

PART A

GENERAL PROVISIONS AND RETIREMENT

Part A deals with legal formalities (A1,2), the scope of the provisions (A3 to 6) and certain key definitions which govern entitlements (A7 to 12). These include reckoning of service (A7), qualifying injury (A9) and disablement (A10). Part A also lays down the circumstances in which regular firefighters can be compulsorily retired (A13 to 16). Rule A2 refers to Schedule 1 which contains a glossary of expressions.



The title of the Scheme The Scheme is called:
 - THE FIREMEN'S PENSION SCHEME 1992

It replaces the Firemen's Pension Scheme 1973 which was revoked with effect from 1 March 1992.

It is in the Firemen's Pension Scheme Order 1992 (SI No.129) made under section 26 of:

- the Fire Services Act 1947 ("the Act") which enables the Home Secretary to make a scheme providing for the pension benefits, contributions, and times and circumstances of retirement for regular firefighters.

The Act requires the Home Secretary:

- to consult the Central Fire Brigades Advisory Councils for England and Wales and for Scotland before making or amending the provisions of the scheme,

- to consult the Council on Tribunals before making provisions concerning the appellate functions exercised by a tribunal (see H3(4)), and



- to make the scheme with the consent of the Treasury.

The scheme was issued to fire authorities with Fire Service Circular No.2/1992 and Scottish Office Circular No.1/1992.

When the Scheme came into force The scheme was made by the Home Secretary on 28 January, 1992, with the consent of the Treasury and after the required consultation with the fire service interests.

The Order was laid before Parliament on 7 February 1992.

The scheme came into force on 1 March 1992.

The glossary

This rule introduces the glossary which is in Schedule 1 and which explains the meaning of most of the expressions commonly used throughout the scheme.

- A glossary based on the one in Schedule 1, Part 1 is at A2-2 to 3. Some of the definitions are simplified to give a more general explanation. If you need exact definitions you need to refer to Schedule 1.

Expressions related to National Insurance and Social Security Acts

- Explanations of terms arising from Social Security legislation which are based on Schedule 1, Part II can be found at ANNEX 2. Again, if you need exact definitions you should refer to Schedule 1.



Expression

Meaning (unless the context otherwise requires)

"Aggregate pension contributions"

See rule A8.

① "Amount"

In relation to a pension or allowance, its annual amount.

"Appointed day"

In relation to England and Wales, 1 April 1948; in relation to Scotland, 16 May 1948.

"Approved scheme"

Superannuation arrangements which-

- (a) are contained in a public general Act of Parliament or were made under such an Act by a Minister of the Crown, or
- (b) are 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, or
- (c) are approved under Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 and do not fall within section 591(2)(h) of that Act, or
- (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 Fire Services Act 1947.

"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; 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 that person; any other child who was substantially dependent on that person and either is related to him/her or is the child of his/her spouse. "Parent" is to be construed accordingly.

"Club scheme"

Superannuation arrangements which fall within (a), (b) or (d) of the definition of "approved scheme".

① "Disabled",
"disablement",
"permanently
disabled"

See rule A10.

GLOSSARY

<u>Expression</u>	<u>Meaning</u>
"Eligible person"	See rule G5(2).
"Half-rate service"	See paragraph 1(1) of Part III of Schedule 3.
"Injury"	Includes disease.
"Mixed-rate service"	See paragraph 1(2) of Part III of Schedule 3.
"1973 Scheme"	The Firemen's Pension Scheme 1973.
"Pension"	Pension payable under the provisions of the Firemans Pension Scheme 1992.
"Pensionable pay", "average pensionable pay"	See rule G1.
"Pensionable service"	See 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.
"Qualifying injury"	See rule A9.
"Rank"	Includes the post of chief officer or, in Scotland, of firemaster.
"Regular firefighter"	A whole-time member of a brigade appointed on terms under which he or she is or may be required to engage in fire-fighting whose appointment is not a temporary one.
"Relevant service in the armed forces"	See rule A12.
"Retire"	See rule A16.
"Retirement date"	See rule G5(3).
"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"	See rule I1(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 6 April in any year.
"War service"	See paragraph 1 of Part II of Schedule 7.
"Weekly rate"	The weekly rate of a pension is its amount divided by 52 1/6th.

