

RULE L1

Authorities responsible for payment of awards

Rule L1 explains who has responsibility for payment of awards under the FPS.

Awards to, or in respect of, a regular firefighter

Rule L1(1) states that if you were a regular firefighter, any award due to you or your dependants would be payable by the fire and rescue authority with which you last served as a regular firefighter.

If your employment ceased before 1 October 2004 the responsibility for payment would be that of the fire and rescue authority which inherited the liabilities of the fire authority which last employed you.

Awards to, or in respect of, a pension credit member

Rule L1(3) states that an award payable to or in respect of a pension credit member is payable by the "relevant fire and rescue authority". This includes any sum paid in commutation of such an award. A pension credit member is a former spouse or civil partner of a firefighter who, on divorce, dissolution of civil partnership, or annulment, becomes entitled to a portion of the pension rights of a firefighter under a pension sharing order issued by a court.

Rule L1(4) explains what is meant by "relevant fire and rescue authority" in relation to a pension credit member. It is defined by reference to the firefighter from whose rights the pension credit is derived. If he/she

- was a serving firefighter at the time the pension sharing order takes effect, the "relevant fire and rescue authority" is the fire and rescue authority employing him/her at that time
- had ceased to be a serving firefighter at the time the pension sharing order takes effect, "the relevant fire and rescue authority" is the fire and rescue authority by whom he/she was last employed.

(If the employment ceased before 1 October 2004 the "relevant fire and rescue authority" would be the fire and rescue authority which inherited the liabilities of the fire authority which last employed the firefighter.)

Archived pages

Injury provisions previously contained in Rule L1 were transferred to the Firefighters' Compensation Scheme with effect from 1 April 2006. In case reference has to be made to these earlier provisions, the relevant extracts from the explanation of Rule L1 immediately before 1 April 2006 follow these pages as "archived" material.

Useful reference source

- FPSC 4/2005: changes in terminology as a consequence of the Fire and Rescue Services Act 2004; prevention of duplication of pension payments
- FPSC 9/2006: new financing arrangements

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Rule L1 (continued)

Points To Note

1. The commutation referred to in the case of a pension credit member means both –
 - commutation of the whole pension because it is such a small amount that the fire and rescue authority decides it would be advantageous for administrative purposes to convert it to a single lump sum payment, or
 - commutation of part of the pension at the request of the pension credit member.
2. References in this Rule to 1 October 2004 reflect changes in terminology (e.g. "fire and rescue authority" replaced "fire authority") made by the Fire and Rescue Services Act 2004 which came into force on 1 October 2004.

RULE L1 ARCHIVED

Authorities responsible for payment of awards

Rule L1 Extract

Awards to, or in respect of, other members of a fire and rescue authority

Rule L1(2) states that if you received an injury while employed by a fire and rescue authority but not as a regular firefighter, any award due to you or your dependants would be payable by the fire and rescue authority by whom you were employed when you received the injury.

Awards to, or in respect of a person who sustains a qualifying injury and who is employed as both a regular and retained firefighter

Rules L1(5) and (6) set out which fire and rescue authority have responsibility for the payment of injury awards if a firefighter is employed both as a regular firefighter and as a retained firefighter and the employments are with different authorities.

The position is summarised as follows . . .

Nature of injury

- a single injury attributed to employment as a regular firefighter
- a single injury attributed to employment as a retained firefighter
- a single injury of such a nature that it cannot be attributed solely to either the regular or the retained employment,
or
an injury attributed to employment as a regular firefighter plus a different injury attributed to employment as a regular firefighter

FRA with responsibility for payment

- • the fire and rescue authority which employs the person as a regular firefighter
- • the fire and rescue authority which employs the person as a retained firefighter
- • such 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

Points To Note

1. If you were a regular firefighter and you transferred to another fire and rescue authority after you had been injured but before you became permanently disabled, any awards payable to you or your dependants would be payable by the fire and rescue authority with which you were serving immediately before your retirement.

RULE L1 ARCHIVED
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Rule L1 Extract (continued)

Points To Note continued

2. Rule L1(5) and (6) were added to FPS 1992 with effect from 21 November 2005 at the same time as amendments were made to Rule L4, and when Rule L4A and L4B were added. The amendments were made to prevent duplication of benefits where a firefighter is otherwise eligible to receive injury/ill-health awards in respect of both regular and retained employments, sometimes with more than one fire and rescue authority, and to identify which fire and rescue authority should have responsibility for the payment of awards. Pages L4A-Chart 1, L4B-Chart 1 and L4B-Chart 2 illustrate the various permutations of awards which may be due and the responsibility for payment.