



Firefighters' Pension Schemes Discretionary Policies and Delegated Authority

Updated 24 January 2018

DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 1992

No	Discretion	Regulation	Notes	Adopted policy
1	Permission for a chief fire officer to retire and draw a pension before attaining age 55	B1(2)(b) as modified by (d)	This discretion will be exercised by the Fire Authority Does not apply to a chief fire officer appointed after 1 st July 2013	N/a – Chief Fire Officer was appointed after 1 st July 2013
2	Pensionable earnings - treatment of temporary pay or emoluments	B5C	This discretion will be exercised by the Chief Fire Officer The authority has the discretion to include or exclude temporary pay or emoluments from pensionable earnings. If temporary pay or emoluments are regarded as pensionable earnings then any pensionable benefit must be managed through Additional Pension Benefits	All temporary pay or emoluments, including temporary promotions, will be non pensionable.
3	Commutation of pension for lump sum.	B7	This discretion will be exercised by the Chief Fire Officer This discretion provides that the authority may, at its cost, allow retiring members who meet the criteria set out in Regulation B7 to commute up to 25% of the capital value of the pension rather than the usual maximum of 2.25 times the annual pension before commutation	Retiring members meeting the criteria set out in Regulation B7 will not be allowed to commute pension for lump sum beyond the maximum of 2.25 times the annual pension before commutation.
4	Commutation of small pension for lump	B8	This discretion will be exercised by the Council's	The option to allow a single lump sum

	sum		Section 151 Officer. This discretion allows the consideration of conversion of a small pension to a single lump sum payment and is governed by financial limits set by the Finance Act 2004.	to be provided as an alternative to a small pension will not be offered.
5	Acceptance of condition of normal life expectancy for allocation purposes	B9(6)	This discretion will be exercised by the Chief Fire Officer. Rule B9 allows a member of FPS to allocate (give up) part of their pension during their lifetime, when they first become eligible to retire, to provide, on their death, a pension for a spouse, civil partner or a dependant. This is a very old part of the FPS and has largely been replaced by better provision for spouse and civil partners, or dependants in the scheme. Rule B9(6) contains a requirement that the member has normal life expectancy and this discretion allows consideration of whether that is so	A firefighter wishing to allocate pension must provide such information and/or must submit themselves to such medical examination as the authority shall require in order that they may reasonably satisfy itself that the member is in good health and has a normal life expectancy
6	Discretion to increase, for such period as the fire and authority think fit, the level of spouse's or civil partner's award where firefighter and spouse or civil partner were living apart at the date of death and the normal level of benefit is reduced under FCS rules	C8 (6) and (7)	This discretion will be exercised by the Chief Fire Officer.	Where a firefighter and their spouse or civil partner were living apart at the date of the firefighter's death, and a reduced pension would ordinarily be paid to the spouse or civil partner, and the authority consider, having taken into consideration all of the circumstances of the case, that the pension should be paid at an increased rate, then the authority will increase the pension to the rate they deem appropriate and for such period as they think fit. In cases where a gratuity would have been paid but for the firefighter and their spouse or civil partner living apart, if the authority consider, having

				taken into consideration all of the circumstances of the case, that a gratuity should be paid then the authority will authorise the gratuity be paid, either in whole or in part as they think fit.
7	Discretion to reinstate all or part of a spouse's or civil partner's pension or gratuity for such period as the fire and rescue authority think fit following termination on marriage, remarriage, formation of a civil partnership or subsequent civil partnership	C9	This discretion will be exercised by the Council's Section 151 Officer. Discretion to allow reinstatement of all or part of a widow(er)'s pension which had ceased on remarriage of the widow(er). This provision comes into effect only should the widow(er)'s new spouse/civil partner die or the marriage or civil partnership be dissolved. Note:- SI2017/892 limits the circumstances under which a spouse's or civil partners pension or gratuity is terminated following remarriage or civil partnerships being entered into on or after 1 st April 2015	Where the widow(er)'s new spouse/civil partner dies then the pension will be reinstated from the day after the date of death. Where the marriage or civil partnership is dissolved then each case shall be decided upon its merits.
8	Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.	D5(5)	This discretion will be exercised by the Council's Section 151 Officer.	Where an eligible child is convicted of the manslaughter of the member, the scheme manager will decide, taking account of the circumstances of the case, as to whether or not to withhold the pension to which they would otherwise be entitled.
9	Decision to cease payment of a child's pension where the fire and rescue authority are satisfied that the child is no longer permanently disabled or the child's pension should not have been awarded	D5(9)	This discretion will be exercised by the Chief Fire Officer This discretion allows the Authority to deal with the review of a child's pension on change of circumstances	If and when the authority receives information that satisfies it that either a child is no longer permanently disabled or the child's pension should not have been awarded then payment of the pension will cease. A decision regarding whether or not to pursue repayment of pension paid when the

				child was not entitled to receive it will be based upon the circumstances of the case
10	Award of dependent relative's gratuity to a dependent relative	E3	This discretion will be exercised by the Chief Fire Officer A relative is defined as a person who is, or is a child of, a surviving spouse or civil partner, or a parent, grandparent or child of the deceased. A dependent relative is any relative who was substantially dependent upon the deceased immediately before the death and is not otherwise entitled to any award.	Each case will be considered upon its merits. A dependent relative's gratuity will be awarded only where the authority believes there are strong and compelling reasons for making the award.
11	Decision to commute for a lump sum, a spouse's or civil partner's pension which is of limited amount.	E5 subject to limitations in E7	This discretion will be exercised by the Council's Section 151 Officer.	The option to allow a single lump sum to be provided as an alternative to a small pension will not be offered.
12	Decision to commute for a lump sum, a child's pension.	E6 subject to limitations in E7	This discretion will be exercised by the Council's Section 151 Officer.	The option to allow a single lump sum to be provided as an alternative to a small pension will not be offered.
13	Decision to substitute a higher amount of child's flat rate award where neither of the child's parents is alive.	E9(6)	This discretion will be exercised by the Chief Fire Officer. This discretion allows for the substitution of a higher amount than the child's flat rate when neither of the child's parents are alive.	Each case will be considered upon its merits. A higher amount will be awarded only where the authority believes there are strong and compelling reasons.
14	Decision as to amount of pensionable service (to be set out in Certificate of Pensionable Service with notice of right of appeal).	F1	This discretion will be exercised by the Council's Section 151 Officer. This discretion allows a decision to be made on the amount of pensionable service and notification of appeal rights to the secretary of state.	A certificate of pensionable service will be issued where a member has previous reckonable service. A certificate of pensionable service is not issued where a member has no earlier reckonable service.
15	Extension of six month time limit for election to pay certain sums in order	F4 (3)(c), and Rule	This discretion will be exercised by the Council's Section 151 Officer.	The time limit in which an election to pay sums in order that earlier

	that earlier pensionable service may count on re-joining the fire and rescue service.	F5(1)(c)]	This discretion allows consideration of an extension of the time limit for an election to pay for previous service where a firefighter commences work with another fire authority after retiring without a pension.	pensionable service may count will only be extended where the authority concludes that the circumstances of the individual case are such that it is reasonable and equitable to agree an extension. The length of any extension will be the decision of the authority.
16	Discretion to accept a transfer value.	F7(1) subject to Rule F7(2) and (3)	This discretion will be exercised by the Council's Section 151 Officer In practice it is not possible to refuse a transfer from an organisation participating in the Public Sector Club	N/a – The 1992 scheme is now a closed scheme and is therefore now unable to accept transfers in.
17	Extension of 6 month time limit for a former firefighter to request payment of a transfer value to another pension scheme.	F9(2)	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager will extend the time limit in which a person can request a transfer payment of a transfer value beyond the normal 6 month time limit unless, having considered the circumstances of the case, they believe it is not reasonable to do so.
18	Extension of 12 month time limit after leaving in which a former firefighter must be subject to a new scheme and may request a transfer value after having previously received a gratuity or repayment of pension contributions.	F9(5)	This discretion will be exercised by the Council's Section 151 Officer This discretion allows consideration of the situation of a firefighter who has received a gratuity or a refund of contributions requesting a transfer value instead. The refund of contributions or gratuity must also be paid back.	The time limit in which a former firefighter may request a transfer value, having previously received a gratuity or repayment of pension contributions will only be extended beyond the 12 month time limit where the authority concludes that the circumstances of the individual case are such that it is reasonable and equitable to agree an extension. The length of any extension will be the decision of the authority.
19	Determination of pensionable pay	G1(1)	This discretion will be exercised by the Chief Fire Officer This discretion allows consideration of which	The pensionable pay of a regular firefighter will be determined in accordance with the provisions of

			elements of pay are pensionable.	Regulation G1 of the Firefighters' Pension Scheme 1992 Order. Continual professional development payments are treated as pensionable pay.
20	Discretion to deduct pension contributions from instalments of pay.	G2(2)	This discretion will be exercised by the Council's Section 151 Officer	Pension contributions due on an instalment of pay will be deducted from that instalment of pay.
21	Discretion to extend 30-day time limit in which an election to pay contributions in respect of unpaid additional maternity or adoption leave must be made.	G2A(3)	This discretion will be exercised by the Council's Section 151 Officer	The time limit in which an election to pay pension contributions in respect of unpaid additional maternity or adoption leave must be made will only be extended where the authority concludes that the circumstances of the individual case are such that it is reasonable and equitable to agree an extension. The length of any extension will be the decision of the authority.
22	Discretion not to accept a firefighter's election to purchase increased benefits through the payment of additional contributions unless the firefighter has undergone a medical examination at own expense and satisfied the fire and rescue authority as to his/her good health.	G6(4)	This discretion will be exercised by the Chief Fire Officer. This discretion allows the authority to require that a firefighter is in good health before accepting additional contributions	A firefighter wishing to purchase increased benefits through the payment of additional contributions must provide such information and/or must submit themselves to such medical examination as the authority shall require in order that they may reasonably satisfy itself that the member is in good health.
23	Discretion of fire and rescue authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is causing, or likely to cause, financial hardship.	G7(3)	This discretion will be exercised by the Council's Section 151 Officer. This discretion is to allow a firefighter to cease making additional contributions	A firefighter member's request to discontinue payment of additional contributions to purchase service will be agreed provided that the request is solely on the grounds of the member's financial circumstances.
24	Discretion to agree with person concerned that the independent qualified medical practitioner should be	H1A	This discretion will be exercised by the Chief Fire Officer	Where the authority receives new evidence within the applicable 28 day timescale set out in the regulation and

	given the opportunity to review his/her medical opinion if new evidence is presented within appropriate timescales.			the member concerned requests that the IQMP should review their opinion, the authority will agree to the IQMP being provided with the opportunity to reconsider their opinion.
25	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under age 60 and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.	K1(1) and (2)	This discretion will be exercised by the Chief Fire Officer. Requirement to review ill health pensions. Discretion relates to interval between reviews	Where a person is under age 60 and has been in receipt of an ill-health pension for less than 10 years, the authority will carry out a triennial review as to whether that person has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.
26	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under age 60 and in receipt of a deferred pension has become capable of firefighting and performing any other duties appropriate to his former role as a firefighter	K1(3)	This discretion will be exercised by the Chief Fire Officer Requirement to review deferred pensions paid early on permanent disablement. Discretion relates to interval between reviews	Where a person is under pension age is receiving early payment of a deferred pension on ill health grounds, the authority will carry out a triennial review as to whether that person has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.
27	Requirement to decide whether to offer a person, whose ill-health pension has been reviewed under Rule K1 and who is found to be capable of performing duties appropriate to	K1A(2)	This discretion will be exercised by the Chief Fire Officer.	A decision on whether or not to make an offer of employment will be made only where the authority has a vacancy for which, in their opinion, the person is an entirely suitable candidate

