

RULE L4A

**Prevention of duplication: other injury awards for persons
who are both regular and retained firefighters**

Rule L4A explains what happens if a firefighter becomes entitled to ill-health and injury awards in respect of employment as both a regular and retained firefighter.

This Rule was removed from the FPS with effect from 1 April 2006 when the Firefighters' Compensation Scheme was introduced.

The explanation of Rule L4A as it applied up to 31 March 2006 appears on the following pages as "archived" material.

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Rule L4A explains what happens if a firefighter becomes entitled to ill-health and injury awards in respect of employment as both a regular and retained firefighter.

Nature of duplicated benefits

Rule L4A(1) explains that this rule applies in respect of a person who is employed both as a regular and as a retained firefighter (not necessarily by the same fire and rescue authority) who becomes entitled to both –

- an ill-health award under Rule B3, an injury award under B4, or both awards in respect of employment as a regular firefighter, and
- an ill-health and injury award under Rule J4(2) in respect of employment as a retained firefighter.

Ill-health award due and fire and rescue authority responsible for payment

Rule L4A(2) requires that the fire and rescue authority that employs the person as a regular firefighter shall pay the ill-health award due in respect of that employment (under Rule B3) in full.

No ill-health award (under Rule J4(2)) would be payable by the fire and rescue authority that employs the person as a retained firefighter.

However, if the ill-health award under Rule J4(2) would have been a greater amount, Rule L4(3) requires that the fire and rescue authority that employs the person as a retained firefighter should pay the difference between the two awards.

Injury award due and fire and rescue authority responsible for payment

If the firefighter would be entitled to an injury award in respect of the retained employment only, then the full amount of that award under Rule J4(2) would be paid and the fire and rescue authority that employs the person as a retained firefighter would have responsibility for payment of the award. This is the requirement of Rule L1(2).

If, however, the firefighter would be entitled to an injury award under both Rule B4 and Rule J4, Rule L4A(4) requires that the greater award only should be paid.

Rule L4A(4) refers to Rule L1(6) to identify the responsibility for payment.

This would give the responsibility to –

- one of the fire and rescue authorities as may be agreed, or
- both fire and rescue authorities in such proportion as may be agreed, or
- if there is failure to reach an agreement, both fire and rescue authorities in equal proportions.

Useful reference source

- FPSC 4/2005: prevention of duplication of pension payments

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Rule L4A (continued)

Points To Note

1. Rule L4A was introduced into the FPS on 21 November 2005 to cover the situation where a firefighter becomes entitled to benefits in respect of both regular and retained employments. Rule L4B explains what happens to dependants' benefits in a similar situation.
2. There are various permutations of benefits. Pages L4A-Chart 1 give examples of situations which could arise, the benefits payable, and explain which fire and rescue authority has responsibility for payment.

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Award due to firefighter, and fire and rescue authority responsible for payment

In the following chart, a column is ticked to indicate whether a person has received an injury in employment as a regular firefighter, ("Reg'ar"), as a retained firefighter ("Ret'd"), or both. If the column headed "FPS" is ticked it means the person is a member of the FPS in respect of the regular employment. In the case of retained employment, the possibility of injury in two retained employments is covered.

	Reg'ar	FPS	Injury	Ret'd	Injury	Award	Responsibility for payment
1	✓	✓	✓			<p>As a regular firefighter: B3 ill-health award and B4 injury award.</p> <p>He/she is not a retained firefighter.</p> <p>There is no duplication of benefits.</p>	The FRA that employed the person as a regular firefighter would pay the B3 ill-health award and the B4 injury award (L1(1)).
2	✓		✓			<p>As a regular firefighter: B4 injury award only</p> <p>He/she is not a FPS member, therefore no B3 ill-health award</p> <p>He/she is not a retained firefighter.</p> <p>There is no duplication of benefits</p>	The FRA that employed the person as a regular firefighter would pay the B4 injury award (L1(1)).
3	✓	✓	✓	✓		<p>As a regular firefighter: B3 ill-health award and B4 injury award</p> <p>As a retained firefighter: no award.</p> <p>There is no duplication of benefits.</p>	The FRA that employed the person as a regular firefighter would pay the B3 ill-health award and the B4 injury award (L1(1)).
4	✓		✓	✓		<p>As a regular firefighter: B4 injury award only</p> <p>He/she is not a FPS member, therefore no B3 ill-health award.</p> <p>As a retained firefighter: no award.</p> <p>There is no duplication of benefits.</p>	The FRA that employed the person as a regular firefighter would pay the B4 injury award (L1(1) and L1(5)(b)).

