

be withdrawn temporarily for a period ending before the pensioner attains state pensionable age or one during which he is imprisoned or otherwise detained in legal custody.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so much of any pension as has been withdrawn under this rule.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

(b) until he requests payment,
whichever is the earlier.

Prevention of duplication

L4.—(1) This rule applies where a person is entitled in respect of any particular period to two or more pensions or allowances under this Scheme.

(2) A pension payable—

- (a) under rule B9 to the beneficiary of an allocation, or
- (b) under rule J1 (guaranteed minimum pensions), or
- (c) under rule J3 or J4 (members of brigades other than regular firefighters), or
- (d) under rule K1(5)(a) (secured portion of ill-health pension),

is not a pension for the purposes of this rule.

(3) Subject to paragraph (4), where this rule applies only one of the pensions or allowances shall be paid in respect of the period in question; if they are for the time being unequal in amount, the one to be paid is the largest of them.

(4) For the purposes of this rule, where a person is entitled—

- (a) under rule B4 to an injury pension and also under rule B1, B2, B3 or B5 to an ordinary, short service, ill-health or deferred pension, or
- (b) to a pension in respect of service as a member of a brigade and also to a pension as the surviving spouse of such a member,

those pensions shall be treated as one.

Payment of awards – supplementary

L5.—(1) Any sum payable to a minor in respect of an award may, if the fire authority think fit, be paid by them to such other person as they may determine, who shall, in accordance with any directions given by the authority, apply it for the minor's benefit.

(2) If it appears to the fire authority that a person entitled to payment of an award is, by reason of mental disorder or otherwise, incapable of managing his affairs—

- (a) they may in their discretion pay the award or any part of it to a person having the care of the person entitled, or such other person as they may determine, and
- (b) insofar as they do not pay the award in that manner, they may apply it in such manner as they think fit for the benefit of the person entitled or his dependants.

(3) On the death of a person to whom there was due in respect of an award a sum not exceeding the amount specified in any order for the time being in force under section 6 of the Administration of Estates (Small Payments) Act 1965(a) and apply in relation to the death, the fire authority may, as they think fit, without requiring the production of probate or any other proof of title—

- (a) where only one person appears to be beneficially entitled to the personal estate of the deceased, pay the sum to that person, or
- (b) in any other case, either pay the sum to one of the persons appearing to be so entitled or distribute it among all or any of them in such proportions as the authority may determine.

(4) An assignment of or charge on an award is void to the extent that—

- (a) it is in favour of a person other than a dependant of the person entitled to the award, or
- (b) it relates to a sum due in respect of the secured portion of an ordinary, short service, ill-health or deferred pension for a period beyond state pensionable age.

(5) On the bankruptcy of a person entitled to an award the award does not pass to any trustee or other person acting on behalf of the creditors.

(6) Subject to paragraphs (7) to (9), where as a result of fraud, theft or negligence on the part of a regular firefighter in connection with his employment there has been a loss to the funds of a fire authority, the authority may withhold all or part of any sums becoming due to him from the authority in respect of a pension.

(7) The total amount withheld under paragraph (6) must not exceed the amount of the loss; and in the event of any dispute as to the amount of the loss nothing may be withheld unless the loss has become recoverable from the person entitled to the pension under the order of a competent court.

(8) There shall not in any case be withheld—

(a) 1965 c.32.

(a) where a sum is due in respect of a period beyond state pensionable age, any amount in respect of the secured portion of an ordinary, short service or ill-health pension, or

(b) any part of a sum due that is not attributable to service as a member of a brigade.

(9) The fire authority shall provide the person entitled to the award with a certificate showing the amount withheld.

(10) In this rule a reference to an award is a reference to a pension, allowance, gratuity or other award under this Scheme.

(11) In the application of this rule to Scotland—

(a) the reference in paragraph (1) to a minor shall be construed as including a reference to a pupil, and

(b) the references in paragraph (3) to probate and to personal estate shall be construed as references to confirmation and to movable estate respectively.

PART M

SUPPLEMENTAL PROVISION

Transitional and other matters

M1.—(1) Schedule 12 has effect with respect to transitional and other matters in connection with the coming into force of this Scheme.

(2) Nothing in Schedule 12 is intended to affect the general operation of section 16 of the Interpretation Act 1978(a) (general savings to be implied on a revocation).

SCHEDULE 1

Rule A2

INTERPRETATION

PART I

GLOSSARY OF EXPRESSIONS

<i>Expression</i>	<i>Meaning</i>
"Aggregate pension contributions"	Construe in accordance with rule A8.
"Amount"	In relation to a pension or allowance, its annual amount.
"Appointed day"	In relation to England and Wales, 1st April 1948; in relation to Scotland, 16th May 1948.
"Approved scheme"	Superannuation arrangements which— <ol style="list-style-type: none">are contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, orare contained in Northern Ireland legislation within the meaning of section 24 of the Interpretation Act 1978 or were made under such legislation by a Minister of the Crown (including a Northern Ireland Minister) or by a Northern Ireland ministry, department or head of department, orare approved under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988(b) and do not fall within section 591(2)(h) of that Act, or

(a) 1978 c.30.

(b) 1988 c.1.