	his/her former role, an offer of employment in that role.			
28	The discretion to reduce the level of an ill-health pension to not less than half of the full amount where firefighter contributed to infirmity by own default.	K3(1)	This discretion will be exercised by the Chief Fire Officer	Each case will be considered upon its merits. An ill health pension will be reduced excepting where the authority believes there are strong and compelling reasons for not reducing the award. The authority will decide the amount of the reduction on a case by case basis and taking into account the specific circumstances.
29	Discretion to withdraw whole or part of a person's pension (other than a spouse's or civil partner's award under FPS) during any period of his/her re-employment as a regular firefighter with a fire and rescue authority.	K4	This discretion will be exercised by the Council's Section 151 Officer This discretion allows abatement of a firefighter pension where the employee has been re-employed as a regular firefighter	Where a member of the Firefighter's Pension Scheme has retired and is in receipt of a pension (other than a spouse's or civil partner's award under FPS) then during any subsequent period of re-employment as a regular firefighter their pension will be abated such that the combination of their new salary and their pension cannot exceed the value of their salary prior to retirement.
30	Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.	K5(1)	This discretion will be exercised by the Council's Section 151 Officer. This discretion only applies in the case of treason or a serious offence under the official secrets act.	Where a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager will withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as the scheme manager considers appropriate.
31	Discretion to restore, at any time and to such extent as the fire and rescue	K5(5)	This discretion will be exercised by the Council's Section 151 Officer.	Where a pension has been withheld following a conviction for a relevant

	authority think fit, a pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner.		This discretion allows consideration of the reinstatement of the pension withdrawn as a result of a decision in delegation 26	offence the scheme manager may, to such extent and for such duration as the scheme manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member
32	Determination of intervals at which instalments of pension shall be paid.	L3(1)	This discretion will be exercised by the Council's Section 151 Officer This discretion allows the arrangement of monthly payments of annual pension	Pensions and allowances will be paid monthly in advance. Payment will be made on the last banking day before the beginning of the month in question. One existing pensioner is paid annually in advance and their position is protected.
33	Discretion to delay payment of an award to the extent necessary for determining any question as to the fire and rescue authority's liability.	L3(1)	This discretion will be exercised by the Council's Section 151 Officer This discretion allows the fire authority to delay the payment of an award sum until they are satisfied as to the eligibility of an award	Where any question regarding the authority's liability to make a payment remains unresolved, then payment of the award will be delayed until the question is resolved
34	Discretion to decide an earlier payment date for survivors' benefits than the date prescribed where the deceased received a gratuity, and an option to pay a gratuity in instalments rather than as a single lump sum.	L3(7) and (8)	This discretion will be exercised by the Council's Section 151 Officer. This discretion allows consideration of earlier payment of survivor benefits which are normally paid one year after the date the member deceased. There is also the option to pay a smaller amount in regular instalments where this would be of advantage to the person entitled.	Each case will be considered upon its merits. An earlier payment will only be agreed where the authority believes there are strong and compelling reasons to justify it. The option to pay a gratuity in instalments, rather than as a single lump sum, will be decided on a case by case basis and taking into account the specific circumstances.
35	Discretion as to the recipient of any sum payable to a minor.	L5(1)	This discretion will be exercised by the Council's Section 151 Officer This discretion allows the payment of any sum due to a minor to any appropriate person.	Where a sum is payable to a minor, the pensions administrator will, where they think fit, pay the sum to such other person as the pensions administrator deem appropriate and subject to the other person agreeing

				and confirming that the sum will be applied for the minor's benefit
36	Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.	L5(2)	This discretion will be exercised by the Council's Section 151 Officer. This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed to be incapable of managing their affairs.	Where, in the scheme manager's opinion, a person is unable to manage their own affairs then they will decide, based on the circumstances of the individual case, who should receive payment of the person's benefits, having full regard for the fact that they must be applied for the benefit of the person.
37	Discretion, following death of a person, as to recipient(s) of sums less than amount specified in the Administration of Estates (Small Payments) Act 1965.	L5(3)	This discretion will be exercised by the Council's Section 151 Officer. This discretion deals with awards less than £5,000 and allows decision to be made of who should receive this amount.	Where, in the pensions administrator's opinion, the circumstances of a case are such that the production of probate or letters of administration are not required, this discretion will be exercised.
38	Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the fire and rescue authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment	L5(6)	This discretion will be exercised by the Council's Section 151 Officer This discretion allows the authority to reclaim sums lost as a result of fraud, theft or negligence on the part of that person in connection with their employment.	Where a member has caused a loss to the funds of the fire and rescue authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment, the authority will, to such extent and for such duration as the authority considers appropriate, withhold benefits payable to that person under the scheme. The value of benefits withheld will not exceed the current value of the loss of funds
39	Requirement to estimate amounts payable to, and out of, the Firefighters' Pension Fund for each financial year and discretion to submit revised information to Secretary of State.	LA4	This discretion will be exercised by the Council's Section 151 Officer	Where the estimated amounts payable to, and out of, the Firefighters' Pension Fund for a financial year are revised, the revised information will only be submitted to the Secretary of State where the authority believes the

				differences are material.
40	Discretion to deduct from an award any outstanding balance of payments in respect of previous service.	Schedule 6, Part 1, paragraph 1(4)	This discretion will be exercised by the Council's Section 151 Officer This discretion relates to where a member has elected to pay additional sums in respect of previous pension service and then retires before completing the payments. The scheme provides that they will receive a pension as if they have completed the payments. This discretion allows the recovery of the payments not made	Where a member has elected to pay additional sums in respect of previous pension service and retires before completing the payments, then the balance of the outstanding payments will be deducted from the benefits awarded
41	Discretion to decide the fire and rescue authority's representation at Medical Appeal Board interview.	Schedule 9, Part 1, para 4(5)	This discretion will be exercised by the Chief Fire Officer	The scheme manager will decide which persons will attend the interview as its representatives.
42	Discretion to decide whether or not to submit written evidence or a written statement to a Medical Appeal Board.	Schedule 9, Part 1, paragraph 5	This discretion will be exercised by the Chief Fire Officer	The scheme manager will decide whether or not to submit written evidence or a written statement , and will decide a response to any written evidence or written statement from the appellant.
43	Discretion, where Medical Appeal Board decide that a person's appeal was "frivolous, vexatious or manifestly ill-founded" to require the appellant to pay to the fire and rescue authority such sum as the authority think fit, not exceeding the fees and allowances of the specialist member of the Board.	Schedule 9, Part I, paragraph 8(2)	This discretion will be exercised by the Chief Fire Officer	Where the medical appeal board decides that a person's appeal was frivolous, vexatious or manifestly ill - founded, the scheme manager will require the appellant to pay to the scheme manager such sum, not exceeding the fees and allowances payable to the specialist member of the board, as the scheme manager considers appropriate
44	Discretion, where appellant withdraws appeal within 21 working days before the date appointed for interview or medical examination, to require the	Schedule 9, Part I, paragraph 8(2A)	This discretion will be exercised by the Chief Fire Officer	Where the appellant withdraws a medical appeal within 21 working days before the date appointed, the scheme manager will require the

appellant to pay to the fire and rescue authority such sum as the authority think fit not exceeding the Medical Appeal Board's total fees and allowances payable to the Board by the authority.			member to pay the fire and rescue authority such sum, not exceeding the total amount of the fees and allowances payable to the board , as the scheme manager considers appropriate.
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DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 2006

No	Discretion	Regulation	Notes	Adopted policy
45	Decision, by agreement between the Authority and the firefighter, as to last day of membership where firefighter on unpaid leave or absent without permission on the day on which he/she leaves the Scheme.	Part2 Rule 4	This discretion will be exercised by the Chief Fire Officer	Where a firefighter is on unpaid leave or absent without permission on the day on which he/she leaves the Scheme, their last day of membership will be the date which they have agreed with the Authority
46	Resolution that an optant-out may not re-join the Scheme unless he/she has undergone a medical examination at his/her own expense and satisfied the fire and rescue authority as to his/her good health.	Part 2 Rule 6	This discretion will be exercised by the Chief Fire Officer. This allows the consideration of whether to require a medical examination before allowing a firefighter that has opted out of the pension scheme before allowing them to re-join the scheme.	An optant-out may not re-join the Scheme unless he/she has undergone a medical examination at his/her own expense and satisfied the fire and rescue authority as to his/her good health.
47	Discretion to refuse a firefighter's request for early payment of a deferred pension ("member-initiated early retirement") where this is likely to be less than the GMP at State pensionable age.	Part 3 Rule 5	This discretion will be exercised by the Council's Section 151 Officer	Where a firefighter requests early payment of a deferred pension and the rate of pension payable will be less than the guaranteed minimum pension payable from State Pension Age, the request will not be allowed.
48	Discretion to retire a firefighter aged 55 or over on grounds of economical, effective and efficient management of their functions ("authority-initiated early retirement").	Part 3, Rule 6	This discretion will be exercised by the Chief Fire Officer. This discretion allows the early payment of a pension to a firefighter aged 55 or over where the retirement is in the interests of	Where an active member aged 55 of over is ceasing their employment as part of an authority initiated scheme, that member will only be regarded as having been retired where the scheme

			the management of the service.	manager concludes that the member is leaving to facilitate the economical, effective and efficient management of the authority's functions and that either there will be no resulting cost to the authority or the cost to the authority of exercising this discretion is outweighed by other considerations.
49	Pensionable earnings - treatment of temporary pay or emoluments	Part 3 Rule 7B	This discretion will be exercised by the Chief Fire Officer The authority has the discretion to include or exclude temporary pay or emoluments from pensionable earnings. If temporary pay or emoluments are regarded as pensionable earnings then any pensionable benefit must be managed through Additional Pension Benefits	All temporary pay or emoluments, including temporary promotions, will be non pensionable.
50	Discretion to commute a small pension payable to firefighter.	Part 3, Rule 10	This discretion will be exercised by the Council's Section 151 Officer.	The option to allow a single lump sum to be provided as an alternative to a small pension will not be offered.
51	Discretion to permit a firefighter to allocate a portion of pension for a dependant other than a spouse, civil partner, or nominated partner.	Part 3, Rule 11, paragraphs 2(b) and 3	This discretion will be exercised by the Chief Fire Officer. This discretion allows consideration of a firefighter allocating a portion of pension for a dependant other than a spouse, civil partner or nominated partner.	Allocation of a portion of pension for a dependant other than a spouse, civil partner, or nominated partner will be permitted except where the authority is not satisfied that the person is substantially dependent upon the member
52	Acceptance of good health and normal life expectancy for allocation purposes.	Part 3, Rule 11, paragraph 6(a)	This discretion will be exercised by the Chief Fire Officer. A firefighter may allocate at retirement part of their pension during their lifetime to provide, on their death, a pension for a spouse, civil partner or a dependant. There is, however, a requirement that the member	A firefighter wishing to allocate pension must provide such information and/or must submit themselves to such medical examination as the authority shall require in order that they may reasonably satisfy itself that the

