1980 No. 208

FIRE SERVICES

The Firemen's Pension Scheme (Amendment No. 2) Order (Northern Ireland) 1980

Made	*24th June 1980*
Coming into operation . . .	*1st August 1980*

The Department of the Environment in exercise of the powers conferred by section 17 of the Fire Services Act (Northern Ireland) 1969(**a**) and now vested in it(**b**) and of every other power enabling it in that behalf and with the approval of the Department of the Civil Service(**c**) hereby makes the following Order:

Citation

1. This Order may be cited as the Firemen's Pension Scheme (Amendment No. 2) Order (Northern Ireland) 1980.

Commencement and effect

2. This Order shall come into operation on 1st August 1980 and shall have effect—

(*a*) for the purposes of paragraph (*a*) of Article 4, as from 1st April 1972;

(*b*) for the purposes of paragraph (*b*) of Article 4, as from 7th April 1977;

(*c*) for the purposes of paragraph (*c*) of Article 4, as from 6th April 1978;

(*d*) for the purposes of paragraph (*d*) of Article 4, as from 1st April 1980;

(*e*) for the purposes of paragraph (*e*) of Article 4, as from 6th April 1980.

Interpretation

3. In this Order the "Scheme of 1973" means the Firemen's Pension Scheme (Northern Ireland) 1973, set out in Appendix 2 to the Firemen's Pension Scheme Order (Northern Ireland) 1973(**d**).

Dates from which amendments take effect

4. The Scheme of 1973 shall have effect—

(*a*) from 1st April 1972 subject to the amendments specified in Part I of the Schedule;

(*b*) from 7th April 1977 subject to the amendment specified in Part II of the Schedule;

(*c*) from 6th April 1978 subject to the amendments specified in Part III of the Schedule;

(*d*) from 1st April 1980 subject to the amendments specified in Part IV of the Schedule;

(*e*) from 6th April 1980 subject to the amendments specified in Part V of the Schedule.

(**a**) 1969 c. 13 (N.I.) as amended by S.I. 1973/601 (N.I. 9) Article 7
(**b**) S.R. & O. (N.I.) 1973 No. 504 Article 5(*b*) (II, p. 2992)
(**c**) Formerly a function of the Department of Finance S.R. 1976 No. 281 (II, p. 1339)
(**d**) S.R. & O. (N.I.) 1973 No. 393 (II, p. 2187) as amended by S.R. 1975 No. 358 (II, p. 1767), 1976 No. 216 (I, p. 997), 1978 Nos. 24 (I, p. 37) and 100 (I, p. 278), 1979 Nos. 88 (I, p. 377), 310 (II, p. 1420) and 387 (II, p. 1696), 1980 No. 62

Transitional Provision

5. In the case of a regular fireman who ceased to be a member of the brigade before 1st April 1980 and to whom Article 12D of the Scheme of 1973 applies by virtue only of the amendment made by Part III of the Schedule, notice in writing for the purposes of paragraph (2) or (3) of that Article may be given at any time before 1st December 1980.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 24th June 1980.

(L.S.) *E. A. Simpson*
Assistant Secretary

The Department of the Civil Service hereby approves the foregoing Order.

Sealed with the Official Seal of the Department of the Civil Service for Northern Ireland on 24th June 1980.

(L.S.) *J. S. H. Gaw*
Assistant Secretary

SCHEDULE Article 4

PART I

Amendments to the Scheme of 1973 taking effect 1st April 1972

In Part IV of Schedule 2—

(*a*) After paragraph 1(1)(*b*) there shall be inserted the following head—

"(*bb*) if he had made an election under Article 52(3), or if paragraph 3 of Part VIII of Schedule 1 applied to his case, and the period of pensionable service taken into account in making any calculation under that Article, or that Part of that Schedule, was less than a year, that period of service;";

(*b*) After paragraph 1(2)(*b*) there shall be inserted the following head—

"(*bb*) if he had made such an election as is mentioned in Article 51 or an election under Article 52(2), or if paragraph 2 of Part VIII of Schedule 1 applied to his case, and the period of pensionable service taken into account in making any calculation under that Article, or that Part of that Schedule, was less than a year, that period of service;"; and

(*c*) After paragraph 2(1) there shall be inserted the following sub-paragraph—

"(1A) For the purposes of sub-paragraph (1), in calculating the husband's deferred pension the following provisions shall be disregarded, that is to say—

(*a*) the restrictions on payment contained in Article 12B(2), and

(*b*) the provisions for the reduction of a pension contained in Articles 17(6) and 37(6) and in Parts VII and VIII of Schedule 1.".

