

# Firefighter's Pension Scheme (England) Order 2006

## Part 11, Chapter 1, Rule 1 & 2 Pensionable Pay & Final Pensionable Pay

### Amendments

2006 Original order [2006/3432](#) (black)  
2008 amendment order [2008/213](#) (changes shown in blue)  
2013 amendment order [2013/1393](#) (changes shown in purple)  
2014 amendment order [2014/445](#) (changes shown in red)  
2015 transitional regulations [2015/589](#) (changes shown in green)  
2017 amendment order [2017/892](#) (changes shown in pink)

### 1. Pensionable pay

1 [Subject to paragraphs \(3\), \(6\) and \(7\) and rule 3\(3\)](#) , the pensionable pay of a firefighter member is the aggregate of-

(a) his pay in relation to the performance of the duties of his role, except any allowance or emoluments paid to him on a temporary basis,

[\(aa\) the amount \(if any\) of any benefits which are pensionable under rule 7B\(1\) of Part 3, and](#)

(b) his permanent emoluments (including, in the case of a retained firefighter, any retaining allowance).

(2) Where a firefighter member surrenders the right to receive part of his pensionable pay in exchange for the provision by his employing authority of any non-cash benefit, the amount forgone shall continue to be treated as part of his pensionable pay for all purposes of this Scheme (including determining pension contributions and calculating awards).

(3) A firefighter member's pensionable pay in any tax year shall be taken not to include any amount in excess of the permitted maximum for that year.

(4) For the purposes of this rule and rule 2, the permitted maximum for a tax year is £108,600; but in relation to a tax year other than the tax year ending in 2007, this is subject to paragraph (5).

(5) Where the retail price index for the month of [September](#) in the tax year preceding the tax year in question is higher than it was for the previous [September](#) , the permitted maximum for the tax year in question shall be the amount arrived at-

(a) by increasing the permitted maximum for the previous tax year by the same percentage as the percentage increase in the retail prices index, and

(b) if the result is not a multiple of £600, by rounding it up to the nearest amount which is a multiple of £600.

(6) Where before 1st July 2013 and after that date, any allowance or supplement is being paid to a firefighter member which an authority treats as pensionable, but is not-

(a)pensionable pay within the meaning of paragraph (1)(a);

(b)additional pension benefit under rule 7A of Part 3 (long service); or

(c)a payment in respect of a firefighter's continual professional development under rule 7B.

that allowance or supplement shall continue to be treated as pensionable for so long as the firefighter receives it without any break in payment.

(7) Subject to paragraphs (8) and (9), where rule 1B of Part 2 has applied to a member of this Scheme who has joined the 2015 Scheme with continuity of service and paragraph 1 or 2 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and final pensionable pay is determined in accordance with Schedule 7 so that the member's pensionable pay under the 2014 Regulations as modified by paragraph 32 of Schedule 2 to those Regulations derived from service in the 2015 Scheme is to be regarded as pensionable pay derived from service in this Scheme.

(8) Where paragraph (7) and paragraph 32(4) of Schedule 2 to the 2014 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2014 Regulations as modified by paragraph 32 of Schedule 2 to those Regulations for the last year of pensionable service in the 2015 Scheme before the reduction in pensionable pay.

(9) Where paragraph 32(3) of Schedule 2 to the 2014 Regulations applies to a member of this Scheme, pensionable pay is determined in accordance with paragraph (1) of this rule and paragraph (7) does not apply.

## **2. Final pensionable pay**

(1) For the purpose of calculating pensions under this Scheme, the final pensionable pay of a firefighter member is the aggregate of pensionable pay received in respect of the 365 pensionable pay days ending with the relevant date, but this is subject to the following paragraphs of this rule.

(1A) Where the pensionable pay received by a firefighter in respect of the 365 pensionable pay days referred to in paragraph (1) includes an amount payable to him in respect of the benefits within rule 7B of Part 3, that amount shall be disregarded for the purpose of ascertaining his final pensionable pay.

