

Firefighters' Pension and Compensation Schemes – Delegations and Policies

Report of the Chief Fire Officer

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1 Purpose of Report

This report informs the Fire Authority of the amendments to the Firefighters' Pensions Scheme 1992 (FPS), the New Firefighters' Pension Scheme 2006 (NFPS) and the Firefighters' Compensations Scheme 2006 (FCS). It recommends decisions on the required discretions and also general policies under each Scheme to facilitate effective implementation of those decisions.

2 Recommendations

The Fire Authority is asked to:

- a) Agree the recommendation at paragraph 4.1 with regard to the Firefighters' Pension Scheme 1992, Rule B7 Commutation – discretion to permit the maximum payment;
 - b) Agree the recommendation at paragraph 4.2 with regard to the Firefighters' Pension Scheme 1992, Rule K4 Withdrawal of a pension whilst employed by a fire and rescue authority (abatement);
- and, if a) and b) above are agreed, consider and approve:**
- c) The updated table of discretions and proposed policies for the Firefighters' Pension Scheme 1992, as set out at Appendix A;
 - d) The updated table of discretions and proposed policies for the New Firefighters' Pension Scheme 2006, as set out at Appendix B; and
 - e) The new table of discretions and proposed policies for the Firefighters' Compensation Scheme 2006, as set out at Appendix C.

3 Background

Public service pensions are currently undergoing reforms as a result of the Government commissioned review of public service pensions. Undertaken by Lord Hutton, the review has resulted in 27 recommendations.

Alongside these reforms, the Department for Communities and Local Government has amended both the Firefighters' Pensions Scheme 1992 and the New Firefighters' Pension Scheme 2006. On 7 June 2013 the Statutory Instruments (Amendment Orders) for both of the above Schemes were laid before Parliament and came into force on 1 July 2013.

The majority of the amendments deal with 'housekeeping' in terms of the overall provisions under the Schemes, specifically deletions and wording changes. However, there are three requiring specific decisions to be made by the Authority, which are set out at section 4 below.

4 Discretions Requiring Consideration by the Fire Authority

Two significant changes, arising from the Scheme amendments, allow discretion to be exercised by the employer.

4.1 Rule B7 Commutation – Discretion to permit the maximum payment

The main amendment to this Rule gives the Fire Authority the discretion to allow a person, whose right to commute is restricted to providing a lump sum of two and one quarter times the amount of the full pension, to commute up to one quarter of pension, i.e. the unrestricted amount allowed to those who retire with an ordinary pension with at least 30 years' service or who have reached normal pension age, or who retire on ill-health grounds. This has effect from 1 July 2013.

When exercising this discretion, the Authority must have regard to *“the economical, effective and efficient management of their functions, and the costs likely to be incurred in the particular case”*. Officers are also advised that in making any policy in respect of this discretion, the Authority may also wish to have regard to the fact that allowing full commutation may cause tax limits to be exceeded, thereby requiring the firefighter and authority to pay tax charges.

If the Authority **does** allow the firefighter to commute a greater sum, an amendment to Rule LA2 “Special payments and transfers into Firefighters' Pension Fund” requires the Authority to transfer into that Fund an amount equal to the difference between the lump sum paid and what it would have been, if restricted to two and a quarter times the full amount of pension. The transfer must take place in the financial year in which the increased lump sum is paid.

Recommendation:

That this discretion be adopted and utilised in accordance with the following process:

1. The Authority first determines that it wishes to seek expressions of interest from staff, when it considers that circumstances dictate it to be potentially necessary.
2. Applications will then be considered by the Pensions Panel on a case by case basis, taking into account the recommendation from the Chief Fire Officer and with advice from the Treasurer.

4.2 Withdrawal of a pension whilst employed by a fire and rescue authority (abatement)

Rule K4 of the 1992 Scheme has been amended to increase the scope of the employer's discretion to abate a member's pension, where they are re-employed after retirement. This provision now applies to any scheme member re-employed in any role in any fire and rescue authority and supports Government policy that pension payments should be abated, where a member is re-employed in the public sector and receives a pension and salary exceeding earnings before retirement.

Rule K4 now requires an authority that elects not to exercise the discretion to abate, to pay into the pension fund the same amount as the pension paid to the member within the financial year. This requirement is not retrospective and applies to new cases, where a retired member is re-employed on or after 1 July 2013.

This Authority has not to date had any cause to enact abatement.

Recommendation:

That this discretion be adopted and that abatement will apply in all cases of re-employment of members of the 1992 and 2006 schemes.

5 Tables of Discretions and Policies for Approval

Approved tables of discretions already exist for the FPS 1992 and the NFPS 2006. These tables and the relevant key have been updated to reflect current governance arrangements, including the existence of the Pensions Panel and Appeals Panel.

The main issues for Members' attention in terms of discretions are set out at section 4 above. However, the updated schemes of delegations for both the FPS 1992 and the NFPS 2006 are provided at Appendix A and B respectively for consideration and approval. Any new items are indicated as such within the discretions grid to the right hand side of the table.

