than 28 days notice of the appointment. If the independent medical referee is satisfied that the appellant is unable to travel, the place shall be the appellant's place of residence.

(2A) The Board shall provide the appellant with the time and place of the interview and medical examination and give not less than 21 days notice of the appointment.";

(e) for paragraph 6, substitute—

"**6.** The independent medical referee shall supply the Board with a written report of his decision on the relevant medical issues and the Board shall supply a copy of the report to the appellant.".

(f) in paragraph 9, after "his last known place of residence" insert "or sent to him at an email address which he supplied".

Amendment to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007

3.—(1) The Annex to the New Firefighters' Pension Scheme Order (Northern Ireland) 2007(**b**) shall be amended as follows.

(2) In Part 3 (Personal awards), in article 16 (Pension on Board-initiated early retirement), omit paragraph (4).

(3) In Part 8 (Determination of Questions and Appeals), in article 47 (Appeal against opinion on a medical issue), in paragraph (2), for "in accordance with paragraph 1 of Schedule 2" substitute "in accordance with paragraph 4(1) of Schedule 2".

(4) In Schedule 2 (Appeal to independent medical referee)—

(a) in paragraph 5(1), for "the Department with two copies of" substitute "the independent medical referee, as appointed by the Department, with a copy of";

(b) omit paragraph 5(2);

(c) omit paragraph 6;

(d) for paragraph 7(2), substitute—

"(2) The independent medical referee shall provide the Board with the time and place for every interview and medical examination and give not less than 28 days notice of the appointment. If the independent medical referee is satisfied that the appellant is unable to travel, the place shall be the appellant's place of residence.

(2A) The Board shall provide the appellant with the time and place of the interview and medical examination and give not less than 21 days notice of the appointment.";

(e) for paragraph 9, substitute—

(**a**) S.R. 2007 No.144 amended by S.R. 2008 No. 382, S.R. 2012 No. 161, S.R. 2013 No. 85, S.R. 2014 No. 56 & 169 and S.R. 2015 No. 8, No. 11, No 420 and No. 421, S.R. 2019 No. 109, S.R. 2022 No. 155, S.R. 2023 No. 178 and S.R. 2024 No. 130.

(**b**) S.R. 2007 No. 215, amended by S.R. 2008 No. 381, S.R. 2012 No. 162, S.R. 2013 No. 84 and No. 172, S.R. 2014 No. 57 and No. 168, S.R. 2015 No. 9, No. 10, No. 355, No. 420 and No 422, S.R. 2022 No. 155, S.R. 2023 No. 178 and S.R. 2024 No. 130.

"(9) The independent medical referee shall supply the Board with a written report of his decision on the relevant medical issues and the Board shall supply a copy of the report to the appellant.".

(f) in paragraph 12, after "his last known place of residence" insert "or sent to him at an email address which he supplied".

Amendment to the Firefighters' Compensation Scheme Order (Northern Ireland) 2007

4.—(1) The Annex to the Firefighters' Compensation Scheme Order (Northern Ireland) 2007(**a**) shall be amended as follows.

(2) In Part 10 (Payment of awards and financial provisions)

(a) in rule 1 (Payment of awards), in paragraph (1)(b) omit "in advance".

(b) In rule 4 (Prevention of duplication: other awards for spouses or children of persons who are both regular and retained firefighters)—

(i) for paragraph 2(a), substitute—

"(a) a spouse's or civil partner's special award under rule 1 of Part 3,"

(ii) in paragraph 2(b) for "Part 4" substitute "Part 3".

(3) In Schedule 5 (Appeals)—

(a) for paragraph 2(1), substitute—

"**2.** On receiving a notice of appeal the Board shall supply the independent medical referee, as appointed by the Department, with a copy of the notice and a copy of the opinion.";

(b) omit sub-paragraph 2(2);

(c) omit paragraph 3;

(d) re-number the first sub-paragraph of paragraph 4 as 4(1);

(e) for sub-paragraph 4(2), substitute—

"(2) The independent medical referee shall provide the Board with the time and place for every interview and medical examination and give not less than 28 days notice of the appointment. If the independent medical referee is satisfied that the appellant is unable to travel, the place shall be the appellant's place of residence.

(2A) The Board shall provide the appellant with the time and place of the interview and medical examination and give not less than 21 days notice of the appointment.";

(f) for sub-paragraph 4(4)—

(i) after "interview" in the first instance insert "or medical examination";

(ii) for "paragraph (1)(a)" substitute "sub-paragraph (1)(a)";

(iii) after "interview" in the second instance insert "or medical examination required by sub-paragraph (1)(b)";

(g) for paragraph 6, substitute—

"**6.** The independent medical referee shall supply the Board with a written report of his decision on the relevant medical issues and the Board shall supply a copy of the report to the appellant.".