Regular firefighters

The FPS provides benefits in the form of:

- pensions,
- allowances,
- gratuities, and
- death grant

for:

- * regular firefighters, and
- * their dependants.

No similar benefits under any other statutory provision may apply to regular firefighters or their dependants.

**Persons who are not
members of a fire
brigade**

If you are not a member of a fire brigade, but:
* some provisions of the FPS apply to you as if you were a regular firefighter (see rules A4 and A5):
- rule A3 will not prevent you from getting pension benefits from another source.

General

This rule enables an award to be paid to you if you cease to be a regular firefighter to become:

- * an instructor at a central training institution or centre,
- * a temporary inspector or assistant inspector,
- * a temporary instructor for training members of the armed forces in firefighting, or
- * a temporary instructor or adviser about firefighting outside the UK,

in accordance with arrangements made by a Secretary of State.

The awards become payable by treating you as if you were still a regular firefighter and a member of a brigade.

- * The Secretary of State becomes your fire authority,
- * references to a brigade are treated as references to your employment, and
- * you are treated as if your pay and rank were the same as if you had gone on serving as a regular firefighter.

In normal circumstances appointments of this nature will be for a limited period of two to three years. At the end of this period you would be expected to return to your former brigade to resume duties as a regular firefighter.

As your appointment is on the basis that you are expected to return to your parent brigade you would not be expected to retire while on "central service". If the question of retirement arises you would be expected to return to your former brigade before any decision on retirement is reached so that that brigade will be your pension paying authority.

Awards are only likely to arise where a person dies during a period of central service. In this situation the Secretary of State becomes liable for payment of the awards in the role of fire authority (see "POINTS TO NOTE 4", A4-2).

**APPLICATION TO
TEMPORARY EMPLOYMENT
CONNECTED WITH FIRE
SERVICES**

During your time on central service:

**Right of
Appeal**

If you were covered by rule A4(2)(d) (temporary instructor or adviser about firefighting outside the UK) when you left the fire service and you are dissatisfied with your award you should give notice of appeal to the Secretary of State. He will then set up an appeal tribunal under H3(4) to hear your appeal (see H3 - 2). The same arrangements would apply if your widow(er), or a dependant were dissatisfied with an award payable in respect of your service.

POINTS TO NOTE

1. You normally transfer to central service and, at the end of your tour, transfer back to your own brigade (see also "POINTS TO NOTE 4"). A net transfer value (TV) is usually paid on your return by the Home Office or the Scottish Office. (The net TV system is explained in "POINTS TO NOTE 2", F8-2).
2. The arrangements for the payment of TVs have no bearing on the length of service you count while you are on central service or on your return. You continue to count each day you serve towards your pensionable service (see F8-1).
3. Your pensionable pay while you are on central service is your pay as determined in relation to your rank (G1(1)) on central service. This is the rate of pay on which you pay pension contributions, and which would be taken into account in calculating your pension if you retired within a year of your return from central service (or within 3 years of your return if G1(7) applies). It would also be used for calculating your own or your widow(er)'s or dependants' awards, if you were to be permanently disabled or die while on central service.
4. Should you die while on central service, the Home Secretary or the Scottish Secretary, as your fire authority, will be responsible for awards to your dependants. It is usual in these circumstances for your fire authority to take on all the pension arrangements and for the Home Department concerned to reimburse that authority for the cost of any awards paid on their behalf.
5. If you take up a short term appointment of this kind, of about 6 months or less, you may be regarded as on loan from your parent brigade. In this case:
 - you will not be covered by rule A4,
 - no transfer values will pass,
 - your parent fire authority will remain your fire authority,
 - your fire authority will continue to pay your salary and allowances as appropriate and claim reimbursement from the appropriate Home Department of your gross salary and allowances, together with an amount representing an employer's pension contribution (currently 30% of pensionable pay).

General

This rule applies when you cease to be a regular firefighter to take up a permanent appointment as an instructor at the central training institution or any training centre maintained by the Secretary of State. In practice appointments of this nature tend to be made on a temporary basis under rule A4 as this is more convenient administratively.

