

FPS 2006 – Part 3, Rule 11, Paragraph 2a Allocation of pension

[2006/3432](#) – Original order

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

[2015/589](#) – changes below shown in purple

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

Allocation of pension

11.—(1) A firefighter member a connected member or a connected special member may, in accordance with paragraphs (6) and (7), but subject to—

(a) section 214 of the Finance Act 2004 and paragraphs (4) and (5), and

(b) where he is over 74, paragraphs 16A to 16C of Schedule 28 to the Finance Act 2004(1),

allocate up to one-third of any pension to which he is entitled or prospectively entitled under this Part.

(2) The persons to whom a portion of a pension may be allocated are—

(a) the firefighter member's spouse, civil partner or cohabiting partner, or

(b) with the consent of the authority, any other person who is substantially dependent on the firefighter member.

(3) The authority may withhold consent under paragraph (2)(b) if they are not satisfied that the person is substantially dependent on the firefighter member.

(4) For the purposes of paragraph (1), an authority shall disregard any increase under rule 2 or 3 of Part 7A of the Compensation Scheme (awards to, or on death of, reservists) in—

(a) awards to—

(i) reservists, or

(ii) reservists who do not resume service with their former authority; and

(b) awards paid under the Compensation Scheme.

(5) Where more than one portion of a particular pension is allocated under this rule, the total of the allocated portions of that pension must not exceed the portion of that pension retained by the firefighter member.

(6) The firefighter member must—

(a) satisfy the authority that he is in good health and has a normal life expectancy;

and

(b) give the authority written notice of allocation specifying—

(i) the portion,

(ii) the name and address of the intended beneficiary, and

(iii) the sex of the beneficiary.

(7) The notice of allocation, which may be sent by post, must be given—

(a) if the pension is a deferred pension, not earlier than two months before the pension comes into payment;

(b) in any other case, not earlier than two months before the firefighter member's intended retirement.

(8) Where the authority are satisfied that—

(a) the firefighter member has complied with paragraphs (6) and (7), and

(b) the allocation proposed by him can be made without contravening section 214 of the Finance Act or, as the case may be, paragraphs 16A to 16C of Schedule 28 to that Act,

they shall, as soon as reasonably practicable after receiving the member's notice of allocation, notify him in writing that they have accepted his proposal.

(9) Where a proposal is accepted, the notice of allocation only takes effect—

(a) if it refers to a deferred pension, where the pension comes into payment within two months of the date of receipt of the notice;

(b) in any other case, where the firefighter member entitled to the pension retires within two months of the date of receipt of the notice.

(10) If a notice of allocation takes effect, it does so on the day on which the pension comes into payment or, as the case may be, on the day on which the member retires.

(11) Where—

(a) a notice of allocation has taken effect,

(b) the pension to which it relates has become payable, and

(c) the beneficiary survives the pensioner,

the authority shall, from the date of the pensioner's death, pay the beneficiary a pension which is the actuarial equivalent of the allocated portion.

(12) Where more than one portion has been allocated under this rule, a separate calculation shall be made under paragraph (13) in respect of each allocation.

(13) The actuarial equivalent of an allocated portion shall be calculated in accordance with tables prepared by the Scheme Actuary and in force when the notice of allocation takes effect; and the calculation shall be made by reference to the ages of the pensioner and the beneficiary at the date on which the notice of allocation was given.

(14) Where—

(a) a notice of allocation has taken effect, and

(b) the beneficiary pre-deceases the pensioner,

the authority shall pay to the pensioner (distinguishing it from any other pension payable to him) the portion of pension that he had allocated ("the failed allocation pension").

(15) Where paragraph (14) applies, the pensioner is not entitled to recover from the authority the amount of any deduction made in respect of the failed allocation pension.