

FLAT RATE PENSIONS: OLD PROVISIONS

Rule E9 of the Firemen's Pension Scheme Order 1992 sets out the amount of each type of flat rate pension that could apply on the death of a firefighter subject to that Order. For most firefighters serving today, the standard benefits provided under the FPS in the event of his or her death would be far higher than the optional flat rate pension. Consequently Rule E9 is rarely used nowadays.

However, for older, retired firefighters a flat rate pension could well be relevant. Upon the death of a retired firefighter, fire pensions administrators must look up the level of benefit due to any dependant and uprate in line with Pensions Increase Acts and Orders. If the benefit due is a flat rate pension, this will be the level of pension set out in the FPS Order in force at the time the firefighter retired. This could be any of the eight FPS Orders in force since 1948.

As time passes, some of the old provisions become more difficult to interpret or even to trace.

This Annexe sets out the flat rate pensions given in the seven FPS Orders which preceded the FPS 1992 and explains how those pensions should be uprated in line with Pensions Increase Orders.

Background

“Half rate” spouses’ pensions were not introduced until 1972, “third rate” spouses’ pensions were not introduced until 1966. Before 1966 the spouse’s pension would be of a fixed amount set by the relevant FPS Order – a “flat rate” pension. Not all firefighters serving in 1966 and 1972 took up the option for spouse’s benefits based on a proportion of their own service and benefit entitlement and so flat rate pensions remained an optional alternative. Even the FPS Order 1992 contains flat rate provisions. They are set out in Rule E9 and explained in the relevant part of this Commentary. (Annexe 6 explains provisions for “1956 Optants”.)

The history of spouse’s (and children’s) pensions are given on pages B Gen 1, C Gen 1 and 2, D Gen 2 and in Annexe 5. The explanation and background given in those parts of the Commentary are to enable the correct assessment of flat rate awards under the FPSO 1992.

But what about flat rate pension provision in respect of firefighters who retired before 1 March 1992?

As time passes, administrators may find it difficult to decide the amount of flat rate pension relevant to a firefighter subject to one of the earlier Firemen’s Pension Scheme Orders. The purpose of this Annexe is to help them identify the amount due. It also explains how to revalue those pensions in line with Pensions Increase Orders.

Pensions Increase

Until 1980, a flat rate pension was not treated as an “official pension” for purposes of Pensions Increase Acts and Orders. Consequently, instead of increasing any flat rate pension in line with Pensions Increase Orders as they were issued, pensions administrators would wait until they were advised by the Home Office of the new basic level of flat rate pension.

This changed with effect from 24 November 1980 when the Firemen’s Pension Scheme (Amendment) (No. 3) Order 1980 (SI 1980/1615) came into effect. This Order set a new basic level for each of the flat rate pensions mentioned in all the 7 Firemen’s Pension Schemes that had been in force at some time since the end of World War II, i.e. –

- The Firemen’s Pension Scheme Order 1948 *from 1 April 1948*
- The Firemen’s Pension Scheme Order 1952 *from 16 May 1952*
- The Firemen’s Pension Scheme Order 1956 *from 10 July 1956*
- The Firemen’s Pension Scheme Order 1964 *from 1 August 1964*
- The Firemen’s Pension Scheme Order 1966 *from 26 August 1966*
- The Firemen’s Pension Scheme Order 1971 *from 15 February 1971*
- The Firemen’s Pension Scheme Order 1973 *from 1 July 1973*

The new basic rates of flat rate pension are inserted into each of these 7 Orders by the addition of a Schedule 3A. In each Schedule 3A it is explained that the rates are to be treated as if an official pension which began on 30 June 1978 having regard to relevant Pensions Increase Orders under section 59 of the Social Security Pensions Act 1975.

**Pensions Increase
(continued)**

It should be noted that the first Pensions Increase Order made under section 59 was the Pensions Increase (Review) Order 1979, not the 1978 Order. The figures given in each Schedule 3A include a 1978 increase.

