

SCHEDULE 2**NEW FIREFIGHTERS' PENSION SCHEME (ENGLAND)****APPLICABLE REGULATIONS: FIREFIGHTERS' PENSION SCHEME (ENGLAND) ORDER 2006 (As Amended)**

No.	Area	Rule	Discretion	Policy Summary / Explanation
1	Refusal of Request to pay Deferred Pension at Age 55	Part 3, 5(3)	To refuse a request from an eligible firefighter member aged 55 or over for payment of a deferred pension which they have been awarded on the grounds that the rate of pension (after actuarial reduction) would be likely to be less than the guaranteed minimum pension that would be payable from state pensionable age.	The FRA has the discretion not to not pay a deferred pension to an eligible firefighter aged 55 or over if the pension would likely to be less than the guaranteed minimum pension that would be payable from state pension age. The FRA will consider each case on its merits.
2	FRA Initiated Early Retirement	Part 3, 6(1)	To determine that a firefighter member who is at least 55 years old but under normal retirement age should be retired from the FRA's employment having regard to the economical, effective and efficient management of the FRA's functions and the costs likely to be incurred in the particular case.	The FRA has the discretion to allow a firefighter who is 55 or above to retire on the basis of an economic/ efficiency basis. The FRA will consider each case on its merits and a business case required to be prepared.
3	Additional Pension Benefit	Part 3, 7B	To determine that any of the following benefits are pensionable: - an allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter member's duties under the contact of	The FRA has the discretion to decide if the benefits mentioned are to be treated as pensionable Except as provided for below, the FRA will normally treat these payments as pensionable.

			<p>employment, but which are within the wider functions of the job;</p> <ul style="list-style-type: none"> - an amount paid in respect of the firefighter member's continual professional development; - amounts paid in relation to continual professional development; - the difference between basic pay and the pay received while on temporary promotion or where temporarily undertaking the duties of a higher role; - any performance related payment which is not consolidated into standard pay. 	<p>The FRA will treat the difference between basic pay and the pay received while on temporary promotion or where temporarily undertaking the duties of a higher role as non pensionable from 1 July 2013</p>
4	Commutation of Small Pensions	Part 3,10	To commute a pension payable to a member who has attained state pensionable age to a lump sum where the pension does not exceed the statutory limit for commutation of small pensions.	<p>The FRA has the discretion to pay a small pension as one lump sum payment under certain conditions.</p> <p>The FRA will consider each case on its merits.</p>
5	Withholding of Consent to Allocation of Pension to Dependent	Part 3, 11(2)(b) and 11(3)	To withhold consent to the allocation of part of a firefighter member's pension to a dependent where the FRA are not satisfied that the person to whom it is proposed to make the allocation is substantially dependent on the firefighter member	<p>The FRA has the discretion to withhold the release of pension if they are not satisfied that the person it is to be paid to is substantially dependent on the firefighter</p> <p>The FRA will consider each case on its merits</p>
6	Withholding of Survivors' Pensions	Part 4, 1(5)	To withhold, in whole or in part, and permanently or temporarily, a survivor's pension which would otherwise be payable to the deceased's spouse, civil partner or nominated partner where the deceased's spouse, civil	<p>The FRA has the discretion to withhold all or some of a survivor's pension if the nominated person to receive the pension is convicted of the</p>

			partner or nominated partner is convicted of the manslaughter of the deceased.	manslaughter of the deceased firefighter. The FRA will consider each case on its merits
7	Withholding of Children's Pensions	Part 4, 7(5)	To withhold, in whole or in part, and permanently or temporarily, a child's pension which would otherwise be payable where the child is convicted of the manslaughter of the deceased.	The FRA has the discretion to withhold all or some of a survivor's pension if the nominated person (child) to receive the pension is convicted of the manslaughter of the deceased firefighter. The FRA will consider each case on its merits
8	Payment of Death Grant	Part 5, 1(10) and 2(2) Part 6, 5(2)	To determine to whom to pay a death grant or a post-Retirement death grant, in whole or in part on the death of a firefighter member.	The FRA has the discretion to determine who a death grant should be paid to. If there is a valid nomination form, the death grant will normally be paid to the nominated person/s, but each case will be accessed on its merits. Where there is no valid nomination form the death grant may be paid to the deceased member's personal representative(s) or any person appearing to have been the member's relative or dependant at any time. However, each case will be reviewed

