

RULE B12 Pension debit members

Rule B12 requires certain benefits payable under Part B to be reduced to take account of pension sharing orders.

Pension debit members	<p>A pension debit member is a member of the FPS whose benefits have been made subject to a pension sharing order issued by a court on divorce, dissolution of a civil partnership, or annulment. Under s31 of the Welfare Reform and Pensions Act 1999, the amount or percentage of pension rights quoted in the pension sharing order must be deducted from the capital value of the scheme member's benefits as at the date of the order. Consequently the rights are "debited" – hence the expression "pension debit member" – to provide benefits for the former spouse or civil partner (who is known as the "pension credit member").</p>
Benefits affected	<p>Rule B12 lists the following benefits as those in Part B which may be affected by a pension sharing order –</p> <ul style="list-style-type: none">• ordinary pension (Rule B1)• short service award (Rule B2)• ill-health award (Rule B3)• deferred pension (Rule B5) <p>An injury award under the Firefighters' Compensation Scheme (and, before 1 April 2006, Rule B4 of the FPS) is not affected by a pension sharing order.</p> <p>Rule B12(b) explains that it will be the benefits as reduced which must be taken into account for –</p> <ul style="list-style-type: none">• commutation of pension to provide a lump sum (Rule B7)• commutation of small pensions (Rule B8)• allocation (Rule B9)• the limits on commutation and allocation (Rule B10).
Action required	<p>When assessing an award payable under Rules B1, B2, B3 or B5, the fire and rescue authority must reduce the award according to the directions of the pension sharing order and in line with guidance and tables provided by the Government Actuary (these are given at Annexe 14).</p>
Useful reference source	<ul style="list-style-type: none">• FSC 17/2001: advance issue of Annexe 14• FSC 30/2004: introduction of pension provisions for part-time regular firefighters• FPSC 5/2005: introduction of survivor's benefits for registered civil partners

Rule B12 (continued)

Points To Note

1. The references to the award payable under Rules B1, B2, B3 or B5 would mean the amount calculated having regard to Schedule 2 Part VIA in the case of a regular firefighter with part-time service.
2. Annexe 14 procedures cover actions required where the pension sharing order has been made by an English or Welsh Court. Slightly different procedures may apply where the order is made by a Scottish Court.
3. Fire and rescue authorities should take note of HMRC and Department for Work and Pensions (DWP) requirements in addition to the guidelines given in Annexe 14.