			is in good health and has normal life expectancy and this discretion allows consideration of whether this is so.	member is in good health and has a normal life expectancy
53	Discretion to withhold all or part of a survivor's pension, permanently or temporarily, where the deceased's spouse, civil partner, or nominated partner is convicted of manslaughter of the deceased.	Part 4, Rule 1, paragraph 3	This discretion will be exercised by the Council's Section 151 Officer	Where a surviving partner is convicted of the manslaughter of the member, the scheme manager will decide, taking account of the circumstances of the case, as to whether or not to withhold the pension to which they would otherwise be entitled.
54	Discretion to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased.	Part 4, Rule 7, paragraph 5	This discretion will be exercised by the Council's Section 151 Officer	Where an eligible child is convicted of the manslaughter of the member, the scheme manager will decide, taking account of the circumstances of the case, as to whether or not to withhold the pension to which they would otherwise be entitled.
55	Decision to cease payment of a child's pension where the fire and rescue authority are satisfied that the child is no longer permanently disabled or the child's pension should not have been awarded.	Part 4, Rule 7, paragraph 9	This discretion will be exercised by the Chief Fire Officer This discretion allows the Authority to deal with the review of a child's pension on change of circumstances	If and when the authority receives information that satisfies it that either a child is no longer permanently disabled or the child's pension should not have been awarded then payment of the pension will cease. A decision regarding whether or not to pursue repayment of pension paid when the child was not entitled to receive it will be based upon the circumstances of the case
56	Discretion as to recipient of death grant.	Part 5, Rule 1, paragraph 10	This discretion will be exercised by the Council's Section 151 officer This discretion allows the Authority to decide who should receive a death grant.	The Authority shall exercise absolute discretion in determining the recipient(s) of any death grant payable, though due regard shall be paid to any written statement made by the deceased containing their wishes.
57	Discretion to pay part of any death	Part 5, Rule 1,	This discretion will be exercised by the	Where, on the basis of a conviction for

	grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed.	paragraph 12	Council's Section 151 Officer	the murder or manslaughter of the member, a lump sum death benefit has been withheld from a person, and the conviction is subsequently quashed on appeal, the scheme manager will, where the scheme manager thinks fit, pay to the person the amount of death grant withheld.
58	Discretion, with the agreement of the pension credit member, to commute whole of pension credit pension.	Part 6, Rule 2	This discretion will be exercised by the Council's Section 151 Officer.	The option to allow a single lump sum to be provided as an alternative to a small pension will not be offered.
59	Discretion to pay a post-retirement death grant in respect of a pension credit member to such person or persons as the fire and rescue authority think fit.	Part 6, Rule 5, paragraph 2	This discretion will be exercised by the Council's Section 151 Officer. This discretion allows the consideration of who to pay a post retirement death grant	The Authority shall exercise absolute discretion in determining the recipient(s) of any death grant payable, though due regard shall be paid to any written statement made by the deceased containing their wishes.
60	Right to select independent qualified medical practitioner (IQMP) for providing a medical opinion.	Part 8, Rule 2, paragraph 2.	This discretion will be exercised by the Chief Fire Officer The NFPS requires that an IQMP is used to provide a medical opinion. This discretion allows the authority to select and appoint such a person	The Authority will select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion.
61	Discretion to determine award without an independent qualified medical practitioner's opinion if the firefighter wilfully or negligently fails to submit him or herself to medical examination and the medical practitioner is unable to give an opinion on the basis of medical evidence available to him/her.	Part 8, Rule 2, paragraph 6	This discretion will be exercised by the Chief Fire Officer. This discretion allows the authority to make decisions in the absence of an IQMP opinion if the firefighter wilfully or negligently fails to submit him or herself to a medical examination.	Where a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the Authority will make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence.
62	Discretion to agree with person concerned that the independent	Part 8, Rule 3, paragraph 1	This discretion will be exercised by the Chief Fire Officer.	Where the authority receives new evidence within the applicable 28 day

	qualified medical practitioner should be given the opportunity to review his/her medical opinion if new evidence is presented within appropriate timescales.		This discretion allows the opportunity for an IQMP to review a decision where new medical evidence is presented	timescale set out in the regulation and the member concerned requests that the IQMP should review their opinion, the authority will agree to the IQMP being provided with the opportunity to reconsider their opinion.
63	Discretion to extend time limit for an appeal against the authority's decision based on medical advice.	Part 8, Rule 4, paragraph 4	This discretion will be exercised by the Chief Fire Officer This discretion allows the authority to consider exceptions to the 28 day time limit for a firefighter to submit an appeal.	Where an appeal is not made within 28 days of the date upon which the member receives the documents relating to the authority's decision and the authority is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager will extend the time limit for such period as the authority considers appropriate, not exceeding six months from the date the documents relating to the authority's decision was supplied.
64	Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under State pensionable age and in receipt of an ill-health pension for less than 10 years has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.	Part 9, Rule 1, paragraph 1	This discretion will be exercised by the Chief Fire Officer. Discretion relates to interval between reviews	Where a person is under State pensionable age and has been in receipt of an ill-health pension for less than 10 years, the authority will carry out a triennial review as to whether that person has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.
65	Requirement to decide whether to make to a person whose ill-health	Part 9, Rule 3, paragraph	This discretion will be exercised by the Chief Fire Officer	A decision on whether or not to make an offer of employment will be made

	pension has been reviewed under Part 9 Rule 1 and who is found to be capable of performing duties appropriate to his/her former role, an offer of employment in that role	2(b).		only where the authority has a vacancy for which, in their opinion, the person is an entirely suitable candidate.
66	Discretion to withdraw the whole or part of a Part 3 (personal award) pension paid to a former regular firefighter during any period of reemployment as a regular firefighter, or to a retained or volunteer firefighter during any period of re-employment as a retained or volunteer firefighter.	Part 9, Rule 3, paragraphs 1 and 2.	This discretion will be exercised by the Council's Section 151 Officer. This discretion allows consideration of withdrawing a firefighter pension in payment if the person is re-employed as a regular firefighter	Where a member of the Firefighter's Pension Scheme has retired and is in receipt of a pension (other than a spouse's or civil partner's award under FPS) then during any subsequent period of re-employment as a retained or volunteer firefighter their pension will be abated such that the combination of their new salary and their pension cannot exceed the value of their salary prior to retirement.
67	Discretion to abate a pension under Part 3 (personal award) for so long as the recipient is employed in any capacity by any fire and rescue authority.	Part 9, Rule 3, paragraph 3	This discretion will be exercised by the Council's Section 151 Officer. This discretion allows consideration of withdrawing a firefighter pension in payment if the person is re-employed in any capacity by any fire and rescue authority.	Where a member of the Firefighter's Pension Scheme has retired and is in receipt of a pension (other than a spouse's or civil partner's award under FPS) then during any subsequent period of re-employment as a retained or volunteer firefighter their pension will be abated such that the combination of their new salary and their pension cannot exceed the value of their salary prior to retirement.
68	Discretion to disallow early payment of a deferred pension under Part 3, Rule 3, paragraph 4 because of firefighter's dismissal from the fire and rescue authority's employment.	Part 9, Rule 4	This discretion will be exercised by the Chief Fire Officer Part 3 Rule 3 paragraph 4 contains the power to pay a deferred pension early where a person is permanently disabled. This discretion allows consideration of not making such a payment where the firefighter was dismissed	A person who, on dismissal from the authority's employment, becomes entitled to a deferred pension will not be entitled to early payment of that deferred pension before reaching the age of 65 unless the authority concludes there are exceptional circumstances that justify early

				payment.
69	Discretion, at any time and to such extent as the fire and rescue authority think fit, to restore a pension withdrawn under Part 9, Rule 5 [Withdrawal of pension on conviction of certain offences], or to apply it for the benefit of any dependant of the pensioner.	Part 9, Rule 5, paragraph 4	This discretion will be exercised by the Council's Section 151 Officer. The offences referred to in Part 9 Rule 5 are:- <ul style="list-style-type: none"> (a) An offence of treason (b) One of more offences under the Official Secrets Acts 1911 to 1989 for which the pensioner has been sentenced, on the same occasion, to a term of imprisonment of at least 10 years or two or more consecutive terms amounting in aggregate to at least 10 years (c) An offence, committed in connection with his employment by an authority, which is certified by the Secretary of State ((i) as gravely injurious to the interests of the State or (ii) as likely to lead to serious loss of confidence in the public service 	Where a pension has been withheld following a conviction for a relevant offence the scheme manager may, to such extent and for such duration as the scheme manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member
70	Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for purposes of obtaining awards or other sums).	Part 9, Rule 6	This discretion will be exercised by the Council's Section 151 Officer. Section 34(6) of the Fire and Rescue Services Act 2004 states that A person commits an offence if he does an act or makes an omission as a result of which he is injured or becomes ill, for the purpose of obtaining, for himself or another person— (a) an award under a scheme brought into operation under this section, or (b) a sum in respect of the repayment or application of contributions made under such a scheme.	A person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 will forfeit the whole or part (as appropriate) of an award or sum unless the authority concludes there are exceptional circumstances that justify not applying the forfeit
71	Discretion to extend the time limit in which an election to pay pension	Part 11, Rule 4, paragraph 3	This discretion will be exercised by the Council's Section 151 Officer	The time limit in which an election to pay pension contributions in respect of

	contributions in respect of unpaid additional maternity or adoption leave must be made.			unpaid additional maternity or adoption leave must be made will only be extended where the authority concludes that the circumstances of the individual case are such that it is reasonable and equitable to agree an extension. The length of any extension will be the decision of the authority.
72	Discretion to deduct contributions in respect of unpaid additional maternity or adoption leave from the death grant payable under Part 5 if the member dies without giving notice within the election time limit that he/she wishes to pay such contributions.	Part 11, Rule 4, paragraph 6	This discretion will be exercised by the Council's Section 151 Officer	Contributions in respect of unpaid additional maternity or adoption leave will be deducted from the death grant payable unless the person who will receive the death grant expressly requests that this should not happen and the contributions have been separately paid to the authority prior to the payment of the death grant.
73	Discretion to allow a part-time regular firefighter to purchase pro-rata'd additional service.	Part 11, Rule 5, paragraph 5	This discretion will be exercised by the Council's Section 151 Officer	A part-time regular firefighter will be allowed to purchase pro-rata'd additional service.
74	Discretion to agree to a firefighter member's request to discontinue payment of additional contributions to purchase service provided this is solely on the grounds of the member's financial circumstances.	Part 11, Rule 8, paragraph 1	This discretion will be exercised by the Council's Section 151 Officer This discretion is to allow a firefighter to cease making additional contributions	A firefighter member's request to discontinue payment of additional contributions to purchase service will be agreed provided that the request is solely on the grounds of the member's financial circumstances.
75	Discretion as regards timing of recommencement of payment of additional contributions to purchase service	Part 11, Rule 8, paragraph 2	This discretion will be exercised by the Council's Section 151 Officer The date upon which additional contributions to purchase service will recommence will normally be at the end of the 6 month period.	Where the member wishes to recommence before the end of the 6 month period then the date will be that which is agreed between the member and the authority
76	Discretion to extend time limit for the payment of contributions in respect of	Part 11, Rule 9, paragraph	This discretion will be exercised by the Council's Section 151 Officer	Where a member requests that contributions in respect of a period of