It should be noted that, where a discretion or a policy has been previously agreed by the Authority, the updated tables and the new FCS has been developed with this in mind, creating common approaches to similar issues under the different scheme.

Appendix C provides the table of discretions for the 2006 Firefighters' Compensation Scheme. This has not been formerly approved before, although many of the provisions follow those of the NFPS 2006. There are, therefore, no contentious points within this table and, as explained above, the levels of discretion indicated follow those already set for the 1992 and 2006 Schemes. It is, therefore, recommended for approval in order that consistency of application is maintained.

Where it has been necessary to recommend a new policy to deal with the discretion, these are presented on the last page of each Appendix and aim to maintain parity with existing discretions, whilst being mindful of avoiding the fettering of discretion.

6 Financial Implications

There are no financial implications arising directly from this report.

7 Legal Comment

Delegations of authority, such as those set out in this report and appendices, are necessary to enable officers and the Pension Panel to administer the schemes effectively into the future.

8 Initial Impact Assessment

An initial equality impact assessment has been completed.

9 Appendices

Appendix A

Updated table of discretions and proposed policies for the Firefighters' Pension Scheme 1992

Appendix B

Updated table of discretions and proposed policies for the New Firefighters' Pension Scheme 2006

Appendix C

New table of discretions and proposed policies for the Firefighters' Compensation Scheme 2006

10 Background Papers

There are no background papers to this report.

FIREFIGHTER'S PENSION SCHEME ORDER 1992 Decisions to be made by and discretionary powers of the fire authority

Agreed Delegations as at January 2014 with proposals for new delegations shown as NEW

Key

- A:** Decision/action taken in accordance with determination of Fire Authority in individual cases. Decisions would be made by the Pensions Panel, or the Appeals Committee in cases relating to IDRP, with the exception of item 2, where the Authority will be the first and only decision maker and item 43 where the Authority would be advised by the Human Resources Committee.
- B:** Decision/action taken in accordance with general policy of Fire Authority (once the policy has been made, the administration would be at level "D")
- C:** Decision/delegated to Chief Fire Officer or Deputy Chief Fire Officer after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- D:** Decision/action delegated to the Brigade Manager with responsibility for Human Resources after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.

Where a decision has to be taken in respect of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer, the level at which the decision/action is taken should be "A" or "B" in all circumstances.

| PROVISION OF FIREMEN'S PENSION SCHEME 1992 | | LEVEL OF DECISION | | | |
|--|---|-------------------|---|-----|---|
| | | A | B | C | D |
| 1 | Determination of eligibility for membership of FPS [Rule A3] | | | | X |
| 2 | Permission for CFO to retire before attaining age 55 [Rule B1(2)(b)] | X | | | |
| 3 | Discretion to determine that any or all of the following benefits may be treated as pensionable for the credit to the firefighter of additional pension benefit: additional skills/responsibilities; continual professional development; difference in basic pay on temporary promotion; any performance related payment not consolidates into basic pay. [Rule B5C] added from 01.07.13 by SI 2013/1392 | | | NEW | |
| 4 | Consent for one quarter pension to be commuted in the case of a firefighter who, upon retirement, would otherwise not be permitted to commute such portion of pension as would provide a greater lump sum than two and a quarter times the full amount of pension. (In exercising their discretion the fire and rescue authority must have regard to the economical, effective and efficient management of their functions, and the costs likely to be incurred in the particular case and which are transferrable to the Firefighters Pension Fund in accordance with Rule LA2(10).) [Rule B7(5A)] Added with effect from 1.7.2013 by 2013/1392 | NEW | | | |
| 5 | Commutation of trivial pension [Rule B8] | | | | X |

