

- (b) was entitled to reckon as pensionable service a period equal to the part-time member's service as such, and
- (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.

Members of brigade other than regular firefighters – supplementary

J5.—(1) Part A applies for the interpretation of rules J3 and J4, and Part H, rule K5 (forfeiture) and Part L apply in relation to awards under those rules.

(2) Except as provided in paragraph (1) and in rules J3 and J4, this Scheme does not apply in relation to a member of a brigade who is not a regular firefighter.

Other special cases

J6. Parts IV and V of Schedule 11 have effect in the cases, and as respects the matters, mentioned in those Parts.

PART K

REVISION AND WITHDRAWAL OF AWARDS

Cancellation of ill-health and injury pensions

K1.—(1) As long as a person—

- (a) is in receipt of an ill-health pension, and
 - (b) would not, if he had continued to serve as a regular firefighter instead of retiring with an ill-health pension, have become entitled to retire with an ordinary pension, and
 - (c) if he had continued so to serve, could not have been required to retire on account of age,
- the fire authority may, if they wish to exercise the powers conferred by this rule, consider, at such intervals as they in their discretion think proper, whether he has become capable of performing the duties of a regular firefighter.

(2) The fire authority may also consider as mentioned in paragraph (1) in the case of a person who—

- (a) has elected under rule G3 not to pay pension contributions, and
- (b) is entitled under rule B5 to a deferred pension, and
- (c) has begun to receive payments in respect of the pension on becoming permanently disabled.

(3) If on any such consideration it is found that he has become capable of performing the duties of a regular firefighter, the authority may terminate the unsecured portion of his ill-health pension or, in a case falling within paragraph (2), may determine that payment of the deferred pension shall be suspended, that is to say, that the pension shall not be payable in respect of any period before he attains the age of 60.

(4) If within one month after the termination or suspension he presents himself for service in the brigade—

- (a) the fire authority shall permit him to resume service forthwith in a rank not lower than the rank he held when he retired with the pension, and
- (b) if they do not, the termination or suspension shall be deemed never to have taken effect.

(5) Where the unsecured portion of an ill-health pension is terminated, or payment of a deferred pension is suspended, under this rule—

- (a) the secured portion of an ill-health pension is not payable in respect of any period before the person attains state pensionable age,
- (b) any injury pension to which he is entitled is also terminated, and
- (c) unless he is entitled to a deferred pension, he shall be paid the amount, if any, by which his aggregate pension contributions exceed the amount specified in paragraph (6).

(6) The amount is the total of—

- (a) the sums paid in respect of the ill-health pension,
- (b) if, one month after the termination, he had a guaranteed minimum in relation to a pension provided by this Scheme, the actuarial value (calculated in accordance with tables prepared from time to time by the Government Actuary) of a pension equal to the guaranteed minimum and beginning at state pensionable age, and

- (c) the actuarial value (so calculated) of the secured portion of the ill-health pension, so far as it is payable under paragraph (5).

Reassessment of injury pension

K2.—(1) Where a person is in receipt of an injury pension the fire authority shall, at such intervals as they think fit, consider whether the degree of his disablement has substantially altered; if they find that it has, the pension shall be reassessed accordingly.

(2) Where—

- (a) the person is not also in receipt of an ordinary, ill-health or short service pension, and
- (b) the authority, on consideration under paragraph (1), find that his disability has ceased, the injury pension is terminated.

(3) This rule ceases to have effect with respect to a particular injury pension if, at any time after the expiration of 5 years from the time when it first became payable, the fire authority so resolve.

Reduction of award in case of default

K3.—(1) Subject to paragraph (2), where a person—

- (a) is permanently disabled, and
 - (b) has brought about or contributed to his infirmity by his own default,
- the fire authority may reduce any ill-health or injury award payable to him by them to not less than half its full amount.

(2) Where—

- (a) a pension has been reduced under paragraph (1), and
 - (b) when the person attains the age of 60 the amount of the reduced pension is less than that of the notional deferred pension,
- the amount of the reduced pension shall be increased to that of the notional deferred pension.

(3) The notional deferred pension is the deferred pension that would have been payable if the person had become entitled to one on the date of his ceasing to serve.

Withdrawal of pension during service as regular firefighter

K4. The fire authority by whom a pension is payable may, in their discretion, withdraw the whole or any part of the pension for any period during which the person entitled to it is serving as a regular firefighter in any brigade.

