



Fire Pension Team  
Police Workforce and Professionalism Unit  
Home Office  
6th Floor, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

Sent by email to:

[Firepensionspublicservicepensionsremedy@homeoffice.gov.uk](mailto:Firepensionspublicservicepensionsremedy@homeoffice.gov.uk)

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## **Consultation on firefighters' pensions prospective remedy: Firefighters' Pensions (England) Scheme Advisory Board Response**

The [Firefighters Pensions \(England\) Scheme Advisory Board](#) (the Board) submits its response to the Home Office consultation on the amendments to the pension scheme regulations to deliver the first set of changes to remove the transitional protections from the FPS 2015 as attached to this letter.

This response is submitted on behalf of the Board by the Local Government Association (LGA) who act as secretariat to the Board. Neither the Board nor LGA act in the capacity of [scheme manager](#) or Fire and Rescue Authority (FRA).

The purpose of the Board is to provide advice to scheme managers in relation to the effective and efficient administration and management of the Firefighters' Pension Schemes (FPS).

In order to develop the Board's response to the consultation, the Board attended an engagement session with the Home Office team including its drafting lawyers and discussed the consultation at the Board meeting of 9 December 2021<sup>1</sup> which included the Board's independent legal, actuarial, and technical advisers. The Board thanks the Home Office for the opportunity for informal engagement ahead of the formal consultation.

If you have any questions, please let me know.

Yours sincerely



Joanne Livingstone

Chair of the Firefighters' (England) Pension Scheme Advisory Board

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<sup>1</sup> [9 December 2021: Paper 1 – Response to Home Office consultation](#)

## Consultation questions

**Question 1. As required by the PSPJO, the draft regulations seek to ensure that the legacy schemes are closed to future accrual from 31 March 2022 and that all members are in the 2015 Scheme in respect of any pensionable service from 1 April 2022. Are the draft regulations sufficient to meet this aim? Do you think there are any changes or additions required to the draft regulations to achieve the stated policy aims?**

The [draft regulations](#) close the legacy schemes to future accrual from 31 March 2022 by ensuring that the legacy schemes have a “closing date” of 31st March 2022 for all “full protection members”, who then transition to the 2015 scheme on 1 April 2022.

The Board agrees that the draft regulations provide for all scheme members to be moved into the existing 2015 scheme from 1 April 2022 with benefits calculated based on the existing regulations of each of those schemes. As such, all members will be treated equally from 1 April 2022.

As all tapered protection already ends on 31 March 2022 (with the exception of paragraph 3(3) of Schedule 2, which is also being amended), the draft regulations would appear to be sufficient to meet the stated aim, and there are no changes or additions required.

**Question 2. The government is proposing that the regulations will be drafted to make additional provision for ill-health retirements that straddle the transfer date. This provision would ensure that a protected member who applies for ill-health retirement before 31 March 2022, and which is determined in their favour after that date, is treated no less favourably than if the application had been determined on that date. Do you have any views on the proposals regarding ill-health retirement cases that straddle 1 April 2022? In particular, do you have any views on how the “underpin” should work or be provided for in the draft regulations?**

The Board agrees that there is a risk of unfairness towards some legacy scheme members whose need to retire as a result of a disabling injury or illness arose before the 31 March 2022 but for whom the final retirement decision was not made until after that date, due to the differing qualifying criteria between the 1992 and 2015 schemes. Board members support the proposal that provision should be made to protect the position for ill-health retirement (IHR) cases that straddle 1 April 2022.

However, thought needs to be given as to which cases this protection will be applied to and this should be specifically defined in the regulations. There is no “application” as such for IHR and FRAs can have a very different way of dealing with the process, with some engaging an Independent Qualifying Medical Practitioner (IQMP) fairly early in the process, while others are much slower at engaging an IQMP. Thought needs to be given as to what stage in the IHR process this protection will be triggered, particularly given that there can be difficulties in finding suitably qualified IQMPs to provide the medical assessment, which can also slow down the instruction process.

Two suggestions have been put forward by Board members:

- The ill-health retirement process is deemed to be pending or in progress if the individual’s last day of performing the normal duties of their role pre-dated 1 April 2022.
- If the IQMP decision is that an injury results in the ill-health retirement and this occurred pre-transfer into the 2015 scheme, then that retirement should be assessed under the legacy scheme criteria for the underpin even if the IQMP process did not start before transfer into the 2015 scheme.