This last Home Office Circular issued which increased flat rate pensions was Circular 34/1979. On the left-hand side it sets out the “current” rates of flat rate pension as increased by the 1978 Pensions Increase Order. On the right hand side it sets out the rates of flat rate pension as they would be after the 1979 Pensions Increase Order. It is these latter rates that would be in force at the time the Firemen’s Pension Scheme (Amendment) (No. 3) Order 1980 was introduced. The Amendment Order takes the rates back to the 1978 Increase level. This is why, in the following notes, the “new” rates set by the Amendment Order are less than “old”.

Care should be taken when bringing any of these flat rate pensions up to their current level. So many years have passed since the rates were set by the Amendment Order that pensions administrators will probably use the Pensions Increase “multiplier” factors issued annually by HM Treasury. These factors bring the flat rate pension up to current levels in a single “compound” calculation. If the Treasury factors are not used, the flat rate pension would have to be increased by the laborious process of applying the relevant Pensions Increase rate of each successive year in a rather lengthy series of calculations.

However, the problem with using the Treasury multiplier is that the “beginning date” for the flat rate pension is given in Schedule 3A as 30 June 1978. If this beginning date is used when referring to the Treasury multiplier, the factor given will include the 1978 Pensions Increase. To get around the problem, a beginning date of 28 November 1978 could be substituted. This would allow the convenience of being able to use the Treasury multiplier but would ensure that the relevant factor did not incorrectly inflate the flat rate pension by adding in a second helping of the 1978 Pensions Increase.

**Working with The
Firemen’s
Pension Scheme
(Amendment)
(No. 3) Order 1980**

The Amendment Order which introduced the new basic rates of flat rate pensions is quite complex. It overrides the provisions for flat rate pensions in each of the 7 main Orders by referring to a new Schedule 3A. The drafting of the amendments is rather complicated to follow. Care should be taken with Orders from 1956 onwards because these Orders will have additional special rates for “1956 Optants”.

Although the rates for all the different types of flat rate pension are given in Chart 1 which follows, it is probable that it will only be the rates for the widow’s ordinary pension which a pensions administrator may be required to establish nowadays. To do this, the administrator will first need to establish when the firefighter retired in order to know which of the FPS Orders was in force at the time of retirement. The effective dates of each of the main Orders are given on the previous page. (The 1992 Order came into force on 1 March 1992.)

**Working with The
Firemen's
Pension Scheme
(Amendment)
(No. 3) Order 1980
(continued)**

Chart 1 on the following pages explains which parts of the relevant main Order have been amended and the rates which apply in accordance with the Schedule 3A added to that Order by the Amendment Order.

In most cases it will also be necessary to note from the firefighter's pension record –

- his rank at retirement
- his length of service at retirement

and, as explained above, if he retired on or after 10 July 1956, it will have to be established if he was a "1956 Optant", i.e. a member who chose not to become subject to the 1956 Scheme and in respect of whom special rates of flat rate pension would apply.

FIREMEN'S PENSION SCHEME ORDER 1948 (Relevant Schedule 3A is in Article 25 of Amendment Order)	
Requirement of Amendment Order	New rate of flat rate pension
<p>Awards on death of servicemen</p> <p>In Article 37B(4)(a): for "at the rate of £330.61 a year" substitute "calculated in accordance with paragraph 1 of Schedule 3A".</p> <p>In Article 10(2)(i): for the proviso substitute "Provided that where, after taking account of any increases provided for by paragraph 3 of Schedule 3A, the said pension is payable at a rate less than the rate at which a pension is payable under Article 37B(4)(a) it shall be paid at the rate of a pension payable under the said Article 37B(4)(a)".</p>	<p>£284.83 a year</p>
<p>Widows' Ordinary Pensions</p> <p>In Schedule 3, for Scheme I substitute "Scheme I: The pension shall be of an amount calculated according to paragraph 2 of Schedule 3A by reference to the last rank held by the husband".</p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £284.83 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370.90 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £454.55 a year.</p> <p>Provided that where the husband died before 5th July 1948, or the widow is not entitled in right to her husband's insurance to widow's benefit or a retirement pension under the Social Security Act 1975 but would have been so entitled had her husband not failed to satisfy the contribution conditions therefore (otherwise than by defaulting in the payment of contributions), this subparagraph shall have effect as if for the rates of £284.83, £370.90 and £454.55 a year there were substituted, respectively, the rates of £379.78, £494.54 and £594.18.</p>

