

(c) in Case C, £233.19,
increased, in each case, in accordance with paragraph (7).

(6) The fire authority may in any particular case from time to time determine to substitute for the amount specified in paragraph (5)(a), (b) or (c) a higher amount not exceeding—

- (a) in Case A, £209.19,
- (b) in Case B, £249.88, and
- (c) in Case C, £311.44.

(7) An amount arrived at under paragraphs (2) to (6) ("the basic rate") shall be increased to an amount equal to the annual rate (rounded up to the nearest penny) at which the pension or allowance would for the time being be payable if it had been an official pension, within the meaning of the Pensions (Increase) Act 1971 ("the 1971 Act"), which began, and first qualified for increases under the 1971 Act, on 30th June 1978 and was then payable at the basic rate.

(8) In calculating an increased amount under paragraph (7) any increase that would have occurred under the 1971 Act in respect of a period beginning before 12th November 1979 shall be disregarded.

PART F

PENSIONABLE SERVICE AND TRANSFER VALUES

Reckoning of and certificates as to pensionable service

F1.—(1) Subject to paragraph (2), a person is entitled to reckon as pensionable service the total of the periods he is entitled to reckon under rules F2 to F7 and, in the case of a serviceman, any period reckonable under rule I6 (relevant service in armed forces).

(2) No period is reckonable as pensionable service under more than one provision of rules F2 to F7.

(3) Within 6 months of the date on which a person becomes entitled to reckon a period as pensionable service under rule F3, F4, F5, F6, F7 or I6 the fire authority shall supply him with a certificate showing the pensionable service he was entitled to reckon on that date ("the material date").

(4) A person who is dissatisfied with a certificate supplied to him under paragraph (3) may, within 3 months after being supplied with it, appeal to the Secretary of State, who shall either confirm or vary the certificate.

(5) If he does not appeal, the certificate as supplied, and if he does appeal, the certificate as confirmed or varied, is conclusive as to the pensionable service he was entitled to reckon on the material date.

(6) If he claims a pension or gratuity, or dies, after the material date but before a certificate has been supplied, paragraph (3) ceases to apply; if he does so before a certificate has become conclusive, the certificate ceases to have effect and paragraph (4) ceases to apply.

(7) For the purposes of paragraphs (3) to (6) a serviceman shall be treated as only becoming entitled to reckon service under rule I6 if and when he resumes service in his former brigade.

Current service

F2.—(1) Subject to paragraphs (2) and (3), a person serving as a regular firefighter is entitled to reckon as pensionable service—

- (a) any period of service as a regular firefighter after 31st March 1972, except a period during which pension contributions were not payable under rule G2, in the brigade in which he is serving, and
 - (b) if he was serving in that brigade both on and immediately before 1st April 1972, any period he was entitled to reckon immediately before that date.
- (2) A person is not entitled to reckon as pensionable service by virtue of paragraph (1)—
- (a) if he has left and rejoined the brigade after 31st March 1972, any period of service before he last rejoined the brigade, or
 - (b) any period of absence from duty as a regular firefighter as a result of sickness or injury certified by a qualified medical practitioner to be due to his own misconduct, or
 - (c) subject to paragraph (3), any period of absence from duty without pay.

(3) The fire authority maintaining the brigade in which a person is serving as a regular firefighter

may at any time resolve that he shall be entitled to reckon as pensionable service all or part of any period of absence from duty without pay; in that event he becomes liable to pay the authority the contributions (including any such additional or further contributions as are mentioned in rule G4) that would have been payable for the reckonable period if he had been paid at his normal rate.

Previous service reckonable without payment

F3. A person who—

- (a) has retired from a brigade with an ill-health pension, and
- (b) has resumed service as a regular firefighter in the brigade in the circumstances and within the period mentioned in rule K1(1) to (4) (cancellation of ill-health pension),

is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.