	periods of unpaid service or absence.	4(c)	Contributions in respect of periods of unpaid service or absence will normally be paid within 6 months of returning to duty at the end of that period.	unpaid service or absence be paid for a period exceeding 6 months of returning to duty, this will only be agreed if the authority concludes there are exceptional reasons that justify an extension. The length of any extension will be the decision of the authority.
77	Selection of "the guarantee date" for statement of cash equivalent transfer value entitlement.	Part 12, Rule 3, paragraphs 1 and 2	This discretion will be exercised by the Council's Section 151 Officer This discretion allows the determination of a guarantee date for the calculation of a transfer value from the New Firefighter Pension Scheme.	The authority will specify within a statement of entitlement the 'guarantee date' date by reference to which the cash equivalent or club transfer is calculated. The authority will, if they believe it reasonable, extend this date to a date within six months of the date of the member's application where, for reasons beyond the authority's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period .
78	Discretion to charge member for third or subsequent statement of cash equivalent transfer value entitlement requested within any 12 month period.	Part 12, Rule 3, paragraph 6	This discretion will be exercised by the Council's Section 151 Officer This discretion refers to transfer values coming into the New Fire Pension Scheme	Members will be charged for a third or subsequent statement of cash equivalent transfer value entitlement requested within any 12 month period excepting where all of the statements of cash equivalent transfer value entitlement are in respect of rights with different pension schemes .
79	Discretion to extend the one-year time limit for an application for a transfer payment into the NFPS from another pension arrangement.	Part 12, Rule 9, paragraph 2	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager will only extend the time limit in which a person can request a transfer payment from a non-occupational pension scheme beyond one year where, having considered the

				circumstances of the case, they believe it is reasonable and equitable to do so.
80	Discretion to accept a transfer value.	Part 12, Rule 10, paragraph 1, subject to paragraph 3	This discretion will be exercised by the Council's Section 151 Officer	Subject only to all legislative requirements being met and there being no actuarial advice cautioning against the acceptance, then transfer values in respect of a current member shall be accepted.
81	Requirement to estimate amounts payable to, and out of, the Firefighters' Pension Fund for each financial year and discretion to submit revised information to Secretary of State.	Part 13, Rule 4, paragraphs 3 and 4	This discretion will be exercised by the Council's Section 151 Officer	Where the estimated amounts payable to, and out of, the Firefighters' Pension Fund for a financial year are revised, the revised information will only be submitted to the Secretary of State where the authority believes the differences are material.
82	Discretion to delay payment of an award to the extent necessary for determining any question as to the fire and rescue authority's liability.	Part 14, Rule 3, paragraph 2(a)	This discretion will be exercised by the Council's Section 151 Officer, This discretion allows the fire authority to delay payment until they have satisfied themselves as to the eligibility to that payment	Where any question regarding the authority's liability to make a payment remains unresolved, then payment of the award will be delayed until the question is resolved
83	Discretion to pay an award at other reasonable intervals if impracticable to pay at the standard monthly periods.	Part 14, Rule 3, paragraph 2(b)	This discretion will be exercised by the Council's Section 151 Officer	Where the authority concludes that, by reason of the amount of the award, its payment monthly in arrears would be impractical, then the authority will make payments at such reasonable intervals as it thinks fit.
84	Discretion to recover all or part of an overpayment following a pensioner's death of which the fire and rescue authority were not informed (including by making an off-set against any other awards payable under the NFPS in respect of the deceased)	Part 14, Rule 3, paragraph 5	This discretion will be exercised by the Council's Section 151 Officer	Where the authority are not informed promptly of the death of a pensioner and a pension to which that pensioner was entitled has continued in payment, the authority will recover all or part of the overpayment, as they think fit, and by set off against any

				other award payable in respect of the deceased.
85	Discretion as to recipient of any sum payable to a minor.	Part 14, Rule 5, paragraph 1	This discretion will be exercised by the Council's Section 151 Officer This discretion allows the payment of sums due to a minor to an appropriate person	Where a sum is payable to a minor, the pensions administrator will, where they think fit, pay the sum to such other person as the pensions administrator deem appropriate and subject to the other person agreeing and confirming that the sum will be applied for the minor's benefit
86	Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs	Part 14, Rule 5, paragraph 2	This discretion will be exercised by the Council's Section 151 Officer. This discretion allows the consideration of payment of an award to an appropriate person where the recipient is deemed incapable of managing their affairs.	Where, in the scheme manager's opinion, a person is unable to manage their own affairs then they will decide, based on the circumstances of the individual case, who should receive payment of the person's benefits, having full regard for the fact that they must be applied for the benefit of the person.
87	Discretion, following the death of a person, as to recipient(s) of sums less than the amount specified in the Administration of Estates (Small Payments) Act 1965.	Part 14, Rule 6, paragraph 1	This discretion will be exercised by the Council's Section 151 Officer. This discretion deals with awards less than £5,000 and allows decisions to be made of who should receive this amount.	Where, in the pensions administrator's opinion, the circumstances of a case are such that the production of probate or letters of administration are not required, this discretion will be exercised.
88	Discretion to withhold sums due in respect of an award to a firefighter where there has been a loss to the funds of the fire and rescue authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment.	Part 14, Rule 6, paragraphs 4 to 6	This discretion will be exercised by the Council's Section 151 Officer This discretion allows the authority to reclaim sums lost as a result of fraud, theft or negligence on the part of that person in connection with their employment.	Where a member has caused a loss to the funds of the fire and rescue authority as a result of fraud, theft or negligence on the part of that person in connection with his/her employment, the authority will, to such extent and for such duration as the authority considers appropriate, withhold benefits payable to that person under the scheme. The value of

				benefits withheld will not exceed the current value of the loss of funds
89	Discretion to require a person who is or may be entitled to a pension or a lump sum under the NFPS to provide the fire and rescue authority with supporting evidence as to identity and to continuing entitlement to any payment under the Scheme, and discretion to withhold the whole or part of any amount due where a person fails to comply with this requirement.	Part 15, Rule 3	This discretion will be exercised by the Council's Section 151 Officer. This discretion gives the authority the ability to require confirmation of identity when making an award.	The authority may, by written notice, require any person who is in receipt of a pension or may have an entitlement to a pension or lump sum to provide the authority with such supporting evidence as the authority deems it reasonably requires to establish the identity of the person and/or their continuing or future entitlement to the payment of the pension or lump sum. Where a person fails to comply with the requirement, the authority will withhold the whole or part of any amount of any payment otherwise due
90	Decision as to date of issue of annual benefit statements and relevant date for the pension illustration.	Part 15, Rule 4	This discretion will be exercised by the Council's Section 151 Officer	The date of issue of annual benefit statements and relevant date for the pension illustration will comply with overriding legislative requirements. Within this constraint, the dates chosen will be the earliest conducive with maximum operational efficiency.
91	Discretion to extend 28 day time limit in which a person must lodge a medical appeal to a period not exceeding 6 months from the date of issue of the documents under Part 8, Rule 4, paragraph 4, provided the authority are of the opinion that the person's failure to lodge the appeal within the 28 days was not due to his/her own default.	Annex 2, paragraph 1(2)	This discretion will be exercised by the Chief Fire Officer	Where an appeal is not made within 28 days of the date upon which the member receives the medical opinion and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager will extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months

				from the date medical opinion documents were issued.
92	Discretion to decide fire and rescue authority's representative at Medical Appeal Board interview.	Annex 2, paragraph 6(5)	This discretion will be exercised by the Chief Fire Officer	The scheme manager will decide which persons will attend the interview as its representatives.
93	Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.	Annex 2, paragraph 7(1)	This discretion will be exercised by the Chief Fire Officer	The scheme manager will decide whether or not to submit written evidence or a written statement , and will decide a response to any written evidence or written statement from the appellant.
94	Discretion, where Medical Appeal Board decide that a person's appeal was "frivolous, vexatious or manifestly ill-founded", to require the appellant to pay to the fire and rescue authority such sum as the authority think fit, not exceeding the total amount of fees and allowances payable by the authority to the Board under Annex 2, paragraph 9(1).	Annex 2 paragraph 10(2)	This discretion will be exercised by the Chief Fire Officer	Where the medical appeal board decides that a person's appeal was frivolous, vexatious or manifestly ill - founded, the scheme manager will require the appellant to pay to the fire and rescue authority such sum, not exceeding the fees and allowances payable to the board, as the scheme manager considers appropriate
95	Discretion, where appellant withdraws appeal less than 22 working days before the date appointed for interview or medical examination, to require the appellant to pay to the fire and rescue authority such sum as they think fit, not exceeding the Medical Appeal Board's total amount of fees and allowances payable to the Board by the authority	Annex 2, paragraph 10(3)	This discretion will be exercised by the Chief Fire Officer	Where the appellant withdraws a medical appeal less than 22 working days before the date appointed, the scheme manager will require the member to pay the authority such sum, not exceeding the total amount of the fees and allowances payable to the board, as the scheme manager considers appropriate.

DISCRETIONS UNDER THE FIREFIGHTERS' COMPENSATION SCHEME 2006

No	Discretion	Regulation	Notes	Adopted policy
96	Discretion to reduce compensation for death or permanent incapacity while on duty if the firefighter's serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which the injury was sustained; the reduction may be of such amount as the fire and rescue authority consider appropriate	Part 2, Rule 3, paragraph 6	This discretion will be exercised by the Chief Fire Officer. This discretion allows consideration of the reduction of compensation where serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which the injury was sustained.	Where the firefighter's serious and culpable negligence or misconduct contributed in any material respect to the circumstances in which their qualifying injury was sustained, the authority will reduce the amount due by such amount as they consider, having regard to all the circumstances of the case, is appropriate.
97	Discretion to commute small compensatory pension for a lump sum.	Part 2, Rule 4	This discretion will be exercised by the Council's Section 151 Officer	Where a member's pension entitlement does not exceed the small pension commutation maximum and the recipient requests that their entitlement be paid as a lump sum, then this request will be actioned, subject to compliance with the applicable commutation provisions
98	Discretion whether to pay augmented award to spouse or civil partner where specific conditions of eligibility are not met.	Part 3, Rule 2, paragraph 2 (b) and (c)	This discretion will be exercised by the Chief Fire Officer. This discretion allows some flexibility on whether to pay an award if it would be considered inequitable to do so.	An augmented award to a spouse or civil partner will be awarded notwithstanding that the specific eligibility conditions for such an award are not met, if the authority are of the opinion that the deceased member received their injuries in circumstances where it would be inequitable not to make an augmented award.
99	Discretion to increase, for such period as the fire and authority think fit, the level of spouse's or civil partner's	Part 3, Rule 4, paragraphs 6 and 7	This discretion will be exercised by the Chief Fire Officer. This discretion allows consideration of	Where a firefighter and their spouse or civil partner were living apart at the date of the firefighter's death,

	special or augmented award where firefighter and spouse or civil partner were living apart at the date of death and the normal level of benefit is reduced under FCS rules		<p>payment of such an award. This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6.4.2006 who have opted out of the NFPS – because the "living apart" limitation would not apply. No payment would normally be due for all other firefighters.</p>	<p>and a reduced pension would ordinarily be paid to the spouse or civil partner, and the authority consider, having taken into consideration all of the circumstances of the case, that the pension should be paid at an increased rate, then the authority will increase the pension to the rate they deem appropriate and for such period as they think fit.</p> <p>In cases where a gratuity would have been paid but for the firefighter and their spouse or civil partner living apart, if the authority consider, having taken into consideration all of the circumstances of the case, that a gratuity should be paid then the authority will authorise the gratuity be paid, either in whole or in part as they think fit.</p>
100	Discretion to reinstate all or part of a spouse's or civil partner's special or augmented award for such period as the authority think fit following the termination of award on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.	Part 3, Rule 5, paragraphs 1 and 2	<p>This discretion will be exercised by the Chief Fire Officer</p> <p>This discretion allows consideration of payment of such an award.</p> <p>Notes:-</p> <p>(a) This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6.4.2006 who have opted out of the NFPS – because the post-retirement marriage/civil partnership limitation would not apply. No payment would normally be due for all other firefighters.</p> <p>(b) SI2017/892 limits the circumstances under which a spouse's or civil partners pension or</p>	Where the widow(er) or civil partner's new spouse/civil partner dies then the special or augmented award will be reinstated from the day after the date of death. Where the marriage or civil partnership is dissolved then each case shall be decided upon its merits.