				individually and any representations from someone with an interest will be considered and each case will be treated on its merits.
9	Abatement of Pension while Employed by a Fire and Rescue Authority	Part 9, 3(3)	To abate a pension under Part 3 (Personal Awards) while the person entitled to it is employed by any fire and rescue authority in whatever capacity.	<p>The FRA has a discretion to reduce a pension payment if a pensioner member who is drawing their pension benefits takes up further employment with a fire and rescue authority and the total sum of their new salary and their pension exceeds their former salary.</p> <p>The FRA will, unless there are wholly exceptional circumstances, reduce a pension in such circumstances by the amount by which the aggregate of the member's pension and the member's new salary exceeds the member's former salary.</p>
10	Withdrawal of Early Payment of Deferred Pension	Part 9, 4	To determine that a person who has been dismissed from the FRA's employment and become entitled to a deferred pension should be entitled to early payment of the deferred pension before reaching the age of 65.	<p>The FRA has the discretion to allow early payment of a deferred pension</p> <p>The FRA will consider each case on its merits.</p>
11	Withdrawal of Pension on Conviction of Certain Offences	Part 9, 5	<p>To withdraw all or part, and temporarily or permanently, of a pension where the person entitled to it has been convicted of:</p> <p>(a) the offence of treason; or (b) one or more offences under the Official Secrets</p>	The FRA has the discretion to not pay all, or part of a firefighter's pension where the firefighter has been convicted of certain offences.

			<p>Acts 1911 to 1989 for which the person convicted as been sentenced to a term of imprisonment for at least 10 years; or</p> <p>(c) an offence committed in connection with their service as an employee of the FRA which is certified by the Secretary of State either to have been gravely injurious to the interests of the state or to be liable to lead to serious loss of confidence in the public service.</p>	The FRA will consider each case on its merits.
12	Forfeiture of Award	Part 9, 6	To determine the amount of any award obtained under the Scheme to be forfeited where the person who obtained the award has been convicted of an offence under Section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums).	<p>The FRA has the discretion to not pay a pension where the firefighter has been convicted of an offence under Section 34(6) of the Fire and Rescue Services Act 2004</p> <p>The FRA will consider each case on its merits.</p>
13	Reckoning of Unpaid Period of Absence	Part 10,4	To pay the employer's pension contributions that would otherwise be payable by a firefighter member who elects to pay pension contributions in respect of a period of unpaid absence in order to reckon it as pensionable service.	<p>The FRA has the discretion to pay the employer contributions in relation to an employee's unpaid absence.</p> <p>The FRA will not normally do this where the absence related to a trade dispute. In the case of other types of absence each case will be considered on its merits.</p>
14	Optional Contributions in respect of Maternity and Adoption Leave	Part 11, 4(3)	To allow a firefighter member longer than 30 days beginning with day on which they returned to work or, where they did not return to work, beginning with the day they ceased to be employed by the FRA, to elect to pay pension contributions in respect of maternity or adoption leave.	The FRA has the discretion to allow longer than the standard 30 days for a firefighter returning to work after maternity /paternity / adoption leave, to elect to buy back pensionable service