| PROVISION OF FIREMEN'S PENSION SCHEME 1992 | | LEVEL OF DECISION | | | |
|--|--|-------------------|---|-----|---|
| | | A | B | C | D |
| 6 | Acceptance of condition of normal life expectancy for allocation purposes [Rule B9(6)]. | | | | X |
| 7 | Decision to increase level of spouse's or civil partner's award where firefighter and spouse were living separately at the date of death and where normal level of benefit is accordingly reduced under FPS rules [Rule C8(6)] | | | X | |
| 8 | Decision to allow a gratuity to be paid, in whole or in part, to the surviving spouse where it would otherwise not be payable because husband and wife were living separately at the date of death. [Rule C8(7)] | | | NEW | |
| 9 | Decision to reinstate all or part of a spouse's or civil partner's pension or gratuity if, following termination on remarriage, formation of a civil partnership or subsequent civil partnership, the other party dies [Rule C9] | | X | | |
| 10 | Decision to withhold all or part of a child's pension, permanently or temporarily, where the child is convicted of manslaughter of the deceased. [Rule D5(5)] Added with effect from 1.7.2013 by 2013/1392 | | | NEW | |
| 11 | Decision to terminate a child's allowance for a child aged 18 or over who was dependent on the deceased by reason of permanent disablement. Such an award is payable for life unless the fire and rescue authority are satisfied that the child is no longer permanently disabled, or that the child's allowance should not have been awarded. [Rule D5(3) and (9)(c)] Added with effect from 1.7.2013 by 2013/1392 | NEW | | | |
| 12 | Award of dependent relative's gratuity to a dependent relative who is not entitled to any other award under the FPS in respect of the same firefighter [Rule E3] | | | X | |
| 13 | Decision to commute to a lump sum a spouse's or civil partner's pension which is of limited amount [Rule E5 subject to limitations in Rule E7] | | | | X |
| 14 | Decision to commute to a lump sum a child's pension [Rule E6 subject to limitations in Rule E7] | | | | X |
| 15 | Decision to substitute a higher amount of child's flat-rate award where neither of the child's parents is alive [Rule E9(6)] | | | X | |
| 16 | Decision as to amount of pensionable service (to be set out in Certificate of Pensionable Service with notice of right of appeal) [Rule F1] | | | | X |
| 17 | Decision that the fire and rescue authority should pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighters' period of absence without pay where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service. | | | X | |
| 18 | Extension of 6 month time limit for election to pay certain sums in order that earlier pensionable service may count on rejoining the fire service [Rule F4(3)(c), and Rule F5(1)(c)]. | | | X | |
| 19 | Extension of 12 month time limit for acceptance of "mis-selling" transfer value payment [Rule F6A (3)(b)] | | | | X |
| 20 | Adjustment of service on payment of mis-selling transfer value to take account of any earlier service credit [Rule F6A(6)] | | X | | |
| 21 | Discretion to accept a transfer value [Rule F7(1) subject to Rule F7(2) and (3)] | | | | X |
| 22 | Extension of 6 month time limit for a former firefighter to request payment of a transfer value to another pension scheme [Rule F9(2)] | | X | | |
| 23 | 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/repayment of pension contributions [Rule F9(5)] | | X | | |
| 24 | Determination of pensionable pay [Rule G1(1)] | | | | X |
| 25 | Discretion to deduct pension contributions from instalments of pay [Rule G2(2)] | | X | | |
| 26 | 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. [Rule G2A(3)]. | | | X | |

| PROVISION OF FIREMEN'S PENSION SCHEME 1992 | | LEVEL OF DECISION | | | |
|--|---|-------------------|---|---|-----|
| | | A | B | C | D |
| 27 | Discretion not to accept firefighter's election to purchase increased benefits through the payment of additional contributions unless firefighter has undergone a medical examination at own expense and satisfied authority as to his/her good health | | X | | |
| 28 | Discretion of fire authority to agree to discontinuance of payment of periodical contributions for increased benefits where satisfied that payment is likely to cause financial hardship [Rule G7 (3)] | | | X | |
| 29 | Determination, in first instance, of entitlement to, and type of award, under FPSO [Rule H1(1)] | X | | | |
| 30 | Requirement to use, but right to select, independent qualified medical practitioner for providing a medical opinion. [Rule H1(2)]. | | | | X |
| 31 | Discretion to determine award without medical evidence if firefighter refuses to submit to medical examination [Rule H1(3)] | X | | | |
| 32 | Determination of whether new evidence presented by the firefighter, following a determination under Rule H1, should be copied to IQMP with an invitation for the IQMP to reconsider his/her opinion. [Rule H1A(1)(c)] Introduced with effect from 1 July 2013 by SI 2013/1392. | | | | NEW |
| 33 | Requirement to reconsider Rule H1 decision after receiving a Rule H1A response from IQMP. [Rule H1A(4)] Introduced with effect from 1 July 2013 by SI 2013/1392. | | | | NEW |
| 34 | Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by the fire and rescue authority in accordance with the requirements of section 50 of the Pensions Act 1995, where the disagreement is in respect of an authority's determination under Rule H1 and the disagreement does not involve an issue of a medical nature. [Rule H3] | X | | | |
| 35 | Discretion to commute a small pension due to a pension credit member.[Rule 1A2(1)] | | | | X |
| 36 | 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. [Rule K1(1) and (2)]. | | | | X |
| 37 | 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. [Rule K1(3)]. | | | | X |
| 38 | 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 his/her former role, an offer of employment in that role. [Rule K1A(2)]. | | | X | |
| 39 | Discretion to reduce the level of an ill-health pension to not less than half of full amount where firefighter contributed to infirmity by own default [Rule K3(1)] | X | | | |
| 40 | Discretion to withdraw whole or part of a person's pension during any period of his/her re-employment as a regular firefighter in a brigade [Rule K4] | | X | | |
| 41 | Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences [Rule K5(1)] | X | | | |