On the second suggestion, there appears to be a precedent set in the protection granted to retained firefighters in 2014. A retained firefighter employed prior to 6 April 2006, who didn’t subsequently become a ‘special member’ under the terms of the modified FPS 2006 arrangements and who was retrospectively awarded an injury and ill health pension after 1 April 2014, is entitled to an injury and ill health pension under Part 8, rule 2 of the Firefighters’ Compensation Scheme under the protected right granted in [SI 2014/447](#) [rule 3, paragraph 2], where it has been determined that the injury is a qualifying injury and was sustained before 1 April 2014.

Other likely issues that are going to arise will be with regard to those cases that do not get decided before 1 April 2022, where the member qualifies for an IHR pension under the legacy scheme but, under the ‘one pot’ rule, does not qualify under the 2015 scheme. FRAs are likely to face claims if there is any suggestion that they did not complete the process in a timely manner and the firefighter has lost out on an IHR pension.

The consultation document acknowledges that cases will become subject to different qualifying criteria once members have transitioned to the 2015 scheme on 1 April 2022, but there is no acknowledgment of the issues that this could potentially cause as IHR processes can take a considerable time to conclude. While accepting that this was the situation when the 2015 scheme was first introduced, it still has the potential to be an area that causes FRAs significant issues going forward.

This could be particularly relevant for mental health conditions, such as PTSD, which are often cumulative and may take some time to materialise. The member could be disadvantaged if the IQMP process commences after 1 April 2022 and they are assessed against the 2015 scheme criteria which sets a higher bar than the legacy 1992 scheme.

One possible mitigation that the Board asks the Home Office to consider is a revision of [Regulation 68](#) (review of ill-health award or early payment of retirement pension) and [Regulation 69](#) (consequences of review) in the 2015 scheme.

Currently an ill-health pension in payment can only be reviewed downwards, so a higher tier award can be reduced to lower tier, and a lower tier award can be stopped. There is no facility to uplift an award where a member's ill-health condition has worsened and this is not due to a natural deterioration.

When an IQMP makes an assessment involving an injury or condition (particularly a mental health condition), it is highly unlikely that they will be able to confidently state that a person will be permanently disabled and unable to undertake regular employment to normal pension age (NPA) for individuals whose NPA is 60.

Differentiation between the terms 'likely to' and 'will' does not help materially since it remains very difficult for any medical practitioner to say whether conditions such as depression or work-related stress will improve once a person leaves FRS employment. An individual's mental health might improve but whether they would be able to undertake 'regular' employment is an unknown quantity.

There is a problem where, contrary to IQMP opinion, the individual does not become able to undertake regular employment before NPA. In such cases it may, over time, become evident that the original opinion was flawed, and the scheme member will not have received the level of pension that would have been due at the time the original IQMP assessment was made.

For situations where it transpires that a member does not improve to the extent that they are able to undertake regular employment, there should be a provision to increase the level of ill-health pension since the reason that a lower-tier pension was awarded is the IQMPs inaccurate assessment of future recovery inability or their unwillingness to commit to a long-term prognosis.

Contrary to opinion that the issue would be deterioration of ill-health, the Board considers that the issue is the accuracy of IQMP opinion when even the best medical experts may not be able to accurately forecast the long-term impact of conditions which existed at the time of the original IQMP referral. Some safeguard is required to provide for the correction of opinions that turn out to be inaccurate.

A significant concern for the Board is the difficulty of predicting a person's health and capacity for work in the long-term. Where experience shows that an IQMP opinion is not correct, there is no scope to rectify an inaccurate forecast except in cases of people with 'qualifying injury' for which the award can be varied both up and down on review.

This has been discussed by the Board on previous occasions and the Board wishes to take this opportunity to raise the issue again for Home Office consideration:

- Review of ill-health award (lower tier to upper tier): [Meeting 20.06.2018](#)
- Review of ill-health award (lower tier to upper tier): Meeting 04.10.2018 [confidential]
- Review of ill-health award (lower tier to upper tier): [Meeting 13.06.2019](#) [Item 8]

More generally, the Board seek clarity on the process for splitting lower tier benefits back out from the 'one pot' arrangement once the member reaches normal pension age<sup>2</sup> i.e. how will the equivalent amount be determined and whether any consequential adverse impact on survivor benefits has been considered.

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<sup>2</sup> See Paragraphs 23 and 25 of Part 3A to Schedule 2 of the FPS 2015 regulations – inserted by [SI 2015/589](#).