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	Reg'ar	FPS	Injury	Ret'd	Injury	Award	Responsibility for payment
5	✓	✓		✓	✓	<p>As a regular firefighter: B3 ill-health award only</p> <p>As a retained firefighter: J4 ill-health and injury award.</p> <p>There is duplication of benefits.</p> <p>As regards the ill-health award, L4A(2) requires the B3 ill-health award to be paid in full and L4(3) allows this to be topped up to the level of the J4 ill-health award if this would have been greater.</p> <p>As regards the injury award, this would be the amount due under J4.</p>	<p>If it is the same FRA that employed the person both as a regular and a retained firefighter, that authority will meet the total cost. Otherwise:</p> <ul style="list-style-type: none"> • The FRA that employed the person as a regular firefighter would pay the B3 ill-health award (L1(1)). • The FRA that employed the person as a retained firefighter would pay any difference between the B3 ill-health award and the J4 ill-health award (L4A(3)). • The FRA that employed the person as a retained firefighter would pay the J4 injury award (L1(2) and L1(5)(b)).
6	✓			✓	✓	<p>As a regular firefighter he/she is not a FPS member, therefore there is no award in respect of that employment.</p> <p>As a retained firefighter: J4 ill-health and injury award.</p> <p>There is no duplication of benefits</p>	<p>The FRA that employed the person as a regular firefighter would have no responsibility for any payment in respect of that regular employment.</p> <p>The FRA that employed the person as a retained firefighter would pay the J4 ill-health and injury awards (L1(2) and L1(5)(b)).</p>
7				✓	✓	<p>He/she is not a regular firefighter, therefore there is no award in respect of that employment.</p> <p>As a retained firefighter: J4 ill-health and injury award.</p> <p>There is no duplication of benefits</p>	<p>The FRA that employed the person as a retained firefighter would pay the J4 ill-health and injury awards (L1(2)).</p>

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	Reg'ar	FPS	Injury	Ret'd	Injury	Award	Responsibility for payment
8				✓	✓	<p>He/she is not a regular firefighter, therefore there is no award in respect of that employment.</p> <p>As a retained firefighter he/she is injured in just one of the employments. There would be a J4 ill-health and injury award in respect of that employment only.</p> <p>There is no duplication of benefits.</p>	<p>The FRA that employed the person as a retained firefighter in the employment in which he/she sustained the injury would pay the J4 ill-health and injury awards (L1(2)).</p>
9				✓	✓	<p>He/she is not a regular firefighter, therefore there is no award in respect of that employment.</p> <p>As a retained firefighter the injury is attributable to both retained employments.</p> <p>There is duplication of benefits.</p> <p>L4(5) requires a single J4 (ill-health and injury) award to be paid. (L4(3) requires this to be the greater of the two awards.</p>	<p>Payable in such proportion as may be agreed by the FRAs who employed the firefighter in the employments in which the injury was sustained, or in equal shares if there is no agreement (L4(5)).</p>
10	✓	✓	✓	✓	✓	<p>As a regular firefighter: B3 ill-health award and B4 injury award.</p> <p>As a retained firefighter: J4 ill-health and injury award.</p> <p>There is duplication of benefits.</p> <p>As regards the ill-health award, L4A(2) requires the FRA that employs the person as a regular firefighter to pay the B3 award in full. L4A(3) requires the FRA that employs the person as a retained firefighter to pay any difference between the B3 award and the J4 ill-health award if the latter would have been greater.</p> <p>As regards the injury awards, L4A(4) requires that the firefighter should receive a single award of an amount equal to the greater of the B4 or J4 injury award.</p>	<p>If it is the same FRA that employed the person both as a regular and a retained firefighter, that authority will meet the total cost. Otherwise:</p> <ul style="list-style-type: none"> • L4A(2) requires the FRA that employed the person as a regular firefighter to pay the B3 award in full. L4A(3) would require the FRA that employed the person as a retained firefighter to pay any top-up amount. • L4A(4) requires payment of the injury award to be in accordance with L1(6), i.e. by such one of the employing authorities as may be agreed, or by both of them in agreed proportions or, in the absence of agreement between authorities, in equal proportions.