			gratuity is terminated following remarriage or civil partnerships being entered into on or after 1 st April 2015	
101	Decision to continue to pay a child's pension where the fire and rescue authority are satisfied that the child, having attained the age of 17 is no longer permanently disabled or to disregard an interruption in full time education or vocational training after the child has attained age 19.	Part 4, Rule 3, paragraph 4(c) and 5(b)	This discretion will be exercised by the Chief Fire Officer	<p>If the authority receives information that satisfies it that, at attaining age 17, a child is no longer permanently disabled then payment of the pension will cease. A decision regarding whether or not to pursue repayment of pension paid when the child was not entitled to receive it will be based upon the circumstances of the case</p> <p>Education or training shall be treated as continuous for the purpose of determining eligibility to receive a child's pension where the authority was advised, at the time the interruption began, that the child intended to return to education or training following the break. In cases where there is uncertainty about whether or not the child intended to return to education or training following the break, each case shall be decided upon its merits</p>
102	Discretion to award an adult dependent relative's special pension for such period(s) as the fire and rescue authority may determine.	Part 5, Rule 1	This discretion will be exercised by the Chief Fire Officer	Each case will be considered upon its merits. An adult dependent relative's special pension will be awarded only where the authority conclude that there are strong and compelling reasons for making the award. The special pension will remain payable for so long as the authority considers appropriate

103	Discretion to award a dependent relative's gratuity	Part 5, Rule 2, paragraph 3	This discretion will be exercised by the Chief Fire Officer	Each case will be considered upon its merits. A dependent relative's gratuity will be awarded only where the authority concludes there are strong and compelling reasons for making the award.
104	Discretion, with the consent of the person entitled to the award, to commute for a lump sum a small pension awarded to a surviving spouse or civil partner.	Part 5, Rule 3	This discretion will be exercised by the Council's Section 151 Officer.	The option to allow a single lump sum to be provided as an alternative to a small pension will not be offered.
105	Discretion, with the consent of the child, surviving parent or guardian, to commute for a lump sum a small pension awarded to a child.	Part 5, Rule 4	This discretion will be exercised by the Council's Section 151 Officer.	The option to allow a single lump sum to be provided as an alternative to a small pension will not be offered.
106	Discretion to select independent qualified medical practitioner for providing a medical opinion.	Part 6, Rule 1	This discretion will be exercised by the Chief Fire Officer This discretion relates to the provision to obtain medical evidence so injury compensation can be determined.	The authority will select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters which may only be decided by having regard to such an opinion
107	Discretion to decide award without an independent qualified medical practitioner's opinion if a person wilfully or negligently refuses to submit to medical examination.	Part 6, Rule 1 paragraph 4	This discretion will be exercised by the Chief Fire Officer	Where a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the authority will make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence.
108	Discretion to increase an award for a serviceman who, at the end of his/her forces period, is permanently disabled by a qualifying injury or injury received	Part 7, Rule 2	This discretion will be exercised by the Chief Fire Officer A serviceman is defined as a person who immediately before undertaking relevant	Where a serviceman becomes incapacitated as a result of a qualifying injury or an injury received during his period of service with the

	during his/her forces period.		service in the armed forces was a regular firefighter This discretion allows the consideration of increasing the award for a serviceman injured during his/her forces period.	armed forces then an increased award will be agreed only where the authority believes there are strong and compelling reasons to justify it.
109	Discretion to increase dependents' benefits under the FPS 1992 to the level of a flat-rate award if a serviceman dies from the effects of an injury received during his/her forces period or a qualifying injury	Part 7, Rule 3	This discretion will be exercised by the Chief Fire Officer A serviceman is defined as a person who immediately before undertaking relevant service in the armed forces was a regular firefighter This discretion only applies in respect of those covered by the FPS 1992.	Where a serviceman dies as a result of an injury received during his period of service with the armed forces then an increase in the level of award to that of a flat rate award, will only be agreed where the authority believes there are strong and compelling reasons to justify it.
110	Discretion to increase an award to a reservist who is permanently disabled as a result of an injury received during his/her forces period or a qualifying injury.	Part 7A, Rule 2.	This discretion will be exercised by the Chief Fire Officer. This discretion applies in respect of those covered by the NFPS 2006 and allows the consideration of increasing the award for a reservist injured during his/her forces period	Where a reservist becomes incapacitated as a result of a qualifying injury or an injury received during his period of service with the armed forces then an increased award will be agreed only where the authority believes there are strong and compelling reasons to justify it.
111	Discretion to increase dependents' benefits if a reservist dies from the effects of an injury received during his/her forces period or a qualifying injury.	Part 7A, Rule 3	This discretion will be exercised by the Chief Fire Officer This discretion applies in respect of those covered by the NFPS 2006 and allows the consideration of increasing the award for a reservist injured during his/her forces period	Where a reservist dies as a result of an injury received during his period of service with the armed forces or a qualifying injury, then an increase in the level of award, will only be agreed where the authority believes there are strong and compelling reasons to justify it.
112	Discretion to pay an injury award to or in respect of an employee of a fire and rescue authority who is not a firefighter but who has to retire, or dies, as a result of an injury received without his/her	Part 8, Rule 1	This discretion will be exercised by the Chief Fire Officer. This discretion provides a general discretion to pay an award to an employee of the fire authority who is injured while in attendance	Each case will be considered upon its merits. A pension or gratuity will only be payable where the authority believes there are strong and compelling reasons to justify it.

	own default while in attendance at a fire in the execution of duties as an employee of the authority.		at a fire.	
113	Discretion to decide intervals at which a person's degree of disablement should be reviewed.	Part 9, Rule 1, paragraph 1	This discretion will be exercised by the Chief Fire Officer. This discretion allows the Authority to set timescales for review of payments under the scheme.	The authority will carry out a triennial review as to whether a person's degree of disablement has substantially altered. The pension will be reassessed if and where the degree of disablement has substantially altered. The injury pension will cease with immediate effect in cases where it is concluded that the disability has ceased.
114	Discretion, 5 years after an injury pension first becomes payable, to resolve that no further review of degree of disablement should take place.	Part 9, Rule 1 paragraph 3	This discretion will be exercised by the Chief Fire Officer. This discretion allows the Authority to decide to make no further reviews of degree of disablement.	The authority will only resolve to cease the triennial review of degree of disablement where medical advice is that it is very unlikely that the degree of disablement will change substantially in the future.
115	Discretion to reduce the level of an injury award to not less than half of the full amount where a person contributed to the infirmity by his/her own default	Part 9, Rule 2	This discretion will be exercised by the Chief Fire Officer. This discretion allows the authority to reduce an award where a person contributed to the infirmity by his/her own default	Each case will be considered upon its merits. An injury award will be reduced excepting where the authority believes there are strong and compelling reasons for not reducing the award. The authority will decide the amount of the reduction on a case by case basis and taking into account the specific circumstances.
116	Discretion to withdraw the whole or part of a person's pension (other than a spouse's or civil partner's award) during any period of re-employment as a firefighter with a fire & rescue	Part 9, Rule 3	This discretion will be exercised by the Chief Fire Officer. This discretion allows the authority to withdraw a pension if the person is reemployed as a firefighter	Where a member of the Firefighter's Pension Scheme has retired and is in receipt of a pension (other than a spouse's or civil partner's award under FPS) then during any

	authority.			subsequent period of re-employment as a firefighter their pension will be abated such that the combination of their new salary and their pension cannot exceed the value of their salary prior to retirement.
117	Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.	Part 9, Rule 4, paragraphs 1 to 3	<p>This discretion will be exercised by the Chief Fire Officer.</p> <p>The "certain offences" referred to are:-</p> <ul style="list-style-type: none"> (a) An offence of treason (b) One of more offences under the Official Secrets Acts 1911 to 1989 for which the pensioner has been sentenced, on the same occasion, to a term of imprisonment of at least 10 years or two or more consecutive terms amounting in aggregate to at least 10 years <p>An offence, committed in connection with his employment by an authority, which is certified by the Secretary of State ((i) as gravely injurious to the interests of the State or (ii) as likely to lead to serious loss of confidence in the public service.</p>	Where a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager will withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as the scheme manager considers appropriate
118	Discretion to restore at any time and to such extent as the fire and rescue authority think fit, a pension withdrawn under Part 9, Rule 4, paragraphs 1 to 3, to the pensioner or to apply it for the benefit of any dependent of the pensioner	Part 9, Rule 4, paragraph 4	<p>This discretion will be exercised by the Chief Fire Officer.</p> <p>This discretion allows the consideration of reinstatement of a pension withdrawn at 113 above.</p>	Where a pension has been withheld following a conviction for a relevant offence the scheme manager may, to such extent and for such duration as the scheme manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member

119	Discretion to decide to what extent an award should be forfeited by a person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 (acts or omissions for the purposes of obtaining awards or other sums).	Part 9, Rule 5.	This discretion will be exercised by the Chief Fire Officer. This discretion allows consideration to what extent an award should be forfeited in the circumstances described. Section 34(6) of the Fire and Rescue Services Act 2004 states that A person commits an offence if he does an act or makes an omission as a result of which he is injured or becomes ill, for the purpose of obtaining, for himself or another person— (a)an award under a scheme brought into operation under this section, or (b) a sum in respect of the repayment or application of contributions made under such a scheme.	A person who has been convicted of an offence under section 34(6) of the Fire and Rescue Services Act 2004 will forfeit the whole or part (as appropriate) of an award or sum unless the authority concludes there are exceptional circumstances that justify not applying the forfeit
120	Decision as to responsibility for payment of awards in respect of a qualifying injury where person employed by more than one fire and rescue authority and injury relates to more than one employment.	Part 10, Rule 1 and Rule 3	This discretion will be exercised by the Chief Fire Officer. This discretion allows for split liability for payment of an award.	Where an award is in respect of a qualifying injury and where person was employed by more than one fire and rescue authority and the injury relates to more than one employment then responsibility for payment of the award and the proportions attributable between the authorities involved will be agreed with the other authority(s).
121	Discretion in respect of the determination of intervals at which instalments of injury pension should be paid.	Part 10, Rule 2, paragraph 1	This discretion will be decided by the Council's Section 151 Officer. This discretion allows the authority to determine the frequency of pension payments.	Pensions and allowances will be paid monthly in advance. Payment will be made on the last banking day before the beginning of the month in question. One existing pensioner is paid annually in advance and their position is protected.
122	Discretion to delay payment of an award to the extent necessary for determining any questions of the fire	Part 10, Rule 2, paragraph 1	This discretion will be exercised by the Chief Fire Officer. This discretion allows the Authority to delay	Where any question regarding the authority's liability to make a payment remains unresolved, then

