

## PART L

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### **PAYMENT OF AWARDS AND FINANCIAL PROVISIONS**

Part L controls the arrangements for the payment of awards ( L2, 3, 5), including questions of liability ( L1 ) and ensures that there is no duplication of benefits in respect of the same period of service ( L4 ).

**AUTHORITIES RESPONSIBLE  
FOR PAYMENT OF AWARDS**

**Awards  
in respect of  
a regular firefighter**

If you were a regular firefighter, any award payable to you, or your dependants, would be payable by:

- \* the fire authority with which you last served as a regular firefighter.

**Awards  
in respect of  
a member of a  
brigade other  
than a regular  
firefighter**

If you were to be injured or killed while serving as a member of a brigade other than a regular firefighter, any award payable to you, or your dependants, would be payable by:

- \* the fire authority in which you were serving when you received the injury.

**POINTS TO NOTE**

1. If you were a regular firefighter and you transferred to another brigade after you had been injured, but before you became permanently disabled, any awards payable to you or your dependants would be payable by the fire authority with which you were serving immediately before your retirement.
2. A "member of a brigade other than a regular firefighter" could be:
  - \* a retained firefighter, or
  - \* a control room operator.

EXPENSES AND RECEIPTS  
OF FIRE AUTHORITIES

This rule deals with accounting arrangements which have no direct effect on members' benefits.

Payments in respect  
of firefighters'  
pensions

The FPS is not a funded scheme.

- \* Income, consisting of:
  - members' contributions, and
  - transfer values in respect of members joining a fire brigade, and
- \* expenditure, consisting of:
  - pension benefits for former members and their dependants, and
  - transfer values in respect of members leaving a brigade,

are met as part of normal income and expenditure for the fire authority.

There is of course no question of balancing these payments:

- \* members contributing currently may not be eligible for benefits until many years later, and
- \* those currently receiving benefits may be doing so in respect of a member who retired many years ago.

Where the  
Secretary of State  
is fire authority

Where the Secretary of State is deemed to be the fire authority, payments are usually borne on the departmental vote of the Secretary of State concerned. This means that:

- \* payments out:
  - come from moneys voted by Parliament, and
- \* payments in:
  - go into the Consolidated Fund.

When is your pension paid?

Subject to any delay necessary to establish your entitlement, or the amount of your award, your pension will be payable for your lifetime from the date of your retirement, unless:

- \* it is an injury pension under B4, and you ceased to serve before you became permanently disabled, in which case it will come into payment from the date of your disablement. (If this date cannot be established it will probably be taken to be the date on which your claim of disablement was made known to your fire authority),
- \* it is a deferred pension which, under B5(4), will not come into payment until:
  - you reach age 60, or
  - you are sooner permanently disabled,
- \* it is an ill-health pension of which the unsecured portion is cancelled under K1, or an injury pension which is cancelled under K1 or K2,
- \* it is a GMP, a secured portion only, or an EPB, which will come into payment:
  - at state pensionable age,
- \* your pension is withdrawn while you are employed as a regular firefighter under K4, or
- \* your pension is forfeited under K5, in which case:
  - payment will cease from the date your fire authority determine,
  - part of your pension will remain in payment, if your fire authority decide on part forfeiture, or if you have a secured portion or GMP which may not be forfeited, and
  - payment may be resumed, if your fire authority decide on temporary forfeiture.

Your pension will be paid in advance, once your fire authority have checked your entitlement, at such reasonable intervals as they think fit.

If you die after receiving an advance payment of pension, which covered a period after your death, there would be no question of recovering any part of the overpayment.

When is a widow(er)'s pension paid?

Subject to any delay necessary to establish entitlement, or the amount of the award, your widow(er)'s pension will be payable for his or her lifetime from the date of your death, unless:

- \* you had received a pension payment covering a period after your death, when the pension will be paid from the end of that period,
- \* you die less than a year after receiving a gratuity (other than an injury gratuity under B4(2)), when payment of the survivors' benefits may be delayed up to a year after your death, at the discretion of your fire authority,
- \* it is a temporary pension under C6,
- \* entitlement ceases, eg
  - on forfeiture under K5,
  - on remarriage under C9, or
  - on the pension being commuted for a gratuity under E5.

PAYMENT OF AWARDS

Your widow(er)'s pension will be paid in advance, once your fire authority have checked the entitlement, at such reasonable intervals as they think fit.

If your widow(er) dies after receiving an advance payment of pension, which covers a period after death, there would be no question of recovering any part of the overpayment.

When is a child's allowance paid?

Subject to any delay necessary to establish entitlement, or the amount of an award, your child's allowance will be payable from:

- a. the date of your death, or
- b. the date of the child's birth, if it is born after your death, unless:
  - \* you had received a pension payment covering a period after your death, when the child allowance will be paid from the end of that period, or
  - \* you die less than a year after receiving a gratuity (other than an injury gratuity under B4(2)), when payment of a child allowance may be delayed up to a year after your death, at the discretion of your fire authority.

Your child's allowance will be payable while entitlement continues, ie except during any period for which it ceases to be payable under D5(3), (4), (5) or (6).

Your child's allowance will be paid in advance, once your fire authority have checked the entitlement, at such reasonable intervals as they think fit.

If a child dies after receiving an advance payment of allowance, which covered a period after the child's death, there would be no question of recovering any part of the overpayment.

When is a dependent relative's special pension paid?

An adult dependent relative's special pension under E2, is payable for such periods as your fire authority may determine, unless it is forfeited under K5.

When is a gratuity paid?

A gratuity is payable as soon as the entitlement to it arises, subject to any delay necessary to establish entitlement, or the amount of the award.

A gratuity is normally paid in one sum, but if your fire authority think it would help the beneficiary to pay it in instalments of reasonable amounts, and at reasonable intervals, they may do so.