Previous service reckonable on payment

F4.—(1) A person who—

- (a) has retired from a brigade without a pension and without any transfer value or cash equivalent becoming payable by the fire authority, and
- (b) has within 12 months, with the written consent, applied for before retiring, of the fire authority maintaining the brigade from which he retired, joined another brigade as a regular firefighter, and
- (c) within 6 months of joining the other brigade, or such longer period as the fire authority maintaining that brigade may allow, has undertaken to pay the required amount in accordance with paragraph 1 of Part I of Schedule 6,

is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.

(2) The required amount is $A - B + C$, where—

A is any sum paid to him on the retirement by way of gratuity or return of his aggregate pension contributions,

B is so much of A as represents a return of such additional and further payments as were mentioned in articles 57 to 59 of the 1973 Scheme, and

C is the balance outstanding immediately before the retirement of any sum he had undertaken to pay in accordance with paragraph 1 of Part I of Schedule 6.

(3) A person who—

- (a) has retired from a brigade with no pension other than an ill-health pension the unsecured portion of which has been terminated as mentioned in rule K1(3), and
- (b) has again become a regular firefighter in that or another brigade, and
- (c) within 6 months of his again becoming a regular firefighter, or such longer period as the fire authority may allow, has undertaken to pay in accordance with paragraph 1 of Part I of Schedule 6 a sum calculated in accordance with paragraph 2 of that Part,

is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.

(4) A person who—

- (a) has retired from a brigade with a deferred pension, and
- (b) has by written notice to the fire authority relinquished the pension, and
- (c) has again become a regular firefighter in that or another brigade, and
- (d) within 6 months of his again becoming a regular firefighter, or such longer period as the fire authority maintaining the brigade in which he is serving may allow, has undertaken to pay in accordance with paragraph 1 of Part I of Schedule 6 the required amount described in paragraph (2),

is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.

(5) If immediately before the retirement a person entitled to reckon service under paragraph (4) was making by way of contributions any such additional or further payments as were mentioned in articles 57 and 58 of the 1973 Scheme—

- (a) the fire authority maintaining the brigade from which he retired shall repay him the amount he paid by way of such contributions, and
- (b) he shall be treated as having neither paid nor elected to pay the contributions.

Period during which injury pension was payable

F5.—(1) A person who—

- (a) has retired from a brigade and become entitled to an injury pension, and
- (b) has resumed service as a regular firefighter in the brigade in the circumstances and within the period mentioned in rule K1(1) to (4), and

(c) within 6 months of his resuming service, or such longer period as the fire authority may allow, has undertaken to pay the required amount in accordance with paragraph 1 of Part I of Schedule 6,
 is entitled to reckon as pensionable service the period during which he was entitled to the injury pension ("the pension period").

(2) The required amount is the total of the pension contributions (excluding such additional and further contributions as were mentioned in articles 57 and 58 of the 1973 Scheme) that would have been payable by him for the pension period if he had continued to serve as a regular firefighter in the rank he held immediately before the retirement.

War service

F6.—(1) Parts I to V of Schedule 7 have effect for determining the circumstances in which, and the extent to which, war service is reckonable as pensionable service.

(2) Part VI of Schedule 7 has effect for determining the circumstances in which additional transfer values are payable in respect of war service, and their amounts.

Receipt of transfer value

F7.—(1) Subject to paragraphs (2) to (4), a fire authority may accept a transfer value offered to them, in respect of a person who has become a regular firefighter in the brigade maintained by them, by the scheme managers of a superannuation scheme to which he was subject in previous service or employment ("the previous scheme").

(2) The person must have made a written request to the authority for the transfer value to be accepted.

(3) A transfer value may not be accepted—

- (a) if one was accepted before 1st March 1992 in relation to the same transfer, or
- (b) where the person became a regular firefighter before 1st March 1992, if a transfer value could not have been accepted under article 52B of the 1973 Scheme, or
- (c) if he had a guaranteed minimum in relation to a pension provided by the previous scheme unless—
 - (i) the previous scheme is a club scheme, or
 - (ii) the transfer value offered is of at least the required amount.

