

2014 No. 0000

PUBLIC SERVICE PENSIONS, ENGLAND

The Firefighters' Pension Scheme (England) Regulations 2014

<i>Made</i> - - - -	<i>October 2014</i>
<i>Laid before Parliament</i>	<i>October 2014</i>
<i>Coming into force</i> - -	<i>1st April 2015</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 1(1), (2)(f), (3) and (4), 2, 3(1), (2), (3)(a) and (c), 4(1), (2) and (5), 8(1)(a), (2)(a) and (4), 14, 18(1), (2), (4)(b) and (5) to (9), paragraph 6(a) of Schedules 1 and 2, Schedule 3, paragraphs 20 and 21 of Schedule 5 to the Public Service Pensions Act 2013(a).

In accordance with section 21 of that Act, the Secretary of State has consulted the representatives of such persons as appear to the Secretary of State likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, these Regulations are made with the consent of the Treasury.

PART 1

Preliminary

Citation and commencement

1.—(1) These Regulations may be cited as the Firefighters' Pension Scheme (England) Regulations 2014.

(2) These Regulations come into force on [1st April 2015].

Establishment of scheme

2. These Regulations establish a scheme for the payment of pensions and other benefits to or in respect of fire and rescue workers(b) who are firefighters in England.

(a) 2013 c.25.

(b) See paragraph 6 of Schedule 1 to the Public Service Pensions Act 2013 for the definition of "fire and rescue workers".

Interpretation

3. In these Regulations—

“1992 Scheme” means the Firefighters’ Pension Scheme 1992 as set out in Schedule 2 to the Firemen’s Pension Scheme Order 1992(a) as it has effect in England;

“2013 Act” means the Public Service Pensions Act 2013;

“FA 2004” means the Finance Act 2004(b);

“NFPS” means the New Firefighters’ Pension Scheme (England) as set out in Schedule 1 to the Firefighters’ Pension Scheme (England) Order 2006(c);

“PIA 1971” means the Pensions (Increase) Act 1971(d);

“PSA 1993” means the Pension Schemes Act 1993(e);

“WRPA 1999” means the Welfare Reform and Pensions Act 1999(f);

“active member” has the meaning given in regulation [](active membership);

“active member’s account” means the account established under regulation [31];

“actuarial” means determined by the Secretary of State after consultation with the scheme actuary;

“actuarial guidance” means actuarial guidance issued by the Secretary of State on the basis of advice from the scheme actuary;

“additional adoption leave” means leave under section 75B of the Employment Rights Act 1996(g);

“additional maternity leave” means leave under section 73 of the Employment Rights Act 1996(h);

“additional paternity leave” means leave under the Additional Paternity Leave Regulations 2010(i);

“age addition” has the meaning given in regulation [](determination of “the age addition”);

“allocation amount” in relation to a pension means the amount of the pension allocated as a result of the exercise of an allocation election;

“allocation election” means an election under regulation [](allocation election);

“amount of accrued added pension” has the meaning given in regulation [] (4)(calculation of amount of accrued pension for purpose of deferment or full retirement);

“amount of accrued earned pension” has the meaning given in regulation [](3) ((calculation of amount of accrued pension for purpose of deferment or full retirement);

“amount of added pension” means the amounts credited to the added pension account under paragraphs 12 or 15 of Schedule 1;

“annual allowance” has the meaning given in section 228 (annual allowance) of FA 2004(j);

“assumed age addition” has the meaning given in regulation [](determination of “the assumed age addition”);

“assumed pensionable pay” has the meaning given in regulation [](meaning of “assumed pensionable pay”);

(a) S.I. 1992/129. The name of the scheme was changed to the Firefighters’ Pension Scheme by article 4(1) of S.I. 2004/2306. Other amendments made are not relevant to these Regulations.

(b) 2004 c.12.

(c) S.I. 2006/3432; Schedule 1 is the subject of amendments not relevant to these Regulations.

(d) 1971 c.56.

(e) 1993 c.48.

(f) 1999 c. 30.

(g) 1996 c.18; section 75B was inserted by the Employment Act 2002 (c.22), section 3.

(h) section 73 was substituted by the Employment Relations Act 1999 (c.26) section 7 and Schedule 4.

(i) S.I. 2010/1055.

(j) Section 228 was substituted by the Finance Act 2011, Schedule 17, paragraph 4 and was amended by the Finance Act 2013, section 49.

“authority” means a fire and rescue authority for an area in England determined in accordance with section 1 of the Fire and Rescue Services Act 2004^(a);

“beginning date”, in relation to a pension not attributable to a pension credit, means the date on which the pension is deemed to begin for the purpose of section 8(2) of PIA 1971;

“child-related leave” means—

- (a) ordinary adoption leave;
- (b) ordinary maternity leave;
- (c) additional maternity or adoption leave;
- (d) paternity leave;
- (e) additional paternity leave; or
- (f) a period of parental leave;

“closing date” has the meaning given in Schedule 2 (transitional provisions);

“club scheme” means a registered occupational pension scheme (other than a connected scheme) that has agreed to make and receive club transfer value payments under the club transfer arrangements;

“club transfer” means a transfer to or from this scheme under the club transfer arrangements;

“club transfer arrangements” means arrangements approved by the scheme manager as providing reciprocal arrangements between this scheme and other registered occupational pension schemes for making and receiving club transfer value payments;

“club transfer earned pension” means pension attributable to the receipt of a club transfer value payment;

“club transfer value”, in relation to an amount of accrued earned pension under this scheme or under another club scheme, means an amount calculated by the scheme manager—

- (a) in accordance with the club transfer arrangements; and
- (b) by reference to actuarial guidance for this purpose that is in use on the date used for the calculation;

“club transfer value payment” means payment of a club transfer value;

“cohabiting partner” has the meaning given in regulation [] (meaning of “surviving partner”);

“the commutation amount” in relation to a pension means the amount of the pension exchanged for a lump sum as a result of the exercise of the option under regulation [];

“continuity of service”, in relation to a transition member, has the meaning given in paragraph 5 of Schedule 2;

“continuous period of pensionable service” in relation to this scheme, means a period of pensionable service under this scheme disregarding any gap in pensionable service not exceeding 5 years;

“contributions equivalent premium” has the meaning given in section 55(2) of PSA 1993 and 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;

“death benefits” means any of the following—

- (a) a surviving partner’s pension;
- (b) an eligible child’s pension;
- (c) a lump sum death benefit;

“deferred member” has the meaning given in regulation [] ();

“deferred member’s account” has the meaning given in regulation 43;

(a) 2004 c.21.

“deferred pension age”, in relation to this scheme, has the meaning given in section 10(3) of the 2013 Act;

“designated person” has the meaning given in regulation [](designated person);

“early payment reduction” has the meaning given in regulation [](early payment reduction);

“earned pension” means earned pension payable without actuarial reduction at normal pension age;

“effective date” means—

(a) in relation to a preliminary valuation for the purposes of the existing scheme required by Treasury directions made under section 11 of 2013 Act, 31st March 2012;

(b) in relation to the first actuarial valuation of this scheme, 31st March 2016;

(c) in relation to a subsequent actuarial valuation of this scheme, the date which is the fourth anniversary of the effective date of the immediately preceding valuation;

“eligible child” has the meaning given in regulation [](meaning of “eligible child”);

“eligible child’s pension” has the meaning given in Part 6 (death benefits);

“eligible person” has the meaning given in regulation [](eligible persons);

“employer cost cap” has the meaning given in section 12(2) of the 2013 Act;

“existing public service scheme” means a scheme listed in Schedule 5 to the Act other than the 1992 scheme or the NFPS;

“existing scheme closing date” means 31st March 2015;

“the existing scheme” means the 1992 scheme if the transition member was a member of that scheme, or the NFPS, if the transition member was a member of that scheme, and where the transition member had been a member of both schemes, the NFPS;

“financial year” means a period of one year beginning with 1st April and ending with 31st March;

“full retirement account” has the meaning given in regulation [](establishment of full retirement account);

“full retirement added pension” has the meaning given in regulation [](3)(account to specify amount of full retirement pension);

“full retirement earned pension” has the meaning given in regulation [](2);

“full retirement pension” means—

(a) a full retirement earned pension; and

(b) a full retirement added pension (if any);

“the guarantee date” has the meaning given in Part 10 (transfers);

“guaranteed minimum” means the guaranteed minimum as defined in sections 14 and 17 of PSA 1993 (minimum pensions for earners, widows and widowers)—

(a) as increased in accordance with the requirements of section 109 of that Act (annual increase of minimum pensions); and

(b) if a reduction has been made under section 15A of that Act (reduction of guaranteed minimum in consequence of pension debit), as reduced in accordance with that section;

“higher tier ill-health pension” means a higher tier ill-health pension payable under regulation 50(2);

“ill-health award” means—

(a) a lower tier ill-health pension; and

(b) a higher tier ill-health pension where this has also been awarded;

“implementation date” means the date specified in regulation [] (implementation date);

“IQMP” means a medical practitioner holding a diploma in occupational medicine or an equivalent or higher qualification issued by a competent authority in an EEA State, or being

an Associate, a Member or a Fellow of the Faculty of Occupational Medicine or an equivalent institution of an EEA State; and for the purposes of this definition “a competent authority” has the meaning given by section 55(1) of the Medical Act 1983**(a)**;

“index adjustment” means—

- (a) in relation to the opening balance for any scheme year (other than the opening balance of club transfer earned pension), means the percentage increase or decrease in earnings specified in the Treasury order for the previous scheme year; and
- (b) in relation to the opening balance of club transfer earned pension for any scheme year, means the adjustment that would apply to the opening balance of that amount of earned pension under the sending scheme for the previous scheme year.

“last active scheme year” means the scheme year in which an active member of this scheme ceases to be in pensionable service under this scheme ;

“last day of pensionable service”, in relation to a member of this scheme, means the last day of the service in respect of which the member’s pension under this scheme is payable;

“leaving year” has the meaning given in Part 4 (pension accounts) regulation [] (interpretation);

“lower tier ill-health pension” means a lower tier ill-health pension payable under regulation [](1);

“member”, in relation to this scheme, means an active member, deferred member, or pensioner member of this scheme;

“member’s contributions has the meaning given in Part 8 (contributions);

“normal pension age”—

- (a) in relation to this scheme, is determined in accordance with section 10 of the 2013 Act; and
- (b) in relation to the 1992 scheme, has the meaning given in that scheme;
- (c) in relation to the NFPS, has the meaning given to “normal retirement age” in that scheme;

“occupational pension scheme” has the meaning given in section 1 of the PSA 1993;

“opening balance”, in relation to a description of pension for a scheme year other than added pension, has the meaning given in regulation [](opening balance, index adjustment and age addition) and in relation to added pension, has the meaning given in regulation [] (account to specify opening balance and PIA index adjustment);

“ordinary adoption leave” means leave under section 75A of the Employment Rights Act 1996;

“ordinary maternity leave” means leave under section 71 of the Employment Rights Act 1996**(b)**;

“parental leave” has the meaning given in regulation 2(1) of the Maternity and Parental Leave etc. Regulations 1999**(c)**;

“paternity leave” means leave under regulation 4 or 8 of the Paternity and Adoption Leave Regulations 2002**(d)**;

“pay period”, in relation to the payment of a member’s pensionable pay, means the period in respect of which the payment is made;

“partial retirement option” means the option exercisable under regulation [];

“pension credit” has the meaning given in section 124(1) of the Pensions Act 1995;

(a) 1983 c.54; the definition of “competent authority” was inserted by S.I.2007/3101.
(b) section 71 was substituted by the Employment Relations Act 1999.
(c) S.I. 1999/3312 to which there are amendments not relevant to these Regulations.
(d) S.I. 2002/2788.

“pension credit member”, in relation to this scheme, means a person who has rights under this scheme which are attributable, directly or indirectly, to a pension credit under a pension sharing order following divorce or nullity of marriage or the dissolution or nullity of a civil partnership;

“pension credit member’s account” has the meaning given in regulation [](pension accounts of pension credit members);

“pension credit member’s pension” means a pension payable under regulation [](entitlement to pension credit member’s pension);

“pension credit rights” has the meaning given in section 124(1) of the Pensions Act 1995;

“pension debit” means a debit under section 29(1)(a) of WRPA 1999;

“pension debit member”, in relation to this scheme, means a person who is a member of this scheme whose benefits or future benefits under this scheme have been reduced under section 31 of WRPA 1999 (reduction under pension sharing order following divorce or nullity of marriage);

“pensionable public service” means pensionable service under—

- (a) another public service scheme; or
- (b) a new public body pension scheme;

“pensioner member” in relation to this scheme, means a person who is entitled to the immediate payment of a full retirement pension under this scheme;

“pensionable pay” has the meaning given in regulation 17 but if the circumstances specified in regulation 18(2) apply, references in these Regulations to a member’s pensionable pay are references to that member’s assumed pensionable pay;

“pension sharing order” means any provision or order specified in section 28 of WRPA 1999;

“personal pension scheme” means a personal pension scheme as defined in section 1 of PSA 1993 that is a registered pension scheme;

“PIA index adjustment”, in relation to the opening balance of additional pension for any scheme year, means the amount by which the annual rate of a pension of an amount equal to the opening balance would have been increased in that year under PIA 1971 if—

- (a) that pension were eligible to be so increased; and
- (b) the beginning date for that pension were the first day of the previous financial year;

“protected member”, in relation to an existing scheme, has the meaning given in Schedule 2;

“provisional amount of deferred pension” has the meaning given in regulation [] (provisional amount of deferred pension);

“public service scheme” means a scheme under section 1 of the 2013 Act;

“qualifying service” has the meaning given in regulation [](qualifying service);

“reference pay”, in relation to the pay of a retained or volunteer firefighter for any period, means the whole-time equivalent pensionable pay for that period of a regular firefighter employed in a similar role and with equivalent qualifying service;

“registered”, in relation to a pension scheme, means registered under Chapter 2 of Part 4 of FA2004;

“regular employment” means employment for at least 30 hours a week on average over a period of not less than 12 consecutive months beginning with the date on which the issue of the person’s capacity for employment arises;

“regular firefighter” means a person (P) employed (whether whole-time or part-time) by an authority—

- (a) as a firefighter, but not as a retained or volunteer firefighter,
- (b) on terms under which P is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties

appropriate to P's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting); and

(c) otherwise than in a temporary capacity;

“the relevant last day” has the meaning given in regulation [] (interpretation);

“reserve forces” has the meaning given in section 1(2) of the Reserve Forces Act 1996(a);

“reserve forces service leave” means absence from duty because of being called out or recalled for permanent service in Her Majesty's armed forces pursuant to a call-out notice served, or a call-out or recall order made, under Reserve Forces Act 1996 or absence during training required under section 22 or permitted under 27 of that Act;

“retained firefighter” means a person (P) employed by an authority—

(a) as a firefighter, but not as a regular firefighter or a volunteer firefighter,

(b) on terms under which P is, or may be, required to engage in fire-fighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to P's role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting)

(c) otherwise than in a temporary capacity, and

(d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that P receives;

“retirement index adjustment”, in relation to an amount of accrued pension, has the meaning given in regulation [](calculation of “retirement index adjustment”);

“retirement benefits” means benefits payable under Part 5 (retirement benefits);

“role”, in relation to a firefighter, means the role in which the firefighter is for the time being employed, being a role set out in “Fire and Rescue Services Rolemaps” issued by the National Joint Council for Local Authority Fire and Rescue Services in August 2005;

“this scheme” means the scheme established by these Regulations;

“scheme actuary” means the actuary appointed by the Secretary of State under regulation [](appointment of scheme actuary);

“scheme closing date” means 31st March 2015;

“scheme employment” means has the meaning given in regulation [](scheme employment);

“scheme manager”, except where the context otherwise requires, has the meaning given in regulation [] (scheme manager);

“scheme year” means a period of one year beginning with 1st April and ending with 31st March;

“sending scheme” means a club scheme which pays a club transfer value;

“statutory pay” means—

(a) statutory adoption pay, statutory maternity pay or statutory paternity pay within the meaning of the Social Security Contributions and Benefits Act 1992, or

(b) additional statutory paternity pay within the meaning given in regulation 2(1) of the Additional Statutory Paternity Pay (General) Regulations 2010;

“surviving partner's pension” has the meaning given in Part 6 (death benefits);

“surviving partner” has the meaning given in regulation [] (meaning of “surviving partner”);

“survivor member” has the meaning given in regulation [] (pension accounts for survivor members);

“trade dispute” has the meaning given in section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992(b);

(a) 1996 c.14.
(b) 1992 c.52.

“target cost” has the same meaning as that specified in Treasury regulations made in exercise of the power in section 12(5) of the 2013 Act;

“transfer club” means the club of registered occupational pension schemes which make and receive payments of club transfer values under the club transfer arrangements;

“transfer payment” means a transfer value payment or a club transfer value payment;

“transfer value” has the meaning given in Part 10 (transfers);

“transfer value payment” means payment of a transfer value;

“transferred pension” means pension attributable to receipt of a transfer value payment;

“transition member” has the meaning given in Part 1 of Schedule 2;

“the Treasury order” means the Treasury order made under section 9(2) of the 2013 Act that specifies a percentage increase or decrease in earnings in relation to that period;

“Treasury regulations” means regulations made under section 12(5) of the 2013 Act;

“volunteer firefighter” means a person (P) who carries out operational firefighting for an authority—

- (a) as a firefighter, but not as a regular firefighter or a retained firefighter,
- (b) on terms under which P is, or may be, required to engage in fire-fighting or may be required to perform other duties appropriate to P’s role as a firefighter (whether instead of, or in addition to, engaging in fire-fighting)
- (c) otherwise in a temporary capacity, and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that P receives;

PART 2

Governance

Scheme manager

4.—(1) An authority is responsible for managing and administering the Scheme and any statutory scheme that is connected with it^(a) in relation to any person for which it is the appropriate authority under these Regulations.

(2) The appropriate authority in relation to a person who—

- (a) is or has been a member of the Scheme; or
- (b) is entitled to any benefit in respect of a person who is or has been a member of the Scheme,

is the authority by whom the member was last employed whilst an active member of this Scheme in relation to each of the member’s pension accounts.

(3) The appropriate authority in relation to a pension credit member is the authority responsible for the pension debit member’s pension account at the effective date of the pension sharing order.

(4) The appropriate authority is referred to in these Regulations as the scheme manager.

Delegation

5.—(1) The Secretary of State may delegate any functions under these Regulations, including this power to delegate.

(a) See section 4(6) of the 2013 Act which sets out when statutory pension schemes are “connected”

(2) The scheme manager may delegate any functions under these Regulations, including this power to delegate, to such persons or employees of such person as may be authorised in that behalf by the scheme manager.

Scheme advisory board: membership

6.—(1) A scheme advisory board is established.

(2) The scheme advisory board is responsible for providing advice to the Secretary of State, at the Secretary of State's request, on the desirability of making changes to this scheme.

(3) The scheme advisory board may determine its own procedures, subject to the approval of the Secretary of State.

PART 3

Scheme membership

CHAPTER 1

Eligibility for active membership

Scheme employment

7.—(1) For the purposes of these Regulations, a person is in scheme employment if that person is employed as a firefighter by an authority and satisfies the requirement in paragraph (2) or paragraph (3).

(2) A person who took up employment on or after 1st April 2015 satisfies the requirement in this paragraph where their role on taking up employment includes—

- (a) resolving operational incidents, or
- (b) leading and supporting others in the resolution of operational incidents.

(3) A person who is a transition member satisfies the requirement.

Eligible persons

8.—(1) For the purpose of these Regulations, an eligible person is a person who is eligible to be an active member of this scheme.

(2) A person (P) in service in a scheme employment is an eligible person in relation to that employment unless in relation to service in that employment—

- (a) P is a protected member of an existing scheme; or
- (b) P is a member of any other pension scheme and the authority employing P pays contributions to that scheme in respect of P.

(3) P is eligible to be an active member of this scheme whilst on reserve forces leave.

More than one employment

9.—(1) A person may be an active member of this scheme in relation to more than one scheme employment (whether or not the employment is with the same authority).

(2) If a person is employed in more than one scheme employment, regulation [] (Opting out of this scheme) applies in relation to each employment (whether or not the employment is with the same authority).

CHAPTER 2

Pensionable service

Application of Chapter

10.—(1) This Chapter applies in relation to a continuous period of service in a scheme employment.

(2) If a person is in service in two or more scheme employments or in a succession of scheme employments, this Chapter applies separately in relation to each employment.

Interpretation of Chapter

11.—(1) In this Chapter—

“automatic re-enrolment date”, in relation to a person in service in a scheme employment, means a date determined under regulation 12 of the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(a);

“continuous period of service”, in relation to a scheme employment, means a period of service in that employment disregarding any gap in service not exceeding 5 years;

“first eligible day of service”, in relation to a continuous period of service in a scheme employment, means the day on which a person becomes an eligible person in relation to that service;

(2) For the purpose of this chapter, P is not on a gap in service while in pensionable public service.

Automatic enrolment

12.—(1) A person (P) begins pensionable service(b) under this scheme in relation to a scheme employment on P’s first eligible day of service in that employment unless—

- (a) regulation [](opting out within the first 3 months) applies; or
- (b) P is a transition member with continuity of service and paragraph (2) applies.

(2) This paragraph applies if—

- (a) P’s first eligible day of service in the scheme employment is the day after P’s closing date; and
- (b) on P’s closing date—
 - (i) P was in service in the same scheme employment; and
 - (ii) P has opted out of the existing scheme in relation to that service.

Opting into this scheme

13.—(1) An eligible person who is not in pensionable service under this scheme in relation to a scheme employment may opt to become an active member of this scheme in relation to service in that employment.

(2) The option under this regulation may only be exercised by notice to the scheme manager in a form required by the scheme manager (“opt-in notice”).

(3) A person who exercises the option under this regulation in relation to service in a scheme employment opts into this scheme in relation to service in that employment with effect from the date on which the opt-in notice is received by the scheme manager.

(4) The option under this regulation is taken to be exercised on that date.

(a) S.I.2010/772.

(b) See section 37 of the 2013 Act for the meaning of “pensionable service”.

(5) If P opts into this scheme in relation to an employment, P becomes an active member of this scheme in relation to that employment at the beginning of the first pay period beginning after the date on which the option is exercised or at such other time as the scheme manager considers appropriate.

Automatic re-enrolment

14.—(1) This regulation applies if, on the automatic re-enrolment date, an eligible person in relation to service in a scheme employment is not in pensionable service under this scheme in relation to that employment.

(2) On the automatic re-enrolment date, the scheme manager must enrol P in this scheme in relation to service in that employment if the employer is required under section 5 of the Pensions Act 2008(a) (automatic re-enrolment) to make arrangements for P to be an active member of a pension scheme.

Opting out of this scheme

15.—(1) A person (P) opts out of this scheme in relation to service in a scheme employment if P opts not to be an active member of this scheme in relation to that service.

(2) P may only exercise the option by notice to the scheme manager in a form required by the scheme manager (“opt-out notice”).

(3) The option is taken to be exercised on the date on which the opt-out notice is received by the scheme manager.

Opting out before the end of the first three months

16.—(1) This regulation applies if a person (P) opts out of this scheme in relation to service in a scheme employment—

- (a) before the end of three months after P’s first eligible day of service in that employment; or
- (b) before the end of three months after the automatic re-enrolment date.

(2) If paragraph (1)(a) applies, P is taken never to have been in pensionable service under this scheme in relation to that employment during that period.

(3) If paragraph (1)(b) applies, P is taken not to have been in pensionable service under this scheme in relation to that employment during that period.

(4) This regulation does not require the scheme manager to pay P any additional amount which becomes payable by P in respect of national insurance contributions because P has not after all been an active member of this scheme during any period.

Opting out after the first three months

17.—(1) This regulation applies if a person (P) opts out of this scheme in relation to service in a scheme employment—

- (a) more than three months after P’s first eligible day of service in that employment; or
- (b) more than three months after P’s automatic re-enrolment date.

