

(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.

<i>Expression</i>	<i>Meaning</i>
	(d) provide for the payment of transfer values in respect of persons who become regular firefighters calculated in like manner as under arrangements falling within (a) above.
“Award”	A pension, allowance, gratuity or repayment of pension contributions.
“Brigade”	A fire brigade maintained under the principal Act.
“Cash equivalent”, “part cash equivalent”	The first expression means a cash equivalent mentioned in paragraph 12(1) of Schedule 1A to the Social Security Pensions Act 1975(a); the second expression means the cash equivalent of any part of the benefits mentioned in that sub-paragraph which is prescribed under sub-paragraph (2A) (continuation in employment after termination of pensionable service).
“Child”	In relation to a person who has died, a legitimate or illegitimate child, step-child or adopted child of his; any other child who was substantially dependent on him and either is related to him or is the child of his spouse. “Parent” is to be construed accordingly.
“Club scheme”	Superannuation arrangements which fall within (a), (b) or (d) of the definition of “approved scheme”.
“Disabled”, “disablement”, “permanently disabled”	Construe in accordance with rule A10.
“Eligible person”	Construe in accordance with rule G5(2).
“Half-rate service”	Construe in accordance with paragraph 1(1) of Part III of Schedule 3.
“ Injury ”	Includes disease.
“Mixed-rate service”	Construe in accordance with paragraph 1(2) of Part III of Schedule 3.
“ 1973 Scheme ”	The Firemen’s Pension Scheme 1973(b).
“Pension”	A pension under this Scheme.
“Pensionable pay”, “average pensionable pay”	Construe in accordance with rule G1.
“Pensionable service”	Construe in accordance with rule F1.
“Personal pension scheme”	The meaning given in section 84(1) of the Social Security Act 1986.
“Principal Act”	The Fire Services Act 1947(c).
“ Qualifying injury ”	Construe in accordance with rule A9.
“Rank”	Includes the post of chief officer or, in Scotland, of firemaster.
“Regular firefighter”	In relation to any time before 1st March 1992, the expression means a regular fireman as defined in article 2 of the 1973 Scheme. In relation to any time after 29th February 1992, the expression means a whole-time member of a brigade appointed on terms under which he is or may be required to engage in fire-fighting whose appointment is not a temporary one.
“Relevant service in the armed forces”	Construe in accordance with rule A12.
“ Retire ”	Construe in accordance with rule A16.
“ Retirement date ”	Construe in accordance with rule G5(3).

(a) 1975 c.60; Schedule 1A was inserted by the Social Security Act 1985 (c.53), Schedule 1, paragraph 3, and amended by the Social Security Act 1986 (c.50), Schedule 10, paragraphs 29 and 30.
 (b) Brought into operation by S.I. 1973/966; amended by the other instruments listed in Part I of Schedule 1 to the Firemen’s Pension Scheme Order 1992.
 (c) 1947 c.41.

<i>Expression</i>	<i>Meaning</i>
“Scheme managers”	In relation to a scheme falling within (a) or (b) of the definition of “approved scheme”, the Minister of the Crown or local or other authority or other person administering the scheme; in relation to any other scheme, the person responsible for its management.
“Serviceman”	The meaning given in rule 11(1).
“Service pension”	An armed forces pension or allowance payable in pursuance of a Royal Warrant or other instrument.
“Surviving spouse”	A widow or widower.
“Tax year”	The 12 months beginning with 6th April in any year.
“War service”	Construe in accordance with paragraph 1 of Part II of Schedule 7.
“Weekly rate”	The weekly rate of a pension is its amount divided by 52 1/6th.

PART II

EXPRESSIONS RELATED TO NATIONAL INSURANCE AND SOCIAL SECURITY ACTS

1. In this Scheme “employed contributor’s employment”, “graduated contribution”, “graduated retirement benefit”, “non-participating employment”, and “payment in lieu of contributions” have the meanings which they had for the purposes of the National Insurance Act 1965(a) immediately before its repeal by the Social Security (Consequential Provisions) Act 1975(b).

2. In this Scheme any reference to state pensionable age is a reference—

- (a) in the case of a man, to the age of 65, and
- (b) in the case of a woman, to the age of 60.

3. In this Scheme any reference to a participating period of relevant employment is a reference to a period of employed contributor’s employment after 5th April 1961 and before state pensionable age other than—

- (a) service in the armed forces, and
- (b) non-participating employment at the end of which no payment in lieu of contributions fell to be made,

and for the purposes of this paragraph a period of employed contributor’s employment or of non-participating employment shall be treated as having continued during periods of holiday and temporary incapacity for work and similar temporary interruptions.

4.—(1) In this Scheme—

- (a) any reference to the secured portion of a pension is a reference to the portion of it which equals the assumed graduated retirement benefit, and
- (b) any reference to the unsecured portion of a pension shall be construed accordingly.

(2) The assumed graduated retirement benefit is the graduated retirement benefit that would be payable to the pensioner on the assumption that—

- (a) he retired from regular employment on attaining state pensionable age,
- (b) a payment in lieu of contributions was made in respect of the whole of any period of non-participating employment by virtue of which he is entitled to reckon pensionable service for the purposes of the pension, and
- (c) the period was one at the end of which no payment in lieu of contributions in fact fell to be made,

and for the purposes of this paragraph a period of non-participating employment shall be treated as having continued during periods of holiday and temporary incapacity for work and similar temporary interruptions.

(a) 1965 c.51.
(b) 1975 c.18.

5. For the purposes of this Scheme the annual rate of graduated retirement benefit shall be calculated as if there were 52 1/6th weeks in a year.

6. In this Scheme "contracted-out employment", "contracted-out scheme", "earnings factors", "guaranteed minimum", "guaranteed minimum pension" and "contributions equivalent premium" have the meanings which they have for the purposes of the Social Security Pensions Act 1975.

7. In this Scheme any reference to a case in which a contributions equivalent premium has been paid includes a reference to a case in which such a premium is payable but has not been paid by virtue of regulations under Schedule 2 to the Social Security Pensions Act 1975 dispensing with the payment of such a premium where its amount would be inconsiderable.

8. In this Scheme any reference to the guaranteed minimum in relation to a pension under a pension scheme at a particular time is a reference to the amount certified by the Department of Social Security as that minimum at that time.

9. In the case of a person entitled to reckon a period of pensionable service by virtue of service or employment in Northern Ireland or the Isle of Man in respect of which he was subject to superannuation arrangements, this Scheme has effect as if any reference to the National Insurance Act 1946(a), the National Insurance Act 1965 or the Social Security Pensions Act 1975 included a reference to, as the case may be—

- (a) any enactment of Tynwald, or
- (b) any enactment comprised in Northern Ireland legislation within the meaning of section 24 of the Interpretation Act 1978,

making provision for corresponding purposes.

SCHEDULE 2

PERSONAL AWARDS

PART I

Rule B1

ORDINARY PENSION

Subject to Parts VII and VIII of this Schedule, the amount of an ordinary pension is—

$$\frac{30 \times A}{60} + \frac{2 \times A \times B}{60}$$

where—

- A is the person's average pensionable pay, and
- B is the period in years (subject to a maximum of 5 years) by which his pensionable service exceeds 25 years.

PART II

SHORT SERVICE PENSION

Rule B2

Subject to Parts VII and VIII of this Schedule, the amount of a short service pension is—

$$\frac{A \times B}{60} + \frac{2 \times A \times C}{60}$$

where—

- A is the person's average pensionable pay,
- B is the period in years of his pensionable service up to 20 years, and
- C is the period in years by which his pensionable service exceeds 20 years.

(a) 1946 c.67.