

INTRODUCTION

HOW TO USE THE COMMENTARY

This introductory section gives –

- information about the structure of the Commentary, and
- a list of abbreviations used in the Commentary.

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How to use the Commentary

The structure of the Firemen's Pension Scheme Order 1992

The Firemen's Pension Scheme Order 1992 sets out the provisions of the Firefighters' Pension Scheme (FPS) in a series of Parts, followed by a number of Schedules at the end of the Order.

Each Part generally covers a particular aspect of the FPS provisions, e.g. Part B explains personal benefits, Part C explains spouses' and civil partners' benefits, Part F explains the counting of service, etc.

Each Part is made up of a number of Rules, setting out the provisions and requirements in detail.

The Schedules add to that detail. For example they describe how calculations should be performed and they refer to cases which vary from the standard, often to reflect the provisions of earlier Schemes and to explain how they apply to longer-serving firefighters.

The structure of the Commentary

This Commentary follows the order of Parts – A, B, C, etc. – and explains the content of each Rule. However, rather than explaining the content of each Schedule separately, details from a Schedule are carried into the explanation of any Rule influenced by that Schedule.

Parts

Each Part of the Commentary starts with an introductory page explaining what provisions of the FPS are given in that Part.

Rules

Each Rule is examined and explained separately. The first part of the text of the explanation refers only to the content of the Rule. In many cases, however, background information not derived from that Rule could prove helpful. If this is the case, additional information will be set out beneath the main explanation text in "Points To Note" or may appear beside side headings towards the end of the text. For example, the explanatory text of many of the Rules will carry the side heading "Useful Reference Source" which will mention explanatory circulars, relevant court cases, etc., and the explanation of Rules setting out benefits will have side-headings such as "Tax" and "Payment" giving additional relevant administrative information.

Charts

Following the explanation of a Rule and any "Points To Note", you may find "Chart" pages. These pages will set out

- tables and factors, e.g. as used in the calculation of benefits, etc, or
- text items which can be usefully listed in tabular format, e.g. expressions and definitions.

Supplementary

After any "Chart" pages, you may find "Supplementary" pages. These pages contain additional information, too detailed to include in "Points To Note".

Examples	After any “Chart” and “Supplementary” pages, you may find “Example” pages. These pages give practical examples of the various calculations or circumstances referred to in the text.
Forms	After “Example” pages, model forms may be included if relevant. (Some model forms which originally appeared in the Commentary may now be accessed directly from another part of the website.)
Archived	<p>The FPS has been amended many times since it came into force on 1 March 1992. The main text will explain a Rule as it currently stands but there will also be a reference to any amendments. If the amendment was fairly minor it may be mentioned briefly in the main text or in “Points To Note”. If the amendment was substantial, the earlier text will be preserved on “archived” pages (identified by grey type, rather than black, and with “ARCHIVED” at the head and foot of the page). Examples, etc. relating to that text will also be archived.</p> <p>The Commentary will hopefully be a complete reference source for those who wish to look up the Rules as they have applied at any time since 1992.</p>
General pages	<p>Some of the provisions set out in the Schedules to the Order relate to more than one Rule. In some cases, setting out the requirements of the Schedules in one place seems preferable to repeating them across all Rules.</p> <p>For this reason, at the end of certain Parts, there are “General” pages, i.e. not relating to a specific Rule in that Part, but to a number of them.</p> <p>For example, at the end of Part B – which explains the personal benefits payable to a firefighter – you will find 2 sets of “General” pages –</p> <ul style="list-style-type: none">• B Gen 1 which explains the reduction in pension for certain firefighters serving before 1 April 1972 who chose to uprate widow’s benefit cover in this way, and• B Gen 2 which explains the reduction in pension at State pensionable age for firefighters serving before 1 April 1980. <p>These reductions affect the provisions of a number of Rules in Part B and so they are set out at the end of that Part with appropriate cross-referencing. This avoids the need to repeat a lengthy description of the reductions within the explanation of each of the affected Rules.</p>

Annexes

The Annexes cover a number of issues and items –

- some of which feature in the FPS but which are better described or summarised outside the main explanation of the Scheme Rules – e.g. the variation in the provisions for those who have opted out of the FPS or who have opted to remain subject to the terms of earlier Orders;
- some of which do not feature in the FPS but which influence the benefits or provisions of the FPS – e.g. the requirements of the Pensions (Increase) Act 1971 and the Pensions Act 1995 (which covers such issues as divorce and disclosure of information requirements);
- some of which could prove useful for reference, e.g. key dates in the history of the FPS and a list of Statutory Instruments and Fire Service Circulars.

Cross references

The text is full of cross-references. It will, however, usually refer you to the explanation of a Rule rather than a specific page. It is appreciated that reference to a specific page may be more helpful but is difficult to maintain such a reference if text is changed.

Page numbers

The page numbering is linked to the numbering of the Rules themselves.