(2) If P exercises the option under regulation [](1)(opting out of this scheme), P ceases to be in pensionable service under this scheme in relation to that employment—

- (a) on the first day of the first pay period beginning on or after the date on which the option is exercised; or

(a) 2008 c.30.

- (b) if the scheme manager considers that day inappropriate, on the first day of any later pay period the scheme manager considers appropriate.

CHAPTER 3

Pensionable pay

Pensionable pay

18.—(1) For the purpose of calculating a member’s pension or other benefits under this scheme, the member’s pensionable pay is—

- (a) the member’s pay received for the performance of the duties of the member’s role except any allowance or emoluments paid to that member on a temporary basis,
- (b) the member’s permanent emoluments (including, in the case of a retained firefighter, any retaining allowance);
- (c) the amount foregone where a member has agreed to surrender the right to receive any part of that member’s pensionable pay in exchange for the provision by the employer of any non-cash benefit;
- (d) the amount paid to the member for continued professional development which the scheme manager determines is pensionable.

(2) The payments in paragraph (1) do not include any payment made by an employer to a member who is on reserve forces service leave.

Meaning of “assumed pensionable pay”

19.—(1) For any period in which the circumstances specified in paragraph (2) apply to an active member of this scheme, the member is treated as receiving pay (“assumed pensionable pay”) equal to the pensionable pay that the member would have received if those circumstances had not applied.

(2) The circumstances are that the member—

- (a) is on secondment to a different employer under an arrangement providing for the member to continue to be an active member of this scheme in respect of the member’s service although the member is paid for that member’s service by the other employer;
- (b) is on sick leave or injury leave on reduced pay or, where the member has elected to pay the contributions required by regulation [](2) (), is not receiving pay;
- (c) is receiving pay or statutory pay whilst on adoption leave, additional adoption leave, additional maternity leave, parental leave or additional paternity leave;
- (d) is on ordinary adoption leave, ordinary maternity leave or paternity leave;
- (e) is not receiving pay or statutory pay during part or all of the duration of the period of additional adoption leave, additional maternity leave or additional paternity leave and has elected to pay member’s contributions in respect of that period;
- (f) is on unpaid leave in circumstances that the scheme manager has agreed can count for the purposes of this paragraph and has elected to pay contributions required by regulation [](4);
- (g) is absent on reserve forces service leave;
- (h) is absent due to a trade dispute and has elected to pay contributions required by regulation [](3)(contributions during absence from work due to illness, injury, trade dispute or authorised absence).

(3) Paragraph (2)(g) does not apply in respect of any period of service which qualifies the member for benefits under any occupational pension scheme in respect of that service.

(4) Where the circumstances in paragraph (2) apply to a member (P) who was employed as a retained firefighter or volunteer firefighter immediately before those circumstances applied and P’s pensionable service for that period was more than 364 days, the amount of P’s assumed

pensionable pay is calculated by dividing the total amount of P's pensionable pay received for that service during the period of 365 days ending with the last day of continuous pensionable service before those circumstances applied, by 365 and multiplying by the number of days in which the circumstances in paragraph (2) applied.

(5) Where the circumstances in paragraph (2) apply to a member (P) who was employed as a retained firefighter or volunteer firefighter immediately before those circumstances applied and P's pensionable service for that period was less than 365 days, the amount of P's assumed pensionable pay is calculated by dividing the total amount of P's pensionable pay received for that service during that period of continuous pensionable service before those circumstances applied, by the number of days of that service and multiplying by the number of days in which the circumstances in paragraph (2) applied.

CHAPTER 4

Active and deferred membership

Active membership

20. A person (P) is an active member of this scheme in relation to a continuous period of pensionable service if—

- (a) P is in pensionable service under this scheme; or
- (b) P is not in pensionable service whilst on unpaid sick leave or on unpaid child related leave or on a trade dispute where P had been an active member immediately before that leave or trade dispute began; or
- (c) P is on unpaid authorised absence and the scheme manager permits P to be treated as an active member; or
- (d) P is on reserve forces service leave and P was an active member immediately before that leave began.

Deferred membership

21. A person (P) is a deferred member of this scheme in relation to a continuous period of pensionable service if—

- (a) P ceases to be an active member of this scheme in relation to that period of service before P claims a pension under this scheme in respect of that period of pensionable service;
- (b) P is not a pensioner member of this scheme in relation to that period of service; and
- (c) P has at least 3 months qualifying service or a transfer value payment otherwise than from another occupational pension scheme has been accepted by this scheme in relation to P.

PART 4

Pension accounts

CHAPTER 1

Preliminary

Interpretation

22. In this Part—

“continuous period of pensionable service” means a period of pensionable service under this scheme disregarding any gap in service not exceeding 5 years;

“gap in service” does not include any period in which a member is in pensionable public service;

“the leaving year” means the scheme year in which the relevant last day falls;

“the relevant last day” means—

- (a) for a partially retired member, the day before the day on which the partial retirement option is exercised, and
- (b) otherwise, the last day of pensionable service.

Descriptions of pension

23.For the purpose of this Part, the descriptions of pension are—

- (a) earned pension;
- (b) transferred pension;
- (c) club transfer earned pension;
- (d) added pension.

CHAPTER 2

Calculation of accrued pension

Calculation of amount of accrued pension for purpose of deferment or full retirement

24.—(1) For the purpose of a full retirement account of an active member who retires or partially retires, the amount of accrued pension is the sum of the amount of accrued earned pension in paragraph (3) and the amount of accrued added pension in paragraph (4).

(2) For the purpose of a deferred member’s account, the amount of accrued earned pension is calculated in accordance with paragraph (3).

(3) The amount of accrued earned pension is the sum of the following amounts specified in the active member’s account as at the end of the last day of pensionable service—

- (a) the opening balance of earned pension for the last active scheme year and the index adjustment for that opening balance;
- (b) the amount of earned pension accrued in the last active scheme year;
- (c) the sum of the opening balance of transferred pension (if any) for the last active scheme year and the index adjustment for that opening balance; and
- (d) the amount of transferred pension (if any) for the last active scheme year.
- (e) the opening balance of club transfer earned pension (if any) for the last active scheme year and the index adjustment for that opening balance; and
- (f) the amount of club transfer earned pension (if any) for the last active scheme year.

(4) The amount of accrued added pension is the sum of the following amounts specified in the added pension account as at the end of the last day of pensionable service—

- (a) the sum of the opening balance of added pension for the last active scheme year and the PIA index adjustment (if any) for that opening balance; and
- (b) the amount of accrued added pension for the last active scheme year.

CHAPTER 3

Calculation of adjustments

Calculation of “retirement index adjustment”

25.—(1) The retirement index adjustment for an amount of accrued earned pension other than club transfer accrued earned pension is an amount calculated as follows:

Step 1

Multiply A/B by the percentage specified in the Treasury order in relation to the leaving year,

where—

A is the number of complete months in the period between the beginning of the leaving year and the end of the relevant last day; and

B is 12.

The resulting percentage is the retirement index percentage.

Step 2

Multiply the amount of accrued earned pension other than club transfer accrued earned pension by the retirement index percentage. The resulting amount is the retirement index adjustment.

(2) The retirement index adjustment for an amount of club transfer accrued earned pension is the adjustment that would apply under the sending scheme to an amount of accrued earned pension equal to the amount of club transfer accrued earned pension specified in the active member’s account at the end of the relevant last day.

(3) In this regulation “complete month” includes an incomplete month that consists of at least 16 days.

Calculation of “retirement PIA index adjustment”

26.—(1) The retirement PIA index adjustment for an amount of accrued added pension is calculated in accordance with paragraph (2).

(2) The retirement PIA index adjustment is the amount by which the annual rate of a pension of an amount equal to the amount of accrued added pension would have been increased in the leaving year under PIA 1971 if—

(a) that pension were eligible to be so increased; and

(b) the beginning date for that pension were the day after the relevant last day.

Determination of “the age addition”

27.—(1) This regulation applies in relation to every scheme year in which an active member’s account and an active member’s added pension account, if any, is open that is subsequent to the scheme year in which the member reaches normal pension age under this scheme, and that is not the scheme year in which the account is established under this Part.

(2) At the beginning of the scheme year, for each description of pension, the scheme manager having regard to actuarial guidance must determine the age addition to be awarded for that scheme year by reference to the opening balance of that [description of] pension for the previous scheme year.

(3) In these Regulations, “the age addition” means an additional amount of pension determined by reference to the proportion of the previous scheme year for which a member had reached normal pension age under this scheme.

Determination of “the assumed age addition”

28.—(1) This regulation applies on the establishment of a deferred member’s account or full retirement account or to an added pension account of a member who has become a deferred member in that year and does not have an active member’s account in connection with another scheme employment.

(2) The scheme manager having regard to actuarial guidance must determine the assumed age addition for the amount of accrued earned pension and accrued added pension (if any) specified in the account.

(3) In these Regulations “the assumed age addition” means—

- (a) for an amount of accrued earned pension not attributable to a transferred pension, the age addition that would have been awarded for accrued earned pension had the member not left pensionable service or not partially retired in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;
- (b) for an amount of accrued earned pension attributable to a transferred pension, the age addition that would have been awarded for transferred pension had the member not left pensionable service or not partially retired in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme;
- (c) for an amount of accrued added pension, the age addition that would have been awarded for added pension had the member not left pensionable service or not partially retired in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme.

CHAPTER 4

Pension accounts: general

Establishment of pension accounts: general

29.—(1) The scheme manager must establish and maintain one or more pension accounts for each member of this scheme in accordance with this Part.

(2) A pension account—

- (a) may be kept in any form the scheme manager considers appropriate; and
- (b) must specify the details required by these Regulations.

(3) References in these Regulations to any amount specified in a pension account are references to the amount that is required by these Regulations to be so specified and not, if different, to the amount actually so specified.

Closure and adjustment of pension accounts on transfer out or repayment of balance of contributions

30.—(1) Except as otherwise provided in this regulation, the scheme manager must close all pension accounts relating to a member of this scheme if—

- (a) a transfer payment is made in respect of the member’s accrued rights under this scheme; or
- (b) all member’s contributions are refunded to the member under regulation [] (member leaves all pensionable service before qualifying for retirement benefits).

(2) Paragraph (1) does not require the scheme manager to close an account that includes amounts to which the transfer payment does not relate or is not attributable.

(3) An account that is not closed because of paragraph (2) must be adjusted in such manner as the scheme manager considers appropriate to reflect the extinguishment of rights under this scheme(a).

(4) Paragraph (1)(a) does not require the scheme manager to close a pension credit member's account if the transfer payment is made in respect of a member who is both—

- (a) a pension credit member of this scheme; and
- (b) an active member, deferred member or pensioner member of this scheme.

CHAPTER 5

Active member's account

Application of Chapter

31.—(1) This Chapter applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is an active member of this scheme in relation to 2 or more continuous periods of pensionable service, this Chapter applies separately in relation to each of those periods of service.

Establishment of active member's account

32.—(1) The scheme manager must establish a pension account for a member who is in pensionable service in relation to a scheme employment from the day on which the member begins pensionable service in relation to that employment.

(2) If a person is an active member of this scheme in relation to 2 or more employments, an active member's account must be established in respect of each employment.

(3) For the purposes of these Regulations, an account established under paragraph (1) is called an active member's account.

Receipt of a transfer value payment

33.—(1) This regulation applies if a transfer value payment is received from another pension scheme (other than a connected scheme) in relation to an active member of this scheme.

(2) On receiving the transfer value payment, the scheme manager must credit the active member's account with the amount of transferred pension calculated under regulation []().

Receipt of a club transfer value payment

34.—(1) This regulation applies if a club transfer value payment is received from another club scheme in relation to an active member of this scheme.

(2) On receiving the club transfer value payment, the scheme manager must credit the active member's account with an amount of club transfer earned pension calculated under regulation []().

Amount of pension for a scheme year

35.—(1) This regulation applies in relation to every scheme year in which an active member's account is open.

(2) The active member's account must specify—

(a) Regulation [] (member leaves all pensionable service before qualifying for retirement benefits) provides for extinguishment of rights following the refund of all member's contributions and payments for extra pension made by the member. Regulation [] () provides for extinguishment of rights following the making of a transfer value payment.

- (a) the amount of earned pension (if any) for the scheme year;
 - (b) the amount of transferred pension (if any) for the scheme year; and
 - (c) the amount of club transfer earned pension (if any) from each sending scheme for the scheme year.
- (3) The amount is—
- (a) for earned pension, 1/58.7th of the member’s pensionable pay received for that year for the scheme employment in respect of which that member’s account is established;
 - (b) for transferred pension, the amount which the member is entitled to count under regulation [] (amount of transferred pension) for that year; and
 - (c) for club transfer earned pension, the sum of all club transfer values received in relation to the member in that year.

Opening balance, index adjustment and age addition

36.—(1) This regulation applies in relation to every scheme year in which an active member’s account is open other than the scheme year in which that account is established.

- (2) The active member’s account must specify—
- (a) the opening balance of earned pension for the scheme year and the index adjustment for that opening balance, and if applicable, the age addition awarded at the beginning of the scheme year;
 - (b) the opening balance of club transfer earned pension (if any) for the scheme year and the index adjustment for that opening balance and if applicable, the age addition awarded at the beginning of the scheme year;
 - (c) the opening balance of transferred pension (if any) for the scheme year and the index adjustment for that opening balance and if applicable, the age addition awarded at the beginning of the scheme year.

- (3) In these Regulations—
- “opening balance” in relation to a description of pension—
- (a) for the scheme year immediately following the scheme year in which the active member’s account is established, means the amount of that pension for the previous scheme year as at the end of the previous scheme year; and
 - (b) for any subsequent scheme year, means the sum of the following amounts—
 - (i) the opening balance of that pension for the previous scheme year and the index adjustment for that opening balance;
 - (ii) the amount of that pension for the previous scheme year as at the end of the previous scheme year; and
 - (iii) if applicable, the age addition awarded at the beginning of the previous scheme year.

Ill-health award ceases to be payable

37. If an ill-health award ceases to be payable to a person under regulation [](consequences of review) and the pensioner member re-enters pensionable service—

- (a) the pensioner member’s account must be closed;
- (b) the active member’s account must be re-established and credited with an amount equal to the annual rate of lower tier ill-health pension payable when the ill-health award was first made;
- (c) entries must be made in the active member’s account as if, during the gap in pensionable service, the member—
 - (i) was in pensionable service under this scheme; but
 - (ii) received no pensionable pay.

Closure of active member's account

38.—(1) The scheme manager must close an active member's account in relation to a period of service when the scheme manager establishes in relation to that period of service—

- (a) a deferred member's account under Chapter 6; or
- (b) a full retirement account under Chapter 7.

(2) The scheme manager must re-establish an active member's account under this Chapter when the scheme manager closes—

- (a) a deferred member's account under Chapter 6; or
- (b) a full retirement account under Chapter 7.

CHAPTER 6

Added pension account

Establishment of added pension account

39.—(1) A pension account must be established for each active member (P) who makes an added pension election.

(2) If P is an active member in relation to more than one scheme employment, only one added pension account is to be opened.

(3) For the purpose of these Regulations, an account established under paragraph (1) is called an added pension account.

Account to specify amount of added pension

40.—(1) This regulation applies in relation to every scheme year in which an added pension election has effect.

(2) The added pension account must specify in relation to any added pension payments made in that scheme year the amount of added pension determined by the scheme manager under paragraph [13] or under paragraph [16] of Schedule 1 (Payments for added pension) to be credited in respect of that scheme year.

Account to specify opening balance and PIA index adjustment

41.—(1) This regulation applies in relation to every scheme year in which an added pension account is open other than the scheme year in which the account is established.

(2) The account must specify—

- (a) the opening balance of added pension for the scheme year and the PIA index adjustment for that opening balance;
- (b) if applicable, the age addition awarded at the beginning of the scheme year.

(3) The "opening balance" of added pension—

- (a) for the scheme year immediately following the scheme year in which the added pension account is established, means the amount of added pension specified in the account as at the end of the previous scheme year; and
- (b) for any subsequent scheme year, means the sum of the following amounts—
 - (i) the opening balance of added pension for the previous scheme year; and
 - (ii) the PIA index adjustment (if any) for that opening balance;
 - (iii) if applicable, the age addition awarded at the beginning of the previous scheme year;
 - (iv) the amount of added pension for the previous scheme year as at the end of the previous scheme year.

Closure and transfer of added pension account

42.—(1) The added pension account must remain open until—

- (a) an added pension is paid in respect of P; or
- (b) a transfer value payment is made in respect of P's rights to the accrued added pension; or
- (c) the transfer of entries from the certificate provided in respect of the added pension account under regulation [](requirement for scheme manager to provide a certificate) has been completed under paragraph (3) of that regulation.

(2) Where a scheme manager has provided a certificate under regulation [] in respect of an added pension account, the new scheme manager must establish an added pension account and transfer the entries from that certificate to that account.

Ill-health pension ceases to be payable

43.—(1) This regulation applies if—

- (a) an added pension is payable with an ill-health award; and
- (b) the ill-health award ceases to be payable under regulation [](consequences of review).

(2) The added pension account must be re-established and credited with an amount equal to the annual rate of added pension paid to the pensioner member in the last year before the payment of the ill-health award to the member ceased.

CHAPTER 7

Deferred member's account

Application of chapter

44.—(1) This Chapter applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is a deferred member of this scheme in relation to 2 or more continuous periods of pensionable service, this Chapter applies separately in relation to each of those periods of service.

Establishment of deferred member's account

45.—(1) This regulation applies when an active member of this scheme becomes a deferred member of this scheme in relation to a continuous period of pensionable service.

(2) The scheme manager must—

- (a) close the active member's account for that period of service; and
- (b) establish a pension account for the deferred member for that period of service.

(3) For the purpose of these Regulations, an account established under paragraph (2)(b) is called a deferred member's account.

Provisional amount of deferred pension

46.—(1) The deferred member's account must specify the provisional amount of deferred pension.

(2) The provisional amount of deferred pension is the sum of—

- (a) the amount of accrued earned pension calculated under regulation 27(3) [](calculation of amount of accrued pension for purposes of deferment or full retirement) ("accrued amount"); and
- (b) the retirement index adjustment for the accrued amount; and
- (c) the assumed age addition (if any) for the accrued amount.

(3) The retirement index adjustment is not applied in relation to the amount of accrued earned pension if a transfer payment was made before the end of the last active scheme year in respect of the member's rights to that accrued earned pension.

(4) The assumed age addition applies in relation to a member who reaches normal pension age under this scheme at least one month before the last day of pensionable service.

Account established after ill-health award ceases to be payable

47. If a lower tier ill-health pension ceases to be payable to a person (P) under regulation [](consequences of review) and P does not re-enter pensionable service—

- (a) a deferred member's account must be established; and
- (b) that account must be credited with an amount equal to the annual rate of the lower tier ill-health pension payable immediately before the lower tier ill-health pension ceased to be payable.

Closure of deferred member's account after gap in pensionable service not exceeding 5 years

48.—(1) This regulation applies when a deferred member of this scheme in relation to a continuous period of pensionable service re-enters pensionable service under this scheme after a gap in pensionable service not exceeding 5 years.

(2) The scheme manager must—

- (a) close the deferred member's account in relation to that period of service and treat the deferred member's account as if it were never established;
- (b) re-establish the active member's account under Chapter [] in relation to that period of service; and
- (c) make entries in the active member's account as if, during the gap in pensionable service and during any period of pensionable public service, the member—
 - (i) was in pensionable service under this scheme; but
 - (ii) received no pensionable pay.

(3) Where a deferred member had more than one deferred member's account the member may select which deferred member's account should be closed within three months of the date of re-entering scheme employment.

(4) If the deferred member fails to make the selection mentioned in paragraph (2), the scheme manager must select which of the deferred member's account is to be closed.

CHAPTER 8

Full retirement account

Establishment of full retirement account

49.—(1) When an active member of this scheme becomes entitled to the immediate payment of a full retirement pension or an ill-health award in relation to a continuous period of pensionable service under this scheme, the scheme manager must—

- (a) close the active member's account for that period of service and any added pension account must be closed; and
- (b) establish an account for the pensioner member for that period of service.

(2) When an active member of this scheme exercises the partial retirement option and becomes entitled under regulation [](1)(annual rate of full retirement pension) to the immediate payment of a full retirement pension, the scheme manager must—

- (a) close the active member's account for the period of earlier service;
- (b) establish an account for the pensioner member for that period of earlier service;

- (c) any added pension account must be closed and the amount transferred to the full retirement account; and
 - (d) establish a new active member's account under Chapter [] for the member's continuing service as if the first day of pensionable service in the scheme employment is the day after the option date.
- (3) When a deferred member becomes entitled to the immediate payment of a full retirement pension or an ill-health award, the scheme manager must—
- (a) close the deferred member's account for that period of service and any added pension account; and
 - (b) establish an account for the pensioner member for that period of service.
- (4) For the purpose of these Regulations, an account established for a pensioner member under paragraph (1)(b), (2)(b) or (3)(b) is called a full retirement account.
- (5) In this regulation—
- “continuing service” means pensionable service that continues in accordance with regulation [](2)(d)(establishment of full retirement account) from the option date;
 - “option date” means the date on which the partial retirement option is exercised and the member becomes entitled to the immediate payment of a full retirement pension; and
 - “period of earlier service” means the continuous period of pensionable service ending on the option date.

Account to specify amount of full retirement pension

- 50.**—(1) The full retirement account must specify, for each description of accrued pension, the amount of the relevant full retirement pension.
- (2) The amount of full retirement earned pension is the sum of—
- (a) the amount of the accrued earned pension calculated under regulation 27(3) (“accrued amount”);
 - (b) the retirement index adjustment for the accrued amount; and
 - (c) the assumed age addition (if any) for the accrued amount.
- (3) The amount of any full retirement added pension is the sum of—
- (a) the amount of the accrued added pension calculated under regulation 27(4);
 - (b) the PIA index adjustment for the accrued added pension; and
 - (c) the assumed age addition (if any) for the accrued added pension.
- (4) For each amount of full retirement pension, the full retirement account must specify—
- (a) the early payment reduction (if any);
 - (b) the commutation amount (if any); and
 - (c) the total allocation amount (if any).
- (5) The assumed age addition applies in relation to a member who reaches normal pension age under this scheme at least one month before the last day of pensionable service.

CHAPTER 9

Pension accounts for survivor members

Establishment of survivor member's account

- 51.**—(1) The scheme manager must establish a pension account for each person who is entitled to a pension under this scheme as a surviving partner or eligible child following the death of an active member, deferred member or pensioner member.

- (2) The scheme manager must—
 - (a) close the active member’s account or the deferred member’s account or the pensioner member’s account (as the case may be) and the added pension account (if any); and
 - (b) establish a pension account for each survivor member.
- (3) For the purpose of these Regulations—
 - (a) a person entitled to a pension in the circumstances mentioned in paragraph (1) is called a survivor member; and
 - (b) an account established under paragraph (2)(b) is called a survivor member’s account.

Amount of pension payable to survivor member

52. The survivor member’s account must be credited with an amount equal to the annual rate of pension payable to the survivor member calculated in accordance with the appropriate regulation in Chapter 2 (pensions for surviving partners) or Chapter 3 (pensions for eligible children) of Part 6 (death benefits) as the case may be which confers the pension on the survivor member.

CHAPTER 10

Pension accounts for pension credit members

Establishment of pension credit member’s account

53.—(1) The scheme manager must establish a pension account for each pension credit member of this scheme (“the pension credit member’s account”).

(2) If a pension credit is derived from 2 or more pension debit members, the scheme manager must establish a pension credit member’s account in relation to each pension debit member.

(3) The pension credit member’s account must specify the amount of credited pension, and for that amount, the commutation amount (if any).