| PROVISION OF FIREMEN'S PENSION SCHEME 1992 | | LEVEL OF DECISION | | | |
|--|--|-------------------|-----|---|---|
| | | A | B | C | D |
| 42 | Discretion to restore pension withdrawn under Rule K5(1) to the pensioner or to apply it for the benefit of any dependant of the pensioner [Rule K5(5)] | X | | | |
| 43 | Determination of intervals at which instalments of pension shall be paid [Rule L3(1)(b)] | | X | | |
| 44 | Discretion to delay payment of an award to the extent necessary for determining any question as to the fire and rescue authority's liability. [Rule L3(1)]. | | | | X |
| 45 | Discretion to decide an earlier payment date for survivor's benefits (other than an injury gratuity) than the date prescribed where the deceased received a gratuity or lump sum and option to pay gratuity in instalments rather than as a single lump sum [Rule L3(7) and (8)] | | | | X |
| 46 | Discretion as to recipient of any sum payable to a minor [Rule L5(1)] | | | | X |
| 47 | Discretion as to recipient of payments due to a person incapable of managing his/her own affairs [Rule L5(2)] | | | | X |
| 48 | 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 [Rule L5(3)] | | | | X |
| 49 | Discretion of fire authority to withhold sums due to a firefighter where there has been a loss to the funds of the fire authority as a result of fraud, theft or negligence on the part of that person [Rule L5(6)] | X | | | |
| 50 | Discretion to deduct from an award any outstanding balance of payments in respect of previous service. [Schedule 6, Part 1, paragraph 1(4)]. | | | | X |
| 51 | Decision as to contribution rate payable by firefighter by reference to pensionable pay. [Schedule 8, Part A1]. | | | | X |
| 52 | Discretion to extend 28 day time limit in which a firefighter must lodge a medical appeal to a period not exceeding 6 months from the date of issue of the documents referred to un Rule H2(4) to that person [Schedule 9, Part 1 (1)(2)] | X | | | |
| 53 | Discretion to decide the fire and rescue authority's representation at Medical Appeal Board interview. [Schedule 9, Part 1, paragraph 4(5)]. | | | | X |
| 54 | 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]. | | | X | |
| 55 | Discretion, where Medical Appeal Board decides an appeal in favour of the fire and rescue authority and reports that in its opinion the appeal was frivolous, vexatious or manifestly ill-founded, to require the appellant to pay to the authority such sum as the authority think fit, not exceeding the total amount of fees and allowances payable to the Board as determined by the Secretary of State. [Schedule 9, Part 1, paragraph 8(2)] | | X | | |
| 56 | Discretion, where the appellant withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date appointed for an interview or medical examination by the Medical Appeal Board less than 22 working days before the appointed date, to require the appellant to pay the authority a sum not exceeding the total amount of fees and allowances payable to the Board. [Schedule 9, Part 1, paragraph 8(2A)] As amended with effect from 1.7.2013 by SI 2013/1392. | | NEW | | |

GENERAL POLICY OF FIRE AUTHORITY

Where "B" has been suggested in the chart, i.e. that the decision/action should be taken in accordance with a general policy statement of the Fire Authority, the Fire Authority will need to consider the terms of the policy. At present no policy statement exists. The following are suggestions as to how the Fire Authority may wish to decide their policy (the numbers of each item correspond with the numbers in the chart). Once the policy has been made the delegation would be to level "D".

| CHART ITEM NUMBER | AGREED/NEW SUGGESTED POLICY |
|-------------------|--|
| 9 | Allow in all cases (agreed January 2002) |
| 20 | Adjust in all cases (to avoid excess service credit) (agreed January 2002) |
| 22 | Allow only if it can be demonstrated to the satisfaction of the fire authority that the person's delay in making request is caused by an error or oversight on the part of the fire authority (agreed January 2002) |
| 23 | Allow only if it can be demonstrated to the satisfaction of the fire authority that the person's delay in making request is caused by an error or oversight on the part of the fire authority (agreed January 2002) |
| 25 | Require in all cases (standard practice) (agreed January 2002) |
| 27 | Require a medical examination in all cases (agreed January 2002) |
| 40 | Require withdrawal of pension in all cases (agreed January 2002) |
| 43 | Allow payment monthly, in advance (current practice) (agreed January 2002) |
| 55 | Require appellant to pay said fees where Medical Appeals Board decide that appeal was "frivolous, vexatious or manifestly ill-founded" (agreed January 2002) |
| 56 | Require appellant to pay said fees where he/she withdraws an appeal or requests cancellation of, postponement of, or adjournment of the date for an interview or medical examination by the Medical Appeals Board less than 22 working days before the appointed date (NEW) |

NEW FIREFIGHTERS' PENSION SCHEME ORDER 2006
Decisions to be made by and discretionary powers of the fire authority

Agreed Delegations as at January 2014 with proposals for new delegations shown as NEW

Key

- A:** Decision/action taken in accordance with determination of Fire Authority in individual cases. Decisions would be made by the Pensions Panel, or the Appeals Committee in cases relating to IDRPs.
- B:** Decision/action taken in accordance with general policy of Fire Authority (once the policy has been made, the administration would be at level "D")
- C:** Decision/delegated to Chief Fire Officer or Deputy Chief Fire Officer after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- D:** Decision/action delegated to the Brigade Manager with responsibility for Human Resources after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.

