

FPS 2006 – Part 3, Paragraph 7

2006/3432 – Original order

2008/213 – changes shown below in red

2014/445 – changes shown below in green

2015/589 – changes shown below in purple

2018/997 changes below shown in blue

7.—(1) Subject to paragraph (~~76~~ and 9), a firefighter member who—

(a) satisfies an eligibility condition; and

(b) on taking up a different role within the authority or becoming entitled to a different rate of pay in his existing role, suffers a reduction in the amount of his pensionable pay such that the amount to be taken into account in the calculation of the pension to which he will be entitled at normal retirement age is less than it would otherwise have been,

is entitled to two pensions.

(2) The pensions shall be calculated as mentioned in paragraphs (3), (3A) and (4) and shall become payable as mentioned in paragraph (5).

(3) The amount of the first pension is that found by multiplying the member's pensionable service up to (but not including) the day on which paragraph (1) first applies to him by the final pensionable pay to which he would have been entitled had he retired on that day, and dividing the resultant amount by 60.

(3A) The amount of the first pension determined under paragraph (3), is increased for each year before the firefighter's last day of service by an amount equivalent to that which would apply if the first pension were a pension in payment commencing from the date that paragraph (1) first applied to the member, to which the Pensions (Increase) Act 1971 applied.

(4) The amount of the second pension is that found by multiplying the member's pensionable service on and after the day on which paragraph (1) first applies to him by the final pensionable pay to which he is entitled on ~~that day~~, the last day of his membership of the Scheme, and dividing the resultant amount by 60.

(5) Subject to paragraph (6), the pensions become payable on the date on which a pension would have become payable to the member in whichever of the circumstances referred to in rules 1, 2, 3, 5 and 6 applies in his case.

(6) A member who is entitled to two pensions under this rule may, by written notice to his employing authority, before leaving that employment, instruct the authority to make a single award which shall be calculated in accordance with paragraph (7).

(7) The single award under paragraph (6) shall be calculated by—

(a) multiplying the aggregate of the periods of pensionable service used for the purposes of paragraphs (3) and (4) by the final pensionable pay used for the purposes of paragraph (4), and

(b) dividing the resultant amount by 60.

(8) If the member makes a contributions election, he shall be entitled to a single pension, calculated as mentioned in paragraph (3); and that pension shall be treated for the purposes of rule 3(4) to (6) and rule 4 as if it were a deferred pension to which he was entitled under rule 3.

(9) In the case of a special member, this rule applies with the substitution of “45” for “60” in paragraphs (3), (4) and (7), with the substitution of “special pensionable service” for “pensionable service” wherever it occurs and with the substitution of (1A) for “1” in paragraph (5).

(10) Where a person to whom this rule applies is a person to whom paragraph (7) of rule 1 of Part 11 applies, this rule applies with the substitution in paragraph (4) for “final pensionable pay to which he is entitled on the last day of his membership of the Scheme” with “final pensionable pay as modified by paragraph (7) or (8) of rule 1 of Part 11