PART II

Amendment to the Scheme of 1973 taking effect 7th April 1977

In proviso (iii) to Article 43 there shall be omitted the words "including any period of suspension from duty terminating with the fireman having been found guilty of an offence against discipline or a criminal offence".

PART III

Amendments to the Scheme of 1973 taking effect 6th April 1978

In Article 12D—

(*a*) in paragraph (1) for the words "whose average annual pensionable pay has not exceeded £5,000 in any tax year" there shall be substituted the words "whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service"; and

(*b*) in paragraph (6) for the words "paragraph (5)" there shall be substituted the words "paragraphs (1) and (5)".

PART IV

Amendments to the Scheme of 1973 taking effect 1st April 1980

1. For Article 50 there shall be substituted the following Article—

"50. A regular fireman shall pay pension contributions to the Authority at the rate of 1p a week less than 6.75% of his pensionable pay.".

2. For sub-paragraph (*c*) of Article 77(2) there shall be substituted the following sub-paragraph—

"(*c*) in respect of any service before 1st April 1980 paid pension contributions at the rate of 6p a week less than 6.75% of his pensionable pay.".

3. For sub-paragraphs (1) to (4) of paragraph 1 of Part VII of Schedule 1 there shall be substituted the following sub-paragraphs—

"(1) In any case to which sub-paragraph (2) or (3) applies, the unsecured portion of an ordinary, ill-health, short service or deferred pension shall be reduced in respect of any period beyond insured pensionable age by an amount calculated in accordance with the relevant sub-paragraph.

(2) In the case of a person who has elected to pay pension contributions at the lower rate under paragraph 36(3) of the Schedule to the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(e) the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying the sum in the second column of the following Table set opposite to his age on the 5th July 1948 in the first column of the said Table by the number of years specified in sub-paragraph (4)—

TABLE

Age in years		Sum to be multiplied
		£
Under 23	...	1·700
23 but under 24	...	1·650
24 but under 25	...	1·600
25 but under 26	...	1·550
26 but under 27	...	1·525
27 but under 28	...	1·500
28 but under 29	...	1·475
29 but under 30	...	1·450
30 but under 31	...	1·425
31 but under 32	...	1·400
32 but under 33	...	1·375
33 but under 34	...	1·350
34 but under 35	...	1·325
35 but under 37	...	1·300
37 but under 38	...	1·275
38 but under 40	...	1·250
40 but under 42	...	1·225
42 but under 44	...	1·200
44 and over	...	1·175

(3) In the case of any other person who has paid pension contributions at a rate of 6p a week less than the appropriate percentage of his pensionable pay, the reduction under sub-paragraph (1) shall be calculated at an annual rate obtained by multiplying £1·70 by the number of years specified in sub-paragraph (4).

(4) The number of years referred to in sub-paragraphs (2) and (3) is the period of service in years in respect of which the person concerned has paid pension contributions as a regular fireman at a rate of 6p a week less than the appropriate percentage of his pensionable pay:

Provided that no account shall be taken of any service which is not reckonable as pensionable service.".

