

## PART I

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### **SERVICEMEN**

Part I deals with the position of regular firefighters who are called up for duty in the armed forces ( "servicemen" ). It sets out how such service is to be treated for the purposes of contributions and benefits under the FPS ( I1, 6, 7 ) and covers cases of permanent disablement and death arising from the period in the armed forces ( I2 to 5 ). Schedule 10 fixes limits for certain discretionary awards in respect of "servicemen".

"Servicemen"

A "serviceman" is someone who is serving as a regular firefighter immediately before undertaking "relevant service in the armed forces" (see A12-1).

\* Part I does not apply to service in the armed forces which counts towards pensionable service under:

- a. rule F7, on payment of a transfer value; or
- b. rule F6 (War Service).

\* The provisions relating to "servicemen" are appropriate to Part J (Special cases), but as they are self-contained, they have been covered separately in Part I.

"Relevant service  
in the armed  
forces"

This service is defined in A12. (see A12-1).

POINTS TO NOTE

1. A "serviceman" is a person who immediately before undertaking relevant service in the armed forces was a regular firefighter. This means that you will only be treated as a "serviceman" if you were a firefighter one day and a member of the armed forces the next.
2. These provisions are only likely to affect regular firefighters who are members of the Reserve Forces.

**Who is affected?**

This rule will affect you (if you are eligible under I1):

- if you are permanently disabled at the end of your relevant service in the armed forces.

**What is the award?**

- \* You will be entitled to an ill-health award as if you had retired on grounds of disablement (See B3).
- \* if your disablement was the result of an injury received during your relevant service in the armed forces:
  - your fire authority have discretion:
    - a. to pay you an annual pension of 1/12th of your APP, instead of an ill-health gratuity, and
    - b. to increase your ill-health pension, or pension paid under a. above, so that you are no worse off than if you were entitled to an injury award under B4, allowing for the payment of any service pension.

**Other effects.**

No account will be taken of any increase in your pension under b. above in the amount you may:

- commute,
- allocate, or
- have your pension reduced by, to uprate any service not fully paid up for widow's and children's benefit.

**POINTS TO NOTE**

1. This rule, together with paragraph 1 of Schedule 10, enables your fire authority, if you are injured during your relevant service in the armed forces, to make up any armed forces award to the injury award you would have received had you been injured on duty as a regular firefighter.
2. The definitions relating to disablement, qualifying injury, etc, in A9, A10 and A11, apply as they do for an award under B3 or B4.
3. Your average pensionable pay will be worked out as if you had continued to receive pay as a regular firefighter while a serviceman.

AWARDS ON DEATH OF  
SERVICEMEN

Who is affected?

This rule will affect your family (if you are eligible under I1), if you:

- a. die during your relevant service in the armed forces,  
or
- b. die as a result of circumstances relating to your relevant service,  
if they would have been entitled to awards, had you died in similar circumstances:
  - while you were serving as a regular firefighter,  
or
  - relating to your service as such.

What is the award?

- \* If I3 applies:
  - a. your widow(er) will be entitled to an award equal to:
    - i. an ordinary pension to which he or she would have been entitled had C1 applied, (apart from the gratuity option under C1(3)) or
    - ii. an ordinary gratuity to which he or she would have been entitled had C7 applied.
  - b. your children will be entitled to an award equal to:
    - the ordinary allowances to which they would have been entitled had D1 applied to them.
- \* If you die as a result of an injury received during your relevant service in the armed forces:
  - your fire authority has discretion:
    - a. to pay your widow(er) instead of the ordinary gratuity mentioned above a pension equal to the flat-rate pension under E9(2) payable to the widow(er) of a firefighter whose rank was sub-officer or below, and
    - b. to increase the pension payable to your widow(er), or the allowances payable to your children, so that they are no worse off than they would have been had they been entitled to a special pension or special allowances under C2 or D2, allowing for the payment of a service pension.

POINTS TO NOTE

1. The rules which apply to awards to widow(er)s and children under Parts C and D will apply to the comparable awards payable to them under this rule, eg.
  - \* C8 - limitation on award to spouses living apart,
  - \* C9 - effect of remarriage,
  - \* D5 - child's allowance or special gratuity - limitations,
  - \* E8 - increase of pensions and allowances during first 13 weeks, and
  - \* L4 - prevention of duplication.
2. This rule, together with paragraphs 2 and 3 of Schedule 10, enables your fire authority, if you die as the result of an injury received during your relevant service in the armed forces, to make up any armed forces awards to your family to what they would have been had you died as a result of qualifying injury.
3. The definitions relating to disablement, injury on duty, etc. in A9, A10 and A11 apply as they do for an award under Part C or D.

**SERVICEMEN WHO RESUME SERVICE  
AS REGULAR FIREFIGHTERS**

- Who is affected?** If after being a "serviceman" you resume service as a regular firefighther and then:
- a. become permanently disabled as a result of an injury received during your relevant service in the armed forces: or
  - b. die as a result of such an injury:
- What is the effect?** \* your fire authority may exercise the same discretions as they can under I1 or I3.

**POINTS TO NOTE**

1. This rule enables your fire authority to ensure that:
  - a. you are no worse off than if you had been entitled to an award under B4, and
  - b. your family are no worse off than if they had been entitled to:
    - a spouse's special pension under C2, or
    - children's special allowances under D2,in the event of the effect of an injury as a "serviceman" not becoming manifest until after you had resumed duty as a regular firefighter.
2. An increase in your pension under this provision is disregarded in the same way as it would be under I2 for the purposes of:
  - commutation,
  - allocation, or
  - reduction of your pension to uprate any service not fully paid up for widow's and children's benefit (see "Other effects", I2-1).

SERVICEMEN WHO DO NOT RESUME  
SERVICE IN THEIR FORMER BRIGADE

Who is affected?

If after being a "serviceman" you do not within 1 month resume service as a regular firefighter in your former brigade:

What is the effect?

- you will be treated as having left your former brigade at the end of your relevant service in the armed forces, for the purposes of establishing:
  - \* limitation on widow's award (C5),
  - \* your pensionable pay and average pensionable pay (G1), and
- if you subsequently rejoin:
  - \* your entitlement to count previous service without payment (F3),
  - \* your entitlement to count previous service on payment (F4).

**Who is affected?**

This rule will only affect you if you become a "serviceman" during your relevant service in the armed forces, which means that you must have ceased to be a regular firefighter during the period in question (see I1-1).

**What is the effect?**

\* You can count all your relevant service in the armed forces as pensionable service in your former brigade.

Who is affected?

This rule will affect you only if you become a "serviceman" during your relevant service in the armed forces which means that you must have ceased to be a regular firefighter during the period in question (see I1-1).

What is the effect?

While you are a serviceman you must:  
\* pay pension contributions as if you had remained a regular firefighter,  
- unless -  
your service pay together with any partial balance of civil pay does not equal your pensionable pay.

POINTS TO NOTE

1. Where you are exempted from paying pension contributions in the circumstances outlined above you will be treated as having no pensionable pay for the purpose of contributions but this will not affect your entitlement to award based on your average pensionable pay (see "POINTS TO NOTE 3", I2-1).