(4) On the establishment of the pension credit member’s account, the accounts established under this Part for the pension debit member must be reduced by the amount of the cash equivalent that would have been payable under Chapter 2 of Part 4A of PSA 1993 in respect of the pension credit member’s rights to benefits under this scheme attributable (directly or indirectly) to a pension credit.

(5) In this regulation—

“amount of credited pension” means an amount equal to the pension credit calculated in accordance with regulations made under paragraph 5(b) of Schedule 5 to WRPA 1999.

Other pension accounts

54. If a pension credit member of this scheme is also an active member, deferred member, pensioner member or survivor member of this scheme, the scheme manager must establish a pension credit member’s account in addition to any other account established for the member under this Part.

PART 5

Retirement benefits

CHAPTER 1

Interpretation

Qualifying service

55. In these Regulations, “qualifying service” in relation to a member’s pension account, means the total of—

- (a) any pensionable service under this scheme in relation to the same pension account;
- (b) if a transfer value payment has been accepted under Part 10 (transfers) in respect of rights accrued under another occupational pension scheme, the person’s period of pensionable service under that scheme; and
- (c) for a transition member with continuity of service, subject to paragraphs (2), (3), (4) and (5), the person’s pensionable service reckonable under rule F1 (reckoning of and certificates as to pensionable service) of the 1992 scheme (if any) and the person’s qualifying service under the NFPS (if any).

(2) Where a transition member has more than one active member’s account, and was a member of the 1992 Scheme, the pensionable service reckonable under rule F1 must be added to the pensionable service for the active member’s account in respect of which the scheme employment is the most similar to the employment which was pensionable under the 1992 Scheme.

(3) Where a transition member has more active member’s accounts than the number of contracts of employment in respect of which that member was a member of the NFPS, the qualifying service under the NFPS must be added to the pensionable service for the active member’s account in respect of which the scheme employment is most similar to the employment which was pensionable under the NFPS.

(4) Where a transition member was a member of the 1992 Scheme and the NFPS or had two or more contracts of employment in respect of which that member was a member of the NFPS, the pensionable service reckonable under rule F1 or the qualifying service under the NFPS, as the case may be, must be added to the pensionable service for the active member’s account in respect of which the scheme employment is most similar to the employment which was pensionable under the 1992 Scheme or the NFPS.

(5) If the scheme manager is not certain which service pensionable under the 1992 Scheme or qualifying service under the NFPS is the most similar to the scheme employment for a particular pension account, the member is to decide which pensionable service under the 1992 Scheme or qualifying service under the NFPS is to be added to the pensionable service in relation to a member’s pension account.

(6) None of the following counts as qualifying service—

- (a) any pensionable service under this scheme in respect of which a person’s rights under this scheme are extinguished;
- (b) any pensionable service under the existing scheme in respect of which a person’s rights under that scheme are extinguished;
- (c) any unauthorised absence from scheme employment.

CHAPTER 2

Full retirement benefits

Entitlement to full retirement pension

56.—(1) Subject to paragraph (2), a member of this scheme (P) is entitled to the immediate payment for life of a full retirement earned pension under this scheme if—

- (a) P has reached the age of 55; and
- (b) P has at least 3 months qualifying service;
- (c) P has claimed payment of a full retirement pension;
- (d) P is no longer employed in a scheme employment and so is not entitled to be an active member of this scheme; or
- (e) P has exercised the partial retirement option.

(2) Where a member is entitled to an ill-health award, the requirement in paragraph (1)(a) does not apply to that member.

(3) On becoming entitled to the immediate payment for life of a full retirement earned pension, P is entitled to immediate payment for life of a full retirement added pension if P had an added pension account in this scheme before becoming so entitled.

(4) The claim for payment of a full retirement pension must be made by notice to the scheme manager in a form required by the scheme manager and must be given before the date on which the first payment of the full retirement pension is paid.

Annual rate of full retirement pension (active members and deferred members)

57.—(1) This regulation applies when an active member or a deferred member of this scheme becomes entitled to the immediate payment of a full retirement pension.

(2) Subject to paragraph (3), the annual rate of a full retirement pension payable to the member on the day following the last day of pensionable service is found by adding—

- (a) the total of—
 - (i) the amount of full retirement earned pension specified in the member's full retirement account,
 - (ii) subtracting the early payment reduction (if any), specified in that account in relation to that amount,
 - (iii) subtracting the commutation amount (if any) specified in that account in relation to that amount,
 - (iv) subtracting the total allocation amount (if any) specified in that account in relation to that amount; and
- (b) the total of—
 - (i) the amount of full retirement added pension (if any) specified in the member's full retirement account,
 - (ii) subtracting the early payment reduction (if any), specified in that account in relation to that amount,
 - (iii) subtracting the commutation amount (if any) specified in that account in relation to that amount,
 - (iv) subtracting the total allocation amount (if any) specified in that account in relation to that amount; and
- (c) the amount of the higher tier ill-health pension (if any) awarded to the member under regulation [](2)(entitlement to lower tier ill-health pension and higher tier ill-health pension).

(3) Where the active member has claimed a full retirement pension, and a reduction has been made under section 31 WRPA 1999, the annual rate of a full retirement pension is reduced accordingly.

Early payment reduction

58.—(1) This regulation applies when an actuarial reduction is to be applied when calculating the annual rate of pension to be payable to an active member who has not reached normal pension age or to a deferred member who has not reached deferred pension age.

(2) An active member (P) may claim a full retirement pension to be paid after P has reached the age of 55 and before P has reached the age of 57.

(3) The actuarial reduction to be applied in a case falling in paragraph (2) is in accordance with actuarial guidance which reduces the pension on the basis that P had not reached deferred pension age.

(4) An active member (P) may claim a full retirement pension to be paid after P has reached the age of 57 and before P has reached normal pension age.

(5) The actuarial reduction to be applied in a case falling in paragraph (4) is in accordance with actuarial guidance which reduces the pension on the basis that P had not reached normal pension age.

(6) A deferred member (P) may claim a full retirement pension to be paid after P has reached the age of 55 and before P has reached deferred pension age.

(7) The actuarial reduction to be applied in a case falling in paragraph (6) is in accordance with actuarial guidance which reduces the pension on the basis that P had not reached the deferred pension age.

Employer initiated retirement

59.—(1) Where an active member who has attained the age of 55 or over but has not attained the normal pension age is dismissed by an employer from a scheme employment by reason of business efficiency or whose employment is terminated by mutual consent on the grounds of business efficiency and the employer makes the determination in paragraph (2), that member's pension is calculated in accordance with regulation [] (annual rate of full retirement pension(active members and deferred members)) without the early payment reduction.

(2) An employer may only pay a full retirement pension of the amount mentioned in paragraph (1) in the circumstances mentioned in that paragraph where the employer determines that a full retirement pension awarded on that basis would assist the economical, effective and efficient management of their functions having taken account of the costs likely to be incurred in the particular case.

CHAPTER 3

Partial retirement benefits

Exercise of partial retirement option

60.—(1) This regulation applies to an active member of this scheme (P) who—

- (a) is aged at least 55; and
- (b) would be entitled to the immediate payment of a full retirement pension if P had ceased to be employed in any scheme employment and had claimed payment of the pension.

(2) P may opt to continue in pensionable service under this scheme but claim payment of the whole of P's accrued pension in relation to the pensionable service rendered before the exercise of the partial retirement option.

(3) Where P has more than one active member's account, the partial retirement option may be exercised in respect of some or all of P's active member's accounts.

(4) The partial retirement option may only be exercised by notice to the scheme manager in a form required by the scheme manager and must be given before the date on which the first payment of the full retirement pension is claimed ("option notice").

(5) For the purpose of these Regulations, the partial retirement option is taken to be exercised on such date as the member and the scheme manager agree.

(6) An option notice must specify that P claims the whole of P's pension accrued in respect of P's active member's account in respect of the earlier service of that scheme employment.

Annual rate of full retirement pension

61.—(1) An active member of this scheme (P) who exercises the partial retirement option is entitled to the immediate payment for life of a full retirement pension.

(2) The annual rate of a full retirement pension is calculated under regulation [] (annual rate of full retirement pension (active members and deferred members)) by reference to the amount of that description of full retirement earned pension and full retirement added pension (if any) specified in the member's full retirement account.

(3) For the purposes of this Part, where a member exercises the partial retirement option that member's last day of pensionable service in relation to the pensionable service in respect of which the partial retirement option is exercised is the day on which the member exercised the partial retirement option.

CHAPTER 4

Ill-health benefits

Entitlement to lower tier ill-health pension and higher tier ill-health pension

62.—(1) An active member who has not reached normal pension age is entitled to immediate payment of a lower tier ill-health pension if the following conditions are met—

- (a) in the opinion of an IQMP the member is incapable of performing any duties of the role in which the member was last employed because of incapacity of mind or body and this incapacity will continue until normal pension age;
- (b) the member has 3 months of qualifying service;
- (c) consequent on the incapacity in sub-paragraph (a), the member has been dismissed or retired from scheme employment; and
- (d) the scheme manager has determined that the member is entitled to a lower tier ill-health pension.

(2) An active member is entitled to immediate payment of a higher tier ill-health pension in addition to the lower tier ill-health pension if the following conditions are met—

- (a) in the opinion of an IQMP the member is incapable of undertaking regular employment because of incapacity of mind or body and this incapacity will continue until normal pension age;
- (b) the member has at least 5 years of qualifying service;
- (c) the member is entitled to a lower tier ill-health pension; and
- (d) the scheme manager has determined that the member is entitled to a higher tier ill-health pension.

(3) In these Regulations, an ill-health award means the entitlement to the payment of a lower tier ill-health pension, and in cases where the member is also entitled to a higher tier ill-health pension, the payment of a higher tier ill-health pension.

Annual rate of ill-health awards

63.—(1) The annual rate of a lower tier ill-health pension and of a higher tier ill-health pension is calculated as follows.

(2) The annual rate of a lower tier ill-health pension is calculated in the same way as the annual rate of a full retirement pension is calculated, but without subtracting the early payment reduction.

(3) The annual rate of a higher tier ill-health pension is calculated by multiplying the annual amount of the adjusted lower tier ill-health pension by the member's assumed period of pensionable service and by 2%;

(4) In this regulation—

“the adjusted lower tier ill-health pension” means the lower tier ill-health pension payable under paragraph (2) calculated—

- (a) excluding an amount equal to the amount of any added pension which had been included in the calculation of the lower tier ill-health pension; and
- (b) without the deduction for any commuted portion of the pension.

“the member’s assumed period of pensionable service” means the period expressed in years—

- (i) beginning with the day after the member’s continuous period of pensionable service ceased; and
- (ii) ending with the day before the day on which the member will reach normal pension age (assuming that the member lives until that age).

Early payment of pension to deferred member

64. A deferred member who has not reached deferred pension age is entitled to immediate payment of a full retirement pension without subtracting the early payment reduction if the following conditions are satisfied—

- (a) the member has given written notice requesting payment of the pension before deferred pension age to the scheme manager;
- (b) in the opinion of the IQMP the member is incapable of undertaking regular employment because of infirmity of mind or body and this incapacity will continue until deferred pension age; and
- (c) the scheme manager has determined that the member is entitled to the early payment of the pension.

Review of ill-health award or early payment of pension

65.—(1) Where a member (P) has been in receipt of an ill-health award for less than 10 years, and is under deferred pension age, the scheme manager must consider, at such intervals as they consider appropriate, whether P has become capable—

- (a) of performing any duty appropriate to the role from which P retired on grounds of ill-health, and
- (b) of undertaking regular employment.

(2) The scheme manager must consider, at such intervals as they consider appropriate before the member reaches deferred pension age, in relation to a pensioner member who was a deferred member and whose pension is being paid early by virtue of regulation [](1)(early payment of pension to a deferred member), whether the member has become capable of undertaking regular employment.

Consequences of review

66.—(1) If, on such consideration as is mentioned in regulation [](1)(review of ill-health award or early payment of pension), the scheme manager determines that a member (H) who is in receipt of a higher tier ill-health pension has become capable of undertaking regular employment, H’s entitlement to that pension must cease with immediate effect.

(2) Subject to paragraph (3), a lower tier ill-health pension must continue to be paid to a member who ceases to be entitled to a higher tier ill-health pension.

(3) If—

- (a) on such consideration as is mentioned in regulation [](1), the scheme manager determines that a member (‘L’) who is in receipt of a lower tier ill-health pension has become capable of performing the duties appropriate to the role from which L retired on grounds of ill-health, and
- (b) the employer make L an offer of employment in that role (“a paragraph (3)(b) offer”),

L's entitlement to a lower tier ill-health pension must cease whether L accepts or declines the offer.

(4) The employer must by written notice when making a paragraph (3)(b) offer specify a date by which, if the member has not accepted the offer, the member must be taken to have declined it.

(5) A lower tier ill-health pension ceases to be payable on the earlier of the following dates—

- (a) the date on which a member re-enters scheme employment pursuant to a paragraph (3)(b) offer; or
- (b) such date after the paragraph (3)(b) offer is made as the employer specifies by notice under paragraph (4).

(6) Where a member declines a paragraph (3)(b) offer, a deferred member's account must be established under regulation [] (account established after ill-health award ceases to be payable) from the date on which that member's ill-health award ceases to be payable in accordance with paragraph (5).

(7) If, on such consideration as is mentioned in regulation [](2)(review of ill-health award), the scheme manager has obtained the IQMP's opinion which states that a pensioner member (P) whose pension is being paid early has become capable of undertaking regular employment, P's entitlement to early payment of the pension must cease with immediate effect.

CHAPTER 5

Payment of retirement benefits

Commencement of pensions

67.—(1) The first period for which any full retirement pension which is payable immediately on a member leaving scheme employment, begins with the day after the date on which the employment ends where the member has made a claim for payment of that pension before that date.

(2) Where an active member has not claimed payment of the full retirement pension before the date on which that member retires, the pension will be payable from a date after the claim is made which is notified to the member by the scheme manager.

(3) Where the employer of an active member has determined to pay that member a full retirement pension before the member reaches normal pension age in exercise of the powers in regulation [] (employer initiated retirement), the first period for which the pension is payable begins on the day after the member's scheme employment ends.

(4) In the case of an active member who intends to exercise the partial retirement option, the first period for which any full retirement pension is payable begins on the date on which the partial retirement option is exercised.

(5) In the case of a deferred member, the first period for which payment of a full retirement pension is payable begins on the date on which the member attains deferred pension age unless that member gives written notice to the scheme manager before the member reaches deferred pension age—

- (a) requesting to defer payment by notice given to the scheme manager more than three months before the member reaches deferred pension age and any such deferral must not extend beyond the day before the member's 75th birthday; or
- (b) requesting payment of the full retirement pension before deferred pension age after the deduction of the early payment reduction; or
- (c) requesting the early payment of the full retirement pension on grounds of incapacity to undertake regular employment under regulation [](early payment of pension to deferred member).

(6) Where an active member is entitled to a lower tier ill-health pension and a higher tier ill-health pension under regulation [] (entitlement to lower tier ill-health pension and higher tier ill-health pension) the first period for which a full retirement pension is payable is the day after the date on which the member scheme employment is terminated.

(7) Where a deferred member has made a request under paragraph (5)(c) and is entitled to the early payment of a full retirement pension, the first period for which the pension is payable begins on the date on which the deferred member became incapable of undertaking regular employment because of infirmity of body or mind, or if that date cannot be ascertained, from the date of the member's request to the scheme manager for early payment.

(8) Where a deferred member has made a request under paragraph (5)(a) or (b), the pension will be payable from a date after the claim for it is made which is notified to the member by the scheme manager.

Option to commute part of pension

68.—(1) A member who becomes entitled to the immediate payment of a full retirement pension may opt under this regulation to exchange part of the pension for a lump sum.

(2) The option may only be exercised—

- (a) by written notice to the scheme manager which sets out the amount to be commuted; and
- (b) before the first payment of the pension is made.

(3) If a member exercises the option, for every £1 by which the amount of the member's annual rate of pension is reduced, the member must be paid a lump sum of £12.

(4) A member may not exchange more than 25% of the pension for a lump sum under this regulation or if less the proportion of the pension to the extent that it would result in a scheme chargeable payment^(a) for the purposes of Part 4 of the FA 2004.

(5) This regulation does not apply to a pension derived from pension credit rights if the pension debit member from whose rights the pension is derived has received a lump sum under this regulation before the date on which the pension sharing order takes effect.

(6) This regulation does not apply to a higher tier ill-health pension.

CHAPTER 6

Allocation of part of pension

Meaning of “beneficiary”

69. In this Chapter, “beneficiary”, in relation to a member who makes an allocation election (P) means a person who, on P becoming entitled to immediate payment of a full retirement pension, would be the beneficiary of an allocated pension.

Allocation election

70.—(1) An active member or deferred member may elect to allocate up to a third of the amount of the annual rate of any of the member's full retirement pensions under this scheme other than an ill-health award to a beneficiary (“allocation election”).

(2) The persons in whose favour an allocation election may be made are—

- (a) the spouse, civil partner or cohabiting partner of the active member or the deferred member, or
- (b) with the consent of the scheme manager, any other person who is substantially dependent on the active member or deferred member and would have been a dependant of the member for the purposes of paragraph 15(2) or (3) of Schedule 28 to FA 2004 if the member had died when the election was made.

(3) The scheme manager may withhold consent under paragraph (2)(b) if it is not satisfied that the person is substantially dependent on the active member or deferred member.

(a) See section 241 of Finance Act 2004.

(4) If a member wishes to allocate pension to more than one beneficiary, a separate election must be made in respect of each beneficiary.

(5) Where more than one portion of a particular pension is allocated, the total of the allocated portions of that pension must not exceed the portion of that pension retained by the active or deferred member.

(6) If paragraph (7) applies, the member may elect to allocate only so much of the pension (after subtracting the commutation amount, if any) that exceeds the guaranteed minimum, multiplied by such factor as is indicated for a person of the member's description in tables provided by the scheme actuary.

(7) This paragraph applies if the member has a guaranteed minimum under section 14 of PSA 1992 in relation to the whole or part of a pension as a result of receipt by this scheme of a transfer payment from another pension scheme in respect of which the member had such a guaranteed minimum.

Making an allocation election

71.—(1) The active or deferred member must—

- (a) satisfy the scheme manager that that member is in good health and has a normal life expectancy; and
- (b) give the scheme manager written notice of an allocation election specifying—
 - (i) the portion,
 - (ii) the name and address of the beneficiary, and
 - (iii) the sex of the beneficiary;
 - (iv) the date of birth of the beneficiary.

(2) The notice of allocation, which may be sent by post, must be given not earlier than two months before the pension comes into payment.

(3) Where the requirements in paragraphs (1) and (2) have been satisfied, the scheme manager must notify the member that they have accepted the allocation election.

(4) An election has no effect if the member or the beneficiary dies before the notice of allocation takes effect.

Effect of allocation

72.—(1) If an allocation election takes effect, the member's full retirement pension is reduced accordingly.

(2) If a notice of allocation takes effect, it does so on the day on which the full retirement pension comes into payment.

(3) Where a notice of allocation has taken effect, and the beneficiary survives the pensioner, the scheme manager must, from the date of the pensioner's death, pay the beneficiary a pension which is the actuarial equivalent of the allocated portion.

(4) Where more than one portion of a member's full retirement pension has been allocated, a separate calculation must be made under paragraph (3) in respect of each allocation.

(5) The actuarial equivalent of an allocated portion must be determined by the scheme manager in accordance with actuarial guidance in force when the notice of allocation takes effect; and the calculation must be made by reference to the ages of the pensioner and the beneficiary at the date on which the notice of allocation was given.

(6) Where—

- (a) a notice of allocation has taken effect, and
- (b) the beneficiary pre-deceases the pensioner,

the scheme manager must pay to the pensioner (distinguishing it from any other pension payable to that pensioner) the portion of pension that had been allocated ("the failed allocation pension").

(7) Where paragraph (6) applies, the pensioner is not entitled to recover from the scheme manager the amount of any deduction made in respect of the failed allocation pension.

(8) An allocation ceases to have effect for the purposes of this regulation if it would result in a pension being paid under this regulation to a beneficiary who is neither—

- (a) the member's spouse or civil partner or cohabiting partner on—
 - (i) the date on which the member becomes entitled to the pension; or
 - (ii) when the member dies; nor
- (b) a dependant of the member for the purposes of paragraph 15(2) or (3) of Schedule 28 to the FA 2004 when the member dies.

Adjustment of allocated benefit (members who have reached 75)

73. The amount of allocated pension payable to the beneficiary of an allocation election may be adjusted in such manner as is determined by the scheme manager if—

- (a) a member who made the allocation election dies after reaching 75, and
- (b) on the death of the member, the amount of allocated pension payable to the beneficiary does not qualify as a dependants' scheme pension under section 167 of FA 2004 (the pension death benefit rules)(a).

PART 6

Death benefits

CHAPTER 1

Interpretation

Meaning of “surviving partner”

74.—(1) For the purposes of these Regulations, a person is a surviving partner in relation to a member if, at the date of the member's death, that person is—

- (a) the spouse or civil partner of the member;
- (b) cohabiting with the member and—
 - (i) is not married or in a civil partnership with that member; and
 - (ii) is not the spouse or civil partner of any other person, and
 - (iii) could enter into a marriage or civil partnership under the law of England and Wales with the member but has not done so; and
 - (iv) is financially dependent on the scheme member, or is, with the scheme member, in a state of mutual financial dependency, and
 - (v) is in a long-term relationship with the scheme member.

(2) In paragraph (1) “long-term relationship” means a relationship that has continued, to the exclusion of any other relationship, for a period of at least two years ending with the date on which the question of the person's status in relation to the member falls to be considered, or such shorter period as the scheme manager may in any particular case think fit; and

(3) In these Regulations, “cohabiting partner” means a person who satisfies the requirements in paragraph (1)(b);

(a) See paragraphs 16 to 16C of Schedule 28 to that Act.

Meaning of “initial period”

75. For the purposes of this Part, the “initial period” is the period of 13 weeks commencing on the day after the death of the member during which a bereavement pension may be payable to any surviving partner or eligible child.

CHAPTER 2

Pensions for surviving partners

Surviving partner’s pension payable on death of active member

76.—(1) This regulation applies in relation to the surviving partner of a member who dies if, at the date of death, the member is an active member and has qualifying service of more than 3 months.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner’s pension.

(3) Subject to regulation [] (reduction in pensions in cases of wide age disparity), the annual rate of the surviving partner’s pension is an amount equal to half the pension which the member would have been entitled to draw if the member had retired on the grounds of ill-health with the award of a higher tier ill-health pension on the date of the member’s death.

Surviving partner’s pension payable on death of deferred member

77.—(1) This regulation applies in relation to the surviving partner of a member who at the date of death is a deferred member.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner’s pension.

(3) Subject to regulation [] (reduction in pensions in cases of wide age disparity), the annual rate of surviving partner’s pension is an amount equal to half of the sum of the provisional amount of deferred pension specified in the deferred member’s account and the amount of the added pension (if any) specified in the added pension account.

Surviving partner’s pension payable on death of pensioner member

78.—(1) This regulation applies in relation to the surviving partner of a member (P) who at the date of death is a pensioner member.

(2) A surviving partner to whom this regulation applies is entitled to a surviving partner’s pension.

(3) Subject to regulation [] (reduction in pensions in cases of wide age disparity), the annual rate of the surviving partner’s pension is equal to half the amount of the annual rate of the full retirement pension payable to P immediately before P’s death.

(4) Where an early payment reduction had been made on P’s retirement, the amount in paragraph (2) is half of the amount of full retirement pension that would have been payable to P if that reduction had not been made.

Bereavement pension: surviving partner

79.—(1) Subject to paragraph (2), the surviving partner of an active member, or a pensioner member, is entitled to a bereavement pension for the initial period.