4. For sub-paragraphs (2) to (4) of paragraph 2 of Part I of Schedule 7 there shall be substituted the following sub-paragraphs—

"(2) Where the fireman's notional deferred pension would fall to be reduced under paragraph 1 of Part VII of Schedule 1, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount of that reduction multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(3) In the case of a fireman entitled to reckon pensionable service, immediately before he ceased to be a member of his former brigade by virtue of a participating period of relevant employment, the product under sub-paragraph (1) shall be reduced by an amount equal to the annual amount by which the fireman's notional deferred pension would fall to be

(e) S.R. & O. (N.I.) 1955 No. 181 (p. 198)

reduced under paragraphs 2 and 3 of Part VII of Schedule 1 multiplied by the appropriate factor specified in the third column of the Table or, in the case of a woman, in the sixth column thereof.

(4) For the purposes of sub-paragraph (3) a period shall be treated as a participating period of relevant employment notwithstanding that a payment in lieu of contributions only fell to be made after the fireman ceased to be a member of his former brigade.''.

PART V

Amendments to the Scheme of 1973 taking effect 6th April 1980

In Article 12D—

(*a*) in paragraph (1) the words ''and whose total pensionable pay has not exceeded £5,000 in any tax year falling within the appropriate period of service'' shall be omitted; and

(*b*) in paragraph (6) for the words ''paragraphs (1) and (5)'' there shall be substituted the words ''paragraph (5)''.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order amends the Firemen's Pension Scheme (Northern Ireland) 1973 with effect, as provided by Article 2, from the dates mentioned below (retrospective effect is authorised by section 17(3B) of the Fire Services Act (Northern Ireland) 1969).

Part I of the Schedule to this Order, which takes effect from 1st April 1972 (the date from which the 1973 Scheme took effect), makes three amendments which clarify certain provisions in the 1973 Scheme about the interpretation of which doubts have been expressed. The first two amendments deal with the case of a fireman who has elected to uprate his service before 1st April 1972 for a one-third or half rate widow's pension, or who transferred service into the Firemen's Pension Scheme after that date under Article 44 or 45, and the service concerned amounted to less than a year. These amendments make it clear that all the service concerned reckons towards the widow's accrued pension. The third amendment makes it clear that where a widow's accrued pension is calculated as a proportion of her husband's deferred pension, it is his gross deferred pension to which the calculation applies.

Part II of the Schedule, which takes effect from 7th April 1977, omits from Article 43 words which assume that when a fireman is suspended from duty because he is accused of an offence against discipline or a criminal offence he is not paid. The amendment is a consequence of the decision that from 7th April 1977 such a fireman will receive pay while suspended from duty.

Part III of the Schedule, which take effect from 6th April 1978 (the date from which the relevant provisions of the Firemen's Pension Scheme (Amendment) Order (Northern Ireland) 1979, S.R. 1979 No. 88 took effect), amends Article 12D (inserted by the 1979 Order) to provide that the earnings limit on repayment of contributions is pensionable pay of £5,000 in any tax year falling within the appropriate period of service (defined in Article 12D(6)).

Part IV of the Schedule, which takes effect from 1st April 1980, amends provisions in the 1973 Scheme concerned with flat-rate national insurance modifications. When the flat-rate benefits were introduced in 1948 under the National Insurance Act (Northern Ireland) 1946 the Firemen's Pension Scheme, like other public service pensions schemes, was amended to provide that those joining after that date would have their pensions modified and pay lower pension contributions. Those who joined before that date had the choice of having their pensions modified or unmodified. Since 1948 there has been no change in these arrangements to take account of increases in flat-rate benefits and the modification in firemen's pensions still stands at £1·70 for each year of modified service (subject to a maximum of £51 a year). Contributions are reduced on this account by 5p a week. The amendments made by Part IV end this reduction of pension contributions (the continuing reduction of 1p a week is in respect of the non-duplication of industrial injury benefits). The amendments also adapt the provisions about the modification of pensions so that they do not apply to service to which the new contribution rate applies.

Part V of the Schedule, which takes effect from 6th April 1980, abolishes the earnings limit on repayment of contributions referred to in the note on Part III of the Schedule.

Article 5 is a transitional provision which extends the time limit for claiming an award under Article 12D of the 1973 Scheme to allow advantage to be taken of the change in the earnings limit made by Part III of the Schedule.