

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.

PART III

Rule B3

ILL-HEALTH PENSION

1.—(1) Paragraphs 2 to 5 have effect subject to Parts VII and VIII of this Schedule, and paragraphs 3 and 4 have effect subject to paragraph 5.

(2) In paragraphs 2 to 4, A is the person's average pensionable pay.

2. Where the person has less than 5 years' pensionable service, the amount of the ill-health pension is—

$$\frac{A \times B}{60}$$

where B is the greater of one year and the period in years of his pensionable service.

3. Where the person has at least 5 but not more than 10 years' pensionable service, the amount of the ill-health pension is—

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

where C is the period in years of his pensionable service.

4. Where the person has more than 10 years' pensionable service, the amount of the ill-health pension is the greater of—

$$\frac{20 \times A}{60}$$

and—

$$\frac{7 \times A}{60} + \frac{A \times D}{60} + \frac{2 \times A \times E}{60}$$

where—

D is the period in years of his pensionable service up to 20 years, and

E is the period in years by which his pensionable service exceeds 20 years.

5.—(1) Where—

(a) if the person had continued to serve until he could be required to retire on account of age, he would have become entitled to an ordinary or short service pension ("the notional retirement pension"), and

(b) the amount calculated in accordance with paragraph 3 or 4 exceeds the amount of the notional retirement pension,

the amount of the ill-health pension is that of the notional retirement pension.

(2) The notional retirement pension is to be calculated by reference to the person's actual average pensionable pay.

PART IV

Rules B2 and B3

SHORT SERVICE OR ILL-HEALTH GRATUITY

1. Where the person's pensionable service is less than one year, the amount of the gratuity is that of his aggregate pension contributions.

2. Where the person's pensionable service is one year or more, the amount of the gratuity is the greater of—

(a) his aggregate pension contributions, and

(b) 1/12th of his average pensionable pay multiplied by the period in years of his pensionable service.

3. Where the person ceased to serve after the beginning of the tax year in which he attains state pensionable age, the gratuity calculated in accordance with paragraph 1 or 2 shall be reduced by the capitalised value, as calculated by the Government Actuary, of any pension paid to him under rule J1 (guaranteed minimum).

PART V

Rule B4

INJURY AWARDS

1.—(1) The amounts of the injury gratuity and the injury pension shall be calculated by reference to the Table below.

(2) In the headings in the Table references to relevant service are references to service which either was, or would but for an election under rule G3 have been, reckonable as pensionable service.

Table

<i>Percentage disablement</i>	<i>Gratuity as percentage of average pensionable pay</i>	<i>Pension as percentage of average pensionable pay</i>			
		<i>Less than 5 years' relevant service</i>	<i>5 or more but less than 15 years' relevant service</i>	<i>15 or more but less than 25 years' relevant service</i>	<i>25 or more years' relevant service</i>
25 or less (slight disablement)	12.5	15	30	45	60
More than 25 but not more than 50 (minor disablement)	25	40	50	60	70
More than 50 but not more than 75 (major disablement)	37.5	65	70	75	80
More than 75 (severe disablement)	50	85	85	85	85

2.—(1) The amount of a person's injury pension calculated in accordance with paragraph 1 shall be reduced by three quarters of the amount of any other pension calculated by reference to pensionable service reckonable by virtue of the period of service during which he received the qualifying injury or, where an election under rule G3 had effect, by the amount of any other pension which would otherwise have been so calculated.

(2) For the purposes of sub-paragraph (1) any reduction of the other pension under rule B7 or B9 (commutation and allocation) or under Part VIII of this Schedule shall be disregarded.

3.—(1) In respect of any week for which the person is entitled to an additional benefit mentioned in sub-paragraph (2) the amount of his injury pension calculated in accordance with paragraph 1 shall, subject to sub-paragraph (6), be reduced by the amount of the benefit.

(2) The additional benefits are—

- (a) so much of any disablement pension under section 57 of the Social Security Act 1975(a) ("the 1975 Act") as relates to the qualifying injury, together with any relevant increase,
- (b) so much of any reduced earnings allowance under section 59A of the 1975 Act as relates to the qualifying injury, and
- (c) until the material date, any benefit mentioned in sub-paragraph (3), together with any relevant increase.

