

- (c) if his Scheme applies to him by virtue of employment falling within rule A5(2), in the place where the central training institution is situated.

PART I

SERVICEMEN

Preliminary

11.—(1) A serviceman is a person who immediately before undertaking relevant service in the armed forces was a regular firefighter.

(2) For the purposes of this Scheme a serviceman is, unless the context otherwise requires or a contrary intention appears, to be treated as having continued to be a regular firefighter during his period of relevant service in the armed forces (referred to in this Part as his “forces period”).

Awards to servicemen

12.—(1) This rule applies to a serviceman who at the end of his forces period is permanently disabled.

(2) Subject to paragraphs (3) and (4), rule B3 (ill-health award) has effect in relation to a serviceman to whom this rule applies as if he had been required to retire under rule A15 (compulsory retirement on grounds of disablement) at the end of his forces period.

(3) Where the infirmity that occasioned his incapacity for the performance of duty was occasioned by an injury received during his forces period or by a qualifying injury the fire authority may, in their discretion—

- (a) pay him, instead of an ill-health gratuity under rule B3(2)(b), a pension at the rate of 1/12th of his average pensionable pay, and
- (b) subject to paragraph (4), increase any such pension, or any ill-health pension payable to him under rule B3(2)(a).

(4) Paragraph 1 of Schedule 10 has effect for limiting increases under paragraph (3)(b) above.

Awards on death of servicemen

13.—(1) This rule applies in the case of a serviceman who—

- (a) dies during his forces period, or
- (b) was permanently disabled at the end of his forces period, has not since been a regular firefighter, and dies either from the effects of an injury that occasioned his incapacity for the performance of duty or while in receipt of a pension.

(2) Subject to paragraphs (3) and (4), where this rule applies—

- (a) rule C1 (spouse’s ordinary pension) has effect as if the serviceman had died in the circumstances mentioned in rule C1(1)(b) to (d), and
- (b) if the serviceman died during his forces period and no pension is payable under rule C1, rule C7 (spouse’s award where no other award payable) has effect as if he had died in the circumstances mentioned in rule C7(1).

(3) If the serviceman dies from the effects of an injury received during his forces period or a qualifying injury the fire authority may, in their discretion—

- (a) pay the surviving spouse, instead of a gratuity under rule C7(2)(b), a pension of the appropriate amount, and
- (b) subject to paragraph (5), increase any such pension and any pension or child’s allowance payable under rule C1 or D1.

(4) The appropriate amount mentioned in paragraph (3)(a) is £379.78 increased as described in rule E9(7) and (8) (flat-rate awards).

(5) Paragraphs 2 and 3 of Schedule 10 have effect for limiting increases under paragraph (3)(b) above.

Servicemen who resume service as regular firefighters

14. If as a result of an injury received during his forces period a serviceman who has resumed service as a regular firefighter—

- (a) is permanently disabled, or
 - (b) dies, whether or not while serving as a regular firefighter,
- the fire authority may, in relation to any award payable to or in respect of him, exercise the like discretions as are conferred on them by, as the case may be, rule I2(3) and (4) or rule I3(3) to (5).

Servicemen who do not resume service in their former brigade

I5.—(1) Subject to paragraph (3), a serviceman who does not resume service in his former brigade within one month from the end of his forces period shall be treated for the purposes of the material provisions as having left his former brigade at the end of that period.

(2) The material provisions are those of rules B5 (deferred pension), C5 (limitation on widow's award), F3 (previous service reckonable without payment), F4 (previous service reckonable on payment), F9(9) (no award where transfer value paid) and G1 (pensionable pay and average pensionable pay) and paragraph 1 of Part IV of Schedule 11 (persons serving on 10th July 1956).

(3) The serviceman may apply for the consent mentioned in rule F4(1)(b) (former fire authority's consent to joining new brigade) within one month from the end of his forces period.

Pensionable service

I6. For the purposes of rule F2(1) a serviceman shall be treated as having continued during his forces period to serve in his former brigade.

Pension contributions

I7.—(1) Subject to paragraph (2), for the purposes of rule G2 a serviceman's pensionable pay during his forces period is the pay he would have received if he had continued to serve in his former brigade.

(2) A serviceman shall for those purposes be treated as having received no pensionable pay (and accordingly is not liable to pay contributions) in respect of any period during which the total of—

- (a) his service pay, and
- (b) any payments under Part V of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a),

is less than the pensionable pay described in paragraph (1).

PART J

SPECIAL CASES

Guaranteed minimum pensions

J1.—(1) This rule applies where a person who is or has been a regular firefighter has a guaranteed minimum in relation to a pension provided by this Scheme by reason of service which is contracted-out employment by reference to the Scheme.

(2) Subject to paragraphs (3) to (7)—

- (a) the person is entitled from the date on which he attains state pensionable age to a pension at a weekly rate equal to his guaranteed minimum,
- (b) in the case of a man who dies at any time and leaves a widow, she is entitled to a pension at a weekly rate equal to half his guaranteed minimum, and
- (c) in the case of a woman who dies at any time and leaves a widower, the widower is entitled to a pension at a weekly rate equal to half of that part of the deceased's guaranteed minimum which is attributable to earnings factors for the tax year 1988–89 and subsequent tax years.

(3) A pension to which a person is entitled under paragraph (2)(a) is not payable for any period within 5 years after his attaining state pensionable age during which—

- (a) he is continuing to serve as a regular firefighter, or
- (b) a decision under rule K4 (withdrawal of Part B pension during employment as regular firefighter) taken by the fire authority before he attained state pensionable age has effect.

(4) An entitlement to a pension under paragraph (2)(b) or (c) ceases if the person entitled remarries before attaining state pensionable age.

(a) 1951 c.65.