(2) The surviving partner of an active member is only entitled to a bereavement pension if the active member had at least three months qualifying service.

(3) If the member was an active member at the date of the member’s death, the weekly amount of the bereavement pension payable under paragraph (1) is equal to the weekly amount of pensionable pay which the member was paid at the date of the member’s death or, where the

member was treated as receiving assumed pensionable pay, the weekly amount of assumed pensionable pay.

(4) If the member was a pensioner member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraph (1) is equal to the weekly amount of the pension to which the member was entitled at the date of the member's death.

Reduction in pensions in cases of wide age disparity

80.—(1) This regulation applies if on the death of a member of this scheme, a surviving partner's pension is payable to a person who is more than 12 years younger than the member.

(2) The annual rate of that pension is reduced by the lower of—

- (a) 50% of the amount of the annual rate of the pension so calculated; or
- (b) $2.5 \times (N - 12)\%$ of that amount,

where N is the number of whole years by which the surviving partner is younger than the member.

CHAPTER 3

Pensions for eligible children

Eligible child's pension

81.—(1) If a member, who has three months qualifying service, dies leaving an eligible child, an eligible child's pension and, depending on the deceased member's circumstances, a bereavement pension are payable in respect of the child.

(2) An eligible child's pension is not payable in respect of any period before a child's birth.

(3) If the person ceases to be an eligible child after the date of the member's death, the pension ceases to be payable unless and until the child becomes an eligible child again, but, if the child does not cease to be an eligible child, the pension is payable for life.

Meaning of "eligible child"

82.—(1) In these Regulations, "child", in relation to a deceased member, means—

- (a) a natural child, step-child or adopted child of the member; or
- (b) the natural child, step-child or adopted child of the member's spouse, civil partner or cohabiting partner; or
- (c) any natural child of the member who was born after the member's death and with whom the child's mother was pregnant at the date of the member's death.

(2) A child of the deceased member is an "eligible child" if—

- (a) the child was at the date of the deceased member's death financially dependent on the deceased member;
- (b) the child is not married or in a civil partnership; and
- (c) the child satisfies any of the conditions A to C.

(3) Condition A is that the person is in full-time education and has not taken up paid employment or reached the age of 18.

(4) Condition B is that the person is in full-time education or on a course of at least 1 year's duration and has not reached the age of 23.

(5) Condition C is that the person is unable to engage in gainful employment because of incapacity of mind or body and for this reason the child is dependent on the member at the date of the deceased's death.

(6) A child of a member who is born after the member dies is an eligible child if that child's mother was pregnant with the child at the date of the member's death.

Eligible child's pension on death of active member

83.—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is an active member and has qualifying service of more than 3 months.

(2) The annual rate of an eligible child's pension is an amount equal to the specified proportion of the pension which the member would have been entitled to draw if the member had retired on the grounds of ill-health with the award of a higher tier ill-health pension on the date of the member's death.

Eligible child's pension payable on death of deferred member

84.—(1) This regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is a deferred member.

(2) The annual rate of an eligible child's pension is an amount equal to the specified proportion of the sum of the provisional amount of deferred pension specified in the deferred member's account and the amount of the added pension (if any) specified in the added pension account.

Eligible child's pension payable on death of pensioner member

85.—(1) The regulation applies in relation to an eligible child of a member who dies if, at the date of death, the member is a pensioner member (P).

(2) Subject to paragraph (3), the annual rate of an eligible child's pension is an amount equal to the specified proportion of the amount of full retirement pension payable to P immediately before P's death.

(3) Where an early payment reduction had been made on P's retirement, the amount in paragraph (2) is the specified proportion of the amount of full retirement pension that would have been payable if that reduction had not been made.

Specified proportion

86.—(1) The specified proportion is one quarter where there is one eligible child at the date of the member's death.

(2) If there is more than one eligible child at the date of the member's death the specified proportion is half of the pension mentioned in regulations [](eligible child's pension on death of active member), [](eligible child's pension payable on death of deferred member) and [](eligible child's pension payable on death of pensioner member) divided by the number of eligible children so that each eligible child receives an equal share.

(3) If a person ceases to be an eligible child, that person's pension will cease to be paid and where there is still more than one eligible child, the amount of that pension will be distributed between the remaining eligible children (if any).

Increase in eligible child's pension where there is no surviving partner

87.—(1) This regulation applies if at the date of the member's death there was no person who was entitled to a surviving partner's pension.

(2) If this regulation applies and there is an eligible child, that child is also entitled to the amount of pension which the surviving partner would have received—

- (a) under regulation [](surviving partner's pension payable on death of active member) if the member (P) was an active member at the date of P's death;
- (b) under regulation [](surviving partner's pension payable on death of deferred member) if P was a deferred member at the date of P's death;
- (c) under regulation [](surviving partner's pension payable on death of pensioner member) if P was a pensioner member at the date of P's death.

(3) If there is only one eligible child, that child receives an additional amount equal to the amount ascertained in accordance with paragraph (2).

(4) If there is more than one eligible child at the date of P's death, the amount ascertained in accordance with paragraph (2) is divided between the number of eligible children so that each eligible child receives an equal share.

(5) If a person ceases to be an eligible child, that person's share of the amount ascertained in accordance with paragraph (2) will cease to be paid to that person and if there is at least one eligible child that share will be distributed between the eligible child or remaining eligible children as the case may be.

Increase in eligible child's pension where member was pension debit member

88. If the member's benefits were at the date of death subject to a reduction under section 31 of the WRPA, any eligible child's pension must be calculated as though that reduction had not been made.

Bereavement pension: eligible child

89.—(1) If a surviving partner's pension is not payable on the death of the member, a bereavement pension is payable to an eligible child who is entitled to an eligible child's pension on the death of an active member or a pensioner member.

(2) If the surviving partner dies before the end of the initial period and a bereavement pension was payable to the surviving partner, a bereavement pension is payable to any eligible child for the remaining part of the initial period or until the child ceases to be eligible for an eligible child's pension if that is earlier.

(3) If the member was an active member at the date of the member's death, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is equal to the weekly amount of pensionable pay which the member was paid at the date of the member's death or, where the member was treated as receiving assumed pensionable pay, the weekly amount of assumed pensionable pay.

(4) If the member was a pensioner member, the weekly amount of the bereavement pension payable under paragraphs (1) or (2) is equal to the weekly amount of the pension to which the member was entitled at the date of the member's death.

(5) If there is more than one eligible child, the weekly amount of the bereavement pension is divided by the number of eligible children so that each receives an equal share.

(6) If a person ceases to be an eligible child before the end of the initial period, that person's share of the bereavement pension will cease to be paid and the share will be distributed between the remaining eligible children (if any).

CHAPTER 4

Lump sum death benefits

Meaning of "final pay"

90.—(1) In this Chapter, "final pay" means the greater of the following amounts—

- (a) the amount of the member's pensionable pay during the member's continuous period of pensionable service in the period of 365 days ending with the last day of pensionable service; and
- (b) the amount of the member's pensionable pay during the member's continuous period of pensionable service in the period of 3 years ending with the last day of pensionable service divided by 3.

(2) If the member's continuous period of pensionable service was less than 365 days, the amount in paragraph (1)(a) is an amount equal to the member's annualised final pay;

(3) For the purpose of determining which of the amounts mentioned in paragraph (1) is the greater—

- (a) if the member's continuous period of pensionable service was less than 3 years the amount in paragraph (1)(b) is the total pensionable pay received for that service divided by the number of years in pensionable service calculated in accordance with regulation 144 (calculation of periods of membership and service); and
- (b) if a member is treated as receiving assumed pensionable pay for any period included in paragraph (1)(a) or (1)(b), pensionable pay in this regulation includes that assumed pensionable pay.

(4) But if the continuous period of pensionable service includes the day 29 February, paragraph (1)(a) and (2) have effect with the substitution for "365" of "366".

Meaning of "annualised final pay"

91.—(1) For the purpose of this Chapter, a member's annualised final pay is $FP \times 365/N$ where—

- (a) FP is the member's pensionable pay during the member's continuous period of pensionable service; and
- (b) N is the number of days in that period.

(2) But if the continuous period of pensionable service includes the day 29 February, paragraph (1) has effect with the substitution for "365" of "366".

Person to whom lump sum death benefit payable

92. The scheme manager may, at its absolute discretion, pay the lump sum death benefit to or for the benefit of the member's nominee, personal representatives or any person appearing to the scheme manager to have been a relative or dependent of the member.

Lump sum payable on death of active member

93.—(1) If an active member dies, the scheme manager must pay a lump sum death benefit.

(2) The amount of the lump sum death benefit is an amount equal to three times the amount of the member's final pay.

(3) Where an active member has more than one active member's account, a lump sum death benefit is payable in respect of each of those accounts.

Lump sum payable on death of pensioner member

94.—(1) This regulation applies if a pensioner member dies within 5 years of the pension coming into payment.

(2) If this regulation applies, the scheme manager must pay a lump sum death benefit.

(3) The amount of the lump sum death benefit is equal to—

- (a) the total annual amount of the member's pensions, multiplied by 5; less
- (b) the total amount of any pension payments made to the member under this scheme.

(4) In paragraph (2)(a), "total annual amount of any pension payments to the member" means the total of the annual rate of the full retirement pension shown in the member's pension accounts calculated as if the beginning date for that pension were the date of the member's death.

(5) For the purpose of this regulation any amounts paid or payable to or in respect of the member in the capacity of a pension credit member are disregarded.

Lump sum payable on death in certain cases

95. Where a person (P) at the time of P's death was a pensioner member of this Scheme and an active member of this Scheme, the amount of the lump sum death benefit payable is the greater of the amount of lump sum death benefit payable under regulation [] (lump sum payable on the death of an active member) and the amount of the lump sum death benefit payable under regulation [] (lump sum payable on the death of a pensioner member).

Lump sum payable on death of pension credit member

96.—(1) Paragraph (2) applies if a pension credit member dies before any benefits derived from a pension credit have become payable to the member.

(2) The amount of the lump sum death benefit is equal to the product of 2.25 and the annual rate of the pension credit member's pension to which that member would have been entitled if that member had been entitled to the immediate payment of the pension at the date of death.

(3) Paragraph (4) applies if a pension credit member dies after the pension credit member's pension becomes payable and before attaining the age of 75.

(4) The amount of the lump sum death benefit is equal to the amount of pension credit member's pension that would have been payable to the member during so much of the period of 5 years beginning with the date on which the pension became payable as falls after the date of the member's death.

(5) In paragraph (4), "amount of pension credit member's pension" means the annual amount of that pension at the date of the pension credit member's death.

- (6) If the deceased member was a pension credit member entitled to 2 or more pension credits—
- (a) the lump sum death benefits under this scheme are payable in respect of the member as if the member were 2 or more members, each being entitled to one of the pension credits(a); and
 - (b) the amounts payable are determined accordingly.

CHAPTER 5

Payment of death benefits

Payment of pensions under this Part

97.—(1) A surviving partner's pension or eligible child's pension is payable from the day after the date of the member's death.

(2) An eligible child's pension payable in respect of an eligible child aged under 18 must be paid to such other person as the scheme manager determines and the scheme manager must require the person to apply it for the eligible child's benefit in accordance with the scheme manager's directions.

Dependants' pensions and eligible child's pensions: suspension and recovery

98.—(1) This regulation applies if—

- (a) on a member's death a pension has been awarded and paid under this Part; and
- (b) it later appears to the scheme manager that the member or the person to whom the pension has been paid made a false declaration or deliberately suppressed a material fact in connection with the award.

(2) The scheme manager may—

(a) The result is that 2 or more pensions or lumps sums may be payable to the one pension credit member.

- (a) cease paying the pension; and
- (b) recover any payment made under the award.

(3) Paragraph (2) does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so.

Provisional awards of eligible child's pensions: later adjustments

99.—(1) This regulation applies where after the death of an active member, deferred member or pensioner member—

- (a) a pension is paid in respect of one or more persons under this Part on the basis that they were eligible children as at the date of the member's death and that there were then no other eligible children; and
- (b) subsequently it appears—
 - (i) that a person in respect of whom such a pension has been paid was not an eligible child on the date of death;
 - (ii) that a further person was an eligible child; or
 - (iii) that a child who was born after the member's death is an eligible child.

(2) The scheme manager may make such adjustments in the amount of the pensions payable in respect of the children in question as are required in view of the facts as they subsequently appear and these adjustments may apply retrospectively.

(3) Paragraph (2) does not affect the scheme manager's right to recover a payment or overpayment in any case where the scheme manager considers it appropriate to do so.

Adjustment of eligible child's awards consequent on re-instatement of pension benefits

100.—(1) This regulation applies where a person (P) who would be eligible to receive benefits as a surviving partner or eligible child following the death of an active member, deferred member or pensioner member, has been convicted of the murder or manslaughter of that member and that conviction has subsequently been quashed on appeal.

(2) If P is then eligible to receive a surviving partner's pension, any increase in an eligible child's pension under regulation [] (increase in eligible child's pension where there is no surviving partner) ceases to be payable from the date on which the conviction is quashed.

(3) If P is then eligible to receive an eligible child's pension, and if more than one person is receiving an eligible child's pension on the day before the conviction is quashed, the amount of each eligible child's pension is reduced from the date on which the conviction is quashed to an amount of the eligible child's pension determined according to the specified proportion which would have applied to that number of eligible children.

Adjustment of benefits to comply with the Finance Act 2004 where members die over 75

101.—(1) This regulation applies if—

- (a) a member dies after reaching the age of 75; and
- (b) apart from this regulation, any part of a pension to which any person becomes entitled under this Part on the death would not qualify as a dependants' scheme pension for the purposes of section 167 of FA 2004 (the pension death benefit rules)(see paragraphs 16 to 16C of Schedule 28 to that Act).

(2) The benefit payable to the person may be adjusted in such manner as is determined by the scheme manager.

PART 7

Benefits for pension credit members

Entitlement to pension credit members' pension

102.—(1) A pension credit member (P) of this scheme is entitled to the immediate payment for life of a pension credit member's pension under this scheme if—

- (a) P has attained the age of 65;
- (b) the pension sharing order under which P is entitled to the pension credit has taken effect; and
- (c) P has claimed payment of the pension.

(2) If P is entitled to 2 or more pension credits, P is entitled to a pension credit member's pension in respect of each pension credit.

Annual rate of pension credit member's pension

103. The annual rate of a pension credit member's pension is found by—

- (a) taking the amount of credited pension specified in the pension credit member's account;
- (b) subtracting the commutation amount (if any) specified in that account in relation to that amount.

Pension credit member's rights

104. Benefits that are attributable (directly or indirectly) to a pension credit may not be aggregated with any other benefit to which the pension credit member is entitled under this scheme.

Commutation of part of pension

105.—(1) A pension credit member who becomes entitled to payment of a pension credit member's pension under this scheme may opt to exchange part of the pension for a lump sum.

(2) The option may only be exercised by notice —

- (a) to the scheme manager not earlier than 4 months before the later of—
 - (i) the date on which the pension sharing order comes into effect; or
 - (ii) the date on which the person attains the age of 65; and
- (b) in such form as the scheme manager requires; and
- (c) before the first payment of the pension is made.

(3) If a pension credit member exercises the option, for every £1 by which the amount of the member's annual rate of pension is reduced, the member is to be paid a lump sum of £12.

(4) The commuted portion must not exceed one quarter of the amount of the pension credit member's pension.

(5) A pension credit member may not exchange pension for a lump sum under this regulation to the extent that it would result in a scheme chargeable payment for the purposes of Part 4 of the FA 2004 (see section 241 of that Act).

(6) This regulation does not apply if the pension debit member from whose rights the pension is derived received a lump sum under Part 5 before the date on which the pension sharing order takes effect.

PART 8

Contributions

CHAPTER 1

Member's contributions

Member's contributions

106.—(1) An active member of this scheme must pay contributions to the scheme in respect of a scheme employment at the contribution rate applicable to the annual pensionable pay that member is receiving in the pay period in which April 1st falls for that employment (or in the case of an active member whose membership commences after 1st April in any year, on the annual pensionable pay the member receives at the commencement of that membership).

(2) The contribution rate applicable to a scheme employment is as specified in the following table, with the contribution rate specified in the appropriate column for the year to be considered applicable to the band of pensionable pay specified in the first column into which the active member's annual pensionable pay, rounded down to the nearest whole pound, falls:

[see paragraph [] of the consultation paper]

<i>Pensionable pay range for an employment</i>	<i>Contribution rate 1st April 2015-31st March 2016</i>	<i>Contribution rate 1st April 2016-31st March 2017</i>	<i>Contribution rate 1st April 2017-31st March 2018</i>	<i>Contribution rate 1st April 2018-31st March 2019</i>
£0-£xk	Tbc	Tbc	Tbc	Tbc
£xk-£yk	Tbc	Tbc	Tbc	Tbc
£yk-£zk	Tbc	Tbc	Tbc	Tbc
£zk+	Tbc	Tbc	Tbc	Tbc

(3) The amount of pensionable pay of a retained or volunteer firefighter for the purpose of the first column of the table must be that firefighter's reference pay.

(4) The amount of pensionable pay of a part-time regular firefighter for the purpose of the first column of the table must be the amount of pensionable pay of a whole-time regular firefighter of equivalent role and length of service.

(5) Where there is a change in scheme employment, or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount of the pensionable pay falls into a different contribution rate band the scheme manager must determine that this rate should be applied and the scheme manager must inform the member of the contribution rate applicable and the date from which it is to be applied.

(6) Where the scheme manager has determined under paragraph (5) that a different contribution rate applies, the member must pay contributions at that rate on the pensionable pay that member is receiving at that time.

(7) For the purposes of identifying which is the applicable contribution rate under this regulation, any reduction in pensionable pay which arises as a consequence of any of the following circumstances is to be disregarded—

- (a) the actual or assumed enjoyment by the member of any statutory entitlement during any period away from work;
- (b) child-related leave;
- (c) leave of absence with permission;
- (d) sick leave;
- (e) leave due to injury;
- (f) reserve forces service leave;
- (g) absence due to a trade dispute;
- (h) circumstances specified by the scheme manager in a particular case.

Contributions during absence from work due to illness, injury, trade dispute or authorised absence

107.—(1) An active member away from employment by reason of illness or injury must pay contributions at the contribution rate ascertained in accordance with regulation [](member's contributions) multiplied by the amount of any pensionable pay received, including statutory pay but that pay does not include any amount that reduces the member's actual pensionable pay on account of possible entitlement to statutory pay.

(2) If an active member is absent from employment by reason of illness or injury and is not entitled to receive pensionable pay (including statutory pay) for any period that member may pay contributions at the contribution rate ascertained in accordance with regulation [](member's contributions) multiplied by the amount of pay received immediately before the cessation of pay and if required, the appropriate amount of employer's contribution if the employer requires this.

(3) If an active member is absent on a trade dispute, the member may elect to pay the contributions at the contribution rate ascertained in accordance with regulation [](member's contributions) multiplied by the assumed pensionable pay that member is treated as receiving and the appropriate amount of employer contribution.

(4) If an active member is away from work during a period of authorised unpaid absence, the member may elect to pay contributions at the contribution rate ascertained in accordance with regulation [](member's contributions) multiplied by the assumed pensionable pay that member is treated as receiving and the appropriate amount of employer contribution if the employer requires this.

(5) Where paragraph (3) or (4) applies, the contributions must be paid before the end of the period of 6 months starting with the date on which the member is treated as receiving assumed pensionable pay.

Contributions during absence from work on reserve forces service leave

108.—(1) An active member (P), who is on reserve forces service leave and who is treated as receiving assumed pensionable pay, must pay contributions at the contribution rate ascertained in accordance with regulation [] (member's contributions).

(2) The amount of the contributions paid is calculated by multiplying the contribution rate by the lesser of the following amounts—

- (a) assumed pensionable pay;
- (b) the total of the actual pay received and any additional payment made by the scheme employer.

Contributions during child-related leave

109.—(1) An active member on child-related leave must pay contributions at the contribution rate ascertained in accordance with regulation [](member's contributions) multiplied by any pensionable pay received, including statutory pay but that pay does not include any amount that reduces the member's actual pensionable pay on account of possible entitlement to statutory pay.

(2) If an active member is on ordinary maternity leave, paternity leave or ordinary adoption leave and is not entitled to receive pensionable pay (including statutory pay) for any of that period, that member is treated for the purposes of these Regulations as if that member had paid contributions for that unpaid period under paragraph (1).

(3) An active member on additional maternity leave, additional paternity leave, additional adoption leave or parental leave who is not entitled to receive any pensionable pay (including statutory pay) for any of the period of child-related leave, may elect to pay contributions at the contribution rate ascertained in accordance with regulation [](member's contributions) multiplied by the assumed pensionable pay that member is treated as receiving.

(4) An election to pay contributions may only be made before the end of the period of 30 days starting with the date on which that member returns to work after the period of child-related leave,

or if the member does not return to work, the day on which the member ceases to be employed by the employer.

Deduction and payment of contributions

110.—(1) The contributions required to be paid under regulation [](member's contributions) may be deducted by the employer from each instalment of pensionable pay as it becomes due unless another method of payment has been agreed between the scheme manager and the member.

(2) Contributions required to be paid under regulation [](1)(contributions during absence from work on reserve forces service leave) may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a), to the extent that they are payable in respect of the same period.

(3) Contributions which the member has elected to pay under regulations [](contributions during absence from work due to illness, injury, trade dispute or authorised absence) and [](contributions during child-related leave) may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the scheme manager and the member.

Deduction of payments for extra pension under schedule 1

111. Schedule 1 has effect for the purpose of enabling deductions of payments for added pension.

CHAPTER 2

Refund of member's contributions

Member leaves all pensionable service before qualifying for retirement benefits

112.—(1) This regulation applies if a member (P) leaves all pensionable service under this Scheme or, all pensionable service in respect of one of P's active member's account, before P is qualified for retirement benefits in respect of that service.

(2) Any contributions made by P in respect of that pensionable service before the last day of pensionable service must be refunded to P less—

- (a) an amount equal to the income tax payable under section 205 of FA 2004(short service refund lump sum charge) as a result of a refund of those contributions and payments;
- (b) any contributions equivalent premium paid in respect of the member as permitted by section 61 of the PSA 1993.

Member opts out after automatic re-enrolment date

113.—(1) This regulation applies if a member (P) is automatically re-enrolled in relation to service in a scheme employment and opts out of this scheme in relation to that employment within 3 months after the automatic re-enrolment date.

(2) Any monthly contribution payments made by P after the automatic re-enrolment date and before the last day of pensionable service must be refunded to P less—

- (a) an amount equal to the income tax payable under section 205 of FA 2004(short service refund lump sum charge) as a result of a refund of those contributions and payments;
- (b) any contributions equivalent premium paid in respect of the member as permitted by section 61 of the PSA 1993.

(a) 1951 c.65.

CHAPTER 3

Employer's contributions

Employer's contributions

114.—(1) The employer contribution rate must be set by the Secretary of State after confirming whether or not the employer contribution rate is equal to the employer contribution rate calculated in accordance with Treasury directions made in exercise of the powers conferred on them by section 12(3) of the 2013 Act.

(2) The employer of an active member of this scheme is to pay contributions at the employer contribution rate on that member's pensionable earnings.

(3) The employer of an active member who is treated under regulation [] (Meaning of "assumed pensionable pay") as receiving assumed pensionable pay is to pay contributions at the employer contribution rate of the assumed pensionable pay that the member is treated as receiving.

(4) The employer contribution rate must be set by the Secretary of State after confirming whether or not the employer contribution rate is equal to the employer contribution rate calculated in accordance with Treasury directions made in exercise of the powers conferred on them by section 12(3) of the 2013 Act.

(5) The Secretary of State must notify the scheme manager of the employer contribution rate which will take effect from the implementation date.

(6) In these Regulations, "employer's contribution" means the contributions payable under paragraph (1) or (2) of this regulation.