(3) The material date for the purposes of sub-paragraph (2)(c) is the first day after the person's retirement which is not, or is deemed not to be, a day of incapacity for work within the meaning of section 14 or 15 of the 1975 Act, or, as the case may be, a day on which he is incapable for work within the meaning of section 36 of the 1975 Act, and the benefits are—

- (a) any sickness benefit under section 14 of the 1975 Act, including one to which he is only entitled by virtue of section 50A of that Act, and
- (b) any invalidity pension under section 15 of the 1975 Act, including any additional component comprised in it in pursuance of section 14 of the Social Security Pensions Act 1975, and
- (c) any severe disablement allowance under section 36 of the 1975 Act.

(4) In relation to the additional benefit mentioned in sub-paragraph (2)(a), relevant increases comprise any increase in the benefit attributable to an increase in the pension—

- (a) by way of unemployability supplement under section 58 of the 1975 Act, excluding any increase under section 59 in the supplement,
- (b) under section 60 of the 1975 Act (special hardship), or
- (c) under section 64 or 66 of the 1975 Act (dependants),

and so long as the person is receiving treatment as an in-patient at a hospital as a result of the qualifying injury, any increase in the pension under section 62 of the 1975 Act (hospital treatment).

(5) In relation to the additional benefits referred to in sub-paragraph (2)(c), any increase under any provision of Chapter III of Part II of the 1975 Act (dependants) is a relevant increase.

(6) Where the provisions governing scales of additional benefits have changed after the person ceased to be a regular firefighter, the amount of the reduction in his injury pension in respect of any week on account of a particular benefit shall not exceed what it would have been if those provisions had not changed; where the benefit includes an amount attributable to an increase under section 60 of the 1975 Act (special hardship), it is to be assumed that the increase would have borne the same relationship to the former maximum for increases under that section.

(7) Where a person has become entitled to a disablement gratuity under section 57 of the 1975 Act in respect of the qualifying injury, this paragraph has effect as if he were entitled under that section during the relevant period to a disablement pension of the amount that would be produced by converting the gratuity into an annuity for that period; the relevant period is the period taken into account, in accordance with section 57 of the 1975 Act, for the purpose of making the assessment by reference to which the gratuity became payable.

4. No payment shall be made in respect of an injury pension for any week in which the aggregate reductions under paragraphs 2 and 3 equal or exceed the amount of the pension calculated in accordance with paragraph 1.

5.—(1) This paragraph applies where a person who becomes entitled to an injury pension—

- (a) received the qualifying injury during a period of sickness which included 1st April 1972 or ended before 1st July 1973, and
- (b) is entitled to reckon less than 5 years' pensionable service,

and the provisions as to calculation and payment that were contained in article 15 (special pensions) of the Firemen's Pension Scheme 1971(b) ("the 1971 provisions") would have been more favourable to him than those of paragraphs 1 to 4 above.

(2) Where this paragraph applies—

- (a) paragraphs 1 to 4 above do not apply, and

(a) 1975 c.14, amended, as respects the provisions mentioned in this paragraph by the Social Security Pensions Act 1975 (c.60), section 18(1) and Schedule 4, Part I; by the Child Benefit Act 1975 (c.61), Schedules 4 and 5; by the Social Security (Miscellaneous Provisions) Act 1977 (c.5), sections 5 and 22 and Schedule 2; by the Social Security Act 1979 (c.18), Schedules 1 and 3; by the Social Security Act 1980 (c.30), Schedules 1 and 5; by the Social Security (No. 2) Act 1980 (c.39), section 3; by the Social Security and Housing Benefits Act 1982 (c.24), section 39, Schedule 2, Schedule 4 Part I and Schedule 5; and by the Social Security Act 1986 (c.50), Schedule 3.

(b) See S.I. 1971/145.

- (b) the injury pension shall be calculated and payable as if the 1971 provisions had continued in force and had applied in his case.

PART VI

Rule B5

DEFERRED PENSION

1.—(1) Paragraph 2 has effect subject to Parts VII and VIII of this Schedule.

(2) In paragraph 2, A is the person's average pensionable pay.