	and rescue authority's liability.		payment of the sum until satisfied as to the eligibility for an award.	payment of the award will be delayed until the question is resolved
123	Discretion to pay a gratuity in instalments, rather than as a lump sum, of such reasonable amounts and over such reasonable period as the fire and rescue authority think fit.	Part 10, Rule 2, paragraph 7	This discretion will be exercised by the Chief Fire Officer. This discretion allows the consideration of paying regular payments instead of a lump sum gratuity.	The option to pay a gratuity in instalments, rather than as a single lump sum, will be decided on a case by case basis and taking into account the specific circumstances.
124	Discretion to extend the 14-day time limit in which a person must lodge a medical appeal, to a period not exceeding 6 months from the date of issue of the medical opinion to the person, provided the fire and rescue authority are of the opinion that the person's failure to lodge the appeal within 14 days was not due to his/her own default.	Schedule 5, paragraph 1(2)	This discretion will be exercised by the Chief Fire Officer	Where an appeal is not made within 14 days of the date upon which the member receives the medical opinion and the authority is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the authority will extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date of issue of the medical opinion to that person.
125	Discretion to decide fire and rescue authority's representation at Medical Appeal Board interview	Schedule 5, paragraph 5(5)	This discretion will be exercised by the Chief Fire Officer	The authority will decide which persons will attend the interview as its representatives.
126	Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board.	Schedule 5, paragraph 6(1)	This discretion will be exercised by the Chief Fire Officer	The authority will decide whether or not to submit written evidence or a written statement, and will decide a response to any written evidence or written statement from the appellant.
127	Discretion, where Medical Appeal Board decide that a person's appeal was "frivolous, vexatious or manifestly illfounded" to require the appellant to pay the fire and rescue authority such	Schedule 5, paragraph 9	This discretion will be exercised by the Chief Fire Officer	Where the medical appeal board decides that a person's appeal was frivolous, vexatious or manifestly ill-founded, the authority will require the appellant to pay to the authority

	sum as the authority think fit, not exceeding the fees and allowances of the specialist member of the Board.			such sum, not exceeding the fees and allowances payable to the specialist member of the board, as the scheme manager considers appropriate
128	Discretion, where appellant withdraws appeal within 21 working days before the date appointed for interview or medical examination, to require the appellant to pay to the fire and rescue authority such sum as the authority think fit, not exceeding the Board's total fees and allowances	Schedule 5, paragraph 9(3)	This discretion will be exercised by the Chief Fire Officer This discretion allows the authority to require the appellant to pay a sum to the authority where the appellant withdraws their appeal at short notice.	Where the appellant withdraws a medical appeal within 21 working days before the date appointed for interview or medical examination, the authority will require the member to pay the authority such sum, not exceeding the total amount of the fees and allowances payable to the board, as the authority considers appropriate.

DISCRETIONS UNDER THE 2015 FIREFIGHTERS' PENSION SCHEME

No	Discretion	Regulation	Notes	Adopted policy
129	The Scheme Manager must ensure that delegated powers are current.	Regulation 5 (2)	The Council is the "Scheme Manager".	This responsibility for ensuring that delegated powers are dealt with appropriately and currently will be exercised jointly by the Council's Section 151 Officer and the Chief Fire Officer
130	An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised. However, there is a discretion for the scheme manager to vary the date on which the person becomes an active member, to such other time as the scheme manager considers appropriate	Regulation 12 (5)	This discretion will be exercised by the Council's Section 151 Officer	An optant-in will become an active member of the scheme with effect from the beginning of the first pay period following the date on which the option is exercised unless, in the view of the scheme manager, there are exceptional circumstances, in which case the member will become an active member from the date the scheme manager considers most appropriate.
131	An optant-out ceases to be in pensionable service with effect from the first day of the first pay period following the date on which the option is exercised. However, if the scheme manager considers that day to be inappropriate, it has the discretion to vary the date to the first day of any later pay period which the scheme manager does consider appropriate.	Regulation 16 (2) (b)	This discretion will be exercised by the Council's Section 151 Officer	An optant-out will cease to be an active member of the scheme with effect from the first day of the first pay period following the date on which the option is exercised unless, in the view of the scheme manager, there are exceptional circumstances, in which case the member will cease to be an active member from the date the scheme manager considers most appropriate.
132	The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay.	Regulation 17 (1) (d)	This discretion will be exercised by the Chief Fire Officer	Continual professional development payments are to be treated as pensionable pay.

133	A person who is on unpaid authorised absence can count the period as active membership if the scheme manager permits them to be treated as an active member during that period and subject to the member paying the appropriate contributions	Regulation 19 (c)	This discretion will be exercised by the Council's Section 151 Officer	Subject to the member paying the appropriate contributions, a person who is on unpaid authorised absence will be treated as an active member during that period
134	The Scheme Manager must establish and maintain pension accounts for scheme members, but has the discretion to keep them in such form as the scheme manager considers appropriate.	Regulation 28 (2)	This discretion will be exercised by the Council's Section 151 Officer	Pension accounts for scheme members will be established and maintained in such form as the pensions administrator considers appropriate.
135	If a member has more than two active member's account and ceases pensionable service with less than three months' qualifying service in respect of one account, that account must be closed and benefits aggregated with one of the others; the member may select which one. If the member fails to choose, the scheme manager has the discretion to choose.	Regulation 37 (3), (4) and (5)	This discretion will be exercised by the Council's Section 151 Officer. The discretion only applies where the member fails to choose which active member account should be aggregated with	Where a member fails to choose which of their active member accounts a closed account should be aggregated with, the pensions administrator will select the active member account most closely aligned to the closed account, or with the longest likely lifespan
136	If a deferred member re-enters pensionable employment after a gap of five years or less, the scheme manager must close the deferred member's account and re-establish the active member's account, transferring entries from the deferred account. If the person had more than one relevant deferred member's account, they must select – within three months of re-entering scheme employment which one should close. If they fail to make a	Regulation 48 (3) and (4)	This discretion will be exercised by the Council's Section 151 Officer. The discretion only applies where the member fails to choose which active member account should be aggregated with	Where a member fails to choose which of their deferred member accounts should be re-established as an active account, the pensions administrator will select the deferred member account which is most closely aligned to the new pensionable employment.

	selection, the scheme manager must make the choice for them			
137	An employer can determine that an active member age 55 or over but under age 60 who on the grounds of business efficiency is dismissed or has their employment terminated by mutual consent, can receive immediate payment of pension without the early payment reduction.	Regulation 62 (1) and (2)	This discretion will be exercised by the Chief Fire Officer An employer may only use this discretion if the employer determines that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions having taken account of the costs likely to be incurred in the particular case	Where an active member aged 55 of over but under age 60 is dismissed on the grounds of business efficiency or has their employment terminated by mutual consent, immediate payment of pension without the early payment reduction will only be agreed where the scheme manager concludes that a retirement pension awarded on this basis would assist the economical, effective and efficient management of its functions, having taken account of the costs likely to be incurred in the particular case.
138	An active member aged at least 55 who would be entitled to immediate payment of pension if they leave pensionable service and who claims payment of the pension, may opt to claim the whole of their accrued pension but continue in pensionable service. The person concerned must give appropriate notice to the scheme manager and the partial retirement option is taken to be exercised on a date agreed between the member and the scheme manager	Regulation 63 (5)	This discretion will be exercised by the Chief Fire Officer Although the 2015 Scheme Regulations do not specifically make a partial retirement option conditional upon a reduction of the Firefighter's hours of work, immediate payment requests are often made so as to offset a fall in the firefighter's income resulting from their intention to reduce their hours/availability.	Each case will be considered upon its merits. The authority will not agree a date upon which the partial retirement option is exercised that is before the date upon which any negative impact on the provision of the service directly or indirectly resulting from the implementation of the partial retirement has been addressed and mitigated.
139	The scheme manager must have a policy for reviewing, at such intervals as it considers appropriate, the award of ill-health pensions where the recipient is under deferred pension age and has	Regulation 68 (1) and (2)	This discretion will be exercised by the Chief Fire Officer	Where a person is under pension age and has either been in receipt of an ill-health pension for less than 10 years or is receiving early payment of a deferred pension on ill health

	been receiving the award for less than 10 years, and for reviewing the early payment of deferred pensions on ill health grounds for so long as the recipient is below deferred pension age			grounds, the authority will carry out a triennial review as to whether that person has become capable of carrying out any duty appropriate to the role from which he/she retired on health grounds and, in the case of a higher tier ill-health pension, whether that person has become capable of carrying out any regular employment.
140	If, following the review of a lower tier ill - health pension, as provided for under regulation 68, the scheme manager determines that the recipient is capable of performing the duties appropriate to the role from which the person retired on grounds of ill -health; the employer must consider whether or not to make an offer of re - employment .	Regulation 69 (3)	This discretion will be exercised by the Chief Fire Officer The discretion is solely in regard to whether or not to make an offer of re-employment	A decision on whether or not to make an offer of employment will be made only where the authority has a vacancy for which, in their opinion, the person is an entirely suitable candidate.
141	If a deferred member requests, and is entitled to the early payment of retirement pension on grounds of ill health, the scheme manager must determine the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the members request for early payment.	Regulation 70 (7)	This discretion will be exercised by the Chief Fire Officer	Where a deferred member requests, and is entitled to the early payment of retirement pension on grounds of ill health, the scheme manager will determine that the date of payment as being the date on which the person became incapable of undertaking regular employment because of infirmity of mind or body or, if that date cannot be ascertained, the date of the members request for early payment.
142	If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age or requests early payment with an early	Regulation 70 (8)	This discretion will be exercised by the Chief Fire Officer	Where a deferred member requests their pension be paid after deferred pension age, payment date will be that requested by the member

	<p>payment reduction before deferred pension age the scheme manager will decide the payment date after the claim for payment has been made.</p>			<p>providing that date is before their 75th birthday. Where a deferred member requests their pension be paid before their deferred pension age, payment date will be that requested by the member providing that date is on or after their 55th birthday.</p>
143	<p>The scheme manager consent is required for the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member and consent can be withheld if the scheme manager is not satisfied that the person nominated is not substantially dependent of the active member</p>	<p>Regulation 72 (3) (b) and (4)</p>	<p>This discretion will be exercised by the Chief Fire Officer</p>	<p>The scheme manager will consent to the allocation of a portion of pension to a dependant who is not the spouse, civil partner or cohabiting partner of an active or deferred member only where the scheme manager is satisfied that the person nominated is substantially dependent of the active member. The scheme manager will decide upon the evidence required to decide whether or not a person is substantially dependent, and will take into account any guidance provided and have regard to judgments in relevant cases by the courts or the Pensions Ombudsman.</p>
144	<p>If a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), the amount may be adjusted in a manner determined by the scheme manager</p>	<p>Regulation 75 (1) and (2)</p>	<p>This discretion will be exercised by the Council's Section 151 Officer</p>	<p>The scheme manager will ensure that if a member who has made an allocation election dies after reaching age 75, and the amount of allocated pension does not qualify as a dependant's scheme pension under section 167 of the Finance Act 2004 (pension death benefit rules), then they will review the position and they will adjust the amount to</p>