Employer additional contribution: ill-health award

115.—(1) Where a member (P) has retired with an entitlement to the immediate payment of a higher tier ill-health pension and a lower tier ill-health pension under regulation [](2) (Entitlement to lower tier ill-health pension and higher tier ill-health pension), P's employer must pay a higher tier ill-health additional contribution.

(2) Where a member (P) has retired with an entitlement to the immediate payment of a lower tier ill-health pension and without any entitlement to a higher tier ill-health pension, P's employer must pay a lower tier ill-health additional contribution.

(3) The Secretary of State must determine the amount of the higher tier ill-health additional contribution and the lower tier ill-health additional contribution payable in the case of the ill-health award made to any pensioner member and notify the amount to the scheme manager.

(4) The employer must pay the higher tier ill health additional contribution or the lower tier ill health additional contribution, as the case may be, in equal instalments due on:

- (a) the date on which the member retires;
- (b) 1st April of the financial year following the financial year in which the first instalment was paid;
- (c) 1st April of the financial year following the financial year in which the second instalment was paid.

Refund of employer additional contribution for ill health award following review

116.—(1) Subject to paragraph (2), where the scheme manager has considered the entitlement of a member (P) to an ill-health award under regulation [] (Review of ill-health award) and as a consequence of that review the entitlement of P to either a higher tier ill-health pension or a lower tier ill-health pension has ceased, or the entitlement of P to both pensions has ceased, the scheme manager must pay the amount in paragraph (3) or (5) or (6), as the case may be, to the employer.

(2) Where the employer has paid all the instalments of higher tier ill-health additional contributions required by regulation [] (employer additional contributions: ill-health award), the scheme manager is not required to pay the employer the amount mentioned in paragraph (3).

(3) Where P as a result of a review under regulation [] ceases to be entitled to a higher tier ill-health pension and remains entitled to a lower tier ill-health pension, the scheme manager must pay an amount equal to the difference between the instalments of higher tier ill-health additional contribution which have been paid under regulation [(4)] and the instalments of the lower tier ill-health additional contribution which would have been required to be paid under regulation [(4)] if only the lower tier ill-health pension had been payable.

(4) The scheme manager must request the Secretary of State to determine the amount of notional lower tier ill-health additional contribution which is treated as payable under paragraph (2).

(5) Where P as a result of a review under regulation [] ceases to be entitled to a higher tier ill health pension and to a lower tier ill-health pension or to a lower tier ill-health pension as the case may be and the employer has not paid all the instalments of higher tier ill-health pension or lower tier ill-health pension as required by regulation [](employer additional contribution ill-health award), the scheme manager must repay to the employer any instalments of higher tier ill-health additional contribution or lower tier ill-health additional contribution as the case may be, which have been paid in respect of P and no further instalments will be due in respect of P.

Employer additional contribution: employer initiated retirement

117.—(1) Where an employer has made a determination under regulation [] (Employer initiated retirement) to pay an active member who has not attained normal pension age a pension calculated in accordance with regulation [] (annual rate of full retirement pension (active and deferred members)) without making the early payment reduction, the employer must pay the employer initiated retirement additional contribution.

(2) The amount of the employer initiated retirement additional contribution is the amount which is equal to the amount of the actuarial reduction which would have been made if the pension paid in the circumstances mentioned in paragraph (1) had been reduced in accordance with the actuarial reduction required to take account of the early payment of that pension on the basis that the pension was to be paid before the member had reached deferred pension age.

PART 9

Firefighters' Pension Fund

Establishment of Firefighters' Pension Fund

118. The Firefighters' Pension Fund ("FPF") established and maintained by the scheme manager for the purposes of the 1992 scheme, and used by the scheme manager for payments and receipts required or authorised to be made under the NFPS must also be used for the purpose of payments and receipts required or authorised to be made by the scheme manager under these Regulations.

Payments into the Firefighters' Pension Fund

119. The scheme manager must pay into the FPF:

- (a) any employer contribution received under regulation [](employer's contribution);
- (b) any employer additional contribution received for a higher tier ill health pension by regulation [] (Employer additional contribution: ill-health award);
- (c) any employer additional contribution received for a lower tier ill health pension by regulation [];
- (d) any employer additional contribution received for an employer initiated retirement by regulation [] (Employer additional contribution: employer initiated retirement);
- (e) any member's contributions paid under regulation [] (member's contributions), regulation [] (contributions during absence from work other than on child-related leave and reserve forces service leave), regulation [] (contributions during absence from work

- on reserve forces service leave) and regulation [] (contributions during child-related leave) which have been received from a Scheme employer;
- (f) any sums received from the Scottish Fire and Rescue Service, a Welsh Fire and Rescue authority, or Northern Ireland Fire and Rescue Services Board by way of transfer value payments in respect of persons who take up scheme employment with the employer;
 - (g) transfer value payments received;

Payments to be made from the Firefighters' Pension Fund

120. The scheme manager must make payments out of the FPF for the following

- (a) repayment of employee's contributions required by regulation [](member leaves all pensionable service before qualifying for retirement benefits) or regulation [] (member opts out after automatic re-enrolment date);
- (b) refund of the amount of the employer additional contribution for an ill-health award under regulation [] (refund of employer additional contribution for ill-health award following review);
- (c) pensions and awards payable under this scheme
- (d) transfer value payments required to be paid in respect of a member's accrued benefits in this scheme.

Information to be provided to the Secretary of State

121.—(1) The scheme manager must for each financial year ending on or after 31 March 2016 (“relevant financial year”) provide the following information to the Secretary of State—

- (a) the total amount that the scheme manager estimates will be payable out of the FPF in that financial year;
- (b) the total amount that the scheme manager estimates will be payable into the FPF in that financial year;
- (c) the un-audited accounts relating to the FPF for that financial year;
- (d) the audited accounts relating to the FPF for that financial year;
- (e) the total amount paid out of the FPF in that financial year;
- (f) the total amount paid into the FPF in that financial year.

(2) The information in paragraph (1) must be provided in the form requested by the Secretary of State.

(3) The scheme manager may send the information in sub-paragraphs (a) and (b) of paragraph (1) for each financial year ending on or after 31st March 2017 to the Secretary of State in the September before that financial year (“the estimate”).

(4) The scheme manager must send the information in sub-paragraphs (a) and (b) of paragraph (1) for the financial year ending on 31st March 2016 to the Secretary of State at a time requested by the Secretary of State (“the estimate”).

(5) If the scheme manager revises any of the information sent in the estimate, the scheme manager may send the revised information to the Secretary of State no later than the end of September during the relevant financial year (“the revised estimate”).

(6) The scheme manager must send the information in sub-paragraphs (c), (e), and (f) of paragraph (1) to the Secretary of State in July after the relevant financial year (“the un-audited information”);

(7) After the accounts relating to the FPF have been audited, the scheme manager must send the audited accounts and any report by the auditor to the Secretary of State as soon as practicable and if the scheme manager revises the information sent in the un-audited information in relation to sub-paragraphs (e) and (f) of paragraph (1), that revised information.

Estimated deficits

122.—(1) Where, having taken into account the estimate, and any other relevant information, it appears to the Secretary of State that the total amount likely to be payable out of the FPF in the relevant financial year will exceed the total amount likely to be payable into that FPF in that year, the Secretary of State must pay an amount to the scheme manager equal to 80% of the likely deficit.

(2) Where, having taken into account any revised estimate and any other relevant information, it appears to the Secretary of State that—

- (a) the total amount likely to be payable out of the FPF in the relevant financial year will exceed the total amount likely to be paid into the FPF in that year; and
- (b) 80% of the likely deficit is more than—
 - (i) the amount paid or payable by the Secretary of State to the scheme manager under paragraph (1) of this regulation in relation to the relevant financial year; or
 - (ii) where no such amount was paid or payable by the Secretary of State, zero

the Secretary of State may pay to the scheme manager such amount as the Secretary of State thinks fit.

(3) Where the Secretary of State has paid an amount to a scheme manager under paragraphs (1) and (2), the total of these amounts must not exceed 80% of the likely deficit of the FPF for that year.

(4) Where the Secretary of State pays an amount to a scheme manager under paragraph (2), any amount paid or payable by that scheme manager to the Secretary of State in relation to the relevant financial year under paragraph (1) of regulation [123] (“Estimated surpluses”) must not be paid, or if paid, the Secretary of State must repay it.

(5) The Secretary of State must make the payment to the scheme manager under paragraph (1) before the end of July of the relevant financial year.

(6) Where the Secretary of State is required to make a payment under paragraph (2) or a repayment under paragraph (4), the payments must be made before the end of the relevant financial year.

Estimated surpluses

123.—(1) Where, having taken into account the estimate, and any other relevant information, it appears to the Secretary of State that the total amount likely to be paid into the FPF in the relevant financial year will exceed the total amount likely to be payable out of that FPF in that year, the Secretary of State must require the scheme manager to pay to the Secretary of State an amount equal to 80% of the likely surplus.

(2) Where, having taken into account any revised estimate and any other relevant information available, it appears to the Secretary of State that—

- (a) the total amount likely to be paid into the FPF in the relevant financial year will exceed the total amount likely to be payable out of the FPF in that year; and
- (b) 80% of the likely surplus is more than—
 - (i) the amount paid or payable by the scheme manager to the Secretary of State under paragraph (1) of this regulation in relation to the relevant financial year; or
 - (ii) where no such amount was paid or payable by the scheme manager, zero

the Secretary of State may require the scheme manager to pay to the Secretary of State such amount as the Secretary of State may by notice specify.

(3) Where the scheme manager has paid an amount to Secretary of State under paragraphs (1) and (2), the total of these amounts must not exceed 80% of the likely surplus of the FPF for that year.

(4) Where the Secretary of State requires the scheme manager to pay an amount under paragraph (2), any amount paid or payable by the Secretary of State to the scheme manager in relation to the

relevant financial year under paragraph (1) of regulation [122] (estimated deficit) must not be paid, or if paid, the scheme manager must repay it.

(5) The Secretary of State must give to the scheme manager, on or before 3rd March of the relevant financial year, written notice of the amount of any payment or repayment that the Secretary of State requires the scheme manager to make under paragraph (1), (2) or (4).

(6) Where the scheme manager is required to make a payment under paragraphs (1) or (2) or to make a repayment under paragraph (4), the payments must be made in March of the relevant financial year.

Actual deficits

124.—(1) Where, having taken into account the un-audited information, and any other relevant information available, it appears to the Secretary of State that the total amount likely to be payable out of the FPF in the relevant financial year exceeds the total amount likely to be paid or payable to the FPF in that year—

- (a) where the likely deficit (“the un-audited deficit”) exceeds the total of any amount paid or payable to the scheme manager in relation to that year under paragraphs (1) and (2) of regulation [122] (“Estimated deficits”) (“the regulation [122] total”), the Secretary of State must pay to the scheme manager the amount of the un-audited deficit less the regulation 122 total;
- (b) where the un-audited deficit is less than the regulation [122] total, the amount of the regulation [122] total less the un-audited deficit is not payable under paragraphs (1) and (2) of regulation [122] and, if already paid, the scheme manager must repay that amount to the Secretary of State;
- (c) where no amount was paid or payable by the Secretary of State to the scheme manager in relation to the relevant financial year under paragraphs (1) or (2) of regulation [122], the Secretary of State must pay to the scheme manager the amount of the un-audited deficit; and
- (d) any amount paid or payable to the Secretary of State in relation to that year under paragraphs (1) or (2) of regulation [123] (“estimated surpluses”), is not payable and, if already paid, the Secretary of State must repay it to the scheme manager.

(2) Where, having taken into account the audited information and any other relevant information available, it appears to the Secretary of State that the total amount paid or payable out of the FPF in the relevant year exceeds the total amount paid or payable into that FPF in that year—

- (a) where the difference between those total amounts (“the audited deficit”) exceeds the total of any amounts paid (but not repaid or repayable) or payable to the scheme manager in relation to that year under paragraph (1)(a) or (c) of this regulation or paragraphs (1) or (2) of regulation [122] (“the un-audited total”), the Secretary of State must pay to the scheme manager the amount of the audited deficit less the un-audited total;
- (b) where the audited deficit is less than the un-audited total, the amount of the un-audited total less the audited deficit is not payable under paragraphs (1)(a) or (c) of this regulation or paragraphs (1) or (2) of regulation [122] and, if already paid, the scheme manager must repay it the Secretary of State;
- (c) where no amount was paid or payable by the Secretary of State to the scheme manager in relation to the relevant financial year under paragraphs (1)(a) or (c) of this regulation or paragraphs (1) or (2) of regulation [122], the Secretary of State must pay to the scheme manager the amount of the audited deficit, and
- (d) any amount paid or payable to the Secretary of State in relation to the relevant financial year under paragraph (1) or (2) of regulation [123] or paragraphs (1)(a) or (c) of regulation [125] (“actual surpluses”) below, is not to be payable and, if already paid, the Secretary of State must repay it to the scheme manager.

(3) Where the Secretary of State, or the scheme manager, as the case maybe, is required to pay or repay an amount under paragraph (1), it shall be paid or repaid before the end of July in the financial year following the relevant financial year (“the second year”).

(4) Where the Secretary of State or the scheme manager, as the case maybe, is required to make a payment or repayment under paragraph (2), it is to be made before the end of July in the financial year following the second year.

Actual surpluses

125.—(1) Where, having taken into account the un-audited information, and any other relevant information available, it appears to the Secretary of State that the total amount paid into the FPF in the relevant financial year exceeds the total amount paid out of that FPF in that year—

- (a) where the difference between those total amounts (“the un-audited surplus”) exceeds the total of any amounts paid or payable to the Secretary of State by the scheme manager in relation to that year under paragraphs (1) or (2) of regulation [123] (“estimated surpluses”) (“the regulation [123] total”), the Secretary of State must require the scheme manager to pay to the Secretary of State the amount of the un-audited surplus less the regulation [123] total.
- (b) where the un-audited surplus is less than the regulation 120 total, the amount of the regulation [123] total less the un-audited surplus is not payable under paragraphs (1) or (2) of regulation [123] and, if already paid, the Secretary of State must repay it to the scheme manager;
- (c) where no amount was paid or payable to the Secretary of State by the scheme manager in relation to the relevant financial year under paragraphs (1) or (2) of regulation [123], the Secretary of State must require the scheme manager to pay to the Secretary of State the amount of the un-audited surplus; and
- (d) any amount paid or payable by the Secretary of State to the scheme manager in relation to that year under paragraphs (1) or (2) of regulation [122] (“estimated deficits”), is not payable and, if already paid, the scheme manager must repay it to the Secretary of State.

(2) Where, having taken into account the audited information and any other relevant information available, it appears to the Secretary of State that the total amount paid into the FPF in the relevant financial year exceeds the total amount payable out of that FPF in that year—

- (a) where the difference between those total amounts (“the audited surplus”) exceeds the total of any amounts paid (but not repaid or repayable) or payable to the Secretary of State by the scheme manager in relation to that year under paragraph (1)(a) or (c) of this regulation or paragraphs (1) or (2) of regulation [123] (“the un-audited regulation [123] total”), the Secretary of State must require the scheme manager to pay to the Secretary of State out of the FPF the amount of the audited surplus less the un-audited regulation [123] total;
- (b) where the audited surplus is less than the un-audited regulation [123] total, the amount of the un-audited regulation [123] total less the audited surplus is not payable under paragraphs (1)(a) or (c) of this regulation or paragraphs (1) or (2) of regulation [123] and, if already paid, the Secretary of State must repay it to the scheme manager;
- (c) where no amount was paid or payable to the Secretary of State by the scheme manager in relation to the relevant financial year under paragraphs (1)(a) or (c) of this regulation or paragraphs (1) or (2) of regulation [123], the Secretary of State must require the scheme manager to pay to the Secretary of State the amount of the audited surplus; and
- (d) any amount paid or payable by the Secretary of State to the scheme manager in relation to that year under paragraphs (1) or (2) of regulation [122] (“estimated deficits”), paragraphs (1)(a) or (c) of regulation [124] (“actual deficits”) is not payable and, if already paid, the scheme manager must repay it to the Secretary of State.

(3) The Secretary of State must give to the scheme manager, on or before 3rd July in the financial year after the relevant financial year (“the second year”), written notice of the amount of

the payment that the Secretary of State requires the scheme manager to make under paragraph (1)(a) or (c) of this regulation.

(4) Where the Secretary of State or the scheme manager, as the case maybe, is required to make a payment or repayment under paragraph (1) of this regulation, it must be made before the end of July in the second year.

(5) The Secretary of State must give to the scheme manager, on or before 3rd July in the financial year that is the second financial year after the relevant financial year (“the third year”), written notice of the amount of any payment that the Secretary of State requires the scheme manager to make under paragraph (2)(a) or (c) of this regulation.

(6) Where the Secretary of State or the scheme manager, as the case maybe, is required to make a payment or repayment in respect of paragraph (2) of this regulation, it must be made before the end of July in the third year.

Duty to provide information

126.—(1) A scheme manager must provide the Secretary of State with such information relevant to the exercise of the Secretary of State’s exercise of functions under this Part as the Secretary of State may, by written notice, require.

(2) The scheme manager must respond to the requirement within the period of time specified by the Secretary of State in that notice or within the additional period allowed by the Secretary of State.

Duty to have regard to guidance

127. A scheme manager must have regard to any guidance issued by the Secretary of State for the purposes of this Part.

PART 10

Transfers

CHAPTER 1

Preliminary

Application of Part

128. This Part—

- (a) supplements the rights conferred by or under Chapter 4 of Part 4 of PSA 1993 (transfer values) and is without prejudice to that Chapter; and
- (b) supplements the rights conferred by or under Chapter 5 of that Part (early leavers: cash transfer sums and contribution refunds)(a) and is without prejudice to that Chapter.

Interpretation of Part

129. In this Part—

“cash equivalent” means an amount calculated in accordance with regulations made under section 97 of PSA 1993;

“guarantee date” has the meaning given in regulation [](statement of entitlement);

(a) Chapter 5 of Part 4 of PSA 1993 was inserted by s.264 of the Pensions Act 2004(c.35).

“guaranteed cash equivalent”, in relation to accrued rights to benefits under this scheme, means the cash equivalent of those benefits as at the guarantee date, as specified in a statement of entitlement;

“statement of entitlement”, in relation to an active or deferred member’s accrued rights to benefits under this scheme, means a statement by the scheme manager of the cash equivalent of those benefits as at the guarantee date;

“transfer value” means—

- (a) for accrued rights to benefits under this scheme, an amount equal to—
 - (i) the guaranteed cash equivalent of those benefits; or
 - (ii) the guaranteed cash equivalent together with any increase payable under regulation [] (calculating amount of a transfer value);
- (b) for accrued rights to benefits under another pension scheme (other than rights to accrued club transfer earned pension), an amount—
 - (i) determined by the scheme actuary of that scheme; and
 - (ii) specified in a statement of accrued rights provided by the scheme manager of that scheme.

CHAPTER 2

Transfers out

Transfer payments made to other schemes or pension arrangements

130.—(1) A transfer payment may only be made in respect of the accrued rights of an active or deferred member of this scheme.

(2) A transfer payment may only be made to—

- (a) a registered pension scheme that is not a connected scheme; or
- (b) a pension arrangement that is a qualifying recognised overseas pension scheme for the purposes of Part 4 of FA 2004 (see section 169(2) of that Act).

(3) A transfer payment may not be made in respect of rights that are attributable (directly or indirectly) to a pension credit.

(4) A member may only require the scheme manager to use a transfer payment in a way specified in section 95(2) of PSA 1993.

(5) The whole of the transfer payment must be applied.

(6) If section 96(2) of PSA 1993 (trustees or managers of certain receiving schemes or arrangements able and willing to accept a transfer payment only in respect of the member’s other rights) applies, benefits attributable to the following may be excluded from the transfer payment—

- (a) the accrued rights to a guaranteed minimum pension in respect of the member, and the member’s widow or widower or surviving civil partner, as the case may be; or
- (b) the member’s accrued rights attributable to service in contracted-out employment on or after 6 April 1997.

Application for a statement of entitlement

131.—(1) This regulation applies in relation to an active or deferred member of this scheme (P) who requires a transfer payment to be made in respect of P’s accrued rights to benefits under this scheme.

(2) Before requesting this transfer payment, P must by written notice to the scheme manager apply for a statement of entitlement.

(3) P may withdraw the application by written notice to the scheme manager at any time before the statement is provided.

(4) P may make other applications in the period of 12 months beginning with the date of the first application.

(5) If P makes more than two applications in the period of 12 months beginning with the date of the first application without withdrawing these applications, the scheme manager may require the member to pay a reasonable fee on making a further application within this period.

Statement of entitlement

132.—(1) The scheme manager must specify in the statement of entitlement the date by reference to which the cash equivalent is calculated and that date is referred to in these Regulations as “the guarantee date”.

(2) Unless paragraph (4) applies, the guarantee date must fall within both the following periods—

- (a) the 3 months beginning with the date of the member’s application for the statement of entitlement (“the 3 month period”); and
- (b) the 10 days ending with the date on which the member is provided with that statement (“the 10 day period”).

(3) In counting the 10 day period, Saturdays, Sundays, Christmas Day, New Year’s Day and Good Friday are excluded.

(4) The scheme manager may specify in the statement of entitlement a guarantee date that falls within the 6 months beginning with the date of the member’s application for the statement of entitlement if—

- (a) for reasons beyond the control of the scheme manager, the information needed to calculate the amount of the cash equivalent cannot be obtained before the end of the 3 month period; and
- (b) the scheme manager considers it reasonable to specify a guarantee date that falls outside the 3 month period.

Request for transfer payment to be made

133.—(1) An active or a deferred member of this scheme who is provided with a statement of entitlement may request a transfer payment to be made in respect of the member’s accrued rights to benefits under this scheme.

(2) The request for transfer payment must be made by written notice to the scheme manager and specify the pension scheme or other pension arrangement to which the transfer payment is to be made.

(3) A deferred member must exercise the right to apply for the payment of a club transfer value on the earlier of the day before the deferred member attains the deferred pension age and the end of the period of 12 months beginning with the date on which the deferred member ceased to be an active member of the scheme.

(4) A deferred member must exercise the right to apply for the payment of a transfer value on or before the day before the deferred member attains the deferred pension age.

(5) Subject to paragraph (6), the member by written notice to the scheme manager may withdraw the request at any time before the transfer payment is made.

(6) The member may not withdraw the request if an agreement for the use of the whole or part of the transfer payment has already been entered into with a third party.

Calculating the amount of a transfer value

134.—(1) Subject to paragraphs (2) and (3), the amount of the transfer value is to be calculated in accordance with actuarial guidance as at the guarantee date.

(2) If a transfer value is paid later than 6 months after the guarantee date, the amount of the transfer value must be increased in accordance with regulations made under section 97 of PSA 1993.

(3) If the transfer value is less than the minimum transfer value, the amount of the transfer value must be increased so that it is equal to the amount of the minimum transfer value.

(4) In this regulation, “the minimum transfer value” means the total of—

- (a) the sum of all member’s contributions and payments for extra pension made by the member; and
- (b) the sum of all transfer value payments and cash transfer sums accepted by this scheme in relation to the member.

Effect of transfers-out

135. If a transfer value payment or a club transfer value payment is made under this Chapter in respect of a member’s accrued rights to benefits under this scheme, those rights are extinguished.

CHAPTER 3

Transfers in

Application of Chapter

136. This Chapter applies in relation to an active member of this scheme who has accrued rights under another pension scheme (P).