**Question 3. The regulations will need to ensure that provisions which allow arrangements for purchasing service in the legacy schemes by periodical contributions, entered into before 1 April 2022, can continue on and after that date and that additional benefit purchasing in the legacy schemes ceases on 31 March 2022. In your view, would existing provisions in the relevant reformed scheme regulations achieve these aims? Alternatively, would additional provisions be needed to achieve this outcome?**

The Board is comfortable that provision has been made in the reformed scheme regulations to ensure that the payment of periodical contributions can continue in specified circumstances, by the insertion of Paragraphs 31(2)(a) (pensionable service under the NFPS) and 34(5) (continuous pensionable service under the 1992 Scheme) into Schedule 2 by [SI 2015/589](#).

The Board notes that the corresponding provisions of the 1992 scheme [[Rule G7](#) (payment of periodical contributions for increased benefits)] and 2006 scheme [[Part 11, Chapter 2, paragraph 7](#)] (duration of periodical contributions and premature cessation)] were also amended in 2015.

No fully protected members of the legacy schemes would now be able to enter into a new arrangement before they transition into the 2015 scheme, as by virtue of their protected status they must now be less than two years away from the normal retirement age of the respective legacy schemes. An election to pay periodical contributions to purchase additional service must be made at least two years before a person's normal retirement age.

The Board also notes the addition of new [clause 83 to the Public Service Pensions and Judicial Offices Bill](#) which states that new arrangements cannot be entered into after 31 March 2022.

However, it would be preferable to include additional provisions in the proposed scheme amendments so there is absolute clarity on exactly which arrangements can continue. There are several different arrangements in the legacy schemes for purchasing additional benefits (see attached schedule).

The Board notes that, once returned to their legacy scheme former unprotected or taper members may have been retrospectively eligible to purchase added years within the remedy period. The Board expects that the retrospective regulations should make clear whether this option will be available to members under a contingent decision claim.

**Question 4. We are interested in understanding whether the scheme regulation amendments will have an impact on people with protected characteristics, beyond those equality considerations undertaken and set out in the EIA undertaken alongside the consultation and PSPJO. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation. Do you think that the draft regulations and policy intent as set out above will have any positive or negative impacts on people with protected characteristics, beyond those already considered? If so, which and why/why not?**

The Board reiterate the points raised in its response to the government consultation on changes to the transitional arrangements to the 2015 schemes<sup>3</sup>. For example:

- *The challenge of maintaining fitness until age 60 may raise age and gender discrimination issues, for example early retirement factors will impact if firefighters cannot maintain fitness levels to age 60 and leave at age 55.*

The Board's scheme member representatives have undertaken to seek additional analysis on whether the ageing effects such as reducing upper body strength or menopausal effects are affecting female firefighters' ability to perform the duties of the firefighter's role beyond age 55.

This matter is raised again now as fully protected members transferring to the 2015 scheme will be aged 55 or older and taper-protected members will be approaching that age. As a consequence, the 2015 scheme's age profile will increase. While this may bring forward the ability to assess the impact of ageing on early or ill-health retirement, there may be consequences for scheme design or scope for legal challenge if it can be shown that a group with a particular protected characteristic suffers a more material detriment than others.

- *The legacy Firefighters' Schemes are complex, with caps on pensionable service and double accrual within FPS 1992. This could mean that members of similar age and total service might receive very different benefits outcomes, for example from the way in which tapering is applied or the cut off dates for members to be eligible for remedy.*

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<sup>3</sup> [SAB response to the HMT consultation on changes to the transitional arrangements of the 2015 Public Service Pension Schemes](#) [Paragraphs 73 – 74]



In their response, the Board additionally recommended that a full, scheme-specific Equality Impact Assessment (EIA) should be undertaken of the eventual proposed solution for remedy to minimise the risks of future challenges. The Board is pleased to note that a draft Equality Impact Assessment (EIA) is attached to the consultation at Annex A.

**Question 5. Are there any other areas which you think should be addressed in these regulations to ensure all members are moved to the relevant reformed scheme from 1 April 2022, and that the differential treatment, as identified by the Court of Appeal, is ended?**

The Board noted with interest the policy issue set out in the Home Office consultation on amendments to the Police Pension Scheme (PPS) regulations, concerning the interaction of retirement ages between the schemes. As in the firefighters' 1992 scheme, the legacy 1987 and reformed 2015 police schemes allow a member to draw their pension at different ages.

The 1992 scheme allows members to draw their legacy scheme pension before age 55. However, if they choose to retire before age 55, the rules of the 2015 scheme mean that they either have to wait until State Pension age (rather than age 60) to take an unreduced 2015 pension or they can take an actuarially reduced 2015 pension once they have reached the age of 55 (the reduction being based on State Pension age).