- The opening page of each Part which refers to the contents of that Part is identified by the appropriate letter, e.g. A, B, C, etc.
- General pages relevant to a Part will start with the Part letter followed by “Gen”, e.g. B Gen 1, B Gen 2, C Gen 1, etc.
- Pages explaining each Rule are numbered in sequence by reference to the Part letter and Rule number, e.g. A2-1 and A2-2 explain Rule A2.
- General pages, too, are numbered in sequence, e.g. B Gen 1-1, B Gen 1-2, etc.
- Charts appear at the end of the text of the Rule to which they relate, e.g. A2-Chart 1, B4-Chart 1, B4-Chart 2, etc.
- Supplementary pages follow any charts, e.g. B7-Supplementary 1-1, etc.
- Examples appear after any supplementary pages, e.g. B3-Example 1, B3-Example 2, B4-Example 1, etc.
- If a model form is offered, this will appear after any example pages, e.g. H2-Form 1, H2-Form 2, H2-Form 3, etc.
- Pages in each Annexe, too, follow a similar format, e.g. Annexe 13-1, Annexe 13-2, Annexe 13-Chart 1, etc.

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The reader

In most places, the text addresses the firefighter, e.g. “in order to be entitled to immediate payment of an ordinary pension **you** must . . .”.

However, in describing some general or historical provisions or where certain procedural requirements are given for the guidance of pension scheme administrators, the text may refer to “the firefighter” rather than addressing him or her directly.

Also, in some historical references, e.g. to the options for uprating of widow’s benefits, the firefighter may be referred to as “he”. This is because the Rule applied only to male firefighters. Unless there is a specific reference like this, it can be assumed that the text is referring to both male and female firefighters alike.

Abbreviations

The main abbreviations used in the Commentary are listed on page Introduction-Chart 1.

Legal authority

Nothing in this Commentary can override the provisions of the Firemen’s Pension Scheme Order 1992 or any other statutory provision to which reference is made. Every effort has been made to ensure that the Commentary is both accurate and comprehensive in its analysis of the FPS. However, any attempt to simplify and explain the meaning of legislation may allow ambiguity to creep in. The Commentary is intended to give you straightforward guidance but you should always refer to the exact wording of the legislation for its precise meaning.

By its very nature the Commentary is general in its examination of the Scheme and cannot deal with the individual circumstances of particular cases.

The FPS is administered, and awards paid, by fire and rescue authorities. These include:

- fire and rescue authorities defined in Section 1 of the Fire and Rescue Services Act 2004 (and previously fire authorities defined in the Fire Services Act 1947), and
- a Secretary of State, where deemed to be the fire and rescue authority for certain members of the Scheme.

The Central Government Department which currently has responsibility for the Firefighters’ Pension Schemes is the Department for Communities and Local Government (referred to in this Commentary as “the Department”). There is a separate Firefighters’ Pension team within the Local Government and Firefighters’ Pensions Division. The Team issues explanatory circulars and guidance notes to fire and rescue authorities and maintains a website which can be accessed by pensions administrators and firefighters.

**Legal authority
(continued)**

The Department can give a view on how the Scheme applies in a particular case but cannot give a binding interpretation of the law. That is a matter for the courts.

Scheme members who require further information about their position may consult their fire and rescue authority or their staff association. There is a range of appeal routes, as described in this Commentary, should a Scheme member remain dissatisfied

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Abbreviations used in the Commentary.

Abbreviation	Meaning
AFS	Auxiliary Fire Service
AMC	Adjustment for Market Conditions
APP	Average pensionable pay
AVCs	Additional Voluntary Contributions
CA	Certified Amount (of Contributions Equivalent Premium)
CETV	Cash equivalent transfer value
CEP	Contributions Equivalent Premium
CFBAC	(former) Central Fire Brigades Advisory Council(s)
Club	Public Sector Transfer Club
COEG	Contracted-out Employments Group of Inland Revenue now known as National Insurance Services to Pensions Industry
Department	Department for Communities and Local Government from 2006 Office of the Deputy Prime Minister from 2002 Department of Transport, Local Government and the Regions from 2001 Home Office until 2001
DSS	Department of Social Security (now Department for Work and Pensions)
DTLR	Department of Transport, Local Government and the Regions
DWP	Department for Work and Pensions
ECON	Employer's contracting-out number
EPB	Equivalent Pension Benefit
FPS	Firefighters' Pension Scheme
FPSC	Fire Pension Scheme Circular
FRA	Fire and Rescue Authority
FSAVCs	Free Standing Additional Voluntary Contributions
FSC	Fire Service Circular
FT	Financial Times
GAD	Government Actuary's Department
GMP	Guaranteed Minimum Pension
GP	General Practitioner
GPS	Graduated Pension Scheme
HMRC	Her Majesty's Revenue and Customs (formerly Inland Revenue)
IDRP	Internal Dispute Resolution Procedures
IQMP	Independent Qualified Medical Practitioner
LGPS	Local Government Pension Scheme
NFPS	New Firefighters' Pension Scheme (as set out in the Firefighters' Pension Scheme (England) Order 2006)
NFS	National Fire Service
NI	National Insurance
NISPI	National Insurance Services to Pensions Industry (formerly known as the Contracted-out Employments Group of Inland Revenue)
NJC	National Joint Council for Local Authorities' Fire Brigades
Para	Paragraph
PAYE	Pay As You Earn
PI	Pensions Increase
PIL	Payment in lieu of contributions
Pt	Part
RNY	Relevant number of years

continued over

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Abbreviations used in the Commentary (continued)

Abbreviation	Meaning
RPI	Retail Prices Index
RPS	Relevant Pensionable Service
S2P	State Second Pension
Sch	Schedule
Sched	Schedule
SCON	Scheme contracting-out number
SERPS	State Earnings Related Pension Scheme
SI	Statutory Instrument
SLA	Standard Lifetime Allowance
TPAS	The Pensions Advisory Service
TV	Transfer value
WRPS	Weighted Relevant Pensionable Service