Interpretation of Chapter

137. In this Chapter—

“another pension scheme” means—

- (a) another occupational pension scheme that is a registered pension scheme but is not a connected scheme;
- (b) a qualifying recognised overseas pension scheme for the purposes of Part 4 of FA 2004; or
- (c) a personal pension scheme;

“club transfer value statement” means a statement under regulation [] (club transfer value statement) of the amount of club transfer earned pension;

“transfer date” means the earlier of—

- (a) if the scheme manager has provided a transfer statement or a club transfer value statement, the last day of the period of 2 months beginning with the date of the statement; or
- (b) the day on which the transfer payment is received by the scheme manager;

“transfer payment request” means a request to the scheme manager under this Chapter that a transfer payment be accepted from another pension scheme;

“transfer statement” means a statement under regulation [] (transfer statement).

Request for acceptance of a transfer payment

138.—(1) P may by written notice to the scheme manager request that a transfer payment be accepted in respect of some or all of P’s accrued rights under another pension scheme.

(2) A transfer payment request—

- (a) must specify—
 - (i) the pension scheme from which the transfer payment is requested to be made; and

- (ii) the anticipated amount of the transfer payment; and
 - (b) subject to paragraph (3), must be made before the beginning of the period of one year ending with the date on which the member reaches normal pension age.
- (3) A request that a transfer payment be accepted from a non-occupational pension scheme must be made during the period of one year beginning with the day on which the member becomes an active member or such longer period as the scheme manager may allow.
- (4) On receiving a transfer payment request, the scheme manager may accept the transfer payment.

Transfer statement

139.—(1) This regulation applies in relation to—

- (a) a request for a transfer payment to be accepted from another pension scheme that is not a club scheme; and
- (b) a request for a transfer payment in respect of added pension to be accepted from another club scheme.

(2) The scheme manager may require that, before making a transfer payment request, P must ask the scheme manager of the other scheme to provide a statement of the amount of transferred pension calculated in accordance with actuarial guidance that P will be entitled to count under regulation [] (amount of transferred pension) if the transfer date falls within the period of 2 months beginning with the date of that statement.

Amount of transferred pension

140.—(1) This regulation applies in relation to—

- (a) any transfer payment received in relation to P from another pension scheme that is not a club scheme; and
- (b) any transfer payment in respect of added pension received in relation to P from another club scheme.

(2) For the scheme year in which the transfer date falls, the amount of transferred pension P is entitled to count in respect of the transfer payment is—

- (a) the amount specified in the transfer statement; or
- (b) if such a statement is not provided or is not calculated in accordance with actuarial guidance, an amount calculated by the scheme manager in accordance with actuarial guidance.

Club transfer value statement

141.—(1) This regulation applies in relation to a request for a club transfer value payment to be accepted from another club scheme.

(2) The scheme manager may require that, before making the transfer payment request, P must ask the scheme manager of the sending scheme to provide a statement of the amount of club transfer earned pension calculated in accordance with actuarial guidance that P will be entitled to count under regulation [] (amount of club transfer earned pension) if the transfer date falls within the period of 2 months beginning with the date of that statement.

(3) The statement must specify the basis on which an amount of accrued earned pension is revalued under the sending scheme while a member is in pensionable service under that scheme.

Amount of club transfer earned pension

142.—(1) This regulation applies in relation to a club transfer value payment received from another club scheme.

(2) For the scheme year in which the transfer date falls, the amount of club transfer earned pension P is entitled to count is—

- (a) the amount specified in the club transfer value statement; or
- (b) if such a statement is not provided, an amount calculated by the scheme manager in accordance with actuarial guidance.

CHAPTER 4

Transfer of pension account entries to another scheme manager

Requirement for scheme manager to provide a certificate

143.—(1) A scheme manager must provide an active member who has ceased to be employed by that employer in scheme employment and has taken up scheme employment with another employer, with a certificate stating—

- (a) the entries in the pension account, or pension accounts if more than one, at the date of the certificate;
- (b) the period of pensionable service in the scheme employment, or employments, with the employer;
- (c) the date on which the certificate is given.

(2) Where a deferred member has taken up scheme employment with another scheme employer after a gap in pensionable service not exceeding 5 years, that member must request the scheme manager in relation to the earlier period of pensionable service to provide the member with a certificate stating—

- (a) the entries in the pension account, or pension accounts if more than one, at the date of the certificate;
- (b) the period of pensionable service in the scheme employment, or employments, with that employer;
- (c) the date on which the member had ceased to be employed in scheme employment by that employer;
- (d) the date on which the certificate is given.

(3) Where a former scheme manager is required to provide a certificate under paragraph (1), had established an added pension account for that member that scheme manager must provide the member with a certificate stating—

- (a) the entries in the pension account at the date of the certificate;
- (b) the date on which the certificate is given;
- (c) details of the member's added pension election where the contributions period has not ended.

(4) Where a former scheme manager is required to provide a certificate under paragraph (2), or where a deferred member intends to make an added pension election having taken up scheme employment after a gap in pensionable service exceeding 5 years, and the scheme manager in relation to a previous period of pensionable service had established an added pension account, that scheme manager must provide the member with a certificate, where the member requests one, stating—

- (a) the entries in the pension account at the date of the certificate;
- (b) the date on which the member had ceased to be employed in scheme employment by that employer
- (c) the date on which the certificate is given.

(5) Where an active member has two or more active member's accounts with two or more different scheme managers, and that member intends to make, or has made an added pension election, that member may request a certificate from the scheme manager who established the

added pension account so that that certificate may be provided to another scheme manager (“B”) in respect of a different active member’s account so that the entries may be transferred to an added pension account established by B.

- (6) The scheme manager must provide a certificate under this regulation—
- (a) within 3 months of the date on which the active member leaves scheme employment; or
 - (b) within 3 months of the date on which the deferred member notifies the scheme manager of the new scheme employment.

Request to confirm details on certificate

144. Where a member has been provided with a certificate under regulation [] (Requirement for scheme manager to provide a certificate) and is dissatisfied with the information stated on the certificate, that member may within the period of 3 months commencing on the date on which the certificate was received, request the scheme manager who provided the certificate to confirm the accuracy of the information contained in it or to provide an amended certificate.

Appeal concerning entries on the certificate

145.—(1) Where a member (P) is not satisfied with the entries on the certificate, or amended certificate, after P has made a request under regulation [] (Request to confirm details on certificate), P may, by written notice given to the scheme manager who provided the certificate within 28 days of the notification date, require the scheme manager to deal with the disagreement by means of arrangements implemented by them pursuant to the requirements of section 50 of the Pensions Act(a) (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008(b).

(2) In paragraph (1) “the notification date” is the date on which P is treated as having received from the scheme manager confirmation of the certificate provided or provision of an amended certificate following P’s request under regulation [] (request to confirm details on certificate).

Transfer of pension account entries

146.—(1) A member who has been provided with a certificate under paragraph (1) or (2) or (4) of regulation [] (requirement for scheme manager to provide a certificate) must give the certificate to that member’s new employer.

(2) The new employer must request the scheme manager who gave the certificate to confirm that the member has provided certificates in respect of all pension accounts for which that employer was the scheme manager.

(3) After the confirmation has been provided by the scheme manager, the new scheme employer must transfer the appropriate entries from the certificate provided to the new active member’s pension account which has been established under regulation [](establishment of active member’s account) and where the member had an added pension account transfer the appropriate entries from the certificate provided in respect of that account to the new added pension account established under regulation [](establishment of added pension account).

(4) When the transfer of entries has been completed under paragraph (3), the new scheme manager must inform the former scheme manager that the transfer has taken place and the former scheme manager must close all pension accounts relating to the certificates provided in respect of that member.

(5) If the number of pension accounts in respect of which details have been provided by the former scheme manager under paragraph (1) or (2) of regulation [](requirement for scheme manager to provide a certificate) is greater than the number of active member’s accounts established by the new scheme manager, the member must decide, following consultation with the

(a) 1995 c.26.
(b) S.I. 2008/649.

new scheme manager, from which pension account entries should be transferred to the new active member's account or accounts and notify the former scheme manager of this.

(6) Where paragraph (5) applies and there are one or more pension accounts from which entries are not transferred, those accounts must be closed and the former scheme manager must establish a deferred member's account in respect of each of those accounts.

(7) Where a member has taken up scheme employment with two or more employers and intends to make an added pension election, the member may choose to which scheme manager the certificate provided under paragraph (3) or (4) of regulation [] (requirement for scheme manager to provide a certificate) is to be given.

(8) The scheme manager is not required to make any payment to the new employer in connection with the transfer of a pension account.

PART 11

Actuarial valuations and employer cost cap

Appointment of scheme actuary

147.—(1) The Secretary of State must appoint a person for the purpose of:

- (a) carrying out any actuarial valuation of this Scheme and any connected scheme required by Treasury directions made under section 11 of the 2013 Act; and
- (b) undertaking actuarial consultancy work in relation to this scheme and any connected scheme.

(2) The Secretary of State must be satisfied before making the appointment in paragraph (1) that the person to be appointed (“the scheme actuary”) is appropriately qualified for the purposes in paragraph (1) in accordance with Treasury directions made under section 11 of the 2013 Act.

Actuarial valuations

148.—(1) The scheme actuary must carry out an actuarial valuation of this scheme, the 1992 scheme and the NFPS and prepare a report on the valuation in accordance with Treasury directions made under section 11 of the 2013 Act.

(2) The Scheme Actuary must produce an actuarial valuation in accordance with paragraph (1).

Designated person

149. The Secretary of State designates each scheme manager in respect of the members referred to in paragraph (2) of regulation 4 (scheme manager) to be responsible for ensuring that the data specified by the scheme actuary to comply with any requirements in Treasury directions made under section 11 of the 2013 Act is provided to the scheme actuary.

Employer cost cap

150. The employer cost cap for this scheme is x% of the pensionable earnings of members of this scheme.

Implementation date

151. The Secretary of State specifies the implementation date as three years and one day after the effective date.

Procedure for agreeing steps to achieve the target cost

152.—(1) Where the cost of this scheme, calculated following a valuation in accordance with Treasury directions made under section 11 of the 2013 Act, is more than the amount specified in Treasury regulations above or below the employer cost cap for this scheme, the scheme actuary must notify the Secretary of State and the scheme advisory board that this is the case.

(2) If the scheme actuary notifies the scheme advisory board as required by paragraph (1), the procedure set out in paragraphs (3) to (9) must be followed.

(3) For a period of not less than 3 months and not more than 6 months after the notification in paragraph (1), the scheme advisory board must consider proposals for bringing the costs of the scheme to the target cost.

(4) Where the scheme advisory board notifies the Secretary of State that a further period for consideration is required to that permitted by paragraph (3) the Secretary of State may extend that period.

(5) Where the scheme advisory board has agreed on one or more steps to achieve the target cost of the scheme, the scheme advisory board must request the scheme actuary to provide confirmation that these steps will achieve the target cost.

(6) Where the scheme actuary is not able to give the confirmation requested in paragraph (5), the scheme actuary may make recommendations for the steps which will achieve the target cost.

(7) Where the scheme actuary makes recommendations under paragraph (6), the scheme advisory board must consider these.

(8) Where the scheme actuary has given the confirmation required in paragraph (5) or the scheme advisory board has accepted one or more of the recommendations made under paragraph (6), the scheme advisory board will notify the scheme managers and the Secretary of State of the proposed steps for achieving the target cost.

(9) If the Secretary of State, the scheme managers and the scheme advisory board agree on the notified steps to be taken to achieve the target cost, these steps must be taken.

(10) If the Secretary of State, the scheme managers and the scheme advisory board cannot reach agreement on the steps required to achieve the target cost for the scheme, then the Secretary of State must notify these persons that agreement cannot be reached, and that the accrual rate for the scheme will be increased or reduced (as the case may be) in accordance with the recommendation of the scheme actuary to bring the costs of the scheme to the amount which achieves the target cost.

(11) Where agreement cannot be reached as a result of the Secretary of State's notification, the accrual rate will be increased or decreased in accordance with the recommendation of the scheme actuary.

(12) If the steps in paragraph (9) require the amendment of this scheme, and as a result of consultation the Secretary of State decides not to make the amendments required by the steps agreed to achieve the target cost so withdrawing agreement to these steps, the accrual rate for this scheme will be increased or decreased in accordance with the recommendation of the scheme actuary to bring the costs of the scheme to the amount which achieves the target cost.

PART 12

Appeals and determinations

CHAPTER 1

Determinations and role of IQMP

Determinations by the scheme manager

153.The scheme manager must determine whether a person is entitled to an award or to retain an award.

Role of IQMP in determinations by the scheme manager

154.—(1) In making a determination as to whether a person is entitled to an award, or to retain an award, where the determination as to entitlement depends in part on the ill-health or capacity of the person who would be so entitled, the scheme manager must obtain the written opinion of the IQMP on any issue which is wholly or partly of a medical nature.

(2) The scheme manager must request an IQMP to provide an opinion on the following issues for the purpose of determining any question arising under this Scheme—

- (a) whether a person is incapable of performing any duties of the role in which that person was last employed because of incapacity of mind or body,
- (b) whether the incapacity in sub-paragraph (a) above is likely to continue until normal pension age or deferred pension age,
- (c) whether a person has become capable of performing any duties of the role from which that person retired on grounds of ill-health,
- (d) whether a person is or has become capable of undertaking regular employment, or
- (e) any other issue wholly or partly of a medical nature.

(3) The IQMP must certify under paragraph (2) that—

- (a) the IQMP has not previously advised, or given an opinion on, or otherwise been involved in, the particular case for which the opinion has been requested, and
- (b) the IQMP is not acting, and has not at any time acted, as the representative of the member, the scheme manager, or any other party in relation to the same case.

(4) An IQMP's opinion under paragraph (2) is binding on the scheme manager unless it is superseded by the IQMP's response under regulation [](2) (review of medical opinion) or the outcome of an appeal under regulation [] (appeals against determinations based on medical evidence).

(5) The IQMP's response under regulation [] or the outcome of an appeal under regulation [], as the case may be, are binding on the scheme manager.

(6) Where, in consequence of an opinion given under paragraph (2), a member has retired on grounds of ill-health, the IQMP who gave the opinion may, if so requested by the scheme manager for the purposes of a review under regulation [](1) (review of ill-health award), give a further opinion.

(7) If—

- (a) a person wilfully or negligently fails to submit to medical examination by the IQMP selected by the scheme manager, and
- (b) the IQMP is unable to give an opinion on the basis of the medical evidence available,

the scheme manager may make a determination on the issue—

- (i) on such other medical evidence as the scheme manager thinks fit, or
- (ii) without medical evidence.

(8) Within 14 days of making a determination under these Regulations, the scheme manager must—

- (a) give written notice of it to the person concerned, and
- (b) in the case of a determination on an issue wholly or partly of a medical nature, unless paragraph (7) applies, supply that person with a copy of the opinion obtained under paragraph (2).

Review of medical opinion

155.—(1) Where—

- (a) new evidence on an issue wholly or partly of a medical nature is presented to the scheme manager by a member (P) in respect of whom a determination has been made under these Regulations,
- (b) the scheme manager receives that evidence—
 - (i) where a copy of an opinion was supplied in accordance with paragraph (8) of regulation [](role of IQMP in determinations by the scheme manager), within 28 days of the receipt by P of that copy, and
 - (ii) in any other case, within 28 days of the receipt by P of notice of the scheme manager’s determination, and
- (c) the scheme manager and P agree that the IQMP should be given the opportunity of reviewing that opinion in the light of the new evidence,

the scheme manager must send a copy of the new evidence to the IQMP and invite the IQMP to reconsider that opinion.

(2) An IQMP’s response to an invitation under paragraph (1) must be in writing.

(3) An IQMP’s response under paragraph (2) is binding on the scheme manager unless it is superseded by the outcome of an appeal under regulation [] (appeals against determinations based on medical evidence).

(4) As soon as reasonably practicable after receiving a response under paragraph (2), the scheme manager must reconsider their determination.

(5) Within 14 days of that reconsideration, the scheme manager must—

- (a) give written notice to P that they have confirmed their determination or revised their determination (as the case may be),
- (b) if they have revised their determination, supply P with written notice of the revised determination, and
- (c) supply P with a copy of the response under paragraph (2).

CHAPTER 2

Appeals to Board of Medical Referees

Appeals against determinations based on medical evidence

156.—(1) A member (P) who wishes to appeal against a scheme manager’s determination on an issue of a medical nature may do so to a board of medical referees in accordance with the provisions of regulations [] to [].

(2) Subject to paragraph (3), where a determination—

- (a) is made with regard to an opinion obtained under regulation [](2) (role of IQMP in determinations by the scheme manager) or medical evidence relied on as mentioned in regulation [](6), or
- (b) is reconsidered under regulation [](4) (review of medical opinion) with regard to a response under paragraph (2) of that regulation,

the scheme manager must, within 14 days of making, confirming or revising the determination (as the case may be), send to P the documents mentioned in paragraph (4).

(3) Nothing in paragraph (2) requires the supply of documents that have already been supplied under regulation [](8) or [](5).

(4) The documents are—

- (a) a copy of the opinion, response or evidence (as the case may be);
- (b) an explanation of the procedure for appeals under this rule; and
- (c) a statement that, if P wishes to appeal against the scheme manager’s determination on an issue of a medical nature, P must give written notice to the scheme manager, stating P’s name and address and the grounds of appeal, not later than 28 days after P receives the

last of the documents required to be supplied under this paragraph, or within such longer period as the scheme manager may allow.

Notice of appeal

157.—(1) Subject to paragraph (2), written notice of appeal against a determination on an issue of a medical nature stating—

- (a) the appellant (P)'s name and address, and
- (b) the grounds of the appeal,

must be given to the scheme manager within 28 days of the date on which P receives the documents referred to in regulation [](4) (appeals against determinations based on medical evidence); and where P receives those documents on different dates, they are to be treated for this purpose as received on the later or latest of those dates.

(2) Where—

- (a) notice of appeal is not given within the period specified in paragraph (1), but
- (b) the scheme manager is of the opinion that P's failure to give it within that period was not due to P's own default,

the scheme manager may extend the period for giving notice for such length, not exceeding six months from the date mentioned in paragraph (1), as the scheme manager considers appropriate.

Reference of appeal to the board

158.—(1) On receiving a notice of appeal, the scheme manager must supply the Secretary of State with three copies of—

- (a) the notice of appeal,
- (b) the notice of the relevant determination,
- (c) the opinion, response or evidence (as the case may be) supplied to the appellant (P), and
- (d) every other document in their possession or under their control which appears to them to be relevant to the issue that is the subject of the appeal.

(2) The Secretary of State must refer an appeal to a board of medical referees ("the board").

(3) The board is to consist of not less than three medical practitioners appointed by, or in accordance with arrangements made by, the Secretary of State.

(4) One member of the board must be a specialist in a medical condition relevant to the appeal.

(5) One member of the board must be appointed as chairman.

(6) Where there is an equality of votes among the members of the board, the chairman is to have a second or casting vote.

(7) As soon as reasonably practicable after referring an appeal to the board, the Secretary of State must supply the board's administrator with three copies of every document supplied under paragraph (1).

(8) The board must arrange for one of their number to review those documents ('the reviewing member').

(9) As soon as reasonably practicable after concluding the review, the reviewing member must give written notice to the Secretary of State—

- (a) of any other information which the reviewing member considers would be desirable so as to provide the board with sufficient information for the purpose of enabling the board to determine the appeal, and
- (b) if it be the case, that it is the reviewing member's opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill-founded.

(10) On receipt of the reviewing member's notice the Secretary of State must—

- (a) where the reviewing member has notified the Secretary of State of the desirability of obtaining other information, require the scheme manager to use their best endeavours to obtain that information, and
- (b) where the notice contains an opinion of the description mentioned in paragraph (9)(b), send a copy of it to the scheme manager.

(11) A scheme manager which receives a copy of a reviewing member's opinion must, as soon as reasonably practicable—

- (a) send a copy of it to P, and
- (b) by written notice to P—
 - (i) advise P that, if P's appeal is unsuccessful, P may be required to pay the scheme manager's costs, and
 - (ii) require P to notify them, within 14 days of the date of their notice, whether P intends to pursue or withdraw the appeal.

(12) A scheme manager which notifies P under paragraph (11)(b) must inform the Secretary of State of P's response to their request under sub-paragraph (b)(ii); and the Secretary of State must notify the board accordingly.

Procedure where appeal to be pursued

159.—(1) Where an appeal is to be pursued, the board must secure that the appellant (P) and the scheme manager ("the parties") have been informed—

- (a) that the appeal is to be determined by the board, and
- (b) of an address to which communications relating to the appeal may be delivered to the board.

(2) Subject to paragraph (5), the board—

- (a) must interview and medically examine P at least once, and
- (b) may interview or medically examine P or cause P to be interviewed or medically examined on such further occasions as the board thinks necessary for the purpose of determining the appeal.

(3) The board must appoint, and give the parties not less than two months' notice of, the time and place for every interview and medical examination; and if the board is satisfied that P is unable to travel, the place must be P's place of residence.

(4) P must attend at the time and place appointed for any interview and medical examination by the board or any member of the board or any person appointed by the board for that purpose.

(5) If—

- (a) P fails to comply with paragraph (4), and
- (b) the board is not satisfied that there was a reasonable cause for the failure,

the board may dispense with the interview and medical examination, and may determine the appeal on such information as is then available.

(6) Any interview under this regulation may be attended by persons appointed for the purpose by the scheme manager or by P or by each of them.

(7) Where either party intends to submit written evidence or a written statement at an interview held under paragraph (2), the party must, subject to paragraph (8), submit the evidence or statement to the board and to the other party not less than 28 days before the date appointed for the interview.

(8) Where any written evidence or statement has been submitted under paragraph (7) less than 28 days before the date appointed for the interview, any written evidence or statement in response may be submitted by the other party to the board and the party submitting the first-mentioned evidence or statement at any time up to, and including, that date.

(9) Where any written evidence or statement is submitted in contravention of paragraph (7), the board may postpone the date appointed for the interview and require the party who submitted the evidence or statement to pay such reasonable costs of the board and of the other party as arise from the postponement.

The board's report

160.—(1) The board must supply the Secretary of State with—

- (a) a written report of its decision on the relevant medical issues, and
- (b) if the board is of the opinion that the appeal was frivolous, vexatious or manifestly ill-founded, a statement to that effect (which may form part of the report).

(2) The Secretary of State must supply the parties with a copy of the report and of any separate statement under paragraph (1)(b).

Reconsideration by the board

161.—(1) Where the parties have received a copy of the report supplied under regulation [] (the board's report) and—

- (a) the parties agree that the board has made an error of fact which materially affects the board's decision;
- (b) the scheme manager must within 28 days of receipt of the report, supply the Secretary of State with two copies of a statement agreed between the parties setting out—
 - (i) the error of fact;
 - (ii) the correct fact, andinvite the board to reconsider its decision.

(2) The Secretary of State must within 14 days of receipt of the statement supply a copy of it to the board.

(3) As soon as reasonably practicable after receiving the statement, the board must reconsider its decision.

(4) Within 14 days of that reconsideration the board must—

- (a) give written notice to the Secretary of State that it has confirmed its decision, or revised its decision (as the case may be), and
- (b) if it has revised its decision, supply the Secretary of State with a written report of its revised decision.

(5) The Secretary of State must supply to the appellant and the scheme manager a copy of the written notice confirming the board's decision, or a copy of the written report of the board's revised decision (as the case may be).

Fees and allowances payable to the board

162.—(1) There must be paid to the board and the reviewing member—

- (a) such fees and allowances (including those payable to the reviewing member for work undertaken on the review of documents under regulation [](8) (reference of appeal to the board)) as are determined in accordance with arrangements made by the Secretary of State, or
- (b) where no such arrangements have been made, such fees and allowances as the Secretary of State may from time to time determine.

(2) The fees and allowances payable under paragraph (1) must—

- (a) be paid by the scheme manager, and
- (b) be treated for the purposes of regulation [] (expenses of each party) as part of the scheme manager's expenses.

Expenses of each party

163.—(1) Subject to regulation [](9) (procedure where appeal to be pursued) and paragraphs (2) to (5) below, the expenses of each party to the appeal must be borne by that party.