Where a decision has to be taken in respect of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer, the level at which the decision/action is taken should be "A" or "B" in all circumstances.

| PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006 | | LEVEL OF DECISION | | | |
|---|---|--------------------------|----------|----------|----------|
| | | A | B | C | D |
| 1 | Determination of eligibility for membership of NFPS. [Part 2, Rule 1] . | | | X | |
| 2 | Discretion to accept the status of "nominated partner" where the firefighter member and partner had been in a relationship for less than 2 years. [Part 2, Rule 1(7)] . | | | X | |
| 3 | Decision, by agreement with 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. [Part 2, Rule 4] . | | | X | |
| 4 | 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] . | X | | | |
| 5 | Discretion to retire from the authority's employment with a pension, a firefighter aged 55 but under normal retirement age, on the grounds of economical, effective and efficient management of their functions ("authority-initiated early retirement"). [Part 3, Rule 6] . | | | X | |

| PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006 | | LEVEL OF DECISION | | | |
|--|---|-------------------|---|-----|---|
| | | A | B | C | D |
| 6 | Discretion to determine that any or all of the following benefits may be treated as pensionable for credit to the firefighter of additional pension benefit: Any allowance or supplement to reward additional skills and responsibilities that are applied and maintained outside the requirements of the firefighter member's duties under the contract of employment but are within the wider functions of the job; the amount (if any) paid in respect of a firefighter member's continual professional development; the difference between the firefighter member's basic pay in their day to day role and any pay received whilst on temporary promotion or where he is temporarily required to undertake the duties of a higher role; any performance related payment which is not consolidated into his standard pay. [Part 3, Rule 7B] <i>Replaced with effect from 1.7.2013 by 2013/1393</i> | | | NEW | |
| 7 | Discretion to commute a small pension payable to firefighter to a trivial commutation lump sum. [Part 3, Rule 10] . | | | | X |
| 8 | 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] . | X | | | |
| 9 | Acceptance of good health and normal life expectancy for allocation purposes. [Part 3, Rule 11, paragraph 6(a)] . | | | | X |
| 10 | 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] . | | | X | |
| 11 | Discretion, subject to request of surviving spouse, civil partner or nominated partner of a firefighter member, to commute their pension to a trivial commutation lump sum. [Part 4, Rule 5] . | | | | X |
| 12 | 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] . | | | X | |
| 13 | 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] . | X | | | |
| 14 | Discretion, subject to consent of child's remaining parent, to commute a child's pension to a trivial commutation lump sum. [Part 4, Rule 12] . | | | | X |
| 15 | Discretion as to recipient(s) of death grant. [Part 5, Rule 1, paragraph 10] . | X | | | |
| 16 | Discretion to pay part of any death grant not paid in full, to a person whose conviction for murder or manslaughter of the deceased has been quashed. [Part 5, Rule 1, paragraph 12] . | | | | X |
| 17 | Discretion, with the agreement of the pension credit member, to commute whole of pension credit pension to a trivial commutation lump sum. [Part 6, Rule 2] . | | | | X |
| 18 | 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] . | X | | | |
| 19 | Determination, in the first instance, of entitlement to and type of award due under the NFPS. [Part 8, Rule 2, paragraph 1] . | X | | | |
| 20 | Requirement to use, but right to select independent qualified medical practitioner for providing a medical opinion. [Part 8, Rule 2, paragraph 2] . | | | | X |
| 21 | 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. (The award to be based on such evidence as the authority think fit, or without medical evidence. [Part 8, Rule 2, paragraph 6] . | X | | | |

| PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006 | | LEVEL OF DECISION | | | |
|--|---|-------------------|-----|---|---|
| | | A | B | C | D |
| 22 | Discretion to agree with person concerned that the independent qualified medical practitioner should be given the opportunity to review his/her medical opinion if new evidence is presented within appropriate time-scales. [Part 8, Rule 3, paragraph 1] . | | | | X |
| 23 | Confirmation or revision of decision following an independent qualified medical practitioner's reconsideration of opinion. [Part 8, Rule 3, paragraphs 4 and 5] . | | | X | |
| 24 | Discretion to extend time limit for an appeal against the authority's decision based on medical advice. [Part 8, Rule 4, paragraph 4] . | | | X | |
| 25 | Requirement to deal with appeals under Internal Dispute Resolution Procedures. [Part 8, Rule 5] . <i>Mentioned here because a fire and rescue authority has certain discretions regarding those procedures.</i> | X | | | |
| 26 | 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 of undertaking regular employment. [Part 9, Rule 1, paragraph 1] . | | | | X |
| 27 | Requirement to decide, at such intervals as the fire and rescue authority think proper, whether a person under State pensionable who for less than 10 years has been in receipt of a deferred pension paid early on permanent disablement, has become capable of carrying out any duty appropriate to their former role, and of undertaking regular employment undertaking regular employment. [Part 9, Rule 1, paragraph 2] . | | | | X |
| 28 | Requirement to decide whether to make to a person whose ill-health 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. [Part 9, Rule 2, paragraph 3(b)] . | | | X | |
| 29 | Discretion to withdraw the whole or part of a Part 3 (personal award) pension paid to a former regular firefighter during any period of re-employment as a regular firefighter, or to a retained or volunteer firefighter during any period of re-employment as a retained or volunteer firefighter. If this discretion is not used and the pension is not withdrawn or abated, the authority must pay into the Firefighters' Pension Fund an amount equal to the amount which could have been withdrawn or abated (in accordance with Part 13, Rule 2, paragraph 11) [Part 9, Rule 3, paragraphs 1 and 2] . <i>Amended with effect from 1.7.2003 by SI 2013/1393.</i> | | X | | |
| 30 | 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. If this discretion is not used and the pension is not withdrawn or abated, the authority must pay into the Firefighters' Pension Fund an amount equal to the amount which could have been withdrawn or abated (in accordance with Part 13, Rule 2, paragraph 11) [Part 9, Rule 3, paragraph 3] . <i>Amended with effect from 1.7.2003 by SI 2013/1393.</i> | | NEW | | |
| 31 | 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] . | X | | | |
| 32 | Discretion to withdraw pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences. [Part 9, Rule 5, paragraphs 1 to 3] . | X | | | |
| 33 | 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, or to apply it for the benefit of any dependant of the pensioner. [Part 9, Rule 5, paragraph 4] . | X | | | |

| PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006 | | LEVEL OF DECISION | | | |
|--|---|-------------------|---|---|---|
| | | A | B | C | D |
| 34 | 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] . | | | X | |
| 35 | Decision as to the amount of qualifying service which a firefighter may reckon. [Part 10, Rule 1] | | | X | |
| 36 | Decision as to the amount of pensionable service a firefighter may reckon. [Part 10, Rules 2 and 3] . | | | X | |
| 37 | Discretion that the fire and rescue authority should pay the employer's pension contributions (otherwise payable by the firefighter) due for a firefighter's unpaid period of absence where the firefighter gives notice that he/she wishes to pay contributions in order that the period may count as pensionable service. [Part 10, Rule 4, paragraph 3] . | | | X | |
| 38 | Determination of pensionable pay. [Part 11, Rule 1] <i>See also Part 3, Rule 7B replaced with effect from 1.7.2013 by 2013/1393.</i> | | | | X |
| 39 | Discretion to deduct pension contributions from each instalment of pensionable pay as it becomes due (or by any other method of payment that may be agreed between the fire and rescue authority and the member). [Part 11, Rule 3, paragraph 2] . | | X | | |
| 40 | Discretion to extend the time limit in which an election to pay pension contributions in respect of unpaid additional maternity or adoption leave must be made. [Part 11, Rule 4, paragraph 3] . <i>This should also include paternity leave but this has not yet been written into the Scheme rules.</i> | | | X | |
| 41 | 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] . <i>This should also include paternity leave but this has not yet been written into the Scheme rules.</i> | | | X | |
| 42 | Discretion to allow a part-time regular firefighter to purchase pro rated additional service. [Part 11, Rule 5, paragraph 5] . | | | | X |
| 43 | Discretion to allow a retained or volunteer firefighter to purchase additional service. [Part 11, Rule 5, paragraph 6] . | | | | X |
| 44 | 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] . | | | | X |
| 45 | Decision as regards timing of recommencement of payment of additional contributions to purchase service where agreed with member that discontinuance should be no greater than 6 months. [Part 11, Rule 8, paragraph 2] . | | | | X |
| 46 | Discretion to extend time limit for the payment of contributions in respect of periods of unpaid service or absence. [Part 11, Rule 9, paragraph 4(c)] . | | | | X |
| 47 | Selection of "the guarantee date" for statement of cash equivalent transfer value entitlement. [Part 12, Rule 3, paragraphs 1 and 2] . | | | | X |
| 48 | 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] . | | | | X |
| 49 | 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 1] . | | X | | |
| 50 | Discretion to accept a transfer value. [Part 12, Rule 10, paragraph 1, subject to paragraph 3] . | | | | X |

| PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006 | | LEVEL OF DECISION | | | |
|--|--|-------------------|---|---|---|
| | | A | B | C | D |
| 51 | Determination, if so required by the firefighter, of accuracy of information contained in certificate of pensionable service to be supplied on firefighter's transfer to another English fire and rescue authority – the determination to be decided via Internal Dispute Resolution Procedures set up by authority. [Part 12, Rule 12, paragraphs 3 to 5]. | X | | | |
| 52 | Discretion to extend 12-month time limit for acceptance of "mis-selling" transfer value payment. [Part 12, Rule 14, paragraph 3]. | | | | X |
| 53 | Discretion to adjust "mis-selling" transfer value to take account of any earlier service credit. [Part 12, Rule 14, paragraph 6]. | | X | | |
| 54 | 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, paragraph 4]. | | | X | |
| 55 | 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)]. | X | | | |
| 56 | 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)]. | X | | | |
| 57 | Discretion to recover all or part of an overpayment following a pensioner's death of which the fire and rescue authority were not informed (possibly by making an off-set against any other awards payable under the NFPS in respect of the deceased). [Part 14, Rule 3, paragraph 5]. | | | | X |
| 58 | Discretion as to recipient of any sum payable to a minor and directions as to application for the minor's benefit. [Part 14, Rule 5, paragraph 1]. | | | | X |
| 59 | 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]. | | | | X |
| 60 | 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]. | X | | | |
| 61 | 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]. | X | | | |
| 62 | 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]. | | | | X |
| 63 | Decision as to date of issue of annual benefit statements and relevant date for the pension illustration. [Part 15, Rule 4]. | | | | X |
| 64 | Decision as to contribution rate payable by firefighter by reference to pensionable pay. [Annex A1]. | | | | X |
| 65 | 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)]. | X | | | |
| 66 | Discretion to decide fire and rescue authority's representative at Medical Appeal Board interview. [Annex 2, paragraph 6(5)]. | | | | X |

| PROVISION OF NEW FIREFIGHTERS' PENSION SCHEME 2006 | | LEVEL OF DECISION | | | |
|--|---|-------------------|-----|---|---|
| | | A | B | C | D |
| 67 | Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board. [Annex 2, paragraph 7(1)]. | | | X | |
| 68 | Discretion, where Medical Appeal Board determines an appeal in favour of the fire and rescue authority and states that, in its opinion, the appellant'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)]. | | X | | |
| 69 | Discretion, where appellant gives notice to the Medical Appeal Board, withdrawing the appeal or requesting cancellation of, postponement of, or adjournment of, the date appointed for the medical examination, less than 22 working days before the appointed date, 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 under Annex 2, paragraph 9(1). [Annex 2, paragraph 10(3)] <i>Amended with effect from 1.7.2013 by SI 2013/1393.</i> | | NEW | | |

GENERAL POLICY OF FIRE AUTHORITY

Where "B" has been suggested in the chart, i.e. that the decision/action should be taken in accordance with a general policy statement of the Fire Authority, the Fire Authority will need to consider the terms of the policy. At present no policy statement exists. The following are suggestions as to how the Fire Authority may wish to decide their policy (the numbers of each item correspond with the numbers in the chart). Once the policy has been made the delegation would be to level "D".

| CHART ITEM NUMBER | AGREED/NEW SUGGESTED POLICY |
|----------------------|---|
| 29 | Require withdrawal of pension in all cases (agreed June 2010) |
| 30 | Require abatement in all cases (NEW) |
| 39 | Require in all cases (standard practice) (agreed June 2010) |
| 49 | Shall not extend the one-year time limit (parity with LGPS) (NEW) |
| 53 | Adjust in all cases (to avoid excess service credit) (agreed June 2010) |
| 69 | Require appellant to pay under the terms stated in the Order (agreed June 2010) |
| 70 | Require appellant to pay under the terms stated in the Order (NEW) |

FIREFIGHTERS' COMPENSATION SCHEME ORDER 2006 Decisions to be made by and discretionary powers of the fire authority

Suggestions for Delegation as at February 2014

Key

- A:** Decision/action taken in accordance with determination of Fire Authority in individual cases. Decisions would be made by the Pensions Panel, or the Appeals Committee in cases relating to IDRP.
- B:** Decision/action taken in accordance with general policy of Fire Authority (once the policy has been made, the administration would be at level "D")
- C:** Decision/action delegated to Chief Fire Officer or Deputy Chief Fire Officer after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.
- D:** Decision/action delegated to the Brigade Manager with responsibility for Human Resources after consulting with the Treasurer on budgetary implications and the Legal Adviser on any legal issues.

Where a decision has to be taken in respect of the Chief Fire Officer, Deputy Chief Fire Officer or Assistant Chief Fire Officer, the level at which the decision/action is taken should be "A" or "B" in all circumstances.

| PROVISION OF FIREFIGHTERS' COMPENSATION SCHEME 2006 | | LEVEL OF DECISION | | | |
|---|---|-------------------|---|---|---|
| | | A | B | C | D |
| 1 | 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]. | X | | | |
| 2 | Discretion to accept the status of an unmarried partner (other than a civil partner) where the firefighter and partner had been in a relationship for less than 2 years. [Part 2, Rule 3, paragraph 10] | | | X | |
| 3 | Discretion to commute small compensatory pension for a lump sum. [Part 2, Rule 4]. | | | | X |
| 4 | Discretion 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)]. | X | | | |
| 5 | Discretion to increase, for such period as the fire and authority think fit, the level of spouse's or civil partner's 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. [Part 3, Rule 4, paragraphs 6 and 7]. <i>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.</i> | X | | | |