				The FRA will consider each case on its merits
15	Outstanding Contributions in respect of Maternity and Adoption Leave	Part 11, 4(6)	To deduct from the death grant payable any outstanding contributions due from a firefighter member who is deemed to have elected to pay pension contributions in respect of maternity or adoption leave having died before the end of 30 days beginning with the day on which they returned to work or, where they did not return to work, beginning with the day they ceased to be employed by the FRA.	<p>The FRA has the discretion to deduct from the death grant any outstanding contributions due where the firefighter has elected to pay pension contributions to buy back pensionable service where they have returned from maternity /paternity / adoption leave in respect of maternity or adoption leave or, where they did not return to work, beginning with the day they ceased to be employed by the FRA.</p> <p>The FRA will normally seek to do this. However the FRA will consider each case on its merits</p>
16	Election to Purchase Additional Service	Part 11, 5(5) and 5(6)	To permit a part-time regular firefighter or a retained or volunteer firefighter to purchase additional service by periodical contributions at a rate determined in accordance with the provisions of the 2006 Scheme.	<p>The FRA has the discretion to allow a part time or retained firefighter to buy additional pensionable service.</p> <p>The FRA will not normally agree to this. However the FRA will consider each case on its merits</p>
17	Discontinuance of Periodical Contributions	Part 11, 8	To agree to discontinue the making of deductions in respect of periodical contributions to purchase additional service from the pay of a firefighter member on the grounds of the firefighter member's financial circumstances.	<p>The FRA has the discretion to stop making additional deductions from a firefighters pension where the firefighter is in financial difficulties</p> <p>The FRA will consider each case on its</p>

				merits.
18	Acceptance of Transfer Value Payments	Part 12, 10	To accept a transfer value payment from a firefighter member in respect of some or all of the rights accrued under another occupational pension scheme , an arrangement that is a qualifying recognised overseas pension scheme or a personal pension scheme.	<p>The FRA has the discretion to accept a pension transfer of all or part of benefits built up in another qualifying occupational pension scheme.</p> <p>The FRA will consider each case on its merits.</p>
19	Mis-sold Pensions	Part 12, 14(1) to (3)	<p>To allow a longer period than 12 months from the date of a notice under Rule 14(2) of Part 12 (notice requesting the FRA to accept payment of a transfer value in order to create or restore a relevant firefighter’s pensionable service) to accept a transfer value payment. For the purposes of Rule 14 of Part 12 a relevant firefighter is a firefighter who:</p> <ul style="list-style-type: none"> (a) had opted out of the Scheme or of the 1992 Scheme and made contributions to a personal pension scheme; (b) has suffered financial loss as a result of actionable contraventions under Section 150 of the Financial Services and Markets Act 2000 as amended; and (c) has cancelled the election to opt out of the Scheme under Rule 6 of Part 2 or under Rule G3(5) of the 1992 Scheme. <p>To adjust the amount of a transfer value accepted under Rule 14 of Part 12 where a relevant firefighter has previously been credited with an additional period of pensionable service to ensure that no part of the additional period of pensionable service that was</p>	<p>The FRA has the discretion to allow longer than 12 months from a relevant firefighter’s start date to accept a request to transfer in a pension</p> <p>The FRA will not normally agree to this. However the FRA will consider each case on its merits</p> <p>The FRA has the discretion to adjust the amount of a transfer value where a relevant firefighter has previously been credited with an additional period of pensionable service – to avoid a</p>

		Part 12, 14(6)	previously credited is included in the period of pensionable service credited under Rule 14 of Part 12.	member benefitting twice. The FRA will normally seek to do this.
20	Payment of Awards	Part 14, 3(2)(a) Part 14, 3(2)(b) Part 14, 3(5)	To delay payment of an award to the extent necessary to determine any question as to the liability of the FRA. To pay an award at such reasonable intervals as the FRA think fit where they are of the opinion that, by reason of the amount of the award, it would be impracticable to pay it monthly in arrears. To recover overpaid pension where, as a result of the FRA not being notified of the death of a pensioner, a pension has continued in payment and to recover the overpayment by set-off against any other award payable under the 2006 Scheme in respect of the deceased.	The FRA has the discretion to delay the making of a pension payment, pay at intervals other than monthly in arrears, and recover payments where overpayments have been made. The FRA will consider each case on its merits.
21	Payment of Awards to Minors	Part 14, 5(1)	To pay an award payable to a minor to such other person as the FRA determine, the award to be applied for the benefit of the minor by that other person in accordance with the FRA's directions.	The FRA has the discretion to pay a pension award due to be paid to a minor to another person to manage it for the benefit of the minor. The FRA will consider each case on its merits.
22	Payment of Awards in Cases where Those Entitled are Incapable of Managing their Affairs	Part 14, 5(2)	In a case where a person entitled to an award is incapable of managing their affairs by reason of mental disorder or otherwise: (a) to pay the award to a person having the care of the person entitled to the award or to another person; or (b) to apply the award in such manner as the FRA think fit	The FRA has the discretion to pay a pension benefit to another person where the person entitled to the pension is not capable of managing their affairs, e.g. a carer or person who can manage it for the person entitled to the pension.