(2) Where the board—

- (a) determines an appeal in favour of the scheme manager, and
- (b) states that, in its opinion, the appeal was frivolous, vexatious or manifestly ill-founded,

the scheme manager may require the appellant (P) to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under regulation [](1)(fees and allowances payable to the board), as the scheme manager considers appropriate.

(3) Where—

(a) P gives notice to the board—

- (i) withdrawing the appeal;
- (ii) requesting cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination under regulation [](3) (procedure where appeal to be pursued), and

the notice is given less than 22 working days before the date appointed under regulation [](3); or

(b) P's acts or omissions cause the board to cancel, postpone or otherwise adjourn the date appointed under regulation [](3) less than 22 working days before the date appointed,

the scheme manager may require P to pay them such sum, not exceeding the total amount of the fees and allowances payable to the board under regulation [](1) (fees and allowances payable to the board), as the scheme manager considers appropriate.

(4) Where the board—

- (a) determines an appeal in favour of P, and
- (b) does not otherwise direct,

the scheme manager must refund to P the amount specified in paragraph (5).

(5) The amount is the total of—

- (a) any personal expenses actually and reasonably incurred by P in respect of any interview under regulation [](2) (procedure where appeal to be pursued), and
- (b) if any such interview was attended by a qualified medical practitioner appointed by P, any fees and expenses reasonably paid by P in respect of such attendance.

(6) For the purposes of paragraphs (2) and (4) any question arising as to whether the board's determination is in favour of the scheme manager or of P is to be decided by the board or, in default, by the Secretary of State.

Notices etc

164. Any notice, information or document which an appellant (P) is entitled to receive for any purpose of regulations [] to [] is, unless the contrary is proved, to be treated as having been received by P if it was posted in a letter addressed to P at P's last known place of residence.

CHAPTER 3

Appeals on other issues

Appeals on other issues

165. Where—

- (a) a member (P) disagrees with a scheme manager's determination under regulation [](1) (role of IQMP in determinations by scheme manager), and
- (b) the disagreement does not involve an issue of a medical nature,

P may, by written notice given to the scheme manager within 28 days of receipt of the determination, require the scheme manager to deal with the disagreement by means of the arrangements implemented by them pursuant to the requirements of section 50 of the Pensions Act 1995^(a) (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008^(b).

PART 13
Supplementary
CHAPTER 1
Payment of pensions

Payment of retirement index adjustment

166. Nothing in these Regulations requires any part of a pension attributable to a retirement index adjustment that is payable in respect of the last active scheme year to be paid before the end of that year.

Recovery of overpayment of benefits

167.—(1) This regulation applies in respect of a financial year for which a decrease in earnings is specified in the Treasury order.

(2) The scheme manager must recover any overpayment of benefits that has occurred as a result of the application of the retirement index adjustment for that year.

(3) When this regulation applies the scheme manager must notify the member that the amount of the overpayment is to be recovered by reducing the amount of each instalment of pension until the amount of the overpayment is recovered or by omitting to pay any increase in the amount of any pension due until the amount of the overpayment is recovered.

Guaranteed minimum pension

168.—(1) If a member has a guaranteed minimum under section 14 of PSA 1993 in relation to benefits under this scheme—

- (a) nothing in these Regulations permits or requires anything that would cause requirements made by or under that Act in relation to such a member and such a member's rights under this scheme not to be met in the case of the member;
- (b) nothing in these Regulations prevents anything from being done which is necessary or expedient for the purposes of meeting such requirements in the case of the member; and
- (c) the following provisions are subject to the generality of this paragraph.

(2) If apart from this regulation—

- (a) no pension would be payable to the member under this scheme; or
- (b) the weekly rate of the pensions payable would be less than the guaranteed minimum,

a pension at a weekly rate equal to the guaranteed minimum is payable to the member for life from the date on which the member reaches GMP age or, as the case may be, pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable.

(3) Subject to paragraph (4), if—

(a) 1995 c.26. Section 50 has been substituted by virtue of section 273 of the Pensions Act 2004 (c.35).
(b) S.I. 2008/649.

- (a) on reaching GMP age the member is still in employment (whether or not it is scheme employment); and
- (b) if it is not scheme employment, the member consents to a postponement of the member's entitlement under paragraph (2),

paragraph (2) does not apply until the member leaves employment.

(4) If the member continues in employment for a further 5 years after reaching GMP age and does not then leave employment, the member is entitled from the end of that period to so much of the member's pension under Part 5 (retirement benefits) and Part 7 (benefits for pension credit members) as equals the member's guaranteed minimum (or, as the case may be, to so much of the member's pensions under Part 5 and Part 7 as together have a weekly rate equal to the member's guaranteed minimum), unless the member consents to a further postponement of the entitlement.

(5) If paragraph (3) or (4) applies, the amount of the guaranteed minimum to which the member is entitled under this regulation is increased in accordance with section 15 of PSA 1993.

(6) This paragraph applies if a person has ceased to be in employment that is contracted-out by reference to this scheme, and either—

- (a) a transfer payment in respect of all the person's rights to benefits under this scheme, except the person's rights in respect of the person's guaranteed minimum or rights under section 9(2B) of PSA 1993 ("the person's contracting-out rights") has been made; or
- (b) the person has no rights to benefits under this scheme apart from the person's contracting-out rights.

(7) If paragraph (6) applies—

- (a) from the date on which the person reaches GMP age the person is entitled to a pension payable for life at a weekly rate equal to his guaranteed minimum, if any; and
- (b) from the date on which the person reaches normal pension age under this scheme the person is entitled to a lump sum and pension in respect of his rights under section 9(2B) of PSA 1993,

but a person falling with paragraph (7) is not to be regarded as a pensioner for the purposes of Part 6 (death benefits).

(8) Paragraphs (2) to (7) do not apply to—

- (a) a pension that is forfeited—
 - (i) as a result of a conviction for treason; or
 - (ii) in a case where the relevant offence under regulation 173 falls under paragraph (2)(b) of that regulation;
- (b) a pension that is commuted under regulation 170 (commutation of small pensions) where the conditions in regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996(a) are met,

but if any other provision of this scheme is inconsistent with this regulation, this regulation prevails.

(9) In this regulation, "GMP age" means 65 in the case of a man or 60 in the case of a woman.

Survivor's guaranteed minimum pensions

169.—(1) Subject to paragraph (3), this regulation applies in relation to the surviving partner who has a guaranteed minimum under section 17 of PSA 1993 in relation to the benefits payable under chapter 2 (pensions for surviving partners) of Part 6 (death benefits).

(2) If apart from this regulation—

- (a) no pension would be payable to the surviving partner under this scheme; or

(a) S.I. 1996/1172.

(b) the weekly rate of the pensions payable would be less than the guaranteed minimum, a pension at a weekly rate equal to the guaranteed minimum is payable to the surviving partner for life from the date on which the surviving partner died or, as the case may be, pensions the aggregate weekly rate of which is equal to the guaranteed minimum are so payable.

(3) This regulation does not apply to—

- (a) a pension that is forfeited—
 - (i) as a result of a conviction for treason; or
 - (ii) in a case where the relevant offence under regulation 173 falls under paragraph (2)(b) of that regulation;
- (b) a pension that is commuted under regulation 170 (commutation of small pensions) where the conditions in regulation 60 of the Occupational Pension Schemes (Contracting-out) Regulations 1996(a) are met.

Commutation of small pensions

170.—(1) This regulation applies in respect of a person who is entitled to the immediate payment of—

- (a) a pension under these Regulations if the entitlement does not exceed the small pensions commutation maximum; or
- (b) more than one pension under these Regulations in any of the circumstances mentioned in paragraph (2), if the total entitlement does not exceed the small pensions commutation maximum.

(2) The circumstances are—

- (a) a member is entitled to more than one pension in respect of pensionable service in any one employment;
- (b) a person is entitled to more than one pension in respect of a member's pensionable service in more than one employment; or
- (c) a pension credit member is entitled to—
 - (i) more than one pension credit member's pension; or
 - (ii) one or more pensions within sub-paragraph (a) in addition to one or more pension credit member's pensions.

(3) The scheme manager may pay the person a lump sum of such an amount as represents the capital value of the pension calculated in accordance with actuarial guidance if—

- (a) the person consents to receipt of a lump sum in respect of the pensions; and
- (b) the commutation requirements that apply are met.

(4) The payment of a lump sum under this regulation in respect of a pension discharges all liabilities under these Regulations in respect of that pension.

(5) In this regulation—

“the small pensions commutation maximum” means the amount that is permitted to be commuted, having regard to all the commutation requirements that apply in the circumstances in question; and

“the commutation requirements” means requirements permitting the commutation of small pensions that are imposed by—

- (a) Regulation 2 of the Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations 1997;

(a) S.I. 1996/1172.

- (b) Paragraph 7 of Schedule 29 to the FA 2004 (which defines trivial commutation lump sums for the purposes of Part 4 of that Act) and, in relation to a pension payable under Part 7 (death benefits), by paragraph 20 of that Schedule (which defines trivial commutation lump sum death benefit for the purposes of that Part); or
- (c) Regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000.

Payments for persons incapable of managing their affairs

171. If it appears to the scheme manager that a person other than an eligible child is entitled to payment of benefits under this scheme but is, by reason of mental disorder or otherwise, incapable of managing his or her affairs—

- (a) the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled; and
- (b) in so far as the scheme manager does not pay the benefits in that manner, the scheme manager may apply them in such manner as the scheme manager may determine, for the benefit of the person entitled, or any beneficiaries of the person entitled.

Payments due in respect of deceased persons

172.—(1) Paragraph (2) applies if, when a person dies, the total amount due to that person's personal representatives under this scheme (including anything due at that person's death) does not exceed 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 applying in relation to that person's death.

(2) A scheme manager may pay the whole or part of the amount due to—

- (a) a person's personal representatives, or
- (b) any person or persons appearing to the scheme manager to be beneficially entitled to the estate,

without the production of probate or letters of administration of the person's estate.

Limitation on assignment of benefits

173. An assignment of an award is void to the extent that it is in favour of a person other than a dependant of the person entitled to the award.

CHAPTER 2

Forfeiture

Forfeiture: offences committed by members, surviving partners or eligible children

174.—(1) If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager may, to such extent and for such duration as they consider appropriate, withhold pensions payable under this scheme to—

- (a) the member;
- (b) any person in respect of the member;
- (c) surviving partner;
- (d) eligible child.

(2) In this regulation, the following are relevant offences—

- (a) offences of treason;

(a) 1965 c.32; there are amendments to section 6 which are not relevant to this instrument.

- (b) offences under the Official Secrets Acts 1911 to 1989^(a) for which the member has been sentenced on the same occasion—
 - (i) to a term of imprisonment of at least 10 years;
 - (ii) to two or more consecutive terms amounting in the aggregate to at least 10 years; or
- (c) offences—
 - (i) committed in connection with the member’s employment by an employer; and
 - (ii) in respect of which the Secretary of State has issued a forfeiture certificate.

(3) In paragraph (2)(c)(ii), “forfeiture certificate” means a certificate stating that the Secretary of State issuing the certificate considers that the offence—

- (a) has been gravely injurious to the interests of the State; or
- (b) is liable to lead to serious loss of confidence in the public service.

(4) Where a surviving partner’s or an eligible child’s pensions under Part 6 (death benefits) are to be withheld under paragraph (1) as a result of a relevant offence falling under paragraph (2) (a) or (b), the offence must have been committed after the death on which the person became entitled to the survivor or child’s pension, as the case may be.

(5) The scheme manager may, at any time and to such extent and for such duration as they think fit—

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

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

Forfeiture of pensions: offences committed by other persons

175.—(1) If a person is convicted of the murder of a member, the scheme manager must withhold all of any surviving partner or eligible child’s pension payable to that person in respect of the member under Part 6 (death benefits).

(2) If a person is convicted of a relevant offence, the scheme manager may, to such extent as they consider appropriate, withhold any surviving partner or eligible child’s pension payable to that person in respect of a member under Part 6 (death benefits).

(3) In paragraph (2), the following are relevant criminal offences—

- (a) the manslaughter of the member; or
- (b) any other offence of which the unlawful killing of the member is an element.

(4) If paragraph (1) applies, Part 6 (death benefits) applies as if that person had died before the member.

(5) Under paragraph (2), the scheme manager may only withhold such part of a person’s pension as exceeds any guaranteed minimum to which that person is entitled under section 17 of the PSA 1993.^(b)

(6) If a person is convicted of the murder of a member and their conviction is subsequently quashed on appeal, any surviving partner or eligible child’s pension withheld is to be payable from the day after that on which the member died, and the scheme manager must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of the pension accrued.

(7) If a person is convicted of a relevant offence and their conviction is subsequently quashed on appeal any decision under paragraph (2) is to be treated as revoked and the scheme manager must, as soon as reasonably practicable after the conviction is quashed, pay the arrears of the pension accrued from the day after that on which the member died.

(a) 1989 c.6; see section 16(2) for the meaning of “Official Secrets Acts 1911 to 1989”.

(b) Pension Schemes Act 1993 c.48.

(8) Nothing in paragraphs (6) or (7) is to affect the application of paragraphs (1) or (2) if the person whose conviction is quashed is subsequently convicted of the murder of the member or of a relevant offence.

Forfeiture of lump sum death benefit: offences committed by other persons

176.—(1) If a person is convicted of a relevant offence, the scheme manager must withhold all of any lump sum death benefit payable to that person in respect of a member under Chapter 4 of Part 6 (death benefits).

(2) In paragraph (1), the following are relevant offences—

- (a) the murder of the member;
- (b) the manslaughter of the member; or
- (c) any other offence of which the unlawful killing of the member is an element.

(3) Under paragraph (1), the scheme manager may only withhold that part of a person's pension that exceeds any guaranteed minimum to which the person is entitled under section 17 of PSA 1993.

(4) If paragraph (1) applies and the scheme manager withholds all benefits, Part 6 (death benefits) applies as if that person had died before the member.

(5) If a person is convicted of a relevant offence and their conviction is subsequently quashed on appeal the scheme manager may, to such extent and for such duration as they think fit, restore to that person so much of any benefit as has been withdrawn under this regulation.

Forfeiture: relevant monetary obligations and relevant monetary losses

177.—(1) Subject to paragraph (4), if a member (P) owes a relevant monetary obligation or has caused a relevant monetary loss the scheme manager may, to such extent and for such duration as they consider appropriate, withhold benefits payable to P under this scheme.

(2) In this regulation, a “relevant monetary obligation” is a monetary obligation which—

- (a) was incurred to P's employer;
- (b) was incurred after P became a member of a scheme;
- (c) arose out of P's criminal, negligent or fraudulent act or omission; and
- (d) arose out of or was connected with the scheme employment in respect of which P is a member of this scheme.

(3) In this regulation, a “relevant monetary loss” is a monetary loss which—

- (a) was caused to the scheme; and
- (b) arose as a result of P's criminal, negligent or fraudulent act or omission.

(4) Under paragraph (1), the scheme manager may only withhold such part of P's pension as exceeds any guaranteed minimum to which P is entitled under section 14 of PSA 1993.

(5) Under paragraph (1), the scheme manager may not withhold more than the lesser of—

- (a) the amount of the relevant monetary obligation or relevant monetary loss; and
- (b) the value of P's entitlement to benefits.

(6) Under paragraph (1), the scheme manager may only withhold benefits if—

- (a) there is no dispute as to the amount of the relevant monetary obligation or relevant monetary loss; or
- (b) the relevant monetary obligation or relevant monetary loss is enforceable—
 - (i) under an order of a competent court; or
 - (ii) in consequence of an award of an arbitrator.

Set-off

178.—(1) The scheme manager may set off a relevant monetary obligation against a member's entitlement to benefits under this scheme.

(2) In this regulation, a “relevant monetary obligation” is a monetary obligation owed by a member (P), which satisfies the conditions in paragraphs (3), (4) or (5).

(3) The conditions are that the monetary obligation—

- (a) was incurred to P's employer;
- (b) was incurred after P became a member of this scheme; and
- (c) arose out of or was connected with the scheme employment in respect of which P is a member of this scheme;
- (d) arose out of P's criminal, negligent or fraudulent act or omission.

(4) The conditions are that the monetary obligation—

- (a) was incurred to this scheme; and
- (b) arose out of P's criminal, negligent or fraudulent act or omission.

(5) The conditions are that the monetary obligation—

- (a) was incurred to this scheme; and
- (b) arose out of a payment made to P in error by the scheme manager.

(6) Paragraph (7) applies if a set-off is to be applied as result of P owing a relevant monetary obligation which satisfies the conditions in paragraph (3).

(7) Where this paragraph applies, the scheme manager may not apply a set-off against such part of P's entitlement to benefits as represents transfer credits (other than prescribed transfer credits^(a)), within the meaning of section 124(1) (interpretation of Part 1) of the Pensions Act 1995^(b).

(8) The scheme manager may only apply a set-off against such part of a member's pension as exceeds any guaranteed minimum to which that member is entitled under section 14 of PSA 1993.

(9) The value of the set-off applied must not exceed the lesser of—

- (a) the amount of the relevant monetary obligation;
- (b) the value of P's entitlement to benefits.

(10) The scheme manager may only set off a relevant monetary obligation against P's entitlement to benefits if—

- (a) there is no dispute as to the amount of the relevant monetary obligation; or
- (b) the relevant monetary obligation is enforceable—
 - (i) under an order of a competent court;
 - (ii) in consequence of an award of an arbitrator.

Forfeiture and set-off: procedure

179.—(1) If the scheme manager proposes to withhold benefits or apply a set-off against a person's entitlement to benefits, the scheme manager must notify the person of the proposal in writing.

(2) If the scheme manager withholds benefits under regulation [] (forfeiture of lump sum death benefit: offences committed by other persons) or under regulation [](forfeiture: relevant monetary obligations and relevant monetary losses) or applies a set-off against an entitlement to

(a) See S.I. 1997/785 which prescribes the transfer credits.

(b) 1995 c.26; the definition of transfer credits in section 124(1) was amended by the Pensions Act 2004, section 319(1) and Schedule 12 paragraphs 34, 69(1) and (2).

benefits, the scheme manager must give the member, surviving partner or eligible child (as the case may be) a certificate showing—

- (a) the amount withheld or set off; and
- (b) the effect of the withholding or set-off on the member, surviving partner or eligible child's benefits under this scheme.

CHAPTER 3

Payment and deduction of tax

Scheme administrator for the purposes of the Finance Act 2004

180. The scheme manager is appointed to be responsible for all liabilities and responsibilities connected with the functions conferred or imposed on the scheme administrator by or under Part 4 of the FA 2004 which the scheme manager assumes as sub-scheme administrator under regulation 3 and schedule 3 to the Registered Pension Schemes (Splitting of Schemes) Regulations 2006(a).

Payment on behalf of members of lifetime allowance charge

181.—(1) A member may request the scheme administrator to pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the FA 2004 when—

- (a) an event that is a benefit crystallisation event listed in the table in section 216(1) of FA 2004 occurs in relation to the member; and
- (b) the member and the scheme manager are jointly and severally liable in relation to that event.

(2) Such a request may only be made by notice to the scheme administrator given before the event occurs.

(3) The scheme manager may only comply with such a request if—

- (a) the member pays it the amount in question on or before the date on which the event occurs; or
- (b) the member authorises the deduction of the amount in question from a lump sum becoming payable to the member under this scheme at the same time as the event occurs.

Reduction of benefits where lifetime allowance charge payable

182.—(1) This regulation applies if—

- (a) an event that is a benefit crystallisation event listed in the table in section 216(1) of the FA 2004 ("the table") occurs in relation to a member;
- (b) the member and the scheme manager are jointly and severally liable in relation to that event; and
- (c) no request has been duly made under regulation [] (payment on behalf of members of lifetime allowance charge) in relation to the event or, if such a request has been made, the scheme manager is prevented from complying with it by paragraph (3) of that regulation.

(2) If this regulation applies—

- (a) the scheme manager must pay the tax payable on the event;
- (b) if the event is benefit crystallisation event 8 in the table (transfer to qualifying recognised overseas pension scheme), the amount or value of the sums or assets transferred must be reduced; and

(a) S.I.2006/569; amended by S.I. 2013/1114.

- (c) in the case of any other event in that table, the amount or value of the benefits payable to or in respect of the member must be reduced.
- (3) The amount or value of the reduction—
 - (a) must be such that it fully reflects the amount of tax so paid; and
 - (b) in the case of any reduction to pension benefits, must be calculated according to actuarial guidance.

Information about payment of annual allowance charge

183.—(1) If a member’s pension scheme input amount for this scheme for a pension input period exceeds the amount of the annual allowance for the tax year in which the pension input period ends, paragraph (2) applies in respect of the member for that tax year.

(2) The scheme manager must, no later than October 6th after the end of the tax year, provide the member with such information as the scheme manager considers appropriate to assist the member to arrange payment of the annual allowance charge for that tax year and with the information required by regulation 14A of the Registered Pension Scheme (Provision of Information) Regulations 2006(a).

(3) In this regulation—

“pension scheme input amount” has the meaning given in section 237B(2) (Liability of scheme administrator) of FA 2004(b);

“pension input period” has the meaning given in section 238 of the FA 2004.

Reduction of benefits where annual allowance charge paid by scheme manager

184.—(1) This regulation applies where—

- (a) a member gives valid notice to the scheme manager of joint and several liability for an annual allowance charge under section 237B(3) of FA 2004; and
- (b) the scheme manager satisfies the liability specified in the notice.

(2) The amount or value of the benefits payable to or in respect of the member for the tax year to which the notice relates must be reduced by the scheme manager in accordance with paragraph (3).

(3) Subject to paragraph (4), the amount or value of the reduction of benefits—

- (a) must be such that it fully reflects the amount paid by the scheme manager; and
- (b) must be determined in accordance with actuarial guidance.

(4) Benefits may only be reduced under this regulation to the extent that the reduction would not result in the loss of any part of a guaranteed minimum pension to which a person is entitled under section 14 (earner’s guaranteed minimum) or 17 (minimum pension for surviving spouses and civil partners) of the Pension Schemes Act 1993.

CHAPTER 4

General

Calculation of periods of membership and service

185.—(1) For the purposes of this scheme, periods of membership and service are to be expressed in the first instance in whole years, and days or fractions of a day, and the initial aggregation of periods that require to be aggregated is done by reference to periods so expressed.

This is subject to paragraph (3).

(a) S.I.2006/569; regulation 14A was inserted by regulations 2 and 8 of S.I.2011/1797.
 (b) 2004 c.12; section 237B was inserted by the Finance Act 2011 (c.11), Schedule 17, paragraph 15 and was amended by the Finance Act 2013 (c.29), Schedule 46, paragraphs 119 and 129.

(2) If, when all periods of membership or service that require to be aggregated have been aggregated, there is any excess part day over the number of whole days, that excess is rounded up to a full day.

This is subject to paragraph (3).

(3) If membership or service is referred to in these Regulations as membership or service in years—

- (a) the days referred to in paragraph (1); and
- (b) the full days referred to in paragraph (2),

are converted into years by dividing the number of days in excess of the period of whole years by 365, and using the result to 4 decimal places save where otherwise provided.

(4) If a period of membership or service is less than one year, this regulation applies as if the words “whole years, and” were omitted from paragraph (1) and the words “in excess of the period of whole years” were omitted from paragraph (3).

Annual benefit information statements

186.—(1) The scheme manager must provide an annual benefit information statement to each of its members who are not pensioner members in respect of the pension account for which the statement is to be provided.

(2) The first such statements must be provided on or before 31st August 2016.

(3) Subject to paragraph (4), subsequent statements must be provided at least once per year on or before 31st August of each year that follows.

(4) If a member requests in writing that a statement is provided to them after the end of a scheme year but before 31st August of the following scheme year, the scheme manager must provide an annual benefit information statement as soon as reasonably practicable in accordance with the member’s request, unless the relevant data to enable them to do so are not available.