2.—(1) The amount of a deferred pension is the lesser of—

$$\frac{40 \times A}{60}$$

and—

$$\frac{B \times C}{D}$$

where—

B is the amount of the person's notional retirement pension,

C is the period in years of his pensionable service, and

D is the period in years of his notional service.

(2) A person's notional retirement pension is—

$$\frac{A \times E}{60} + \frac{2 \times A \times F}{60}$$

where—

E is the period in years of his notional service up to 20 years, and

F is the period in years by which his notional service exceeds 20 years.

(3) A person's notional service is the period in years that he would have been entitled to reckon as pensionable service if he had continued to serve until he could—

(a) retire with a maximum ordinary pension (disregarding rule B1(2)), or

(b) be required to retire on account of age,

whichever is the earlier.

PART VII

Rules B1, B2, B3 and B5

REDUCTION OF PENSION AT STATE PENSIONABLE AGE

1.—(1) Where, in respect of service as a regular firefighter before 1st April 1980, a person has paid pension contributions at a rate of 6p. a week (or 1s 2d a week) less than the appropriate percentage of his pensionable pay ("reduced contributions"), the unsecured portion of any ordinary, short service, ill-health or deferred pension payable to him shall, in respect of any period beyond state pensionable age, be reduced in accordance with this paragraph.

(2) Subject to sub-paragraphs (4) to (6), in the case of a person who elected to pay pension contributions at the lower rate under article 38 of the Firemen's Pension Scheme 1948(a), the annual rate of the reduction is that obtained by multiplying the sum ascertained from the Table below by the length in years of the period of pensionable service in respect of which he paid reduced contributions ("the relevant period").

(a) See S.I. 1948/604.

TABLE

<i>Age on appointed day</i>	<i>Sum to be multiplied</i>
	£
Under 23	1.700
23	1.650
24	1.600
25	1.550
26	1.525
27	1.500
28	1.475
29	1.450
30	1.425
31	1.400
32	1.375
33	1.350
34	1.325
35	1.300
36	1.300
37	1.275
38	1.250
39	1.250
40	1.225
41	1.225
42	1.200
43	1.200
44 or over	1.175

(3) Subject to sub-paragraphs (4) to (6), in any other case the annual rate of the reduction is that obtained by multiplying £1.70 by the length in years of the relevant period.

(4) This sub-paragraph applies in the case of a person who—

- (a) before 1st April 1980 became entitled to reckon pensionable service (“the pensionable period”) by virtue of service or employment otherwise than as a regular firefighter in respect of which he was subject to superannuation arrangements (“the former service”), and
- (b) was subject to the operation of any regulations made under section 69(4) of the National Insurance Act 1946(a) (“the 1946 Act”) or section 110(1) of the National Insurance Act 1965(b) or of other provisions modifying those superannuation arrangements in connection with the passing of the 1946 Act (“the modifications”), and
- (c) is entitled to reckon the pensionable period for the purposes of the pension in question.

(5) Where sub-paragraph (4) applies—

- (a) the relevant period shall be increased by the pensionable period, or where only a proportion of the former service would have been taken into account for the purposes of the modifications, by that proportion of the pensionable period, and
- (b) if the person was subject to the modifications by virtue of an election made or notice given, the Table in sub-paragraph (2) has effect with the substitution for his age on the appointed day of his age on the date on which the election or notice became effective.

(6) The annual rate of reduction of a pension under this paragraph shall not in any case exceed £51.

2.—(1) This paragraph applies in the case of a person in receipt of an ordinary, short service, ill-health or deferred pension who has a period of former service, that is to say service or employment otherwise than as a regular firefighter—

- (a) in respect of which he was subject to superannuation arrangements (“the relevant arrangements”), and
- (b) by reason of which he is entitled to reckon pensionable service for the purposes of the pension, and

(a) 1946 c.67.

(b) 1965 c.51.

- (c) the period of which includes a participating period of relevant employment (“the participating period”).

(2) Where this paragraph applies the pension shall be reduced in relation to the participating period as if—

- (a) any material provision of the relevant arrangements were, with the necessary adaptations and modifications, contained in this paragraph,
- (b) the pension were payable under the relevant arrangements, and
- (c) any other period of service or employment by reason of which he is entitled to reckon pensionable service for the purposes of the pension were a period of non-participating employment at the end of which no payment in lieu of contributions falls to be made.