The awards become payable by treating you as if you were still a regular firefighter and a member of a brigade.

- * the Secretary of State becomes your fire authority, and
- * references to a brigade are treated as references to your employment.

The FPS does not provide for compulsory retirement of an Instructor at any particular age as it would in normal circumstances for a regular firefighter (rule A13) nor is there provision for retirement on grounds of the efficiency of the brigade (rule A14) or on grounds of disablement (rule A15).

When this type of appointment was made it would have been a condition that you would ultimately be expected to return to your former brigade so that the compulsory retirement provisions could properly apply in your case.

In the unlikely event that an award did arise under A5 in respect of your employment as an Instructor your average pensionable pay (see G1-1) would reflect your pay entitlement as an Instructor.

**Auxiliary
firefighters**

- * The Auxiliary Fire Service (AFS) was formed in 1939 and absorbed into the National Fire Service (NFS) in August 1941.
- * In 1942, on the amalgamation of about 1400 local fire brigades, all auxiliaries became part of the NFS.
- * The NFS was disbanded in 1948.
- * The Fire Service Act 1947 reinstated local authority fire brigades. Since then no auxiliary firefighters have been recruited.

**Former auxiliary
firefighters**

- * Special arrangements were made for the counting of AFS or NFS service towards pensionable service by those who became members of local authority fire brigades.
- * Although there are no longer any auxiliary firefighters serving as such, provision is still needed to make it clear that benefits under the FPS do not apply to former auxiliary firefighters who have not become members of local authority fire brigades, nor to their dependants.

General

This is the rule which enables you to count your pensionable service in years and fractions of a year.

(see "What is pensionable service?" F1-1)
Every day of service counts, so that the fraction of service in excess of completed years is the number of days over a year you have served, divided by 365.

The fraction is always 1/365th, even in a leap year. Thus, for instance in 1988, if you joined the fire service on 1 January, you would complete a year's service on 30 December (365/365ths). You would not, however, count an extra day for 31 December, as your service during 1988, or any leap year could not be more than 1 year in all.

For anyone who left the fire service before 1 May 1975, service counts in completed years and half years and not in days (rule A7(3) and Schedule 11, Part III).

Awards

Nearly all awards payable to you, or in respect of you, under the scheme depend on the length of your service.

Exceptions

Awards which are not affected by your length of service include:

- * an injury pension, under rule B4, if your degree of disablement is more than 75%, (see B4-3),
- * a spouse's special pension, under rule C2, which is equal to 45% of your APP (or 50% if augmented under rule C3), (see C2-1 and C3-1),
- * a child's special allowance, under rule D2, which is payable in similar circumstances to a spouse's special pension, and is a percentage of your APP (see D2-1),
- * a flat-rate spouse's pension or child allowance, under rule E9 (see E9-1) and
- * the increase in spouse's pension or child allowance during the first 13 weeks, under rule E8 (see E8-1).

Service before and
after a specified
date

Rule A7(2) enables you to check the period to which pensionable service "belongs", if it counts (as a result of transferring in) at a different length from the employment from which it derives.

- * Where pensionable service counts as a result of a transfer value, it "belongs" to a period before or after a specified date:
 - in the same proportion as the actual service or employment on which the transfer value was based took place before or after that date.
- eg. if you served 4 years in local government (half before and half on or after 6 April 1978) and counted 3 years' pensionable service as a result:
- half those 3 years (1½ years) would count as your pensionable service before 6 April 1978.

**FIREMAN WHO
CEASED TO SERVE
BEFORE 1 MAY 1975**

Who is affected?

Before 1 May 1975 pensionable service counted towards an award only in completed years and half years:

- any days over a year which did not make up a half year, and
 - any days over a half year which did not make up another year,
- were ignored for the purpose of calculating an award.

- Service over 20 years counted towards an ordinary pension at the rate of 1/60th of APP for each completed half year.

The provisions, enabling each day of service to count pro rata towards an award, apply only to those who ceased to serve on or after 1 May 1975.

How much service counts?

- * If you ceased to serve before 1 May 1975, only completed years and half years of your pensionable service will count towards:
 - a personal award,
 - a widow's award, or
 - a child's award

Pensionable service, for the purpose of calculating an award, is governed by A7, which enables each day of pensionable service to count for an award. Paragraph (3) ensures that A7 applies as described in Schedule 11, Part III which provides that service counts in completed years and half years, as it did before 1 May 1975.

