

FPS 2006 – Part 2, Rule 1 Scheme Membership

[2006/3432](#) – Original order

[2008/213](#) – changes shown below in green

[2012/2988](#) – changes shown below in purple

[2014/445](#) – changes shown below in red

[2015/590](#) – changes shown below in orange

[2018/269](#) – changes shown below in brown

[2018/997](#) – changes shown below in navy

Scheme membership

1.—(1) Subject to paragraph (2), a person of any of the following descriptions is ~~entitled to be~~ a firefighter member of this Scheme—

(a) a person who, on or after 6th April 2006, takes up employment with an authority as a firefighter, and whose role on taking up that employment includes—

- (i) resolving operational incidents, or
- (ii) leading and supporting others in the resolution of operational incidents;

(b) a person who—

- (i) having taken up employment as a firefighter before 6th April 2006, and
- (ii) having continued in such employment until the date of his election, and
- ~~(iii) having been a member of the 1992 Scheme,~~

elects to become a member of this Scheme; and

(c) a person to whom article 3(3) of the Firefighters' Pension Scheme (England) Order 2006 refers (persons becoming members of the 1992 Scheme on taking up employment with an authority on or after 6th April 2006 and before that Order comes into force).

(1A) Subject to paragraph (2), a person who holds office as the London Fire Commissioner is to be treated as a firefighter member of this Scheme where the terms and conditions of appointment to that office include—

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

(1B) Where a person is treated as a firefighter member of this Scheme under paragraph (1A)—

(a) holding office as the London Fire Commissioner shall be treated for the purposes of this Scheme as employment by the London Fire Commissioner; and

(b) this Scheme shall apply in relation to that person in the same way as it applies to a firefighter member with the modification set out in paragraph (1C).

(1C) In relation to a person who falls within paragraph (1A), Part 3 of this Scheme (personal awards) is to be read as if rule 6 (pension on authority-initiated early retirement) were omitted

(2) A person may not be a firefighter member or treated as a firefighter member under paragraph (1A), of this Scheme if he makes a contributions election (but he may again become such a firefighter member by virtue of rule 6(4)).

(2A) Where a person who has made an election not to pay pension contributions under the 1992 Scheme is automatically enrolled in this Scheme, that enrolment shall constitute an election to become a firefighter member of this Scheme.

(3) A person is a deferred member of this Scheme if he is entitled to a deferred pension under rule 3 of Part 3.

(4) A person is a pensioner member of this Scheme if he is in receipt of a pension or other benefits under the Scheme in respect of his pensionable service or by reason of service credited to the Scheme under Part 12.

(5) A person is a dependent member of this Scheme if he is—

(a) the spouse or civil partner of a deceased firefighter member, deferred member or pensioner member;

(b) the ~~nominated~~ cohabiting partner of a deceased firefighter member deferred member or pensioner member;

(c) a pension credit member in relation to a firefighter member, deferred member or pensioner member;

(d) the child of a person who is a member of the Scheme by virtue of sub-paragraph (a) or (b) of paragraph (1), whose dependency on that person satisfies the conditions specified in paragraph 15(2) and (3) of Schedule 28 to the Finance Act 2004; or

(e) is in receipt of a portion of a firefighter's pension allocated under rule 11 of Part 3.

~~(6) For the purposes of paragraph (5), a firefighter member may nominate (a "nominated partner") a person who—~~

~~(a) has been living with the firefighter member, otherwise than as his spouse or civil partner, in a long-term relationship; and~~

~~(b) at the date on which the question of the person's status in relation to the firefighter member falls to be considered—~~

~~(i) is not the spouse or civil partner of any other person,~~

~~(ii) is registered with the scheme administrator as the firefighter member's nominated partner, and~~

~~(iii) is financially dependent on the firefighter member or is, with the firefighter member, in a state of mutual financial dependency,~~

~~but this is subject to paragraph (8).~~

~~(6) For the purposes of paragraph (5), a firefighter member, deferred member or pensioner member (referred to in this paragraph as “the scheme member”) may nominate a person (a “nominated partner”) who—~~

~~(a) has been living with the scheme member, otherwise than as his spouse or civil partner; and~~

~~(b) at the date on which the question of the nominated partner’s status in relation to the scheme member falls to be considered—~~

~~(i) is not the spouse or civil partner of any other person,~~

~~(ii) is registered with the scheme administrator as the scheme member’s nominated partner,~~

~~(iii) is financially dependent on the scheme member, or is, with the scheme member, in a state of mutual financial dependency, and~~

~~(iv) is in a long-term relationship with the scheme member,~~

~~but this is subject to paragraph (8).~~

~~(7) In paragraph (6)—~~

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

~~(b) “scheme administrator” has the meaning given by section 270 of the Finance Act 2004(1).~~

~~(8) A firefighter member, deferred member or pensioner member may not make a nomination under paragraph (6) if (under the law of England and Wales) he is prohibited from marrying or, as the case may be, becoming the civil partner of the person he wishes to nominate.~~

~~(9) A nomination ceases to have effect if the firefighter member or the person nominated marries or enters in to into a civil partnership (whether with each other or with another person).~~

(10) Where a person who is—

(a) employed by more than one authority, or

(b) employed by a particular authority under more than one contract of employment,

is **entitled to be a firefighter** a member of this Scheme, he shall be a member of it in respect of each employment; but he shall not be a member by virtue of any employment in respect of which he makes a contributions election that is not cancelled.