(4) The required amount is $A \times B$, where—

- A is the annual amount of the guaranteed minimum pension to which he would be entitled under rule J1 if the transfer value were accepted, and
- B is the factor ascertained from the Table below by reference to his age at the date on which he requested the fire authority to accept it.

TABLE

<i>Age</i>	<i>Factor</i>
29 or under	8
30 to 39	9
40 to 49	10
50 or over	12

(5) A person in respect of whom a transfer value is accepted is entitled to reckon as pensionable service a period calculated in accordance with Part II of Schedule 6.

Transfer payments between fire authorities

F8. Where a person—

- (a) has retired from a brigade ("the first brigade"), and
- (b) has after 29th February 1992 become a regular firefighter in another brigade ("the second brigade"), and
- (c) has become entitled under rule F4 to reckon as pensionable service the period he was entitled to reckon when he retired,

the fire authority maintaining the first brigade shall pay the authority maintaining the second brigade a sum calculated in accordance with Part III of Schedule 6.

Payment of transfer values

F9.—(1) Subject to paragraphs (2) to (8), a fire authority—

- (a) may pay a transfer value in respect of a person who has, before attaining state pensionable age, either ceased to serve as a regular firefighter in the brigade maintained by them or elected under rule G3 not to pay pension contributions and has become subject to another superannuation scheme (“the receiving scheme”), and
- (b) shall pay a transfer value in respect of such a person if the receiving scheme is an approved scheme.

(2) The person must within 6 months after becoming subject to the receiving scheme, or such longer period as the fire authority may in the circumstances allow, have made a written request to the fire authority for the transfer value to be paid.

(3) A transfer value may not be paid if one was paid before 1st March 1992 in relation to the same transfer.

(4) A transfer value may not be paid if the person has received any payment in respect of a pension to which he became entitled under Part B on ceasing to serve as a regular firefighter.

(5) A transfer value may not be paid if the person has received any gratuity or repayment of pension contributions to which he became entitled under Part B on ceasing to serve as a regular firefighter, unless he—

- (a) became subject to the receiving scheme within 12 months, or such longer period as the fire authority may in the circumstances allow, after ceasing to serve, and
- (b) has, within the period allowed by paragraph (2) for requesting payment of the transfer value, repaid to the authority the amount paid to him.

(6) A transfer value may not be paid if the person has a guaranteed minimum in relation to a pension provided by this Scheme, unless—

- (a) the receiving scheme is a contracted-out scheme, or
- (b) a contributions equivalent premium has been paid in respect of him by the fire authority and has not been repaid.

(7) A transfer value may not be paid if the person has acquired a right to a cash equivalent, unless—

- (a) the service to which the cash equivalent relates includes service before 1st October 1990, and
- (b) the right has been exercised by requiring the whole of the cash equivalent to be paid to the scheme managers of an approved scheme which is not a club scheme.

(8) A transfer value may not be paid if the person—

- (a) has acquired a right to a part cash equivalent, and
- (b) would on taking that right remain entitled to a deferred pension.

(9) If a transfer value or cash equivalent is paid any award to which the person became entitled under Part B on ceasing to serve as a regular firefighter ceases to be payable.

(10) Part IV of Schedule 6 has effect for determining the amounts of transfer values payable under this rule.

PART G

PENSIONABLE PAY AND CONTRIBUTIONS

Pensionable pay and average pensionable pay

G1.—(1) Subject to paragraph (2), the pensionable pay of a regular firefighter is his pay as determined—

- (a) in relation to his rank, or
- (b) in the case of a chief officer or assistant chief officer, or in Scotland a firemaster or assistant firemaster, for the post.

(2) For the purposes of paragraph (1), in the case of a person by whom pension contributions became payable after 31st May 1989 either—

- (a) for the first time, or
- (b) following any period in respect of which they were not payable,