(3) A material provision of the relevant arrangements is one—

- (a) which was in operation when the person left the former service, and
- (b) the effect of which is that pensions payable under the arrangements are to be reduced in connection with the operation of the National Insurance Act 1959(a) or of any provision of the National Insurance Act 1965 relating to graduated contributions or graduated retirement benefit.

(4) A fire authority, in determining any question arising under sub-paragraphs (1) to (3) relating to a particular service or employment, shall be entitled to treat as conclusive any relevant certificate issued, with the agreement of the person concerned, by his employer in that service or employment.

(5) Where for the purposes of the relevant arrangements the person was entitled to reckon service by reason of some previous service or employment, that previous service or employment shall be treated for the purposes of this paragraph as if it were part of the former service.

3.—(1) Where a person is in receipt of an ordinary, short service or ill-health pension for the purposes of which he is entitled to reckon pensionable service by virtue of a period of employment as a regular firefighter which is a participating period of relevant employment (“the participating period”), the unsecured portion of the pension shall, in respect of any period beyond state pensionable age, be reduced in accordance with this paragraph.

(2) The annual rate of the reduction is that of the graduated retirement benefit which would, on the assumption that the person retired from regular employment on attaining state pensionable age, be payable to him in return for a payment in lieu of contributions in respect of the whole of the participating period, whether or not such a payment was in fact made.

4.—(1) Where a person—

- (a) is in receipt of the secured portion of an ill-health pension the unsecured portion of which has been terminated in the circumstances mentioned in rule K1, and
- (b) is also in receipt of an ordinary, short service, ill-health or deferred pension (“the second pension”) for the purposes of which he is entitled to reckon the period of pensionable service reckonable for the purposes of the ill-health pension,

the unsecured portion of the second pension shall, in respect of any period beyond state pensionable age, be reduced in accordance with this paragraph.

(2) The annual rate of the reduction is that of the secured portion of the ill-health pension.

PART VIII

Rules B1, B2, B3 and B5

REDUCTION OF PENSION RELATED TO UP-RATING OF WIDOW'S PENSION

1. In this Part “pension” means an ordinary, short service, ill-health or deferred pension and “regular service” means service as a regular firefighter.

2.—(1) Subject to sub-paragraph (2), this paragraph applies in the case of a man entitled to reckon pensionable service otherwise than—

- (a) by reason of regular service after 31st March 1972, or
- (b) by reason of regular service before 1st April 1972, in respect of which he has paid pension contributions at a rate related to 6% of his pensionable pay, or
- (c) by virtue of rule F7 (receipt of transfer value).

(a) 1959 c.47.

(2) Where the man was a regular firefighter to whom article 59 or 60 of the 1973 Scheme applied (that is to say, where on 1st July 1973 either he was in regular service or, having retired after 31st March 1972, he was entitled to a pension) and he last paid pension contributions before 1st April 1972 at a rate related to 5% of his pensionable pay, this paragraph does not apply unless—

- (a) he elected or agreed, under article 59(2)(b) or (4)(a) or 60(2)(b) of the 1973 Scheme, that his pension be reduced, or
- (b) pensionable service became reckonable by him after 29th February 1992 by virtue of rule F4 (previous service reckonable on payment).

(3) Where this paragraph applies the man's pension shall be reduced by the percentage specified in the second column of the Table in paragraph 5 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

- (a) pensionable service reckonable as mentioned in sub-paragraph (1), and
- (b) where (subject to rules F4(5) and F5(2)) he elected under article 58(3) or 59(3) of the 1973 Scheme to pay further contributions or to make further payment by way of a lump sum, pensionable service reckonable by him immediately before 1st July 1973 otherwise than by reason of regular service after 31st March 1972.

3.—(1) Subject to sub-paragraph (2), this paragraph applies in the case of a man entitled to reckon pensionable service otherwise than—

- (a) by reason of regular service after 31st March 1972, or
- (b) by virtue of rule F7.

