



Circular

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Title:	Amendments to the 1992 and 2007 Firefighters' Pension Schemes, and the 2007 Compensation Scheme, covering eligibility for survivor benefits.
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Addressed to:	Please forward to:
Chief Fire Officers Chair and Members of the Firefighters' Pension Scheme Advisory Board for Wales	Treasurers Local Pension Board members Pensions Officers Pension Scheme Administrators

Summary

The circular provides information about changes to benefits for certain survivors of deceased members of the various firefighters' pension schemes. These changes are reflected in the following statutory instruments:-

- the Firefighters' Pension Scheme and Compensation Scheme (Wales) Amendment Order 2018
<http://www.legislation.gov.uk/id/wsi/2018/577>.
and
- The Firefighters' Pension Scheme (Wales) (Amendment) Regulations 2018
<http://www.legislation.gov.uk/id/wsi/2018/576>.

both of which have now been made, and will come into force on 1 June 2018. However, most of the changes have retrospective effect.

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Introduction

1. This circular provides details of changes to benefits for certain survivors of deceased members of the various firefighters' pension schemes. These changes are reflected in the Firefighters' Pension Schemes and Compensation Scheme (Wales) (Amendment) Order 2018 and The Firefighters' Pension Scheme (Wales) (Amendment) Regulations 2018, both of which come into force on the 1 June 2018.

Survivors of scheme members killed on duty who remarry or form a new civil partnership

2. At present, surviving spouses and partners of deceased scheme members are entitled to various "survivor benefits". However, these cease if the survivor remarries or forms a new civil partnership. The Welsh Government consulted in autumn 2017 on proposals to remove this provision as regards survivors of firefighters who die from injuries received in the exercise of duty, or travelling to or from duty.
3. These proposals are now reflected in the Firefighters' Pension Schemes and Compensation Scheme (Wales) (Amendment) Order 2018 ("the 2018 Order"), which amends the 1992 Firefighter Pension Scheme and 2007 Compensation Scheme to allow the surviving spouse or civil partner of a firefighter who dies or has died from an injury received in the exercise of duty, or travelling to or from duty, to retain her or his entitlement to a survivor's benefit if s/he remarries or forms a civil partnership on or after 1 April 2015. Any benefits withdrawn after this date are to be reinstated with effect from the date of withdrawal.
4. In addition, the 2018 Order provides that survivor benefits withdrawn prior to 1 April 2015 due to operation of the schemes are to be reinstated with effect from that date.
5. Firefighter deaths in service are of course very rare. This means there are likely to be very few historic cases of benefits being withdrawn from survivors of such firefighters. However, in any such cases, the Order requires the making of a backdated payment to the survivor covering the period of withdrawal, and a continued payment of survivor benefits from now on.

Cohabiting survivors of members of the 2007 Scheme

6. Currently, survivor benefits under the 2007 Scheme (and the 2014 modified Scheme for RDS firefighters based on it) are payable to spouses and civil partners as of right. They are only payable to surviving cohabiting partners if the scheme member had nominated that person as their partner to the scheme manager. The Supreme Court has ruled (in the case of Brewster) that an identical requirement in the Northern Ireland local government scheme is unlawful, and it is very likely that the requirement in the 2007 Scheme would be viewed similarly.
7. The 2018 Order therefore removes this requirement from the 2007 Scheme. Anyone who can show that s/he was in a qualifying relationship with a scheme member will now be eligible for survivor benefits. These provisions also have full retrospective effect, so that anyone who had previously been denied survivor benefits because s/he had not been nominated is now to receive them, backdated

to the point of death of the member. However, we are not aware of any historic cases.

8. It is still possible for scheme members to nominate their cohabiting partner if they wish. Indeed, it may be good practice to encourage them to do so, as it allows matters to be dealt with swiftly and sensitively after death. But there can be no requirement on scheme members in this area.
9. No such issue arises in the 1992 Scheme (which does not pay any benefits to cohabiting partners) or the 2015 Scheme (which does not require cohabiting partners to be nominated).

Minor errors and ambiguities

10. The 2018 Order, and the Firefighters' Pension Scheme (Wales) (Amendment Regulations 2018, also amend minor errors and ambiguities in the various scheme rules. Full details of the amendments can be found within the attached Explanatory Memorandums.

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