

FCS 2006 – Part 3, Rule 5 – Effect of new relationship

[2006/1811](#) – Original order

[2006/3434](#) – changes below shown in green

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

[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) ~~Where~~ 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 to a person—~~

~~(a) who is a member of the 2006 Scheme, or~~

~~(b) who first takes up employment with a fire and rescue authority on or after 6th April 2006 and is entitled to be a member of that Scheme, but elects not to pay pension contributions¹~~

(3) Paragraphs (1) and (2) do not apply to a person—

(a) who is a member of the 2006 Scheme;

(b) who first takes up employment with a fire and rescue authority on or after 6th April 2006 and is entitled to be a member of the 2006 Scheme, but elects not to pay pension contributions;

(c) who is a member of the 2015 Scheme; or

(d) who is eligible to be an active member of the 2015 Scheme and—

(i) exercises an option not to become an active member of that scheme in accordance with Chapter 2 of Part 3 of the 2014 Regulations; or

(ii) does not exercise an option to become an active member of that scheme in accordance with regulation 12 of the 2014 Regulations

¹ Paragraph 3 is substituted by 2015/590

4) 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 is entitled to a pension or gratuity under this Part;

(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