(5) The statement provided to active members of this scheme must be in accordance with section 14 of the 2013 Act (information about benefits).

Evidence of entitlement

187.—(1) A scheme manager may by written notice require any person who is in receipt of a pension or may have an entitlement to a pension or a lump sum under this scheme to provide them with such supporting evidence as they may reasonably require to establish—

- (a) the identity of that person; and
- (b) that person’s continuing or future entitlement to the payment of any amount under this scheme.

(2) A notice under paragraph (1) must specify the date by which the supporting evidence is to be provided.

(3) Where a person fails to comply with the requirements of a notice given in accordance with paragraph (1), the scheme manager may withhold the whole or part of any amount that they otherwise consider to be payable under the scheme.

Information to be provided to a member before reserve forces service leave

188. The scheme manager must give a member who is about to start on a period of reserve forces service leave a statement stating—

- (a) the assumed pensionable pay for that member whilst on reserve forces service leave;
- (b) the member’s contribution rate to apply during that period;
- (c) details of any payments to be paid by the employer to the member whilst on reserve forces service leave; and

(d) the employer’s contribution which applies during that period.

Transitional provisions

189. Schedule 2 has effect.

Signatory text

Address	Parliamentary Under Secretary of State	<i>Name</i>
Date	Department	Department

SCHEDULES

SCHEDULE 1

Ref

Payments for added pension

PART 1

Interpretation

Interpretation

1. In this Schedule—

“added pension election” means the election to make added pension payments;

“added pension payments” means periodical payments or a lump sum payment for added pension made to this scheme;

“amount of extra pension” means the amount of accrued added pension at any time;

“appropriate pay period” means the pay period that the scheme manager considers appropriate;

“periodical payment period” means the period for which periodical payments for added pension payments are payable;

“overall amount of extra pension” means the overall amount of extra pension as defined in paragraph 2;

“period of service” in relation to this scheme, means a continuous period of pensionable service under this scheme;

“the relevant day” means the day on which the lump sum is received by the scheme manager;

“the relevant scheme year” means the scheme year in which the relevant day falls.

Meaning of “overall amount of extra pension”

2.—(1) The overall amount of extra pension is—

(a) £6,500 for any scheme year ending before 1st April 2016; and

(b) for any scheme year beginning on or after 1st April 2016—

- (i) the overall amount of extra pension determined by the Treasury in respect of that scheme year as published before the start of that scheme year; or
- (ii) if no such determination is made, the amount calculated under paragraph (2).

(2) If a determination is not made in respect of the overall amount of extra pension for a scheme year, the overall amount of extra pension for that scheme year is the amount to which the annual rate of a pension of an amount equal to the overall amount of extra pension for the previous scheme year would have been increased under PIA 1971 if—

- (a) that pension were eligible to be so increased; and
- (b) the beginning date for that pension were the first day of the previous scheme year.

Limit on elections

3. An added pension election may not be exercised by an active member if the amount of extra pension would exceed the overall amount of extra pension if that election were made.

Amount of accrued added pension may not exceed overall amount of extra pension

4.—(1) At any given time, the total amount of accrued added pension in a member's added pension account may not exceed the overall amount of extra pension.

(2) If a member has elected to make periodical payments for added pension, the scheme manager may by notice to the member cancel the election if it appears to the scheme manager that the overall amount of extra pension will be exceeded if the member continues to make the periodical payments.

(3) If the scheme manager cancels the election, the periodical payments cease to be payable from the next pay period beginning after the date specified in the notice of cancellation.

Actuarial advice

5. The scheme manager must have regard to actuarial guidance before determining any amount under this Schedule.

PART 2

Payments for added pension

CHAPTER 1

Exercising the added pension election

Added pension election exercisable by member

6.—(1) An active member of this scheme may elect to make added pension payments to this scheme to increase the member's retirement benefits and death benefits.

(2) A member may make the added pension election by notice to the scheme manager in such form as the scheme manager may require ("the notice of election").

(3) The notice of election must state—

- (a) whether added pension payments are to be made by—
 - (i) periodical payments; or
 - (ii) a lump sum payment;
- (b) whether the member has an added pension account with another employer;
- (c) whether the member is making an added pension election in connection with another scheme employment.

(4) The election to pay added pension payments by a lump sum payment may only be made if the member gives notice to the scheme manager not later than 12 months after the date on which the person last became employed by the employer as a firefighter.

(5) The election to pay added pension payments by periodical payments may only be made at least two years before the member's normal pension age and cannot be made once the scheme manager has agreed that the member will leave the scheme with entitlement to a pension or an ill-health award.

CHAPTER 2

Periodical payments for added pension

Application of Chapter

7. This Chapter applies in relation to an active member of this scheme who elects to make periodical payments for added pension.

Member's election to make periodical payments for added pension

8.—(1) The notice of election must specify—

- (a) the periodical payment period; and
- (b) the amount of the periodical payment to be deducted by the member's employer from the member's pensionable pay in each pay period.

(2) The amount of the periodical payment may be expressed as—

- (a) a percentage of the member's pensionable pay; or
- (b) a fixed sum.

(3) The amount of the periodical payment must not be less than any minimum amount determined by the scheme manager.

Periodical payments

9.—(1) The periodical payments may be payable by deduction by the member's employer from the member's pensionable pay during the contributions payment period.

(2) The contributions payment period—

- (a) begins with the first appropriate pay period beginning on or after the date on which the scheme manager receives the notice of election; and
- (b) ends on the earlier of—
 - (i) the date of the next appropriate pay period if the member gives the notice of discontinuance under paragraph 11;
 - (ii) date of the next pay period after the date specified in a notice of cancellation given by the scheme manager under paragraph 5(3);
 - (iii) the date on which the member ceases to be an active member; and
 - (iv) the date specified in the notice of election.

(3) If the member does not want to pay the periodical payments by deduction from pensionable pay, the scheme manager may agree another method of payment.

Discontinuance of periodical payments

10. If the member wishes to discontinue the payment of periodical payments, the member must give notice to the scheme manager and the notice of election will be treated as cancelled from the next appropriate pay period.

Periodical payments during periods of assumed pensionable pay

11.—(1) The periodical payments are payable by deduction from the member's pensionable pay during the periodical payments period and whilst the member is treated as receiving assumed pensionable pay, reduced pay or no pay, the member may—

- (a) stop the periodical payments; or
- (b) continue the periodical payments as if the member were receiving pensionable pay at the full rate.

(2) During any period in which the member is receiving statutory maternity pay or is on paid ordinary maternity leave, paid ordinary adoption leave or paid paternity leave, the member may—

- (a) stop the periodical payments; or
- (b) pay the periodical payments of an amount determined by reference to the member's actual pay during that period.

(3) If a member stops the periodical payments during a period of assumed pensionable pay or a period of reduced pay, the member may choose to resume the periodical payments in the next pay period after the period of assumed pensionable pay or period of reduced pay ends.

(4) After a period of assumed pensionable pay or a period of reduced pay, the member may give notice to the scheme manager authorising the employer to deduct the aggregate of payments which would have been made during this period from the member's pay during a period of 6 months from the end of the period of reduced pay or such longer period as the scheme manager may allow.

(5) Notice under sub-paragraph (4) should be given to the scheme manager not later than one month after the end of the period of reduced pay.

Amount of added pension for a scheme year

12.—(1) This paragraph applies for each scheme year during which a member makes periodical payments to increase both the member's retirement benefits and death benefits.

(2) An amount of added pension is credited to the member's added pension account for that scheme year.

(3) The amount is determined by the scheme manager by reference to actuarial guidance.

CHAPTER 3

Lump sum payments for added pension

Application of Chapter

13. This Chapter applies in relation to an active member of this scheme who has elected to make a lump sum payment for added pension.

Member's election to make a lump sum payment for added pension

14.—(1) The notice of election must specify the amount of lump sum which must not be less than any minimum amount determined by the scheme manager.

(2) If the lump sum is not paid within three months after the date on which the notice of election was given, then the notice of election is to be void.

Amount of added pension to be credited to added pension account

15.—(1) This paragraph applies if a member elects to pay a lump sum to increase the member's retirement benefits and death benefits.

(2) An amount of added pension is credited to the added pension account in the relevant scheme year.

(3) The amount credited to the added pension account is an amount determined by the scheme manager by reference to actuarial guidance.

SCHEDULE 2

Transitional provisions

Regulation []

PART 1

General

Interpretation

1. In this Schedule—

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the existing scheme, the tapered protection closing date for that member; or
- (b) if the member is not a protected member of that scheme, the scheme closing date;

“exception” means an exception to section 18(1) of the 2013 Act;

“existing public body pension scheme” means a public body pension scheme to which section 31 of the 2013 Act applies;

“existing public service scheme” means a scheme listed in Schedule 5 to the 2013 Act, other than the existing scheme;

“full protection member”, in relation to an existing scheme, has the meaning given in paragraph [];

“gap in service”, in relation to a transition member, does not include any period in pensionable public service after the scheme closing date;

“protected member”, in relation to an existing scheme, means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of an existing scheme, has the meaning given in paragraph [];
- (b) for a tapered protection member of an existing scheme, has the meaning given in paragraph [];

“tapered protection closing date”, in relation to a tapered protection member of an existing scheme, has the meaning given in paragraph 2;

“tapered protection member”, in relation to an existing scheme, has the meaning given in paragraph [];

“transition date” means—

- (a) if the member is a tapered protection member of an existing scheme, the day after the tapered protection closing date for that member; and
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date;

“transition member” means a person—

- (a) who is a member of an existing scheme by virtue of his or her pensionable service under that existing scheme before the transition date; and
- (b) who is a member of this scheme by virtue of his or her pensionable service under this scheme.

Meaning of “tapered protection closing date”

2. The tapered protection closing date for a tapered protection member of an existing scheme is a date between 24th May 2015 and 31st March 2022 (inclusive) determined by the scheme manager by reference to the table set out at [annex A].

Meaning of “eligible to be an active member” of the NFPS

3.—(1) For the purpose of this Schedule, a person (P) is an eligible member of the NFPS on a given date if on that date—

- (a) P is not in pensionable service under the 1992 scheme or the NFPS; but
- (b) P is in service as a firefighter which entitles that person to be eligible to be an active member of the NFPS; or
- (c) P is on a gap in pensionable service not exceeding 5 years.

(2) For the purpose of this Schedule, after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Active membership of an existing scheme

4.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing scheme on a given date if on that date—

- (a) P is in pensionable service under the 1992 scheme or the NFPS; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of this Schedule, after the scheme closing date P is not on a gap in service while P is in pensionable public service scheme.

Active membership of an existing public service scheme

5.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing public service scheme on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of this Schedule, after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Active membership of an existing public body pension scheme

6.—(1) For the purpose of this Schedule, a person (P) is an active member of an existing public body pension scheme on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years;

(2) For the purpose of this Schedule, after the date on which that scheme closes to members who are not protected members, P is not on a gap in service while P is in pensionable public service.

(3) For the purpose of these Regulations, an existing public body pension scheme closes to members who are not protected members on the date determined for that purpose under section 31(2) of the 2013 Act by the public authority responsible for that scheme.

Continuity of service

7.—(1) A transition member (T) has continuity of service unless T has a gap in service exceeding 5 years which—

- (a) begins on or before T’s closing date; and

- (b) ends on the day on which T becomes an active member of this scheme.
- (2) T becomes an active member of this scheme—
 - (a) if T is in pensionable service on the transition date, on that date; or
 - (b) if T is not in pensionable service on the transition date, when T re-enters pensionable service after that date.

Transition members without continuity of service

8. A transition member who does not have continuity of service becomes an active member of this scheme when the member re-enters pensionable service on or after the transition date.

PART 2

Exceptions for full protection members of the existing scheme

Meaning of “full protection member” (an existing scheme)

9.—(1) A person (P) to whom any of paragraphs 10, 11 or 12 applies is a full protection member of an existing scheme.

(2) P ceases to be a full protection member of an existing scheme when P ceases to be in pensionable service under that scheme and ceases to be eligible to be an active member of the NFPS.

Active member of an existing scheme

10.—(1) This paragraph applies if any of the sub-paragraphs applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the 1992 scheme or an active member, or eligible to be an active member, of the NFPS on the scheme closing date; and
- (b) P was an active member of the 1992 scheme or an active member, or eligible to be an active member, of the NFPS on 31st March 2012; and
- (c) unless P dies, if P is an active member of the 1992 scheme, P would reach normal pension age under the 1992 scheme or if P is an active member or eligible to be an active member of the NFPS, normal pension age under the NFPS, as the case may be, on or before 1st April 2022.

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing public service scheme or an existing public body pension scheme on 31st March 2012;
- (b) P was an active member or eligible to be an active member of the NFPS on the scheme closing date; and
- (c) unless P dies, if P is an active member or eligible to be an active member of the NFPS, P would reach normal pension age under the NFPS on or before 1st April 2022.

Active member of an existing public service scheme

11. This paragraph applies if—

- (a) P was an active member of an existing public service scheme on the scheme closing date and on 31st March 2012;
- (b) P begins pensionable service under the NFPS not more than 5 years after leaving pensionable service under the existing public service scheme;

- (c) P would have been a full protection member of the existing public service scheme had P re-entered pensionable service under that scheme; and
- (d) unless P dies, P would reach normal pension age under the NFPS and the existing public service scheme on or before 1st April 2022.

Active member of an existing public body pension scheme

12.—(1) This paragraph applies if any of the sub-paragraphs apply.

(2) This sub-paragraph applies if—

- (a) P was an active member of an existing public body pension scheme on the scheme closing date and on 31st March 2012;
- (b) P begins a gap in service on or before the scheme closing date;
- (c) P begins pensionable service under the NFPS not more than 5 years after leaving pensionable service under the existing public body pension scheme;
- (d) P would have been a full protection member of the existing public body pension scheme had P re-entered pensionable service under that scheme; and
- (e) unless P dies, P would reach normal pension age under the NFPS and the existing public body pension scheme on or before 1st April 2022.

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing public body pension scheme on the scheme closing date and on 31st March 2012;
- (b) the existing public body pension scheme closed to all members;
- (c) P begins pensionable service under the NFPS not more than 5 years after leaving pensionable service under the existing public body pension scheme; and
- (d) unless P dies, P would reach normal pension age under the NFPS and the existing public body pension scheme on or before 1st April 2022.

Exception for full protection member during protection period

13.—(1) The protection period for a person (P) who is a full protection member of an existing scheme is the period which—

- (a) begins on the day after the scheme closing date [(or if paragraph [](3) applies, the day after the existing public body pension scheme closed to all members)]; and
- (b) ends when P ceases to be a full protection member of an existing scheme.

(2) During the protection period—

- (a) P is in pensionable service under an existing scheme or if eligible to be an active member of the NFPS, would be eligible to be in pensionable service in the NFPS;
- (b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under an existing scheme to or in respect of P in relation to that pensionable service.

Full protection member not eligible to join this scheme

14. While a person (P) is a full protection member of an existing scheme, P is not eligible to be an active member of this scheme.

PART 3

Exceptions for tapered protection members of the existing scheme

Meaning of “tapered protection member”

15.—(1) A person (P) to whom any of paragraphs [14, 15 or 16] applies is a tapered protection member of an existing scheme.

(2) P ceases to be a tapered protection member of an existing scheme on whichever of the following days occurs first—

- (a) P’s tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under an existing scheme or if later, to be eligible to be an active member of the NFPS.

Active member of an existing scheme

16.—(1) This paragraph applies if any of the sub-paragraphs applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the 1992 scheme or was an active member, or eligible to be an active member, of the NFPS on the scheme closing date; and
- (b) on 31st March 2012, P was an active member of the 1992 scheme or was an active member, or eligible to be an active member, of the NFPS; and
- (c) unless P dies, if P is an active member of the 1992 scheme P would reach normal pension age under that scheme, or if P is an active member or eligible to be an active member of the NFPS, P would reach normal pension age under that scheme between 1st April 2022 and 31st March 2026 (inclusive).

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing public service scheme or an existing public body pension scheme on 31st March 2012;
- (b) P was an active member of the NFPS on the scheme closing date; and
- (c) unless P dies, if P is an active member or eligible to be an active member of the NFPS, P would reach normal pension age under that scheme between 1st April 2022 and 31st March 2026 (inclusive).

Active member of an existing public service scheme

17. This paragraph applies if—

- (a) P was an active member of an existing public service scheme on the scheme closing date and on 31st March 2012;
- (b) P begins pensionable service under the NFPS not more than 5 years after leaving pensionable service under the existing public service scheme;
- (c) P would have been a full protection member or tapered protection member of the existing public service scheme had P re-entered pensionable service under that scheme; and
- (d) unless P dies, P would reach normal pension age under—
 - (i) the NFPS between 2nd April 2022 and 31st March 2026 (inclusive); and
 - (ii) the existing public service scheme on or before 1st September 2025.

Active member of an existing public body pension scheme

18.—(1) This paragraph applies if any of the sub-paragraphs applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of an existing public body pension scheme on the scheme closing date and on 31st March 2012;
 - (b) P begins a gap in service on or before the scheme closing date;
 - (c) P begins pensionable service under the NFPS not more than 5 years after leaving pensionable service under the existing public body pension scheme; and
 - (d) P would have been a full protection member or tapered protection member of the existing public body pension scheme had P re-entered pensionable service under that scheme; and
 - (e) unless P dies, P would reach normal pension age under—
 - (i) the NFPS between 2nd April 2022 and 31st March 2026 (inclusive); and
 - (ii) the existing public body pension scheme on or before 1st September 2025.
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing public body pension scheme on the scheme closing date and on 31st March;
 - (b) the existing public body pension scheme closed to all members;
 - (c) P begins pensionable service under the NFPS not more than 5 years after leaving pensionable service under the existing public body pension scheme; and
 - (d) unless P dies, P would reach normal pension age under—
 - (i) the NFPS between 2nd April 2022 and 31st March 2026 (inclusive); and
 - (ii) the existing public body pension scheme on or before 1st September 2025.

Exception for tapered protection members during protection period

19.—(1) The protection period for a tapered protection member of an existing scheme is the period which—

- (a) begins on the day after the scheme closing date (or if paragraph [](3) applies, the day after the existing public body pension scheme closed to all members); and
 - (b) ends when P ceases to be a tapered protection member of an existing scheme.
- (2) During the protection period—
- (a) P is in pensionable service under the existing scheme or, if eligible to be an active member of the NFPS, would be eligible to be in pensionable service in the NFPS;
 - (b) section 18(1) of the 2013 Act does not apply in respect of that pensionable service; and
 - (c) benefits are to be provided under the existing scheme to or in respect of P in relation to that pensionable service.

Tapered protection member not eligible to join this scheme

20. While a person (P) is a tapered protection member of the existing scheme, P is not eligible to be an active member of this scheme.

Firefighters' Pension Scheme 1992

Date of Birth		Date of end of protection
From	To	
02/04/1967	01/05/1967	31/03/2022
02/05/1967	01/06/1967	06/02/2022
02/06/1967	01/07/1967	14/12/2021
02/07/1967	01/08/1967	23/10/2021
02/08/1967	01/09/1967	29/08/2021
02/09/1967	01/10/1967	06/07/2021
02/10/1967	01/11/1967	15/05/2021
02/11/1967	01/12/1967	21/03/2021
02/12/1967	01/01/1968	28/01/2021
02/01/1968	01/02/1968	05/12/2020
02/02/1968	01/03/1968	11/10/2020
02/03/1968	01/04/1968	22/08/2020
02/04/1968	01/05/1968	28/06/2020
02/05/1968	01/06/1968	07/05/2020
02/06/1968	01/07/1968	14/03/2020
02/07/1968	01/08/1968	21/01/2020
02/08/1968	01/09/1968	28/11/2019
02/09/1968	01/10/1968	05/10/2019
02/10/1968	01/11/1968	13/08/2019
02/11/1968	01/12/1968	20/06/2019
02/12/1968	01/01/1969	28/04/2019
02/01/1969	01/02/1969	05/03/2019
02/02/1969	01/03/1969	10/01/2019
02/03/1969	01/04/1969	22/11/2018
02/04/1969	01/05/1969	29/09/2018
02/05/1969	01/06/1969	07/08/2018
02/06/1969	01/07/1969	14/06/2018

02/07/1969	01/08/1969	22/04/2018
02/08/1969	01/09/1969	27/02/2018
02/09/1969	01/10/1969	04/01/2018
02/10/1969	01/11/1969	12/11/2017
02/11/1969	01/12/1969	19/09/2017
02/12/1969	01/01/1970	29/07/2017
02/01/1970	01/02/1970	04/06/2017
02/02/1970	01/03/1970	11/04/2017
02/03/1970	01/04/1970	21/02/2017
02/04/1970	01/05/1970	29/12/2016
02/05/1970	01/06/1970	06/11/2016
02/06/1970	01/07/1970	13/09/2016
02/07/1970	01/08/1970	23/07/2016
02/08/1970	01/09/1970	29/05/2016
02/09/1970	01/10/1970	05/04/2016
02/10/1970	01/11/1970	13/02/2016
02/11/1970	01/12/1970	20/12/2015
02/12/1970	01/01/1971	29/10/2015
02/01/1971	01/02/1971	05/09/2015
02/02/1971	01/03/1971	12/07/2015
02/03/1971	01/04/1971	24/05/2015

New Firefighters' Pension Scheme 2006

Date of Birth		Date of end of protection
From	To	
02/04/1962	01/05/1962	31/03/2022
02/05/1962	01/06/1962	06/02/2022
02/06/1962	01/07/1962	14/12/2021
02/07/1962	01/08/1962	23/10/2021
02/08/1962	01/09/1962	29/08/2021

02/09/1962	01/10/1962	06/07/2021
02/10/1962	01/11/1962	15/05/2021
02/11/1962	01/12/1962	21/03/2021
02/12/1962	01/01/1963	28/01/2021
02/01/1963	01/02/1963	05/12/2020
02/02/1963	01/03/1963	11/10/2020
02/03/1963	01/04/1963	23/08/2020
02/04/1963	01/05/1963	30/06/2020
02/05/1963	01/06/1963	09/05/2020
02/06/1963	01/07/1963	15/03/2020
02/07/1963	01/08/1963	23/01/2020
02/08/1963	01/09/1963	30/11/2019
02/09/1963	01/10/1963	06/10/2019
02/10/1963	01/11/1963	15/08/2019
02/11/1963	01/12/1963	22/06/2019
02/12/1963	01/01/1964	30/04/2019
02/01/1964	01/02/1964	07/03/2019
02/02/1964	01/03/1964	12/01/2019
02/03/1964	01/04/1964	22/11/2018
02/04/1964	01/05/1964	29/09/2018
02/05/1964	01/06/1964	07/08/2018
02/06/1964	01/07/1964	14/06/2018
02/07/1964	01/08/1964	22/04/2018
02/08/1964	01/09/1964	27/02/2018
02/09/1964	01/10/1964	04/01/2018
02/10/1964	01/11/1964	12/11/2017
02/11/1964	01/12/1964	19/09/2017
02/12/1964	01/01/1965	29/07/2017
02/01/1965	01/02/1965	04/06/2017
02/02/1965	01/03/1965	11/04/2017
02/03/1965	01/04/1965	21/02/2017
02/04/1965	01/05/1965	29/12/2016

02/05/1965	01/06/1965	06/11/2016
02/06/1965	01/07/1965	13/09/2016
02/07/1965	01/08/1965	23/07/2016
02/08/1965	01/09/1965	29/05/2016
02/09/1965	01/10/1965	05/04/2016
02/10/1965	01/11/1965	13/02/2016
02/11/1965	01/12/1965	20/12/2015
02/12/1965	01/01/1966	29/10/2015
02/01/1966	01/02/1966	05/09/2015
02/02/1966	01/03/1966	12/07/2015
02/03/1966	01/04/1966	24/05/2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

[text]