

FPS 1992 – Rule B5A

2008/214 – Original order

2013/1392 – changes shown below in red

2015/589 – changes shown below in green

2018/997 - changes shown below in purple

(1) A regular firefighter who—

(a) on taking up a different role; or

(b) becoming entitled to a different rate of pay in his existing role,

suffers a reduction in the amount of his pensionable pay such that the amount to be taken into account in the calculation of the pension to which he will be entitled at normal pension age is less than it would otherwise have been, is entitled to two pensions.

(2) **Subject to paragraph (4A), the amounts** of the pensions shall be those found by applying the formulae set out in paragraphs (3) and (4) but, where the aggregate of those amounts exceeds that of the single award to which the firefighter would be entitled under paragraph (6) if he were to give notice under that paragraph or under paragraph (7) if he were to make an election under rule G3, his entitlement shall be to an amount equal to the amount of that single award.

(3) The amount of the first pension is that found by applying the formula—

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

where—

- A is the firefighter's average pensionable pay for the year ending with his last day of service at the higher rate of pay;
- B is the firefighter's pensionable service up to that day;
- C is the firefighter's total pensionable service; and
- D is the total number of 60ths that would have been used in the calculation of his single award had he given the instruction referred to in paragraph (6).

(3A) The amount of the first pension determined under paragraph (3) or (4B)(a), is increased for each year before the firefighter's last day of service by an amount equivalent to that which would apply if the first pension were a pension in payment commencing from the day after the date of the firefighter's last day of service at the higher rate of pay, to which the Pensions (Increase) Act 1971(1) applied.

(4) The amount of the second pension is that found by applying the formula—

$$E \times \frac{F}{C} \times \frac{D}{60}$$

where—

- C and D have the same meanings as in paragraph (3);
- E is the firefighter's average pensionable pay for the year ending with his last day of service; and
- F is—
 - (a) where the aggregate of—
 - (i) the pensionable service used to ascertain the value of B in his case for the purpose of the formula in paragraph (3); and
 - (ii) his pensionable service for the period commencing with his first day of service at the lower rate of pay and ending with his last day of service, exceeds 30, the difference between B and 30;
 - (b) in any other case, his pensionable service for the period commencing with his first day of service at the lower rate of pay and ending with his last day of service.

(4A) Where a firefighter is entitled to —

- (a) a lower tier ill-health pension where rule B3(3) applies,
- (b) a higher tier ill-health pension where rule B3(4) applies, or
- (c) a deferred pension under rule B5,

the amount of the first and second pension shall be calculated in accordance with Part 3 or Part 6 (as the case may be) of Schedule 2 with the formula in paragraph (4B).

(4B) For the purpose of the calculation in paragraph (4A)—

- (a) the amount of the first pension is that found by applying the formula—

$$\left(\frac{A}{E}\right) \times \left(\frac{B}{C}\right) \times G$$

(b) the amount of the second pension is that found by applying the formula—

$$\left(\frac{F}{C}\right) \times G$$

(c) in sub-paragraphs (a) and (b) A, B, and C have the same meaning as in paragraph (3), E and F have the same meaning as in paragraph (4) and G is the amount of the single pension that the firefighter would otherwise have been awarded.

(5) Subject to paragraph (6), the pensions become payable on the date on which a pension would have become payable to the firefighter in whichever of the circumstances referred to in rules B1, B2, B3 and B5 applies in his case.

(6) A firefighter who is entitled to two pensions under this rule may, before leaving the employment of the fire and rescue authority by which he is employed, by written notice instruct the authority to make a single award which shall be calculated in accordance with whichever of rules B1, B2, B3 and B5 is applicable in his case.

(7) Where a firefighter who would be entitled to two pensions under paragraph (1) makes an election under rule G3, he shall be entitled instead to a single pension, calculated as if it were a deferred pension to which he was entitled under rule B5.

(8) In paragraph (1), “role”, in relation to a firefighter, means the role in which he 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.

(9) Where a person to whom this rule applies is a person to whom paragraph (10) of rule G1 applies, in paragraph (3) for “E is the firefighters’ average pensionable pay for the year ending with his last day of service” substitute “E is the firefighters’ average pensionable pay as modified by paragraph (10) of rule G1 for the year ending with his last day of service in the 2015 scheme