Such reduction is to reflect that the pension is coming into payment early and will be in payment for longer. More penal early retirement factors apply when a member retires from deferred status than from active status<sup>4</sup>, as the period of time between normal payment dates is longer.

While this issue is a consequence of the changes to the public sector pension schemes introduced in 2015 and has therefore existed since that time, it has been raised as a specific concern now as the remaining protected members are due to transition into the reformed schemes for the first time on 1 April 2022.

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<sup>4</sup> [The Firefighters' Pension Scheme 2015 \(England\) Early payment reductions Factors and guidance](#)

This concern is exacerbated for the PPS as members originally received transitional protection based on both age and service, so there could be members who are under age 55 on 1 April 2022 and will be unable to access any 2015 scheme benefits they have built up at least until that age. In contrast, all fully protected FPS members will be age 55 or over, as members were protected based on age only.

The Home Office states that it will give due regard to the interaction of retirement ages between schemes and consider whether any changes are needed to ensure any cohort of police pension scheme members are not unduly disadvantaged, especially having regard to the needs of members from protected groups where these are different from the needs of other members.

While the Board would welcome similar consideration for the Firefighters' Pension Schemes, the employer representatives of the Board in particular are keen to understand:

- the number of members who could potentially be affected;
- the estimated financial impact to the scheme of aligning deferred early retirement factors with those used for active members (or compensation to mitigate the effects of the differing early retirement factors); and
- whether any proposed solution would generate any unintended discriminatory consequences.

The Board has previously raised the issue of the discrepancy between the early retirement factors in the 2006 legacy scheme and 2015 scheme<sup>5</sup>; noting the anomaly within the 2006 scheme which means that members cannot retire early from active status, and therefore the early retirement factors are significantly higher than they would otherwise be (being based on a normal benefit age of 65).

The Board acknowledges that this not a direct function of the age discrimination remedy but rather the 2006 and 2015 scheme designs, so would welcome the opportunity to engage with the Home Office separately from the consultation on the prospective regulations.

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<sup>5</sup> [SAB response to the HMT consultation on changes to the transitional arrangements of the 2015 Public Service Pension Schemes](#) [Paragraph 22]

## Schedule

### Firefighters' Pension Scheme Purchasing additional benefits

The Firemen's Pension Scheme Order 1992		
Regulation	Details	Additional Information
Paragraph F4 (Previous service reckonable on payment)	A person who— (a) has retired from employment with a fire and rescue authority with no pension other than an ill-health pension the unsecured portion of which has been terminated as mentioned in rule K1(3), and (b) has again taken up employment as a regular firefighter with that or another fire and rescue authority, and (c) within 6 months of taking up that employment, or such longer period as his employing authority may allow, has undertaken to pay in accordance with paragraph 1 of Part I of Schedule 6 a sum calculated in accordance with paragraph 2 of that Part, is entitled to reckon as pensionable service the period he was entitled to reckon when he retired.	Schedule 6, Part 1 - <b>1</b> (1) Subject to sub-paragraphs (2) to (4), an amount which a person undertakes to pay in accordance with this paragraph shall be paid by such regular instalments as will secure that the whole of the amount has been paid within a period of 5 years and before he reaches normal pension age; the instalments are payable to the fire and rescue authority by whom he was employed when he gave the undertaking, who may deduct them from his pay. (2) The person may at any time discharge his liability in whole or part by paying to the fire and rescue authority the whole or, as the case may be, a part of the balance then outstanding. (3) If before he has paid the whole of the amount he— (a) retires and does not become entitled to an award other than one under <b>rule B6</b> (repayment of aggregate pension contributions), or (b) dies, any balance then outstanding shall be treated as having been paid. (4) If before he has paid the whole of the amount he retires and becomes entitled to an award other than one under <b>rule B6</b> , the fire and rescue authority may deduct the balance then outstanding from payments of any award payable to him.
F5 (Period during which	(1) A person who— (a)	Schedule 6, Part 1 - <b>1</b>

