

RULE A3

Exclusive application to regular firefighters

Rule A3 explains to whom the Scheme applies.

Regular firefighters, their spouses, civil partners and dependants

Rule A3(1) and (2) explain that the Scheme applies to regular firefighters, their spouses, civil partners and dependants (but see Rule A3(5) about closure to new members with effect from 6 April 2006).

The Scheme provides benefits in the form of –

- pensions
- allowances
- gratuities/grants

when regular firefighters leave employment or die.

No similar benefits under any other statutory provision (other than State pension scheme benefits) may apply to regular firefighters, their spouses, civil partners or dependants.

Persons who are not employees of a fire and rescue authority

Rule A3(3) tells you that if –

- you are not an employee of a fire and rescue authority, but
- some of the provisions of the FPS apply to you (see Rule A4 “Application to temporary employment connected with fire services” and Rule A5 “Application to permanent employment as instructor”)

then Rule A3 will not prevent you from getting pension benefits from another source.

Pension credit members

Rule A3(4) explains that the Scheme will also apply to pension credit members. A pension credit member is a former spouse or civil partner of a firefighter who on divorce, dissolution of civil partnership, or annulment, is entitled to benefits derived from those of the firefighter by reason of a pension sharing order issued by a court. (See Annexe 14 for more details of the effect of divorce or dissolution of a civil partnership on pension rights.)

The benefits which are available to pension credit members are set out in Part IA.

Closure of Scheme to new members with effect from 6.4.2006

Rule A3(5) was added with effect from 6 April 2006 in anticipation of the New Firefighters' Pension Scheme 2006 ("NFPS") coming into operation on that date. It explains that once a new scheme made under section 34 of the Fire and Rescue Services Act 2004 comes into operation in England, the FPS will no longer apply to certain persons.

RULE A3

Exclusive application to regular firefighters

Rule A3 (continued)

Closure of Scheme to new members with effect from 6.4.2006 (continued)

- Once the NFPS comes into operation, the FPS will no longer apply to anyone who –
- takes up employment with a fire and rescue authority on or after 6 April 2006, or
 - was employed before that date, had opted out of the FPS by making an election under Rule G3, and cancels the election to opt out on or after 6 April 2006
 - is the spouse, civil partner, child or other dependant of either of the above.

Useful reference source

- FSC 30/2004: amendment to definition of "regular firefighter"
- FPSC 9/2006: amendments required to close FPS to new entrants

Points To Note

1. Before 13 September 2004 the definition of "regular firefighter" and therefore access to the FPS was based on the inclusion, in your terms of appointment, of a requirement to engage in firefighting. If you were subsequently found to be permanently disabled for firefighting it was expected that you would be dismissed from the service even if, at that time, "firefighting" was a limited part of your duties and/or you remained perfectly fit to undertake all other duties of your rank/role. With effect from 13 September 2004 the definition was amended (see page A2-Chart 1).
2. After the amendment, a requirement to engage in firefighting was necessary for admission to the FPS but, once admitted, should health problems cause you to be unfit for firefighting yet still capable of performing other duties appropriate to your role as a firefighter you will not be dismissed on health grounds if the fire and rescue authority are of the view that your retention would be of value to the service and they require you to continue to perform those other duties. The definition of "regular firefighter" would enable you to remain in the FPS provided there was no break in continuity of appointment.
3. The addition of Rule A3(5) while, in effect, closing the FPS to new members from 6 April 2006 (including those who had opted out and wished to opt back in) nevertheless provided them with temporary cover of the Scheme for the period during which the NFPS was being drafted. If a benefit became payable after 5 April 2006 but before the NFPS came into operation, the firefighter or dependants would receive benefits under the FPS. If the NFPS subsequently provided something better in individual circumstances, the benefits would be readjusted in line with the NFPS.