(2) Subject to paragraphs (2A) and (3) , "the relevant date" for the purposes of paragraph (1)-

(a)in relation to a firefighter member who is entitled to two pensions under rule 7 of Part 3, means-

(i)as regards the first pension, the date on which he was last paid at the higher rate ;

(ii) as regards the second pension, the last day of his membership of the Scheme or, if he dies in service, the date of his death;

(b) in any other case, means the date of the firefighter member's last day of pensionable service or, if he dies in service, the date of his death;

(2A) In the case of a connected member or a deferred member to whom paragraph (7) of rule 1 applies, "the relevant date" means-

(a) where the final salary link applies, the last day of pensionable service in the 2015 Scheme, or

(b) where paragraph 32(4) to Schedule 2 to the 2014 Regulations applies, the last day of pensionable service in the 2015 Scheme before the reduction of pensionable pay in the 2015 Scheme.

(3) Where a firefighter member's final pensionable pay would have been more than the amount calculated in accordance with paragraph (1) if the relevant date had occurred on the corresponding day in either of the two periods of 365 pensionable pay days preceding the first day of the period of 365 pensionable pay days ending with the relevant date (as defined in paragraph (2) without reference to this paragraph), that corresponding day in whichever of those periods produces the higher amount shall be treated as the relevant date for the purposes of paragraph (1).

(4) Subject to paragraph (7), where a firefighter member is entitled to count only part of a year as a period of membership of the Scheme ("the membership period"), his final pensionable pay is the amount of pensionable pay received in the membership period multiplied by 365 and divided by the number of days in the membership period.

(5) For the purposes of paragraph (1), any reduction of pensionable pay as a result of-

(a) sick leave;

(b) stoppage of pay by way of punishment;

(c) ordinary maternity leave, ordinary adoption leave or paternity leave;

(d) paid additional maternity leave or additional adoption leave;

(e) unpaid periods in respect of which the firefighter member has paid pension contributions; or

(f) unpaid additional maternity leave or additional adoption leave in respect of which pension contributions have been paid,

shall be disregarded.

(5A) The final pensionable pay of a firefighter member who-

(a) is entitled to a long service increment; and

(b) retires after 30th September 2006 and before 1st October 2007, or becomes entitled to a deferred pension under rule 3 of Part 3 within that period,

shall be calculated-

(i) as if his long service increment had accrued at the rate of £990 per annum (disregarding the reduction that had effect in relation to times on and after 1st October 2006), and

(ii) disregarding any LS-related payment.

(5B) The final pensionable pay of a firefighter member who-

(a) retires or becomes entitled to a deferred pension on or after 1st October 2007, and

(b) is entitled to additional pension benefit under rule 7A of Part 3 (additional pension benefit: long service),

shall be calculated taking into account whichever of the following paragraphs yields the greater amount-

(i) the calculation is made with regard to the amount credited to him under rule 7A of Part 3 but without regard to his long service increment and any LS-related payment, or

(ii) the calculation is made with regard to his long service increment and any LS-related payment, but without regard to the amount credited to him under rule 7A of Part 3.

(5C) In paragraphs (5A) and (5B) "LS-related payment" means an interim or transitional payment connected with a firefighter member's long service.

(6) The final pensionable pay of a retained or volunteer firefighter shall be determined by reference to the final pensionable pay of a regular firefighter employed in a similar role and with equivalent qualifying service.

(7) A firefighter member's final pensionable pay in any tax year shall be taken not to include any amount in excess of the figure which is the permitted maximum for that year.

(8) In the case of a special member, paragraph (2)(b) applies with the substitution of "special pensionable service" for "pensionable service".

(9) In the case of a person who joined this Scheme as a special deferred member or a special pensioner member, his final pensionable pay shall be the amount determined by the authority and set out in the notice given by the authority under rule 5A(13) of this Part.