FIREMEN'S PENSION SCHEME ORDER 1952 (Relevant Schedule 3A is in Article 24 of Amendment Order)	
Requirement of Amendment Order	New rate of flat rate pension
<p>Awards on death of servicemen</p> <p>In Article 37B(4)(a): for "at the rate of £330.61 a year" substitute "calculated in accordance with paragraph 1 of Schedule 3A".</p> <p>In Article 10(2)(i): for the proviso substitute "Provided that where, after taking account of any increases provided for by paragraph 6 of Schedule 3A, the said pension is payable at a rate less than the rate at which a pension is payable under Article 37B(4)(a) it shall be paid at the rate of a pension payable under the said Article 37B(4)(a)".</p>	<p>£284.83 a year</p>
<p>Awards to or in respect of part-time firemen</p> <p>In Article 23A(2): in (a) for "the rate of £16.28 a week" and in (b) for "the rate of £10.94 a week" substitute "the rate calculated in accordance with paragraph 3 of Schedule 3A".</p> <p>In Article 23B(1)(a), (b) and (c): for "the rate of £6.04 a week", "the rate of £9.06 a week" and "the rate of £13.62 a week" substitute "the rate calculated in accordance with paragraph 2 of Schedule 3A".</p> <p>In Article 23C(1): for "the rate of £3.28 a week" substitute "the rate calculated in accordance with paragraph 4 of Schedule 3A".</p>	<p>(a) £14.03 a week (b) £9.43 a week</p> <p>(a) £5.21 a week (b) £7.81 a week (c) £11.74 a week</p> <p>£2.83 a week</p>
<p>Widows' Ordinary Pensions</p> <p>In Schedule 3, for Scheme I substitute "Scheme I: The pension shall be of an amount calculated according to paragraph 5 of Schedule 3A by reference to the last rank held by the husband".</p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £284.83 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370.90 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £454.55 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1956 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Articles 22 and 23)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Awards on death of servicemen</p> <p>In Article 46(4)(a): for "at the rate of £440.81 a year" substitute "calculated in accordance with paragraph 1 of Schedule 3A".</p>	£379.78 a year
<p>Awards to or in respect of part-time firemen</p> <p>In Article 55(3): in (a) for "the rate of £16.28 a week" and in (b) for "the rate of £10.94 a week" substitute "the rate calculated in accordance with paragraph 5(1) of Schedule 3A".</p> <p>In Article 55(3)(c): for "the rate of £8.53 a week" substitute "the rate calculated in accordance with paragraph 5(3) of Schedule 3A".</p> <p>In Article 56(1)(a), (b) and (c): for "the rate of £6.04 a week", "the rate of £9.06 a week" and "the rate of £13.62 a week" substitute "the rate calculated in accordance with paragraph 2 of Schedule 3A".</p> <p>In Article 57(1)(a): for "the rate of £3.28 a week" substitute "the rate calculated in accordance with paragraph 3 of Schedule 3A".</p> <p>In Article 57(1)(b): for "not exceeding £2.49 a week if and so long as the child's father is living and not exceeding £3.28 a week if the child has no parent living" substitute "not exceeding the rates calculated in accordance with paragraph 4 of Schedule 3A".</p>	<p>(a) £14.03 a week (b) £9.43 a week</p> <p>£7.36 a week</p> <p>(a) £5.21 a week (b) £7.81 a week (c) £11.74 a week</p> <p>£2.83 a week</p> <p>£2.15 a week £2.83 a week</p>
<p>Widows' Ordinary Pensions</p> <p>In Schedule 2 Part I: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 6 of Schedule 3A by reference to the last rank held by the husband".</p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £379.78 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £594.18 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1956 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Articles 22 and 23)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Children's Allowances</p> <p>In Schedule 3 Part I: Substitute "Part I: Child's Ordinary Allowance -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be calculated in accordance with paragraph 7 of Schedule 3A by reference to the last rank held by the father.</p> <p>2. Where the father was the only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be calculated in accordance with paragraph 8 of Schedule 3A by reference to the last rank held by the father."</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p>
<p>1956 Optants</p> <p>In Schedule 8, Paragraph 5: for ""£440.81 a year" to the end there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A" there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A as if for the figure "£379.78" there shall be substituted the figure "£284.83".</p> <p>In Schedule 8, Paragraph 8: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 9 of Schedule 3A by reference to the last rank held by the husband".</p>	<p>£284.83 a year</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £284.83 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370.90 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £454.55 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1956 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Articles 22 and 23)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>1956 Optants (continued)</p> <p>In Schedule 8, Paragraph 9: for Part I of Schedule 3 as substituted, substitute "Part I: -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be paid in accordance with paragraph 10 of Schedule 3A.</p> <p>2. Where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be payable in accordance with paragraph 11 of Schedule 3A".</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1964 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Articles 22 and 23)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Awards on death of servicemen</p> <p>In Article 51(4)(a): for "at the rate of £440.81 a year" substitute "calculated in accordance with paragraph 1 of Schedule 3A".</p>	<p>£379.78 a year</p>