				the extent they deem is appropriate.
145	A cohabiting partner may be considered a 'surviving partner' and potentially for a pension provided they meet certain conditions, one of which is that they must have been in a 'long term relationship' – a continuous period of at least two years – at the date at which entitlement needs to be considered. The scheme manager has discretion to allow the person to qualify where the period is less than two years .	Regulation 76 (1) (b) (v) and (2)	This discretion will be exercised by the Chief Fire Officer	A cohabiting partner who has not been in the relationship for a continuous period of at least two years leading up to the member's death will not be regarded as having been in a 'long term relationship' and consequently will not be regarded as a 'surviving partner'
146	The scheme manager has absolute discretion as to the recipient of any lump sum death benefit payable .	Regulation 95	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager shall exercise absolute discretion in determining the recipient(s) of any lump sum death benefit payable, though due regard shall be paid to any nomination made by the deceased.
147	If a child's pension is due in respect of an eligible child under age 18, the scheme manager will determine to whom it should be paid and will give directions to that person as to how the payment should be applied for the eligible child's benefit	Regulation 100 (2)	This discretion will be exercised by the Council's Section 151 Officer	The pensions administrator will decide who will receive payment of a child's pension based upon the circumstances of the case and taking into account any guidance provided and having regard to judgments in relevant cases by the courts or the Pensions Ombudsman. The pensions administrator will, where the pension is not being paid directly to the eligible child, direct the recipient as to how the payment should be applied for the eligible child's benefit
148	A scheme manager has the right to cease paying a surviving partner's pension and / or eligible child's pension	Regulation 101 (2) and (3)	This discretion will be exercised by the Council's Section 151 Officer Note :- This discretion does not affect the	Where it appears to the scheme manager that the recipient of a surviving partner's pension and / or

	and recover any payment made in respect where it appears to the scheme manager that the recipient made a false declaration, or deliberately suppressed a material fact in connection with the award.		scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so	eligible child's pension has made a false declaration, or deliberately suppressed a material fact in connection with the award, then the scheme manager will cease payment of the pension whilst the matter is investigated. If it is concluded that the recipient is in fact entitled to the pension then the pension will be put back into payment and any arrears paid. Where, however, it is concluded that the recipient is not entitled to receive the pension then any payments made where there was no entitlement will be recovered.
149	If children's pensions have been made to certain persons on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager has discretion to adjust the amount of pensions as required in view of the facts as they subsequently appear. The adjustments may be made retrospectively	Regulation 102 (2) and (3)	This discretion will be exercised by the Council's Section 151 Officer Note :- This discretion does not affect the scheme manager's right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so	Where children's pensions have been paid on the basis that they were eligible children and there were no others, and subsequently it appears that any of those children were not eligible, or there was a further eligible child to whom no payment has been made, or that a child born after the member's death is an eligible child, the scheme manager will adjust the amount of pensions as required in view of the facts as they subsequently appear. Adjustments may be made retrospectively depending upon the circumstances of the case.
150	If a member dies after reaching age 75 and any part of a pension to which a person becomes entitled on the death	Regulation 104 (1) (a) and (2)	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager will ensure that if a member dies after reaching age 75, and any part of a pension to

	would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004 (the pension death benefit rules) the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under that section of the Act.			which a person becomes entitled on the death would not qualify as a dependant's scheme pension for the purposes of section 167 of the Finance Act 2004, then the scheme manager will review the position and they will adjust the benefits payable to the person so that it would qualify under that section of the Act.
151	Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager must determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied.	Regulation 110 (5)	This discretion will be exercised by the Chief Fire Officer	Where there is a change in scheme employment or a material change which affects the member's pensionable pay in the course of a financial year and the revised amount falls into a different contribution rate band, the scheme manager will determine that this rate should be applied and inform the member of the new contribution rate and the date from which it is to be applied.
152	When identifying the appropriate contribution rate, a reduction in pay in certain circumstances as listed in Regulation 110 are to be disregarded. In addition, the scheme manager can specify the circumstances in a particular case where a reduction in pensionable pay will be disregarded.	Regulation 110 (7) (h)	This discretion will be exercised by the Chief Fire Officer	Where there is a change in scheme employment or a material change that affects the member's pensionable pay in the course of a financial year, the scheme manager will have regard to the circumstances in which a reduction in pay is to be disregarded. The scheme manager will decide the circumstances where a reduction in pensionable pay will be disregarded on a case by case basis and taking into account the specific circumstances.

153	Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they may pay member contributions; if they do, the scheme employer may require that they should also pay employer contributions	Regulation 111(2), (3) and (4)	This discretion will be exercised by the Chief Fire Officer	<p>Where an active member is absent from scheme employment because of illness or injury and not entitled to receive pensionable pay, or because of trade dispute or authorised unpaid absence, they are allowed to pay member contributions; if they do, then:-</p> <ul style="list-style-type: none"> • Where the absence is due to illness or injury, the employee should also pay employer contributions but may make a request in writing to the scheme manager asking that the scheme manager meet the employer contribution. Where a request is made, each case will be considered on its merits. • Where the absence is due to a trade dispute the employee will be required to also pay the employer contributions unless the scheme manager has agreed that the Authority will pay the employer contributions. Any decision that the Authority will pay the employer contributions will be made in light of the economical, effective and efficient management of the scheme and the costs likely
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				<p>to be incurred in the particular case</p> <ul style="list-style-type: none"> Where the absence is due to authorised absence, the employee should also pay employer contributions but may make a request in writing to the scheme manager asking that the scheme manager meet the employer contribution. Where a request is made, each case will be considered on its merits
154	Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable pay as it becomes due, unless another method of payment has been agreed between the scheme manager and the member	Regulation 114 (1)	This discretion will be exercised by the Council's Section 151 Officer	Member contributions due under Regulation 110 will be deducted by the scheme employer from each instalment of pensionable pay as it becomes due.
155	Contributions due in respect of absence from work on reserve forces services leave may be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests Act) 1951	Regulation 114(2)	This discretion will be exercised by the Council's Section 151 Officer	Contributions due in respect of absence from work on reserve forces services leave will be deducted from any payment made under Part 5 of the Reserve and Auxiliary Forces (Protection of Civil Interests Act) 1951.
156	Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 may be paid by a lump sum or by deduction from instalments of pensionable pay as agreed between the member and the scheme manager .	Regulation 114 (3)	This discretion will be exercised by the Council's Section 151 Officer	Contributions which the member is required to pay, or has elected to pay under Regulations 111 and 113 will be paid by deduction from a number of instalments of pensionable pay as agreed between the member and the scheme

				manager .
157	The scheme manager must specify in a statement of entitlement the 'guarantee date' date by reference to which the cash equivalent or club transfer is calculated; this date must fall within the three months beginning with the date of the member's application for the statement of entitlement and within ten days ending with the date on which the member is provided with the statement. The scheme manager has discretion, if it believes reasonable, to extend this date to within six months of the date of the member's application if, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period .	Regulation 135(4)	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager will specify in a statement of entitlement the 'guarantee date' date by reference to which the cash equivalent or club transfer is calculated. The scheme manager will, if they believe it reasonable, extend this date to within six months of the date of the member's application where, for reasons beyond the scheme manager's control, the information needed to calculate the transfer value cannot be obtained before the end of the three month period .
158	There is a time limit of one year from becoming an active member in which a person can request a transfer payment from a non -occupational pension scheme. The scheme manager has the discretion to extend this period.	Regulation 141(3)	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager will only extend the time limit in which a person can request a transfer payment from a non -occupational pension scheme beyond one year where, having considered the circumstances of the case, they believe it is reasonable and equitable to do so.
159	The scheme manager can require an active member to ask the scheme manager of a previous non -club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to	Regulation 142(2)	This discretion will be exercised by the Council's Section 151 Officer	An active member is required to ask the scheme manager of a previous non -club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count

	count provided that the transfer date falls within two months of the date of the statement			provided that the transfer date falls within two months of the date of the statement
160	The scheme manager can require an active member to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement	Regulation 144(2)	This discretion will be exercised by the Council's Section 151 Officer	An active member is required to ask the scheme manager of a previous club pension scheme to provide a statement of the amount of transferred pension that the member would be entitled to count provided that the transfer date falls within two months of the date of the statement
161	If a member is not satisfied with a certificate setting out the details in their pension account(s) as required under Regulation 146, they can require the scheme manager to deal with their disagreement under arrangements implemented by the scheme manager in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008. The scheme manager must have these arrangements in place	Regulation 148(1)	This discretion will be exercised by the Council's Section 151 Officer	Where a member is not satisfied with a certificate setting out the details in their pension account(s), the disagreement will be dealt with in accordance with the requirements of section 50 of the Pensions Act 1995 (resolution of disputes) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.
162	It is the scheme manager that must determine whether a person is entitled to an award or to retain an award.	Regulation 151	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager will determine whether a person is entitled to an award or to retain an award.
163	The scheme manager must select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical matters	Regulation 152(1)	This discretion will be exercised by the Chief Fire Officer	The scheme manager will select an Independent Qualified Medical Practitioner to provide a written opinion in respect of medical

	which may only be decided by having regard to such an opinion.			matters which may only be decided by having regard to such an opinion.
164	If a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager can make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence	Regulation 152(7)	This discretion will be exercised by the Chief Fire Officer	Where a person wilfully or negligently fails to submit to medical examination by the selected IQMP and the IQMP is unable to give an opinion on the basis of the medical evidence available, the scheme manager will make the determination based on such medical evidence as the scheme manager thinks fit, or without medical evidence.
165	Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the scheme manager may agree to giving the IQMP the opportunity of reviewing the opinion. Where it has been agreed that the IQMP should review, upon receiving the IQMP's response the scheme manager must confirm or revise its original determination and advise the member accordingly.	Regulation 153(1) Regulation 153(4) and (5)	This discretion will be exercised by the Chief Fire Officer	Where a member requests a review of an IQMP's opinion in the light of new evidence received by the scheme manager within 28 days of the member having received the opinion, the scheme manager will agree to giving the IQMP the opportunity of reviewing the opinion.
166	If a member wishes to appeal against a determination made by the scheme manager and their grievance lies in the medical opinion upon which the determination was based, they can appeal to a board of medical referees. The appeal must be made within 28 days of the date on which the member receives the relevant documents under	Regulation 155(2)	This discretion will be exercised by the Chief Fire Officer	Where an appeal is not made within 28 days of the date upon which the member receives the relevant documents under Regulation 154(4) and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager

	Regulation 154(4) [the medical opinion]. If the appeal is not made within this time limit and the scheme manager is of the opinion that the person's failure to give notice within the required period was not due to the person's own default, the scheme manager has a discretion to extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied			will extend the time limit for such period as the scheme manager considers appropriate, not exceeding six months from the date the Regulation 154(4) documents were supplied.
167	Where a member has given notice of appeal to a board of medical referees, before the board arranges a time and place for the interview and medical examination a member of the board will review the documents supplied to the board in accordance with Regulation 156. If the board member is of the opinion that the board may regard the appeal as frivolous, vexatious or manifestly ill -founded board member will notify the Secretary of State accordingly. This will be copied to the scheme manager who must, in turn, send a copy of it to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the scheme manager's and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal .	Regulation 156(8) to (12)	This discretion will be exercised by the Chief Fire Officer	Where the Secretary of State has been notified that the board of medical referees regard the appeal as frivolous, vexatious or manifestly ill –founded, the scheme manager will send a copy of the notification to the scheme member advising that if their appeal is unsuccessful, the member may be required to pay the scheme manager's and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal .

168	The scheme manager must decide which persons will attend the interview as its representatives. The scheme manager must also decide whether or not to submit written evidence or a written statement (and must decide a response to any written evidence or written statement from the appellant) .	Regulation 157(6) to (9)	This discretion will be exercised by the Chief Fire Officer	The scheme manager will decide which persons will attend the interview as its representatives. The scheme manager will decide whether or not to submit written evidence or a written statement , and will decide a response to any written evidence or written statement from the appellant.
169	If the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill - founded, the scheme manager can require the appellant to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate	Regulation 161(2)	This discretion will be exercised by the Chief Fire Officer	Where the medical appeal board determines in favour of the scheme manager and states that in its opinion the appeal was frivolous, vexatious or manifestly ill - founded, the scheme manager will require the appellant to pay to the scheme manager such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate
170	If the appellant withdraws a medical appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate.	Regulation 161(3)(a)	This discretion will be exercised by the Chief Fire Officer	Where the appellant withdraws a medical appeal requesting cancellation, postponement or adjournment of the date appointed for interview and/or medical examination less than 22 working days before the date appointed, the scheme manager will require the member to pay the scheme manager such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme

				manager considers appropriate.
171	If the appellant's acts or omissions cause the medical appeal board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager can require the member to pay it such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate	Regulation 161(3)(b)	This discretion will be exercised by the Chief Fire Officer	Where the appellant's acts or omissions cause the medical appeal board to cancel, postpone or otherwise adjourn the date appointed or interview and/or medical examination less than 22 days before the date appointed, the scheme manager will require the member to pay the scheme manager such sum not exceeding the total amount of the fees and allowances payable to the board under Regulation 160(1) as the scheme manager considers appropriate
172	If a member disagrees with a scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the member can require the scheme manager to deal with the disagreement under requirements which the scheme manager must have in place in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.	Regulation 163	This discretion will be exercised by the Chief Fire Officer	Where a member disagrees with the scheme manager's determination of award under Regulation 151 and the disagreement does not involve an issue of a medical nature, the scheme manager will deal with the disagreement in accordance with section 50 of the Pensions Act 1995 (requirement for dispute resolution arrangements) and the Occupational Pension Schemes (Internal Dispute Resolution Procedures Consequential and Miscellaneous Amendments) Regulations 2008.
173	If the pension entitlement of a member of the scheme, or the pension entitlement of a member's beneficiary, does not exceed the small pensions	Regulation 167(3)	This discretion will be exercised by the Council's Section 151 Officer	The option to allow a single lump sum to be provided as an alternative to a small pension will not be offered.

	<p>commutation maximum the scheme manager may pay the entitlement as a lump sum. This would, however, be subject to the consent of the recipient and must comply with the commutation provisions that apply in the circumstances</p>			
174	<p>If it appears to the scheme manager that a person other than an eligible child who is entitled to benefits under the scheme, is by reason of mental incapacity or otherwise, incapable of managing his or her affairs, the scheme manager may pay the benefits or any part of them to a person having the care of the person entitled, or such other person as the scheme manager may determine, to be applied for the benefit of the person entitled. If the scheme manager does not pay the benefits in this way, the scheme manager may apply them in such manner as it may determine for the benefit of the person entitled, or any beneficiaries of that person</p>	Regulation 168	<p>This discretion will be exercised by the Council's Section 151 Officer</p>	<p>Where, in the scheme manager's opinion, a person is unable to manage their own affairs then they will decide, based on the circumstances of the individual case, who should receive payment of the benefits, having full regard for the fact that they must be applied for the benefit of the member or their beneficiaries.</p>
175	<p>If, when a person dies, the total amount due to that person's personal representatives under the scheme (including anything due at the person's death) does not exceed the limit specified in the Administration of Estates (Small Payments) Act 1965, the scheme manager can pay the whole or part of the amount due to the personal</p>	Regulation 169	<p>This discretion will be exercised by the Council's Section 151 Officer</p>	<p>Where, in the pensions administrator's opinion, the circumstances of a case are such that the production of probate or letters of administration are not required, this discretion will be exercised.</p>

	representatives or any person or persons appearing to the scheme manager to be beneficially entitled to the estate, without requiring the production of grant of probate or letters of administration .			
176	If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager can withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as it considers appropriate.	Regulation 174(1), (2), (3) and (5)	This discretion will be exercised by the Council's Section 151 Officer "Relevant offence" is defined in the Regulation as an offence of treason, one of more offences under the Official Secrets Acts 1911 to 1989 for which the pensioner has been sentenced, on the same occasion, to a term of imprisonment of at least 10 years or two or more consecutive terms amounting in aggregate to at least 10 years, or an offence, committed in connection with his employment by an authority, which is certified by the Secretary of State ((i) as gravely injurious to the interests of the State or (ii) as likely to lead to serious loss of confidence in the public service. There are certain conditions set out in the Regulation, e.g. it is only the part of the pension that exceeds any guaranteed minimum pension that can be withheld	Where a member, surviving partner or eligible child is convicted of a relevant offence, the scheme manager will withhold pensions payable under the scheme to a member, any person in respect of the member, a surviving partner or an eligible child, to such extent and for such duration as the scheme manager considers appropriate.
177	Where a pension is withheld, the scheme manager can at any time, and to such extent and for such duration as the manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member	Regulation 171(4)	This discretion will be exercised by the Council's Section 151 Officer	Where a pension has been withheld following a conviction for a relevant offence the scheme manager may, to such extent and for such duration as the scheme manager thinks fit, apply the pension for the benefit of any dependant of the member or restore it to the member

178	<p>If a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager has discretion as to whether or not to withhold the pension to which they would otherwise be entitled. If the conviction is subsequently quashed, the pension must be restored with effect from the day after the date on which the member died. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled .</p>	Regulation 172(1) to (5)	<p>This discretion will be exercised by the Council's Section 151 Officer. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension.</p>	<p>Where a surviving partner or eligible child is convicted of the manslaughter of the member or any other offence, apart from murder, of which the unlawful killing of the member is an element, the scheme manager will decide, taking account of the circumstances of the case, as to whether or not to withhold the pension to which they would otherwise be entitled.</p>
179	<p>If a person is convicted of a relevant offence, i.e. the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, the scheme manager must withhold all of any lump sum death benefit payable to that person. If, however, the conviction is subsequently quashed on appeal, the scheme manager may, to such extent and for such duration as it thinks fit, restore to the person the amount of benefit withheld. If, after the conviction has been quashed, the person is again convicted of murder, manslaughter or an associated offence as outlined above, any restoration is cancelled</p>	Regulation 173	<p>This discretion will be exercised by the Council's Section 151 Officer</p>	<p>Where, on the basis of a conviction for the murder or manslaughter of the member, or any other offence of which the unlawful killing of the member is an element, a lump sum death benefit has been withheld from a person, and the conviction is subsequently quashed on appeal, the scheme manager will, to such extent and for such duration as the scheme manager thinks fit, restore to the person the amount of benefit withheld.</p>

180	If a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager may, to such extent and for such duration as it considers appropriate, withhold benefits payable to that person under the scheme.	Regulation 174	This discretion will be exercised by the Council's Section 151 Officer "Relevant monetary obligation" and "relevant monetary loss" are defined in the Regulation. There are certain limits, e.g. the amount withheld may only be that which exceeds the person's guaranteed minimum pension and the scheme manager may only withhold it if there is no dispute about the amount or, if there is, there is a court order or the award of an arbitrator. The monetary obligation must have been incurred to the employer after the person became an active member and arising out of or connected with the scheme employment in respect of which the person became a member of the scheme, and arising out of the person's criminal, negligent or fraudulent act or omission. The procedure is set out in Regulation 176	Where a member has a relevant monetary obligation or has caused a relevant monetary loss, the scheme manager will, to such extent and for such duration as the scheme manager considers appropriate, withhold benefits payable to that person under the scheme. The value of benefits withheld will not exceed the current value of the relevant monetary obligation, or relevant monetary loss, as is applicable,
181	A scheme manager has discretion to set off a "relevant monetary obligation" against a member's entitlement to benefits under the scheme, subject to certain conditions which are similar to those contained in Regulation 174 (Forfeiture).	Regulation 175	This discretion will be exercised by the Council's Section 151 Officer The set off procedure is set out this Regulation	Where a member has a "relevant monetary obligation", the scheme manager may, where they believe it equitable and reasonable to do so, elect to set off that "relevant monetary obligation" against that member's entitlements
182	At a scheme member's request, the scheme manager has the discretion to pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214 of the Finance Act 2004. The scheme manager may only comply with the request if the member pays it the amount in question on or before the	Regulation 178	This discretion will be exercised by the Council's Section 151 Officer	Where a scheme member so requests and subject to the requirement concerning the reimbursement by payment or deduction from lump sum, the scheme manager will pay on the member's behalf any amount that is payable by way of the lifetime allowance charge under section 214

	date on which the event occurs or the member authorises the deduction of the amount from a lump sum becoming payable to the member under the scheme at the same time as the event occurs.			of the Finance Act 2004
183	The scheme manager can require any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme. If a person fails to comply with the scheme manager's requirements in this respect, the scheme manager can withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.	Regulation 184(1) (2) and (3)	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager requires any person who is in receipt of a pension or may have entitlement to a pension or lump sum under the scheme to provide such supporting evidence as the scheme manager may reasonably require so as to establish the person's identity and their continuing or future entitlement to the payment of any amount under the scheme. Where a person fails to comply with the scheme manager's requirements in this respect, the scheme manager will withhold the whole or part of any amount that it otherwise considers to be payable under the scheme.
184	The total amount of accrued added pension being purchased must not exceed a certain limit. If it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit the scheme manager may cancel the election (by written notice to the member).	Schedule 1 Part 1, Paragraph 4	This discretion will be exercised by the Council's Section 151 Officer	Where it appears to the scheme manager that a member who has elected to make periodical contributions will exceed the limit on the total amount of accrued added pension being purchased, the scheme manager will cancel the election by written notice to the member.
185	If a scheme member wishes to make periodical payments for added pension,	Schedule 1 Part 1,	This discretion will be exercised by the Council's Section 151 Officer	This discretion will not be exercised.

	the scheme manager can set a minimum amount which must be paid.	Paragraph 7(3)		
186	If a scheme member wants to make periodical payments for added pension, but does not want them to be deducted from pensionable pay, the scheme manager may agree another method of payment.	Schedule 1 Part 2, Paragraph 8(3)	This discretion will be exercised by the Council's Section 151 Officer	This discretion will not be exercised. Periodical payments for added pension will always be deducted from pensionable pay.
187	After a period of assumed pensionable pay or a period of reduced pay, the member may give written notice to the scheme manager authorising the employer to deduct the aggregate of payments – which would have been made but for the leave – from the member's pay during the period of six months from the end of the period of reduced pay. The scheme manager has discretion to extend this period of six months.	Schedule 1 Part 2, Paragraph 10(4)	This discretion will be exercised by the Council's Section 151 Officer	The scheme manager may, having regard to the circumstances of the case, agree to extend the period over which deductions of pay beyond the six month limit.
188	The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) is determined by the scheme manager.	Schedule 2 Part 1, Paragraph 3(3); Schedule 2 Part 2, Paragraph 9(5); and Schedule 2 Part 3, Paragraph 21	This discretion will be exercised by the Council's Section 151 Officer Note:- The tapered protection closing dates for tapered protection members are given in the 1992 scheme tables in Schedule 2 Part 4. In most cases the appropriate closing date can be ascertained by reference to the band of dates in which the firefighter's birthday falls.	The tapered protection date for a tapered protection member of FPS 2006 to whom paragraph 9(5) or 21 applies (members returning to pensionable service) will be determined by the scheme manager.