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	Reg'ar	FPS	Injury	Ret'd	Injury	Award	Responsibility for payment
11	✓	✓	✓	✓		<p>As a regular firefighter: B3 ill-health award and B4 injury award.</p> <p>As a retained firefighter, where the injury was sustained in just one of the retained employments, there is a single J4 ill-health and injury award.</p> <p>There is duplication of benefits.</p> <p>The position is as outlined in Scenario 10.</p>	The position is as outlined in Scenario 10.
12	✓	✓	✓	✓	✓	<p>As a regular firefighter: B3 ill-health award and B4 injury award.</p> <p>As a retained firefighter, he/she is considered to have sustained a qualifying injury in both of the retained employments and so potentially has entitlement to two J4 awards.</p> <p>There is duplication of benefits.</p> <p>As regards the ill-health award, L4A(2) requires the FRA that employs the person as a regular firefighter to pay the B3 award in full. L4A(3) requires the FRA that employs the person as a retained firefighter to pay any difference between the B3 award and the J4 ill-health award if the latter would have been the greater. There are potentially two J4 ill-health awards; L4(3) requires only the greater to be paid.</p> <p>As regards the J4 injury award, L4(5) allows only one J4 injury award to be paid. L4(3) allows this to be the greater of the two. Then L4A(4) requires that the firefighter should receive an amount equal to the greater of the B4 or J4 injury awards.</p>	The position is as outlined in Scenario 10 but having regard to L4(5) in respect of the two J4 injury awards. (This means that potentially three FRAs may have responsibility for payment.)

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	Reg'ar	FPS	Injury	Ret'd	Injury	Award	Responsibility for payment
13	✓		✓	✓	✓	<p>As a regular firefighter: B4 injury award only.</p> <p>He/she is not a member of the FPS, therefore no B3 ill-health award.</p> <p>As a retained firefighter: J4 ill-health and injury award.</p> <p>There is duplication of injury benefits.</p> <p>As regards the ill-health award, there is no duplication. There is entitlement only to the ill-health element of the J4 award. Because the amount awarded under B3 is nil, it will be less than the amount payable as the ill-health element of the J4 award. Consequently, under L4A(3), the FRA employing the person as a retained firefighter must pay the full amount of the J4 ill-health award (i.e. the "difference" between the two awards).</p> <p>As regards the injury award, L4A(4) requires that the firefighter should receive an amount equal to the greater of the B4 or J4 injury award.</p>	<p>If it is the same FRA that employed the person both as a regular and a retained firefighter, that authority will meet the total cost. Otherwise:</p> <ul style="list-style-type: none"> • The FRA that employs the person as a retained firefighter has responsibility for the payment of the J4 ill-health award (L4A(3)). • L4A(4) requires payment to be in accordance with L1(6), i.e. by such one of the employing authorities as may be agreed, or by both of them in agreed proportion or, in the absence of agreement between authorities, in equal proportions.
14	✓		✓	✓	✓	<p>As a regular firefighter: B4 injury award only.</p> <p>He/she is not a member of the FPS, therefore no B3 ill-health award.</p> <p>As a retained firefighter where the injury was sustained in just one of his retained employments, there is a single J4 ill-health and injury award.</p> <p>There is no duplication of ill-health awards.</p> <p>There is duplication of injury benefits.</p> <p>The position is as outlined in Scenario 13.</p>	<p>The position is as outlined in Scenario 13.</p>

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	Reg'ar	FPS	Injury	Ret'd	Injury		Award	Responsibility for payment
15	✓		✓	✓	✓	✓	<p>As a regular firefighter: B4 injury award only.</p> <p>He/she is not a member of the FPS, therefore no B3 ill-health award.</p> <p>As a retained firefighter he/she is considered to have sustained a qualifying injury in both of the retained employments and so potentially has entitlement to two J4 ill-health and injury awards.</p> <p>There is duplication of benefits.</p> <p>As regards the J4 ill-health award, L4(5) allows only a single award to be paid. Under L4(3) this would be the greater.</p> <p>As regards the injury award, L4(5) allows only one of the J4 injury awards to be paid. L4(3) allows this to be the greater of the two.</p> <p>Then L4A(4) requires that the firefighter should receive an amount equal to the greater of the B4 or J4 injury awards.</p>	<p>The position is as outlined in Scenario 13, but having regard to L4(5) in respect of the two J4 injury awards. (This means that potentially three FRAs may have responsibility for part of the cost.)</p>