Withdrawal of pension on conviction of certain offences

K5.—(1) Subject to paragraph (4), in the circumstances specified in paragraph (2) the fire authority by whom a pension is payable may withdraw the pension in whole or in part, and permanently or temporarily as they may specify.

(2) The circumstances are—

- (a) that the person entitled to the pension (“the pensioner”) has been convicted of an offence falling within paragraph (3), and in the case of a pension under Part C that the offence was committed after the death on which the pensioner became entitled to it, or
- (b) that the pensioner has been convicted of an offence committed in connection with his service as a member of a brigade which is certified by the Secretary of State either to have been gravely injurious to the interests of the State or to be liable to lead to serious loss of confidence in the public service.

(3) The offences mentioned in paragraph (2)(a) are—

- (a) an offence of treason, and
- (b) one or more offences under the Official Secrets Acts 1911 to 1989(a) for which the pensioner has been sentenced on the same occasion to a term of imprisonment of, or to two or more consecutive terms amounting in the aggregate to, at least 10 years.

(4) In determining whether the withdrawal of a pension, other than an injury pension, should—

- (a) be permanent or temporary, and
- (b) affect the pension in whole or in part,

the fire authority may make different determinations in respect of the secured and unsecured portions of the pension; but the secured portion may not be withdrawn permanently and may only

(a) 1911 c.28, 1920 c.75, 1939 c.121, 1989 c.6.

be withdrawn temporarily for a period ending before the pensioner attains state pensionable age or one during which he is imprisoned or otherwise detained in legal custody.

(5) The fire authority may, to such extent as they at any time in their discretion think fit—

- (a) apply for the benefit of any dependant of the pensioner's, or
- (b) restore to the pensioner,

so much of any pension as has been withdrawn under this rule.

PART L

PAYMENT OF AWARDS AND FINANCIAL PROVISIONS

Authorities responsible for payment of awards

L1.—(1) An award payable to or in respect of a person by reason of his having been employed as a regular firefighter is payable by the fire authority by whom he was last so employed.

(2) An award payable to or in respect of a person by reason of his having received an injury while employed as a member of a brigade but not as a regular firefighter is payable by the fire authority by whom he was employed when he received the injury.

Expenses and receipts of fire authorities

L2. Every fire authority shall maintain an account showing all sums received or paid by them under or for the purposes of this Scheme, or in consequence of rights acquired and obligations incurred by them under the 1973 Scheme and previous Firemen's Pension Schemes.

Payment of awards

L3.—(1) While a pension or allowance is payable—

- (a) it is payable in respect of each week, and
- (b) the fire authority shall discharge their liability in respect of it by making payments in advance at such reasonable intervals as they may determine,

but payment may be delayed to the extent necessary for determining any question as to the liability of the fire authority.

(2) Where a person dies after receiving a payment in advance in respect of a pension or allowance, no claim for repayment shall be made on the ground that the payment or any part of it is referable to a period after his death.

(3) Where a surviving spouse remarries after receiving a payment in advance in respect of a pension under Part C, no claim for repayment shall be made on the ground that the payment or any part of it is referable to a period after the remarriage.

(4) Subject to paragraphs (5) to (7), pensions under Part C and allowances under Part D ("survivors' benefits") are payable from the date of the death.

(5) Subject to paragraphs (6) and (7), in the case of a posthumous child any allowance under Part D is payable from the date of his birth.

(6) Where the deceased—

- (a) was in receipt of a pension, and
- (b) died during a period in respect of which he had already received it,

no survivors' benefits are payable before the end of that period.

(7) Where the deceased received a gratuity, other than an injury gratuity under rule B4, survivors' benefits are payable from the first anniversary of his death or such earlier date as the fire authority, in the circumstances of the case, think fit.

(8) A gratuity shall be paid in one sum as soon as the entitlement to it arises, except that—

- (a) payment may be delayed to the extent necessary for determining any question as to the liability of the fire authority, and
- (b) if the authority are satisfied that it would be to the advantage of the person entitled, they may pay a gratuity in instalments of such reasonable amounts and over such reasonable period as they think fit.

(9) Where a person is entitled under rule B6 to the repayment of his aggregate pension contributions, the fire authority are not obliged to make payment—

- (a) until the expiration of a year from the date of his retirement, or