When is a refund of contributions paid?

In a case where a refund of contributions is due (see B6-1) your fire authority are entitled to withhold payment until one year after your leaving date unless you request payment earlier (L3(9)).

POINTS TO NOTE

1. Pensions and allowances are usually paid monthly.
2. It is as well to remember that there may be delay in putting awards into payment:
  - \* where entitlement, or the amount of the benefit, takes time to establish, or
  - \* where your fire authority needs to obtain information, eg from DSS, about:
    - a GMP entitlement (see J1-1),
    - a CEP (see B6-2 and ANNEX 2-8), or
    - entitlement to DSS benefits which may affect the amount of:
      - a. an injury pension under Part V of Schedule 2 (see B4-3 to 5), or
      - b. a spouse's special pension under Part II of Schedule 3 (see C2-1).
3. There may be delay in paying a gratuity where your fire authority needs to obtain information from the Government Actuary's Department before putting it into payment, eg under:
  - \* rule C6(5), E4(2) or E7(4).

How duplication  
of benefit  
is prevented

It is not intended that you or any of your dependants should receive more than one award under the FPS in respect of any period you have served as a regular firefighter.

Rule L4 therefore provides that during any period in which a person is entitled to 2 or more pensions or allowances under Part C, D and E, in respect of the same person only one such award will be payable, normally the greater.

This does not affect awards earned in respect of different periods of service. For instance if:

- you retired when entitled to an ordinary pension, and then
- took up another appointment as a regular firefighter and earned a deferred pension, on your death:
  - \* your widow(er) could be entitled to
    - a. an ordinary pension in respect of your first period of service, and
    - b. an accrued pension in respect of your second period of service, and
  - \* your children could similarly be entitled to ordinary and accrued allowances.

However:

- only one award would be paid during the first 13 weeks after your death, equal to your rate of pensionable pay or pension just before you died (see E8-1).

POINTS TO NOTE

1. Without this provision, in respect of one period of service, a widow(er) could be entitled, for instance, to an ordinary pension under C1 and a special award under C2. Similarly a child could be entitled, for instance, to a special allowance under D2 and an accrued allowance under D4, or if the fire authority exercised their discretion, an adult dependant relative's special pension under E2.
2. An award payable for the first 13 weeks of bereavement is intended to maintain the family income for this period at the rate of your pay or pension immediately before you died. For this reason only one award equal to this rate will be paid. However, if you were in receipt of pay and pension, or more than one pension at the time of your death, the award under E8 would take account of both.
3. This rule does not apply to a GMP payable to a widow(er) under J1, but J1(5) would itself prevent duplication where a GMP was payable.
4. A widow could receive more than one award if she had 2 husbands who had been regular firefighters and her fire authority exercised their discretion under C9 to bring her pension from her first husband back into payment when her second husband died. The same position could apply to the widower of a female firefighter.
5. This rule does not affect:
  - a widow(er) who is entitled to a pension under Part C and also to an allocated pension under B9,
  - a child entitled to more than one allowance in respect of more than one death (eg if both parents were in the fire service), or
  - a firefighter entitled to a serving spouse's pension under Part C and also to a personal award under Part B.
6. This rule does not apply to a pension payable under J3 or J4 (members of brigades other than regular firefighters.)

**General**

The general rule is that payments of awards should be made to the person entitled, without any deduction being made, except where the pension provisions themselves provide for one.

**When money may be withheld from an award**

The Social Security Act 1973 (paragraphs 18 and 19 of Schedule 16) restrict the deductions which may be made from deferred pensions,

- \* No part of a guaranteed minimum pension may be withheld.

Stemming from these requirements, your fire authority may not deduct, from any pension payment due to you, any debt you owe them except with your agreement, unless:

- there has been a loss to fire service funds because of fraud, theft or negligence committed by you in connection with your service as a regular firefighter,
- the amount deducted does not exceed the loss,
- the amount is deducted only from the part of your award attributable to your service as a firefighter, and
- any GMP, and the secured position of any ordinary, ill-health or short service pension, to which you are entitled are paid to you in full at state pensionable age.

If you dispute the loss, the "debt" is legally enforceable only under a court order.

**Where the pensioner cannot manage his or her affairs**

If a fire authority consider that a pensioner is incapable of managing his or her affairs, they have discretion:

- \* to pay an award, or part of it, to anyone caring for the pensioner, and
- \* to apply the award, or the remaining part of it, as they think best for the benefit of the pensioner or his or her dependants.

**Where the pensioner is a minor (pupil in Scotland)**

If a fire authority think fit, they may pay any sum due to a minor (or pupil) on account of an award to another person.

- \* The person to whom such sums are paid must use the money for the benefit of the minor (or pupil), and the fire authority may direct how the money should be spent.
- \* In the case of small children payments are of course normally made to the surviving parent or guardian.
- \* It is important to make sure that the Inland Revenue know that such a payment is part of the child's income, so that excessive tax deductions are not made. Usually your fire authority will do this, but the person receiving the payment should remember this point when completing his or her tax return (see "POINTS TO NOTE 1", ANNEX 3-2).

**Payment without probate**

If when a pensioner dies a sum is due to him or her of not more than £5000 (or such higher amount as may be prescribed), the fire authority may pay the sum to, or distribute it among, persons who appear to be beneficially entitled to his or her personal estate (moveable estate in Scotland).



PAYMENT OF AWARDS - SUPPLEMENTARY

POINTS TO NOTE

1. If a higher amount than £5000 is prescribed for the purposes of section 6 of the Administration of Estates (Small Payments) Act 1965, a fire authority may make payments up to that higher amount under L5(3). Authorities will be informed of any subsequent increase in the limit by circular.