How do the provisions work?

Schedule 11, Part III works by turning the relevant provisions of the Scheme back to where they were before 1 May 1975, for anyone who ceased to serve before that date.

**AGGREGATE PENSION CONTRIBUTIONS
FOR PURPOSES OF AWARDS**

What are
aggregate
pension
contributions?

Your aggregate pension contributions are:

- * all the contributions you have paid, for personal or dependants' benefits, since you last became a regular firefighter,
- * any sums you have paid to a fire authority in order to count earlier fire or other service for personal or dependants' benefits, which is pensionable service still counting when you leave the fire service, and
- * an amount equal to any refund of contributions you would have been due for on leaving another job, if you had not had a transfer value paid to your fire authority in respect of that other job, :
 - if you count pensionable service in the FPS, as a result of transferring in pension rights from that other job.
- * If you previously retired with an ill-health pension, part of which was cancelled under K1(3) and you are not entitled to any other benefit
 - you will be entitled to a refund of the balance of your aggregate pension contributions under K1(5). They will be calculated as at the time of your previous retirement.

POINTS TO NOTE

1. The principle is that if you are entitled to an award by way of repayment of your aggregate pension contributions, you get back out of the scheme what you paid into it, subject to statutory deductions.
2. Other awards which are calculated on a similar principle include:
 - an award following the termination of an ill-health pension (K1(5)),
 - a short service or ill-health gratuity (Schedule 2, Part IV)
 - a gratuity payable to a dependent relative (E3(3)).
 - a gratuity payable to your estate (E4(4)).
3. Additional, further, and special payments by way of contributions or lump sums, to uprate any fire or other service for family benefits, are part of your aggregate pension contributions, unless they have previously been refunded to you (see F4(5)).
4. If you have transferred from one brigade to another, all your contributions to your former fire authority (or authorities) count as part of your aggregate pension contributions.
5. If you count pensionable service in the FPS because you have transferred in pension rights from another contributory scheme, you will be able to count as part of your aggregate pension contributions, any refund of similar payments you would have received from that other scheme, if you had retired voluntarily from it, instead of transferring. Your fire authority will need to check with the managers of your previous scheme how much those contributions were.
6. You will of course need to bear in mind that the circumstances in which you may be eligible for an award by way of repayment of your aggregate pension contributions are limited (see "Who is eligible?", B6-1).

General

It is necessary to establish whether there has been a "qualifying injury" for the purpose of the following awards:

- * an ill-health pension, if you have less than 2 years' service (B3(2)(a)),
- * an injury award (B4 (1)),
- * a spouse's special award (C2(1)),
- * a spouse's augmented award (C3(1)),
- * a child's special allowance (D2(1)),
- * a child's special gratuity (D3(1)),
- * an adult dependent relative's special pension (E2(1)).

What is a qualifying injury?

A qualifying injury is one received without your own default in the execution of your duties as a regular firefighter. (The position of retained firefighters is covered in J4-1).

Default

An injury will be treated as being received without your own default unless it was caused mainly by your serious and culpable negligence or misconduct. There would have to be very exceptional circumstances for any injury award to be refused on grounds of your default. It is unlikely for instance that an error of judgement on your part causing a road accident would fall into this category.

Execution of Duties

The FPS refers to an injury received in the "execution of your duties". This particular expression is not further defined in the scheme rules. Obviously if you are injured while attending a fire or after being called out for any other type of incident, this will be covered, as would an injury received during a recognised fitness training programme during duty hours. On the other hand if you were injured in an unauthorized sporting activity, even though this took place during duty hours, it is doubtful whether this could be regarded as an injury received in the "execution of your duties".

Conversely, there may be circumstances where you are not actually on duty but the circumstances of your injury are such that it might be appropriate for your fire authority to treat it as a qualifying injury. In this connection the National Joint Council for Local Authorities' Fire Brigades have agreed that where a firefighter is travelling direct from home to a training centre outside the Brigade area that journey will be deemed to be in the execution of duty (although the person will not actually be on duty) if the circumstances of an injury otherwise warrant consideration of an injury award. Advice to this effect was issued in NJC Circular 1/1992 dated 29 January 1992.