(11) A person is a provisionally enrolled member of this Scheme if he—

(a) satisfies the conditions in rule 6C(2) of Part 11; and

(b) is not eligible to become a provisionally enrolled member pursuant to rule 6C(3) of Part 11

(12) For the purposes of this rule—

a “cohabiting partner” in relation to the scheme member is a person—

- (a) who has been living with the scheme member, otherwise than as the scheme member’s spouse or civil partner,
- (b) at the date on which the question of the cohabiting partner’s status in relation to the scheme member falls to be considered, is not the spouse or civil partner of any other person,
- (c) is financially dependent on the scheme member, or is, with the scheme member, in a state of mutual financial dependency, and
- (d) is in a long-term relationship with the scheme member and could enter into a marriage or civil partnership with the scheme member;

“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 scheme member falls to be considered, or such shorter period as the authority may in any particular case think fit; and

“scheme member” means a firefighter member, a deferred member or a pensioner member.

Special membership

1A.—(1) Subject to paragraphs (2) to (5) and (15), a firefighter member of any of the following descriptions is also a special firefighter member of this Scheme—

(a) a person who—

- (i) having taken up employment as a retained firefighter before 6th April 2006;
- (ii) having continued in such employment until the date of his election; and
- (iii) having elected(1), within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions;

(b) a person who—

- (i) having taken up employment as a retained firefighter before 6th April 2006;
- (ii) having continued in such employment until a date on or after 6th April 2006;
- (iii) having, immediately after the termination of such employment, taken up employment as a regular firefighter and continued in that employment until the date of his election; and
- (iv) having elected, within the period required by rule 6B(1) of Part 11, or 6B(12) as the case may be, to pay the mandatory special period pension contributions.

(2) Where a special firefighter member makes a contributions election in respect of his special membership and ceases to be a special member, he may again become a firefighter

member (but not a special member) by virtue of rule 6 of this Part, which shall apply to him with the omission of the word “again”.

(3) A special firefighter member who is treated as having ceased to make mandatory special period pension contributions in accordance with rule 6B(5)(c) of Part 11 ceases to be a special firefighter member and becomes a special deferred member.

(4) A special firefighter member who is entitled to reckon a period as special pensionable service pursuant to rule 5 of Part 10 and resumes service immediately after that period remains a special firefighter member.

(5) A special firefighter member who would be entitled to reckon a period as special pensionable service pursuant to rule 4 of Part 10 (reckoning of unpaid period of absence) if he elected to purchase additional service during that period under rule 4(1) of that Part and subsequently paid the special pension contribution in respect of that period, but does not so elect or pay that special pension contribution, remains a special firefighter member if he resumes service immediately after that period.

(6) Subject to paragraph (15), a person who satisfies the conditions in paragraph (7) is a special deferred member of this Scheme.

(7) The conditions are that he—

(a) took up employment as a retained firefighter before 6th April 2006;

(b) was employed as a retained firefighter on or after 1st July 2000;

(c) resigned or was dismissed from that employment before the date that his election under rule 6A of Part 11 to pay the mandatory special period pension contributions took effect;

(d) was younger than 55 on the date of the resignation or dismissal;

(e) is not entitled to an ill-health award under rule 2 or 2A of Part 3; and

(f) has elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11 to pay the mandatory special period pension contributions.

(8) Subject to paragraph (15) a person who—

(a) satisfies the requirements of paragraph (1)(a);

(b) has joined this Scheme as a standard member in respect of service which he would otherwise be entitled to treat as special pensionable service before electing to join this Scheme as a special member; and

(c) does not elect to convert his standard membership to his special membership

is a special deferred member of this Scheme.

(9) A person who was a special firefighter member of this Scheme immediately before paragraph (1) of rule 3 of Part 3 applied to him is then a special deferred member of this Scheme.

(10) Subject to paragraph (15), a person who satisfies all of the conditions in paragraph (11) and who satisfies at least one of the conditions in paragraph (12) is a special pensioner member of this Scheme.

(11) The conditions are that he—

- (a) took up employment as a retained firefighter before 6th April 2006;
- (b) was employed as a retained firefighter on or after 1st July 2000;
- (c) retired from that employment before the date that his election under rule 6A of Part 11 to pay the mandatory special period pension contributions took effect;
- (d) has elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11, to pay the mandatory special period pension contributions.

(12) The conditions are that he—

- (a) retired having attained the age of 55;
- (b) was dismissed or retired by reason of permanent disability and the conditions of rule 2A of Part 3 (retrospective award on ill-health retirement) are capable of being satisfied; or
- (c) has attained the age of 60.

(13) Subject to paragraph (15), a person of any of the following descriptions is also a special pensioner member of this Scheme—

- (a) a person who was a special firefighter member of this Scheme immediately before he retired and to whom rule 1A of Part 3 applies;
- (b) a person who was a special deferred member of this Scheme immediately before he retired and who satisfies the requirements of paragraph (4) of rule 3 of Part 3;
- (c) a person who was a special firefighter member of this Scheme immediately before he left his employment by reason of permanent disablement and is entitled under rule 2 (award on ill-health retirement) of Part 3 (personal awards) to a lower tier ill-health pension or a higher tier ill-health pension.

(14) A person who was a special deferred member of this Scheme immediately before his 60th birthday is a special pensioner member after that date.

(15) A person who was employed as a retained firefighter and to whom paragraph (1) of rule 2 of Part 8 of the Compensation Scheme applies (award to or in relation to a retained firefighter) may not be a special member of this Scheme