

## FPS 1992 – Rule C9 Effect of Remarriage

1992/192 – Original order

2017/892 – changes shown below in red

(1) Subject to paragraphs (3) to (5), a person entitled to a pension under this Part who marries, remarries, forms a civil partnership or a subsequent civil partnership is not entitled to receive any payment on account of the pension in respect of any subsequent period; but if the marriage or civil partnership is dissolved or the other party to it dies the fire and rescue authority may pay the whole or any part of the pension for such period after the dissolution or death as they think fit.

(2) Subject to paragraphs (3) to (5), where a person entitled to a gratuity under this Part marries, remarries, forms a civil partnership or a subsequent civil partnership, any part of the gratuity that has not already been paid (“the outstanding amount”) ceases to be payable; but if the marriage or civil partnership is dissolved or the other party to it dies the fire and rescue authority may pay the person the whole or any part of the outstanding amount.

(3) Paragraphs (1) and (2) do not apply if the person (“P”), entitled to a pension or gratuity under this Part—

(a) marries, remarries, forms a civil partnership or a subsequent civil partnership on or after 1st April 2015; and

(b) immediately before the beginning of that marriage, remarriage or formation of a civil partnership or subsequent civil partnership the condition set out in paragraph (4) is satisfied.

(4) The condition in this paragraph is that—

(a) P is either—

(i) entitled to a pension under rule C1 (spouse’s ordinary pension), rule C4 (spouse’s accrued pension), rule C5 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership), rule C6 (spouse or civil partner’s requisite benefit and temporary pension) or rule C8 (limitation where spouses living apart); or

(ii) receiving a gratuity under rule C8(7); and

(b) the deceased spouse or civil partner of P (“D”) died as a result of an injury—

(i) received in the exercise of D’s duties as a firefighter; or

(ii) sustained while on a journey necessary to enable D to report for duty or return home after duty.

(5) If on or after 1st April 2015 P is the subject of a decision by the fire and rescue authority to pay any sums in exercise of its discretion under paragraph (1) or (2), the payment of those sums is not affected by any future marriage, remarriage or formation of a civil partnership.