POINTS TO NOTE

QUALIFYING INJURY

1. The definition of a "qualifying injury" may include a case in which the condition causing permanent disablement results from the cumulative effect of a series of identifiable and distinct incidents.
2. If you are seconded to an outside body but continue to be paid by your fire authority your duties will be regarded as those of a regular firefighter during the secondment period for the purposes of an injury award.



DISABLEMENT

General

It will be necessary to establish whether you are permanently disabled for the purpose of the same awards listed at A9-1.

It may also be necessary to establish whether a child is disabled, for the purpose of:

* a child's allowance or gratuity (D5(3), (4), and (7)).

What is disablement?

Disablement is incapacity through physical or mental infirmity for the performance of duty.

A child is disabled if unable to earn a living because of physical or mental infirmity.

What is permanent disablement?

You (or a child) are permanently disabled if, at the time in question, your disablement is considered likely to be permanent.

This depends on the medical evidence available at the time (see "Questions which must be referred to a medical practitioner", H1-1).

Date of disablement

If you retire before you are disabled and the date on which you became disabled cannot be established, that date will be taken as the date when you made your claim of disablement to your fire authority.

② Degree of disablement

This means the extent to which your earning capacity has been affected by your injury. The link with earnings is necessary because injury pensions are based on a system of "minimum income guarantees" designed to bring your total income in retirement up to a certain level. The table on A10-2 shows how the "income guarantee" would be fixed in each case.

How is degree of disablement assessed?

See explanation on A10-2 and 3.

DISABLEMENT

Degree of disablement	Minimum income guarantee expressed as % of average pensionable pay			
	Less than 5 years' relevant service	5 or more but less than 15 years' relevant service	15 or more but less than 25 years' relevant service	25 or more years' relevant service
25% or less (slight disablement)	15%	30%	45%	60%
More than 25% but not more than 50% (minor disablement)	40%	50%	60%	70%
More than 50% but not more than 75% (major disablement)	65%	70%	75%	80%
More than 75% (severe disablement)	85%	85%	85%	85%

For example, if you have been found to have a "degree of disablement" of 35% with 10 years' service your "income guarantee" would be 50% of your average pensionable pay. Your fire authority would make a deduction in respect of $\frac{1}{4}$ of any other pension and for certain DSS benefit entitlements and pay you the balance as an injury pension (see B4-1).

Clearly a medical practitioner may have difficulty in putting an exact figure on the extent to which earnings capacity has been affected by the qualifying injury, particularly as the criteria are different from those applying to DSS awards where it is only the extent of the physical or mental disablement as a percentage of "normal" functioning which is relevant. The task is made slightly easier by the fact that the "degree of disablement" column is divided into 4 bands - slight, minor etc. Where you are placed within each band does not affect your award. There is a right of appeal (see H2-1) to an independent medical referee if you consider that the assessment has put you in the wrong band.

In order to assess your "degree of disablement" the medical practitioner selected by your fire authority would need to consider (by reference to your background, skills, qualifications etc) what kind of employment you could undertake in retirement, allowing for your particular health problem. He/she may seek information from the fire authority to help with this assessment. There would then need to be a direct comparison between your earnings when employed as a firefighter and your potential earnings in an outside job. If you have actually found another job at the time of the assessment you should expect the medical practitioner to take this factor into account, although it is not necessary for you to have found work for an assessment to be made of your "earning capacity".

Please remember that although you may be disabled from being a firefighter, where fitness standards are exceptionally high, you may be fully capable of taking up other employment.

If your employment prospects are such that you could be expected to earn as much if not more than a firefighter in an outside occupation you must expect the medical practitioner to conclude that your degree of disablement is virtually nothing, which would put you into the "slight disablement" category. At the other extreme the scheme rules make it clear that if you are receiving hospital in-patient treatment as a result of a "qualifying injury" you will be deemed to be totally (ie 100%) disabled.