<p>injury pension was payable)</p>	<p>(i) on retiring from a brigade before 1st October 2004, or from employment with a fire and rescue authority before 1st April 2006, became entitled to an injury pension under rule B4 (as it existed before that date); or</p> <p>(ii) on retiring from employment with a fire and rescue authority on or after 1st April 2006, becomes entitled to an injury pension under the Compensation Scheme, and</p> <p>(b) resumed service as a regular firefighter in that or another brigade before 1st October 2004, or took up employment with a fire and rescue authority on or after that date, following an offer of employment under rule K1A(2)(b), and</p> <p>(c) within 6 months of his resuming service, or taking up that employment, or such longer period as the fire authority, or as the case may be, the fire and rescue authority, may allow, has undertaken to pay the required amount in accordance with paragraph 1 of Part I of Schedule 6, is entitled to reckon as pensionable service the period during which he was entitled to the injury pension ( “the pension period” ).</p> <p>(2) The required amount is the total of the pension contributions (excluding such additional and further contributions as were mentioned in articles 57 and 58 of the 1973 Scheme) that would have been payable by him for the pension period if he had continued to serve as a regular firefighter in the rank he held or, as the case may be, role he had immediately before the retirement.</p>	<p>(1) Subject to sub-paragraphs (2) to (4), an amount which a person undertakes to pay in accordance with this paragraph shall be paid by such regular instalments as will secure that the whole of the amount has been paid within a period of 5 years and before he reaches normal pension age; the instalments are payable to the fire and rescue authority by whom he was employed when he gave the undertaking, who may deduct them from his pay.</p> <p>(2) The person may at any time discharge his liability in whole or part by paying to the fire and rescue authority the whole or, as the case may be, a part of the balance then outstanding.</p> <p>(3) If before he has paid the whole of the amount he—</p> <p>(a) retires and does not become entitled to an award other than one under <b>rule B6</b> (repayment of aggregate pension contributions), or</p> <p>(b) dies,</p> <p style="padding-left: 40px;">any balance then outstanding shall be treated as having been paid.</p> <p>(4) If before he has paid the whole of the amount he retires and becomes entitled to an award other than one under <b>rule B6</b>, the fire and rescue authority may deduct the balance then outstanding from payments of any award payable to him.</p>
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<p>G2A (Optional pension contributions during maternity and adoption leave)</p>	<p>(1) A regular firefighter who—</p> <p>(a) is on maternity or adoption leave, which would not otherwise count as pensionable service under <b>rule F2A</b>; and</p> <p>(b) who, for the whole or part of the leave period, is not entitled to receive pay (including any statutory maternity or adoption pay under <b>the Social Security Contributions and Benefits Act 1992</b>), may elect to pay pension contributions in respect of that leave period.</p> <p>(2) The contributions shall be calculated by applying rule G2 to the pensionable pay (including any statutory maternity or adoption pay under <b>the Social Security Contributions and Benefits Act 1992</b>) received by him immediately before the start of the unpaid period in question...</p> <p>(3) An election must be made by giving notice in writing to the fire and rescue authority before the expiry of the period of 30 days (or such longer period as the authority may allow) beginning with—</p> <p>(a) the day on which he returns to work, or</p> <p>(b) if he does not return to work after the leave period, the day he ceases to be employed by the authority.</p>	
<p>G6 (Election to purchase increased benefits)</p>	<p>(1) Subject to paragraphs (2) to (4), an eligible person may, by giving written notice to the fire and rescue authority, elect to purchase a specified number of sixtieths of his average pensionable pay by paying to the fire and rescue authority—</p> <p>(a) a lump sum calculated in accordance with <b>paragraph 1 or 2 of Part I of Schedule 8</b>, or</p> <p>(b) periodical contributions calculated in accordance with <b>paragraph 3 or 4 of that Part</b>.</p> <p>(2) The number of sixtieths specified—</p>	

	<p>(a) must not be such that, if he continued to serve as a regular firefighter until his normal pension age, more than 40 sixtieths of his average pensionable pay would count in calculating his pension, and</p> <p>(b) need not be a whole number.</p> <p>(3) An election to pay a lump sum—</p> <p>(a) must be made within 12 months after the date on which he last became a regular firefighter, and</p> <p>(b) if the sum is not paid within 3 months after the date on which notice was given, shall be treated as not having been made.</p> <p>(4) An election to pay periodical contributions must be made at least 2 years before the person's normal pension age, but no such election may be made if the fire and rescue authority so resolve, unless the person has at their own expense undergone a medical examination and satisfied the authority as to his or her good health.</p> <p>(5) An election under this rule—</p> <p>(a) takes effect, subject to paragraph (3)(b), on the day on which the written notice is received by the fire and rescue authority, and</p> <p>(b) is irrevocable.</p>	
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**The Firefighters' Pension Scheme (England) Order 2006**