FIREMEN'S PENSION SCHEME ORDER 1964 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Articles 22 and 23)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Awards to or in respect of part-time firemen</p> <p>In Article 61(3)(a), (b) and (c): for "the rate of £6.04 a week", "the rate of £9.06 a week" and "the rate of £13.62 a week" substitute "the rate calculated in accordance with paragraph 2 of Schedule 3A".</p> <p>In Article 62(3)(a): for "the rate of £3.28 a week" substitute "the rate calculated in accordance with paragraph 3 of Schedule 3A".</p> <p>In Article 62(3)(b): for "not exceeding £2.49 a week if and so long as the child's father is living and not exceeding £3.28 a week if the child has no parent living" substitute "not exceeding the rates calculated in accordance with paragraph 4 of Schedule 3A".</p>	<p>(a) £5.21 a week (b) £7.81 a week (c) £11.74 a week</p> <p>£2.83 a week</p> <p>£2.15 a week £2.83 a week</p>
<p>Widows' Ordinary Pensions</p> <p>In Schedule 2 Part I: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 5 of Schedule 3A by reference to the last rank held by the husband".</p> <p><i>Paragraph 5 becomes Paragraph 6 because of Article 23(a)(i)</i></p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £379.78 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £594.18 a year.</p>
<p>Children's Allowances</p> <p>Schedule 3 Part I: Substitute "Part I: Child's Ordinary Allowance -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be calculated in accordance with paragraph 6 of Schedule 3A by reference to the last rank held by the father.</p> <p><i>Paragraph 6 becomes Paragraph 7 because of Article 23(a)(i)</i></p> <p><i>continued over</i></p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year</p>

FIREMEN'S PENSION SCHEME ORDER 1964 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Articles 22 and 23)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Children's Allowances (continued)</p> <p>2. Where the father was the only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be calculated in accordance with paragraph 7 of Schedule 3A by reference to the last rank held by the father".</p> <p><i>Paragraph 7 becomes Paragraph 8 because of Article 23(a)(i)</i></p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>
<p>1956 Optants</p> <p>In Schedule 9, Paragraph 5: for ""£440.81 a year" to the end there shall be substituted "calculated in accordance with paragraph 1 of Schedule 3A" there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A as if for the figure "£379.78" there shall be substituted the figure "£284.83"".</p> <p>In Schedule 9, Paragraph 8: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 8 of Schedule 3A by reference to the last rank held by the husband".</p> <p><i>Paragraph 8 becomes Paragraph 9 because of Article 23(a)(i)</i></p>	<p>£284.83 a year</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £284.83 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370.90 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £454.55 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1964 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Articles 22 and 23)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>1956 Optants (continued)</p> <p>In Schedule 9, Paragraph 9: for Part I of Schedule 3 as substituted, substitute "Part I -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be paid in accordance with paragraph 9 of Schedule 3A.</p> <p><i>Paragraph 9 becomes Paragraph 10 because of Article 23(a)(i)</i></p> <p>2. Where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be payable in accordance with paragraph 10 of Schedule 3A".</p> <p><i>Paragraph 10 becomes Paragraph 11 because of Article 23(a)(i)</i></p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1966 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Article 22)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Awards on death of servicemen</p> <p>In Article 53(4)(a): for "at the rate of £440.81 a year" substitute "calculated in accordance with paragraph 1 of Schedule 3A".</p>	<p>£379.78 a year</p>