Example

Here is an example of how the degree of disablement should be assessed. Say you had earnings as a firefighter of £20,000 a year and it is thought that you could manage a job outside the brigade as a fire safety officer on £16,000 a year. The loss of earning capacity would be £4,000 (out of £20,000) - that is 20% which would place you in the "slight disablement" band. No account would be taken of your firefighter's pension in calculating the potential earnings figure.

POINTS TO NOTE

1. Please note that your degree of disablement will depend on the extent to which your earning capacity has been affected by your "fire injury". If your disablement is deemed to have been caused by a qualifying injury, for the purpose of A11, the medical practitioner will still need to establish the extent to which your earning capacity has been reduced by that injury, rather than by another cause, for the purpose of his assessment.
2. After the assessment of degree of disablement has been made, there is provision for it to be reviewed by the fire authority from time to time (see K2-1), but nothing would be done unless it was found that your degree of disablement had substantially altered. You would have a right of appeal to an independent medical referee, against any such change, as for the original decision.



DEATH OR INFIRMITY
RESULTING FROM INJURY

Effect of an
injury



If a qualifying injury substantially contributes to:
- your death, or
- your disablement,
the injury will be deemed to be the cause of it.

POINTS TO NOTE

1. If you have a chronic medical condition, but you are nevertheless able to carry out your duties, and an injury on duty so aggravates that condition as to give rise to your death or disablement:
- that injury will be regarded as the cause.
In other words the test of "substantially contributes" would be met if, without the injury on duty, you would not at that time have died, or become disabled for the performance of your duty. Please note the change of effect from the 1973 to the 1992 scheme in that the wording "contributed to" has been substituted for "aggravated" - see the Table of Derivations which accompanied Fire Service Circular No 2/1992 dated 28 February 1992 and its Scottish Office equivalent.
2. The purpose of this rule is to establish your entitlement, or that of your dependants, to an award which depends on your having been disabled as a result of a qualifying injury. It has no bearing on your "degree of disablement". (See "POINTS TO NOTE 1", A10-3).

RELEVANT SERVICE
IN THE ARMED FORCES

Servicemen

This rule relates to "servicemen", who may have an entitlement under Part I of this scheme.

Relevant service
in the armed forces

If you are, or have been a "serviceman" (see I1-1), your FPS benefits will be affected by the length of your "relevant service in the armed forces". This includes:

"National service
men"

- * National service, under:
- the National Service Act 1948, which repealed and consolidated earlier Acts.

The relevant parts of the National Service Act 1948 were repealed by the Statute Laws (Repeals) Act 1977.

No one can serve in this capacity in future, but the provisions relating to:

- awards
- pensionable service, and
- pensionable pay

will apply for the purpose of any awards still being paid, or to be paid, in respect of national service men.

"Reservists"

- * Service as a "reservist":
- a. specified in Schedule 1 to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (the "Act of 1951"), or
 - b. short periods of training or instruction given to reservists such as territorials.

(Parts of Schedule 1 of the Act of 1951 have been repealed by the Statute Law (Repeals) Act 1977. The remaining parts are paragraphs 1(i), (ii), and (v), 4 and 7).

COMPULSORY RETIREMENT
ON ACCOUNT OF AGE

Compulsory retirement age

Compulsory retirement ages are laid down for all whole-time members of brigades who may be required to engage in fire fighting.

The ages of compulsory retirement are set out below.

Rank	Age of compulsory retirement
Station Officers or below	55
Assistant Divisional Officer or above	60

Note:

If you are required to retire on your birthday, your last day of service must be the previous day. Your birthday will be your first day of retirement (see A16-1).

Effect of compulsory retirement age

- * If you complete at least 25 years' service before your compulsory retirement age:
 - you will be entitled to an ordinary pension on your retirement (see B1-1).
- * If you cannot complete at least 25 years' service before your retirement age:
 - you will be entitled to a short service award if you retire on attaining your retirement age (see B2-1),
 - you will be entitled to a deferred pension if you retire voluntarily before your retirement age (see B5-1), and
 - if you retire on grounds of permanent disablement you will be entitled to an ill-health award. If it is an ill-health pension, it must not exceed the ordinary or short service pension you would have got had you served on to your retirement age (see "How much is the pension?", B3-2).
- * If you retire on attaining your retirement age:
 - you will be entitled to commute up to 1/4 of any ordinary, short service, ill-health or deferred pension to which you may be entitled (see B7-2).