(h) in paragraph 9, after "his last known place of residence" insert "or sent to him at an email address which he supplied".

(**a**) S.R. 2007 No. 143, amended by S.R. 2008 No. 238, S.R. 2015 No. 7, S.R. 2015 No. 422, S.R. 2022 No. 155 and S.R 2024 No. 130.

Amendment to the Firefighters' Pension Scheme Regulations (Northern Ireland) 2015

5.—(1) The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015(**a**) which establish the Firefighters' Pension Scheme 2015 shall be amended as follows.

(2) In Part 1 (Preliminary), in regulation 3 (Interpretation) at the appropriate place insert—

> ""early payment reduction" has the meaning given in regulation 69A (early payment reduction);".

(3) In Part 4 (Pension Accounts), in regulation 55 (Retirement amount of deferred pension) in paragraph (4), before sub-paragraph (a) insert—

> "(aa) the early payment reduction (if any);"

(4) In Part 5 (Retirement Benefits)—

(a) in regulation 69 (Annual rate of retirement pension (deferred members)) in paragraph (2), before sub paragraph (a) insert—

> "(aa) the early payment reduction (if any), specified in that account in relation to that amount;".

(b) after regulation 69 (Annual rate of retirement pension (deferred members) insert—

"**Early payment reduction**

69A.—(1) This regulation applies when an actuarial reduction is to be applied when calculating the annual rate of pension to be payable to a deferred member who has not reached deferred pension age.

(2) A deferred member (D) may claim a retirement pension to be paid after D has reached normal pension age and before D has reached deferred pension age.

(3) The actuarial reduction to be applied in a case falling in paragraph (2) is in accordance with actuarial guidance which reduces the pension on the basis that D had not reached deferred pension age. The actuarial guidance must have regard to actuarial neutrality compared to the present value of a pension payable at deferred pension age, with future increases between the date of D's early retirement and deferred pension age being in line with increases under the 1971 Act.".

(c) omit regulation 70 (Employer initiated retirement).

(d) in regulation 75 (Early payment of retirement pension to deferred member) after "(annual rate of retirement pension (deferred members))" insert "without subtracting the early payment reduction".

(e) in regulations 78 (Commencement of pensions), omit paragraph (3).

(5) In Part 8 (Contributions), omit regulation 128 (Employer additional contributions: employer initiated retirement).

(6) In Part 12 (Determination of Questions of Appeal), in Chapter 2 (Appeal to independent medical referee), in regulation 164—

(a) for paragraph (3), substitute—

> "(3) On receiving a notice of appeal the Scheme Manager shall supply the independent medical referee, as appointed by the Department, with a copy of the notice and a copy of the opinion.";

(b) omit paragraphs (4) and (5);

(c) for paragraph (7), substitute—

> "(7) The independent medical referee shall provide the Scheme Manager with the time and place for every interview and medical examination and give not less than 28 days

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(**a**) S.R. 2015 No. 78, amended by S.R. 2015 No. 420, S.R. 2022 No. 155 and S.R. 2024 No. 130.

notice of the appointment. If the independent medical referee is satisfied that the appellant is unable to travel, the place shall be the appellant's place of residence.

(7A) The Scheme Manager shall provide the appellant with the time and place of the interview and medical examination and give not less than 21 days notice of the appointment.";

(d) for paragraph (14), substitute—

"(14) The independent medical referee shall supply the Scheme Manager with a written report of his decision on the relevant medical issues and the Scheme Manager shall supply a copy of the report to the appellant.";

(e) in paragraph (23), after "his last known place of residence" insert "or sent to him at an email address which he supplied".

Amendment to the Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023

6.—(1) The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023(**a**) shall be amended as follows.

(2) In regulation 12 (Deferred choice decision for reformed scheme or legacy scheme benefits: general), in paragraph (7)(b), for "take" substitute "takes".

(3) In regulation 17 (Application and interpretation of Chapter 1), in paragraph (2)—

(a) omit the definition of "appropriate person";

(b) in the definition of "remediable shareable rights", for "transfer date" substitute "transfer day".

(4) In regulation 49 (Application and interpretation of Chapter 1)—

(a) in the heading, omit "application and";

(b) in the definition of "NFPS IHR member", after "NFPS IHR member" insert "or NFPS IHR special member" and for "an ill-health pension" substitute "the relevant ill-health pension";

(c) in the definition of "alternative scheme", in sub-paragraph (a) for "or a NFPS IHR member" substitute ", a NFPS IHR member or a NFPS IHR special member";

(d) in the definition of "higher tier award", in sub-paragraph (b) for "12(4)" substitute "12(3)";

(e) in the definition of "ill-health benefits", for the words "payable by virtue of an entitlement mentioned in paragraph (1)" substitute "to which a FPS IHR member, a NFPS IHR member, a NFPS IHR special member or a 2015 Regulations IHR member is entitled";

(f) in the definition of "lower tier award", in sub-paragraph (b) for "12(3) substitute "12(2)".

