



Amendments to the Firefighters' Pension Schemes

Changes have been made to the 1992 Firefighters' Pension Scheme and the Firefighters Compensation Scheme. These changes come into effect from 1 April 2019 and are explained below:

Surviving partner's pension

The 1992 scheme and the compensation scheme rules on survivors' pensions have been changed following a legal judgment¹. This judgment considered the restriction of service within the calculation of the surviving partners' pension for civil partners² and same sex marriage³ unlawful.

The 1992 Firefighters' Pension Scheme and the Firefighters' Compensation Scheme have been changed to remove the restriction on service from 6 April 1988 used in the calculation of a survivor's pension to a civil partner or same sex marriage. This change applies retrospectively.

This has the following effect;

- If you are a firefighter member (whether you are active, have left or retired) and in a civil partnership or same sex marriage. You do not need to do anything, the survivors pension payable on your death will automatically be calculated based on your full service with no restriction applied.
- If you are in receipt of a
 - Firefighters survivors pension from the 1992 scheme, and or
 - Survivors pension from the compensation scheme (under the rules of the compensation scheme, a survivors pension is only paid where the former Firefighter died from the effect of a qualifying injury or of infirmity of mind or body occasioned by a qualifying injury)

and were civil partnered or in a same-sex marriage, your pension may have been calculated based on restricted service from 6 April 1988 only. Your pension in payment may need to be recalculated to include the firefighter member's full service.

- If a family member or friend, who has subsequently died was in receipt of

¹ Walker v Innospec Limited and others - <https://www.supremecourt.uk/cases/uksc-2016-0090.html>

² Formed under the Civil Partnership Act 2004 <http://www.legislation.gov.uk/ukpga/2004/33/section/1>

³ Formed under the Marriage (Same Sex Couples) Act 2013
<http://www.legislation.gov.uk/ukpga/2013/30/contents/enacted/data.htm>

- a survivors pension from the Firefighters scheme, and or
- Survivors pension from the compensation scheme (under the rules of the compensation scheme, a survivors pension is only paid where the former Firefighter died from the effect of a qualifying injury or of infirmity of mind or body occasioned by a qualifying injury)

as a result of being in a same-sex marriage or civil partnership with a member of the Firefighters scheme, the pension may have been calculated based on restricted service from 6 April 1988 only.

If you believe that you or someone you know may be affected by these changes you should email: pensions@carmarthenshire.gov.uk for further information.

Disclaimer

This leaflet has been prepared based on the SAB Secretariat's understanding of the information presently available including the relevant legislation governing the Firefighters' Pension Schemes and associated overriding legislation. It represents the views of the Secretariat and should not be treated as a complete and authoritative statement of the law. Readers may wish, or will need, to take their own legal advice on the interpretation of any particular piece of legislation. No responsibility whatsoever will be assumed by the Local Government Association for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by reads relaying on information contained herein.

Please address any queries on the content of this factsheet to bluelight.pensions@local.gov.uk

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