FIREMEN'S PENSION SCHEME ORDER 1966 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Article 22)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Awards to or in respect of part-time firemen</p> <p>In Article 63(3)(a), (b) and (c): for “the rate of £6.04 a week”, “the rate of £9.06 a week” and “the rate of £13.62 a week” substitute “the rate calculated in accordance with paragraph 2 of Schedule 3A”.</p> <p>In Article 64(3)(a): for “the rate of £3.28 a week” substitute “the rate calculated in accordance with paragraph 3 of Schedule 3A”.</p> <p>In Article 64(3)(b): for “not exceeding £2.49 a week if and so long as the child’s father is living and not exceeding £3.28 a week if the child has no parent living” substitute “not exceeding the rates, calculated in accordance with paragraph 4 of Schedule 3A”.</p>	<p>(a) £5.21 a week (b) £7.81 a week (c) £11.74 a week</p> <p>£2.83 a week</p> <p>£2.15 a week £2.83 a week</p>
<p>Widows’ Ordinary Pensions</p> <p>In Schedule 2 Part I: for Paragraph 2 substitute “Where in respect of any period a widow so elects, the annual rate of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 5 of Schedule 3A by reference to the rank held by her husband at the time when he ceased to be a regular fireman”.</p>	<p>(a) Where the husband’s last rank was not higher than that of sub-officer, £379.78 a year.</p> <p>(b) Where the husband’s last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year.</p> <p>(c) Where the husband’s last rank was higher than that of divisional officer (Grade I), £594.18 a year.</p> <p>If the firefighter had at least 10 years’ pensionable service:</p> <p>(a) Where the husband’s last rank was not higher than that of sub-officer, £408.99 a year.</p> <p>(b) Where the husband’s last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £523.75 a year.</p> <p>(c) Where the husband’s last rank was higher than that of divisional officer (Grade I), £623.39 a year.</p>

ANNEXE 16
Flat rate pensions: old provisions

FIREMEN'S PENSION SCHEME ORDER 1966 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Article 22)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Widows' Ordinary Pensions (continued)</p> <p>In Schedule 2 Part II: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 6 of Schedule 3A by reference to the last rank held by the husband".</p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £379.78 a year</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £594.18 a year</p>
<p>Children's Allowances</p> <p>Schedule 3 Part I: Substitute "Part I: Child's Ordinary Allowance -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be calculated in accordance with paragraph 7 of Schedule 3A by reference to the last rank held by the father.</p> <p>2. Where the father was the only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be calculated in accordance with paragraph 8 of Schedule 3A by reference to the last rank held by the father".</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1966 (Relevant Schedule 3A is in Article 21 of Amendment Order but see also Article 22)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>1956 Optants</p> <p>In Schedule 10, Paragraph 5: for ""£440.81 a year"" to the end there shall be substituted the words ""calculated in accordance with paragraph 1 of Schedule 3A"" there shall be substituted the words ""calculated in accordance with paragraph 1 of Schedule 3A as if for the figure ""£379.78"" there shall be substituted the figure ""£284.83"".</p> <p>In Schedule 10, Paragraph 9: for Scheme I substitute ""Scheme I: The pension shall be of an amount calculated in accordance with paragraph 9 of Schedule 3A by reference to the last rank held by the husband"".</p> <p>In Schedule 10, Paragraph 10: for Part I of Schedule 3 as substituted, substitute ""Part I -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be paid in accordance with paragraph 10 of Schedule 3A.</p> <p>2. Where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be payable in accordance with paragraph 11 of Schedule 3A".</p>	<p>£284.83 a year</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £284.83 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370.90 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £454.55 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1971 (Relevant Schedule 3A is in Article 21 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Awards on death of servicemen</p> <p>In Article 65(4)(a): for "at the rate of £440.81 a year" substitute "calculated in accordance with paragraph 1 of Schedule 3A"</p>	<p>£379.78 a year</p>
<p>Awards to or in respect of part-time firemen</p> <p>In Article 75(3)(a), (b) and (c): for "the rate of £6.04 a week", "the rate of £9.06 a week" and "the rate of £13.62 a week" substitute "the rate calculated in accordance with paragraph 2 of Schedule 3A".</p> <p>In Article 76(3)(a): for "the rate of £3.28 a week" substitute "the rate calculated in accordance with paragraph 3 of Schedule 3A".</p> <p>In Article 76(3)(b): for "not exceeding £2.49 a week if and so long as the child's father is living and not exceeding £3.28 a week if the child has no parent living" substitute "not exceeding the rates, calculated in accordance with paragraph 4 of Schedule 3A".</p>	<p>(a) £5.21 a week (b) £7.81 a week (c) £11.74 a week</p> <p>£2.83 a week</p> <p>£2.15 a week £2.83 a week</p>
<p>Widows' Ordinary Pensions</p> <p>In Schedule 2 Part I: for Paragraph 2 substitute "Where in respect of any period a widow so elects, the annual rate of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 5 of Schedule 3A by reference to the rank held by her husband at the time when he ceased to be a regular fireman".</p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £379.78 a year</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £594.18 a year</p> <p><i>continued below</i></p>