(2) Where the man was a regular firefighter to whom article 59 or 60 of the 1973 Scheme applied, this paragraph does not apply unless—

- (a) he elected or agreed, under article 59(3)(b) or (4)(b) or 60(3)(b) of the 1973 Scheme, that his pension be reduced, or
- (b) pensionable service became reckonable by him after 29th February 1992 by virtue of rule F4.

(3) Where this paragraph applies, the man's pension shall be reduced by the percentage specified in the third column of the Table in paragraph 5 opposite the number of completed years of pensionable service he is entitled to reckon other than pensionable service falling within either or both of the following sub-paragraphs, namely—

- (a) pensionable service reckonable as mentioned in sub-paragraph (1), and
- (b) where (subject to rules F4(5) and F5(2)) he elected under article 58(2) or 59(2) of the 1973 Scheme to pay additional contributions or to make an additional payment by way of a lump sum, pensionable service reckonable by him immediately before 1st July 1973 otherwise than by reason of regular service after 31st March 1972.

4. In calculating the amount of a reduction in a pension under paragraph 2 or 3 no account shall be taken of any reduction in the amount of the pension under the other of those paragraphs or under rule B7 or B9 (commutation and allocation) or Part VII of this Schedule.

5. The following Table is that referred to in paragraphs 2 and 3.

TABLE

<i>Completed years of pensionable service taken into account</i>	<i>Percentage reduction in pension</i>	
	<i>Under paragraph 2</i>	<i>Under paragraph 3</i>
1	0.2	0.2
2	0.4	0.4
3	0.6	0.5
4	0.8	0.7
5	1.0	0.8
6	1.2	0.9
7	1.3	1.0
8	1.4	1.1
9	1.6	1.2
10	1.7	1.3
11	1.8	1.4
12	1.9	1.5
13	2.1	1.6

TABLE—continued

Completed years of pensionable service taken into account	Percentage reduction in pension	
	Under paragraph 2	Under paragraph 3
14	2.2	1.6
15	2.3	1.7
16	2.4	1.8
17	2.5	1.9
18	2.6	2.0
19	2.7	2.0
20	2.8	2.1
21	2.9	2.1
22	3.0	2.2
23	3.1	2.2
24	3.2	2.3
25	3.2	2.3
26	3.3	2.4
27	3.4	2.4
28	3.4	2.5
29	3.5	2.5
30 or more	3.5	2.5

6.—(1) Where a man entitled to an ordinary pension was, immediately before he retired, paying additional or further contributions in pursuance of an election under article 58(2) or (3) of the 1973 Scheme, the annual amount of the ordinary pension shall, for the appropriate period, be reduced by the annual amount of those contributions immediately before his retirement, calculated by reference to his pensionable pay at that time.

(2) The appropriate period is that for which the contributions would have remained payable had the man not retired.

(3) No account shall be taken of any reduction under this paragraph for the purpose of calculating any other reduction in the pension under this Scheme.

SCHEDULE 3

AWARDS ON DEATH—SPOUSES

PART I

Rule C1

SPOUSE'S ORDINARY PENSION

- 1.—(1) Subject to paragraph 2, the amount of an ordinary pension is the greater of—
- half the amount of the base pension described in sub-paragraph (2), and
 - the amount of a requisite benefit pension calculated in accordance with Part V of this Schedule.

- (2) The base pension mentioned in sub-paragraph (1)(a) is—
- where rule C1(1)(a) applies, the ill-health pension to which the deceased would have been entitled had he retired with such a pension immediately before he died,
 - where rule C1(1)(b) applies, the ordinary, short service or ill-health pension the deceased was receiving,
 - where rule C1(1)(c) applies, the ill-health pension which the deceased would have been receiving if he had not ceased to be entitled to it, and
 - where rule C1(1)(d) applies, the ill-health pension to which the deceased would have been entitled had he retired in circumstances entitling him to such a pension,

disregarding, in each case, the provisions for reduction contained in rule B7(9) (commutation), rule B9 (12) (allocation) and Parts VII and VIII of Schedule 2 (state pensionable age and uprating of widow's pensions).

2. For any period in respect of which the surviving spouse so elects, the amount of the ordinary pension shall be calculated in accordance not with paragraph 1 but with rule E9 (flat-rate award).