| PROVISION OF FIREFIGHTERS' COMPENSATION SCHEME 2006 | | LEVEL OF DECISION | | | |
|---|---|-------------------|---|---|---|
| | | A | B | C | D |
| 6 | 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] . <i>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.</i> | X | | | |
| 7 | 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 3, paragraph 5(c)] . | | | X | |
| 8 | 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] . | | | X | |
| 9 | Discretion to award a dependent relative's gratuity. [Part 5, Rule 2, paragraph 3] . | | | X | |
| 10 | 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] . | | | | X |
| 11 | 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] . | | | | X |
| 12 | Determination, in the first instance, of entitlement to, and type of, award under FCS. [Part 6, Rule 1] . | | | | X |
| 13 | Requirement to use, but right to select, independent qualified medical practitioner for providing a medical opinion. [Part 6, Rule 1] | | | | X |
| 14 | Discretion to decide award, without an independent qualified medical practitioner's opinion, based on such evidence as the fire and rescue authority think fit, or without medical evidence, if a person wilfully or negligently refuses to submit to medical examination. [Part 6, Rule 1] . | X | | | |
| 15 | Requirement to reconsider, at person's request, his/her claim to an award where the fire and rescue authority do not admit the claim at all, or to its full extent. [Part 6, Rule 3] . <i>Included here because of possible link with fire and rescue authority's arrangements for Internal Dispute Resolution Procedures; the fire and rescue authority has certain discretions regarding those procedures.</i> | X | | | |
| 16 | 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 during his/her forces period. [Part 7, Rule 2] . <i>This applies in respect of those covered by the FPS 1992.</i> | X | | | |
| 17 | Discretion to increase dependants' 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] . <i>This applies in respect of those covered by the FPS 1992.</i> | X | | | |
| 18 | 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] . <i>This applies in respect of those covered by the NFPS 2006.</i> | X | | | |
| 19 | Discretion to increase dependants' 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] . <i>This applies in respect of those covered by the NFPS 2006.</i> | X | | | |
| 20 | 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 own default while in attendance at a fire in the execution of duties as an employee of the authority. [Part 8, Rule 1] . | X | | | |

| PROVISION OF FIREFIGHTERS' COMPENSATION SCHEME 2006 | | LEVEL OF DECISION | | | |
|---|--|-------------------|---|---|---|
| | | A | B | C | D |
| 21 | Discretion to decide intervals at which a person's degree of disablement should be reviewed. [Part 9, Rule 1, paragraph 1]. | | X | | |
| 22 | 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]. | | X | | |
| 23 | 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] | X | | | |
| 24 | 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 and rescue authority. [Part 9, Rule 3] | | X | | |
| 25 | 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]. | X | | | |
| 26 | 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 dependant of the pensioner. [Part 9, Rule 4, paragraph 4] | X | | | |
| 27 | 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] | X | | | |
| 28 | 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]. | X | | | |
| 29 | Determination of intervals at which instalments of injury pension should be paid. [Part 10, Rule 2, paragraph 1]. | | X | | |
| 30 | Discretion to delay payment of an award to the extent necessary for determining any questions of the fire and rescue authority's liability. [Part 10, Rule 2, paragraphs 1 and 7]. | X | | | |
| 31 | 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]. | X | | | |
| 32 | 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)] | X | | | |
| 33 | Discretion to decide fire and rescue authority's representation at Medical Appeal Board interview. [Schedule 5, paragraph 5(5)] | | | | X |
| 34 | Discretion to decide whether or not to submit written evidence or a written statement to Medical Appeal Board. [Schedule 5, paragraph 6(1)] | | | X | |
| 35 | Discretion, where Medical Appeal Board decide that a person's appeal was "frivolous, vexatious or manifestly ill-founded" to require the appellant to pay 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 5, paragraph 9]. | | X | | |
| 36 | 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)]. | | X | | |

GENERAL POLICY OF FIRE AUTHORITY

Where "B" has been suggested in the chart, i.e. that the decision/action should be taken in accordance with a general policy statement of the Fire Authority, the Fire Authority will need to consider the terms of the policy. At present no policy statement exists. The following are suggestions as to how the Fire Authority may wish to decide their policy (the numbers of each item correspond with the numbers in the chart). Once the policy has been made the delegation would be to level "D".

| CHART ITEM NUMBER | SUGGESTED POLICY |
|-------------------|---|
| 21 | Follow guidance provided by the IQMP on assessment (NEW although existing practice is to follow guidance) |
| 22 | No further review (NEW although existing practice is not to review) |
| 24 | Require withdrawal of pension in all cases (agreed as of 2002 for FPS) |
| 29 | Allow payment monthly as per current practice (agreed as of 2002 for FPS) |
| 35 | Require appellant to pay under the terms stated in the Order (agreed June 2010 for NFPS 2006) |
| 36 | Require appellant to pay under the terms stated in the Order (NEW) |