FIREMEN'S PENSION SCHEME ORDER 1971 (continued) (Relevant Schedule 3A is in Article 21 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Widows' Ordinary Pensions (continued)</p> <p>In Schedule 2 Part II: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 6 of Schedule 3A by reference to the last rank held by the husband".</p>	<p>If the firefighter had at least 10 years' pensionable service:</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £408.99 a year</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £523.75 a year</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £623.39 a year</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £379.78 a year</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £594.18 a year</p>
<p>Children's Allowances</p> <p>Schedule 3 Part I: Substitute "Part I: Child's Ordinary Allowance -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be calculated in accordance with paragraph 7 of Schedule 3A by reference to the last rank held by the father.</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year</p>

FIREMEN'S PENSION SCHEME ORDER 1971 (continued) (Relevant Schedule 3A is in Article 21 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Children's Allowances (continued)</p> <p>2. Where the father was the only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be calculated in accordance with paragraph 8 of Schedule 3A by reference to the last rank held by the father".</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding up to £311.44 a year.</p>
<p>1956 Optants</p> <p>In Schedule 10, Paragraph 5: for ""£440.81 a year"" to the end there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A" there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A as if for the figure "£379.78" there shall be substituted the figure "£284.83"".</p> <p>In Schedule 10, Paragraph 9: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 9 of Schedule 3A by reference to the last rank held by the husband".</p> <p>In Schedule 10, Paragraph 10: for Part I of Schedule 3 as substituted, substitute "Part I -</p> <p>1. Where the mother of the child is alive the child's ordinary allowance shall be paid in accordance with paragraph 10 of Schedule 3A.</p>	<p>£284.83 a year</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £284.83 a year</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370.90 a year</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £454.55 a year</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year</p>

FIREMEN'S PENSION SCHEME ORDER 1971 (continued) (Relevant Schedule 3A is in Article 21 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>1956 Optants (continued)</p> <p>2. Where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary allowance shall be payable in accordance with paragraph 11 of Schedule 3A".</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1973 (Relevant Schedule 3A is in Article 20 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Awards on death of servicemen</p> <p>In Article 74(4)(a): for "at the rate of £440.81 a year" substitute "calculated in accordance with paragraph 1 of Schedule 3A".</p>	<p>£379.78 a year</p>
<p>Widows' Ordinary Pensions</p> <p>In Schedule 2 Part I: for Paragraph 2 substitute "Where in respect of any period a widow so elects, the annual rate of her ordinary pension in respect of that period shall be calculated in accordance with paragraph 2 of Schedule 3A by reference to the rank held by her husband at the time when he ceased to be a regular fireman".</p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £379.78 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £594.18 a year.</p> <p><i>continued below</i></p>