Regulation	Details	Additional Information
Part 11, Chapter 1, Para 4 (Optional pension contributions during maternity and adoption leave)	(1) A firefighter member who— (a) is on maternity or adoption leave, which would not otherwise count as pensionable service under <b>rule 2 of Part 10</b> or as special pensionable service under <b>rule 2A of Part 10</b> ; and (b) who, for the whole or part of the leave period, is not entitled to receive pay (including any statutory maternity or adoption pay under <b>the Social Security Contributions and Benefits Act 1992</b> ),	

	<p>may elect to pay pension contributions in respect of that leave period.</p> <p>(2) The contributions shall be calculated by applying <b>rule 3</b> to the pensionable pay (including any statutory maternity or adoption pay under <b>the Social Security Contributions and Benefits Act 1992</b>) received immediately before the start of the unpaid period in question.</p> <p>(3) Subject to paragraphs (6) and (7), an election must be made by giving written notice to the authority before the expiry of the period of 30 days (or such longer period as the authority may allow) beginning with—</p> <p>(a) the day on which he returns to work, or</p> <p>(b) if he does not return to work after the leave period, the day he ceases to be employed by the authority.</p>	
<p>Part 11, Chapter 2, Para 5 (Purchase of additional service)</p>	<p>(1) A person who satisfies the conditions specified in paragraph (2) may, in accordance with the following provisions of this Chapter, elect to purchase additional service for the purpose of securing increased benefits under this Scheme.</p> <p>(2) The conditions are that the person—</p> <p>(a) is a firefighter member of the Scheme,</p> <p>(b) is not a pension credit member, and</p> <p>(c) would be entitled to reckon less than 40 years' pensionable service at normal retirement age.</p> <p>(3) Additional service may be purchased as years or part of a year, but the aggregate of—</p> <p>(a) the period purchased,</p> <p>(b) the person's pensionable service up to the date of the purchase, and</p> <p>(c) his prospective service from that date to normal retirement age, must not exceed 40 years.</p>	

	<p>(4) Additional service may be purchased—</p> <p>(a) by payment of a lump sum calculated in accordance with tables provided by the Scheme Actuary; or</p> <p>(b) subject to paragraphs (5) and (6), by deduction from the person's pensionable pay of periodical contributions of such percentage of that pay as shall be determined by the Scheme Actuary.</p>	
<p>Para 8 (Discontinuance and resumption of periodical contributions)</p>	<p>(1) An authority may—</p> <p>(a) at the request of a firefighter member who has elected to purchase additional service by the payment of periodical contributions; and</p> <p>(b) solely on the grounds of his financial circumstances,</p> <p style="padding-left: 40px;">agree to discontinue the making of deductions from his pay by way of such contributions.</p> <p>(2) Where the firefighter member and the authority agree that deductions should be discontinued for a period not exceeding six months ( "<b>the discontinuance period</b>" ), the authority shall resume the making of deductions as soon as reasonably practicable after the end of that period or, at the request of the firefighter member, at such time before the end of that period as may be agreed.</p> <p>(3) Where the firefighter member and the authority agree that deductions should be discontinued for a period of six months or more, the member's election under <b>rule 6</b> shall be treated as cancelled with effect from the date of the agreement.</p>	<p>Power to discontinue for up to 6 months</p>
<p>Para 9 (Periodical contributions in respect of periods of unpaid service or absence)</p>	<p>(1) A firefighter member who—</p> <p>(a) has elected to purchase additional service in respect of a period of unpaid service or unpaid leave which falls within the period in respect of which contributions are payable in accordance with <b>rule 7(1)</b>, and</p>	



	<p>(b) complies with the requirements of paragraph (2), is entitled to require the authority to treat that period of unpaid service or unpaid leave as a period of pensionable service or special pensionable service.</p> <p>(2) The requirements of this paragraph are that the firefighter member must, not later than one month after the end of the period of unpaid service or leave (as the case may be), require the authority to deduct from his pay an amount equal to the aggregate of the contributions that would have been made in respect of that period if it had been a period of paid service.</p> <p>(3) In paragraphs (1) and (2) <b>“unpaid leave”</b> means adoption leave, additional adoption leave, additional maternity leave or ordinary maternity leave or other absence without pay (including absence while participating in a strike).</p> <p>(4) Contributions payable under paragraph (2) may be paid—</p> <ul style="list-style-type: none"><li>(a) during the unpaid leave period; or</li><li>(b) within six months of returning to duty after the end of that period; or</li><li>(c) within such longer period as the authority may allow.</li></ul>	
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