(5) In regulation 50 (M's entitlement to ill-health benefits to be treated as equivalent in M' alternative scheme), for paragraph (1) substitute—

"**50.**—(1) This regulation applies in relation to an immediate choice member ("M") who, during the period beginning 1st April 2015 and ending on 31st March 2022 was—

(a) a FPS IHR member;

(b) a NFPS IHR special member;

(c) a 2015 IHR member."

(6) In regulation 51 (Entitlement to ill-health benefits where a remedy member's legacy scheme is the FPS)—

(a) in the title, for "FPS" substitute "NFPS";

(**a**) S.R. 2023 No. 133.

(b) in paragraph (1)(a), for "FPS IHR member" substitute "NFPS IHR member";

(c) in paragraph (3)(a), for "FPS" substitute "NFPS";

(d) in paragraph (4), in each place that it occurs, for "FPS" substitute "NFPS";

(e) in paragraph (9)(a), for "Part H of the FPS" substitute "Part 8 of the NFPS" and for "FPS" substitute "NFPS".

(7) In regulation 59 (Applications for compensation or indirect compensation), in paragraph (2)(b), for "require" substitute "requires".

(8) In regulation 60 (netting off), in paragraph (3)(a), for "(provision information)" substitute "(provision of explanation)".

Sealed with the Official Seal of the Department of Health on 17th December 2024.

L.S.

Philip Rodgers
A senior officer of the
Department of Health

The Department of Finance consents to the foregoing Regulations.
Sealed with the Official Seal of the Department of Finance on 17th December 2024.

L.S.

Patrick Neeson
A senior officer of the
Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations makes amendments to—

(i) The Firefighters' Pension Scheme Order (Northern Ireland) 2007 (FPS);

(ii) The New Firefighters' Pension Scheme Order (Northern Ireland) 2007 (NFPS);

(iii) The Firefighters' Compensation Scheme Order (Northern Ireland) 2007 (the Compensation Scheme);

(iv) The Firefighters' Pension Scheme Regulations (Northern Ireland) 2015 (the 2015 Regulations); and

(v) The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023 No. 133) ("the Remediable Service Regulations");

Some provisions in these Regulations have retrospective effect – these are set out in regulation 1. The power to give the Regulations retrospective effect is conferred by section 3(3)(b) of the Public Service Pensions Act (Northern Ireland) 2014.

Regulations 2, 3(4), 4(3) and 5(6) amend the 2015 Regulations, FPS, NFPS and the Compensation Scheme to remove the requirement for correspondence relating to an individual's medical appeal to an independent medical referee to be sent through the Department.

Regulations 4(2)(a) – removes the requirement to make advance payments in the FCS for administrative reasons. Regulations 4(2)(b) corrects a minor drafting error.

Regulation 5(2), (3), (4)(a), (b) and (d) amends the 2015 Regulations to provide for early retirement (actuarially reduced) for deferred members once they have reached normal pension age and before they have reached deferred pension age. Regulations 3(2) amends the NFPS and regulation 5(4)(c), (e) and (5) amend the 2015 Regulations to remove the provision for employer initiated retirement and employer additional contributions as they are inapplicable in relation to the NI 2015 Regulations.

Regulation 6(2) and (3) amends the Remediable Service Regulations to correct minor errors. Regulation 6(5) amends regulation 50 of the Remediable Service Regulations, which makes provision about the cases in which a member who met the requirements for an ill-health retirement award in one firefighters' pension scheme is to be deemed as meeting the requirements in their alternative firefighters' pension scheme, to include FPS IHR members and NFPS IHR special members. Regulation 6(6) amends regulation 51 of the Remediable Service Regulations, which makes provision about assessing the eligibility of a member for an ill-health award under the reformed 2015 scheme where that member has been granted an ill-health award under their legacy scheme, to reflect that the legacy scheme is the NFPS. The Remediable Service Regulations make provision, further to that in the Public Service Pensions and Judicial Offices Act 2022 (c. 7) ("PSPJOA 2022"), to remedy the unlawful discrimination on the basis of age that was found to result from the transitional protections afforded to certain cohorts of members of legacy pension schemes (the schemes established FPS and the NFPS).

An impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

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£8.14

http://www.legislation.gov.uk/id/nisr/2024/218

ISBN 978-0-33-802393-3