Postponement of compulsory retirement age

Your compulsory retirement age may be postponed for a further period:
 * if your fire authority think it would be in the interests of efficiency.
 You may apply for an extension of service, or in some cases you may be invited to stay on.

Effect of
postponement

- ⊙
- * If you are considering asking for an extension of service, or if you are offered one, you should consider your position carefully in the light of the fact that you will now have a new age of compulsory retirement.
- a. If you continue to serve until your new compulsory retirement age:
- the effects will be the same as if you had retired at your old retirement age (except you will have a bit more service and possibly a higher average pensionable pay).
- b. If for any reason you decide to leave voluntarily before completing your extension of service, and therefore before reaching your new compulsory retirement age:
- if you have between 2 and 25 years' service, you will be entitled to a deferred pension payable at age 60, rather than a short service pension payable on retirement (if you are 60 or nearly 60, the deferred pension may be worth having, as it is likely to be slightly bigger than a short service pension) (see B2-2 and B5-2),
 - if you have between 25 and 30 years' service, you will be entitled to an ordinary pension, but you will not be entitled to commute up to 1/4 of it, as you would have been had you waited until your new retirement age (see B7-2), and
 - if you require a transfer value to be paid to a new pension scheme, it will be based on your hypothetical service to your new retirement age.

CAUTION!

POINTS TO NOTE

1. If you are considering an extension of service, you may find it better to accept a short extension in the first instance, i.e. for a period during which you are unlikely to wish to leave voluntarily.
2. If you have to retire on grounds of disablement during your period of extension, the ill-health pension limitation will be extended to the ordinary or short service pension you would have got had you served on to your new retirement age (see B3-3).

RULE A14

**COMPULSORY RETIREMENT
ON GROUNDS OF
EFFICIENCY OF BRIGADE**

Who is affected?

Any whole-time member of a brigade who may be required to engage in firefighting.

**What is
the effect?**

Your fire authority may require you to retire in the general interests of efficiency once you are entitled to an ordinary pension.

POINTS TO NOTE

1. Your fire authority may exercise this power, even though your personal efficiency may not be in question, because of general considerations relating to the efficient running of the brigade as a whole.
2. If you are required to retire under rule A14, you will be entitled to the same pension as if you had retired voluntarily.
3. A firefighter who has a period of service during which an election under G3 not to contribute to the FPS was effective is liable to retirement under this rule from the time that he would have qualified for an ordinary pension but for his election.



**COMPULSORY RETIREMENT
ON GROUNDS OF DISABLEMENT**

Who is affected?

A regular firefighter,

What is the effect?



If your fire authority consider that you are permanently disabled (see A10-1), they may:
* require you to retire on whatever date they choose.

This decision may only be taken on medical advice (see H1-1) and you have a right to appeal to a medical referee against the medical advice (see H2-1).

If the medical referee decides that you are not permanently disabled your retirement will be void (but see POINTS TO NOTE 1 below).

POINTS TO NOTE

1. The employers' side of the National Joint Council agreed at a meeting on 11 July 1983 that in the case of an appeal against retirement on grounds of permanent disablement, retirement should be held in abeyance until the appeal was decided. In the circumstances the following two points would not normally arise.
2. If your retirement is void, you will be entitled to your pay during the period concerned, and required to pay the appropriate rate of pension contributions.
3. If you appeal against your retirement on grounds of disablement, your fire authority may delay your retirement, or withhold payment of your ill-health award, until your appeal is decided (see under "Result of the hearing", H2-2).

EFFECTIVE DATE
OF RETIREMENT

When do you
"retire"?

You will be taken to retire immediately following
your last day of service

If you are required to retire on attaining a
certain age:

- your last day of service will be the day before
your birthday,
- you will retire at midnight on that day, and
- your birthday will be your first day of
retirement.

POINTS TO
NOTE

1. This "last day of service"/"first day of retirement" can be confusing.
It is important to bear this distinction in mind when:
 - working out any entitlement to an award, or to commute or allocate,
 - checking any award calculations, and
 - looking at the examples in this commentary.