			for the benefit of the person entitled to the award or their dependants.	The FRA will consider each case on its merits.
23	Payment of Small Sums on Death	Part 14, 6(1)	To make a payment on the death of a person who was entitled to an award not exceeding the amount specified in an order under Section 6 of the Administration of Estates (Small Payments) Act 1965 without production of probate or other proof of title.	<p>The FRA has the discretion to make a payment (up to a statutory limit) to the personal representatives of a deceased member or to a person appearing to be entitled to the estate without requiring a grant of probate or letters of administration.</p> <p>The FRA will normally do this, but will have regard to the facts of each case and reserves the right to require probate or letters of administration in any particular case.</p>
24	Information to the FRA	Part 15, 3	Where a person in receipt of, or who may be entitled to, a pension or lump sum under the Scheme fails to provide information required by the FRA to establish that person's identity or entitlement, to withhold the whole or part of any amount the FRA consider to be payable under the Scheme.	<p>The FRA has the discretion to withhold whole or part of a pension due to be paid where the person it should be paid to cannot or fails to provide information to prove their identity.</p> <p>The FRA will normally seek to do this.</p>
25	Extension of Time for Giving Notice of Appeal	Part 8, 4, Annex 2, Paragraph 1	To extend the time limit of 28 days (to a maximum of 6 months) for the giving of notice of appeal against a decision of a medical nature where the FRA are of the opinion that failure to give notice within the 28 day period was not due to the default of the appellant.	The FRA has the discretion to extend the time limit of 28 days to allow someone to submit a medical appeal.

				The FRA will consider each case on its merits.
26	Interviews held in Connection with Appeals	Part 8, 4, Annex 2, Paragraph 6	To appoint persons for the purpose of attending an interview of an appellant held by a board of medical referees in connection with an appeal on an issue of a medical nature.	The FRA has the discretion to appoint a representative to attend an interview with a appellant by a board of medical referees in regard to a medical appeal. The FRA will normally do this..
27	Recovery of Fees in Appeal Cases	Part 8, 4, Annex 2, Paragraph 10(2) Part 8, 4, Annex 2, Paragraph 10(3)	In a case where, in an appeal against a decision of a medical nature, the board of medical referees hearing the appeal decides in favour of the FRA and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, to require the appellant to pay all or part of the total fees and allowances payable to the board. In a case where, in an appeal against a decision of a medical nature: - the appellant gives notice withdrawing the appeal less than 22 working days before the date fixed for an interview or medical examination by the board of medical referees hearing the appeal; or - the appellant's acts or omissions cause the board to cancel, postpone or adjourn the date fixed for an interview or medical examination less than 22 working days before that date, in either case, to require the appellant to pay all or part of the total fees and allowances payable to the board.	The FRA has the discretion to require the appellant to pay all or part of the total fees and allowances payable to the board where, in an appeal against a decision of a medical nature, the board of medical referees decides in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded. The FRA will normally do so, but will have regard to the facts of each case. The Scheme Manager has the discretion to require the appellant to pay all or part of the total fees and allowances payable to the medical appeal ,board where they; - give less than 22 working days notice to withdrawing the appeal or - the appellant's acts or omissions cause the board to cancel, postpone or adjourn the

				<p>date fixed for an interview or medical examination less than 22 working days before that date,</p> <p>The Scheme Manager will normally do, but will have regard to the facts of each case</p>
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