FIREMEN'S PENSION SCHEME ORDER 1973 (continued) (Relevant Schedule 3A is in Article 20 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
Widows' Ordinary Pensions (continued)	<p>If the firefighter had at least 10 years' pensionable service:</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £408.99 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £523.75 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £623.39 a year.</p>
<p>Widow's Accrued Pensions</p> <p>In Schedule 2 Part IV for Paragraph 3 substitute "Where in respect of any period a widow so elects, then the annual rate of her accrued pension in respect of that period shall be calculated in accordance with paragraph 3 of Schedule 3A by reference to the rank held by her husband at the time when he ceased to be a regular fireman. Provided that this subparagraph shall not apply to the widow of a regular fireman where the pensionable service which reckoned for the purpose of calculating his deferred pension was less than five years, unless he was entitled to reckon pensionable service by virtue of the whole of his qualifying service."</p>	<p>(a) Where the husband's last rank was not higher than that of sub-officer, £379.78 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £494.54 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £594.18 a year.</p> <p>In the case of a widow of a regular fireman who ceased to serve on or after 6th April 1975 and would, had he continued to serve until his age of compulsory retirement specified in Article 96 in relation to his rank at the time he ceased to serve, have become entitled to reckon at least 10 years' pensionable service –</p> <p>a) Where the husband's last rank was not higher than that of sub-officer, £408.99 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £523.75 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £623.39 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1973 (continued) (Relevant Schedule 3A is in Article 20 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>Children's Allowances</p> <p>Schedule 3 Part I: for paragraph 1(4) substitute "Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be calculated in accordance with paragraph 4 of Schedule 3A by reference to the last rank held by the father."</p> <p>For paragraph 2(4) substitute "Where in respect of any period a person to whom there is paid an allowance determined in accordance herewith so elects, then, in respect of that period, the allowance shall be calculated in accordance with paragraph 5 of Schedule 3A by reference to the last rank held by the father."</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>
<p>1956 Optants</p> <p>In Schedule 10, Paragraph 16: for "£440.81 a year" to the end there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A" there shall be substituted the words "calculated in accordance with paragraph 1 of Schedule 3A as if for the figure "£379.78" there shall be substituted the figure "£284.83".</p> <p>In Schedule 10, Paragraph 22: for Scheme I substitute "Scheme I: The pension shall be of an amount calculated in accordance with paragraph 6 of Schedule 3A by reference to the last rank held by the husband".</p>	<p>£284.83 a year</p> <p>(a) Where the husband's last rank was not higher than that of sub-officer, £284.83 a year.</p> <p>(b) Where the husband's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £370.90 a year.</p> <p>(c) Where the husband's last rank was higher than that of divisional officer (Grade I), £454.55 a year.</p>

FIREMEN'S PENSION SCHEME ORDER 1973 (continued) (Relevant Schedule 3A is in Article 20 of Amendment Order)	
Requirement of Amendment Order	New basic rate of flat rate pension
<p>1956 Optants (continued)</p> <p>In Schedule 10, Paragraph 24: for Part I of Schedule 3 as substituted, substitute "Part I -</p> <p>1. Where the mother of the child is alive the child's ordinary or accrued allowance shall be paid in accordance with paragraph 7 of Schedule 3A.</p> <p>2. Where the father was the child's only surviving parent or in respect of the period after the death of the mother, the child's ordinary or accrued allowance shall be payable in accordance with paragraph 8 of Schedule 3A"</p>	<p>(a) Where the father's last rank was not higher than that of sub-officer, £107.99 a year.</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £127.29 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £157.02 a year.</p> <p>(a) Where the father's last rank was not higher than that of sub-officer, £159.11 with discretion to increase to an amount not exceeding £209.19 a year</p> <p>(b) Where the father's last rank was higher than that of sub-officer but not higher than that of divisional officer (Grade I), £188.84 with discretion to increase to an amount not exceeding £249.88 a year.</p> <p>(c) Where the father's last rank was higher than that of divisional officer (Grade I), £233.19 with discretion to increase to an amount not exceeding £311.44 a year.</p>