

Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
<u>DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 1992</u>				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Permission for a Chief Fire Officer to retire and draw a pension before attaining age 55	Rule B1(2) as modified by (d)	Does not apply to a Chief Fire Officer appointed after 1st July 2013.	N/A - Chief Fire Officer was appointed after 1st July 2013
2	Temporary allowances and emoluments	Rule B5 (c)	This discretion introduces new powers for the Authority to make certain temporary allowances, which satisfy the prescribed requirements, pensionable under the additional pension benefit arrangements.	The Authority will treat CPD payments as pensionable. Payments for temporary promotion will be treated as non-pensionable.
3	Commutation of pension for lump sum	Regulation B7 (5a)	This discretion provides employers with the ability to permit those 1992 scheme members with less than 30 years' service and under age 55 to commute the maximum of a quarter of their pension for a lump sum on retirement. Under this new provision, the employer would be liable for any additional cost should they exercise this discretion.	Each case will be considered on an individual basis depending on the needs of the Service. A full business case would be needed, demonstrating the economical, effective and efficient management of its functions with associated costs.
4	Commutation of small pension.	Rule B8	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. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.

5	Allocation of a portion of a pension for a dependant other than a spouse or civil partner.	Rule B9(2) (b)	It must be demonstrated to the satisfaction of the Authority that the nominee is a person substantially dependant upon the member.	There is no guidance in the Scheme Rules as to the method of demonstration and so the Authority must determine our own test. Each case will be considered on an individual basis.
6	Acceptance of condition of normal life expectancy for allocation purposes	Rule B9(6)	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.	Where a Firefighter elects to give up part of their pension the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so. Each case will be considered on an individual basis.
7	Discretion to increase, for such period as the 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 the rules of the Firemens Pension Scheme Order 1992.	Rule C8(6) & (7)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer to permit the increase of a surviving spouse or civil partners award where a benefit is reduced under the Firemen's Pension Scheme order 1992 because the firefighter and spouse or civil partner were living separately at the date of death. This discretion allows a gratuity to be paid in whole or in part to a surviving spouse or civil partner if the firefighter and spouse, or firefighter and civil partner, were living separately at the date of death.	Yes, on a case by case basis.

8	Discretion to reinstate all or part of a spouse's or civil partner's pension or gratuity for such period as the authority think fit following termination on marriage, remarriage, formation of a civil partnership or subsequent civil partnership.	Rule C9	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer 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.	Yes, on a case by case basis.
9	Discretion 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) to (8)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the child's pension where the child is convicted of the manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes
10	Award of dependent relative's gratuity to a dependent relative.	Rule E3	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who can consider the payment of a dependent relative's gratuity to a dependent relative not entitled to any other award under the Firemen's Pension Scheme Order 1992 in respect of the same firefighter. (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).	Yes, on a case by case basis.

11	Decision to commute for a lump sum, part or all of a spouse's or civil partner's pension which is of limited amount.	Rule E5 subject to limitations in Rule E7	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will give consideration of commutation of a limited amount of a spouse or civil partner's pension into a lump sum.	Yes, on a case by case basis.
12	Decision to commute for a lump sum, part or all of a child's pension.	Rule E6 subject to limitations in Rule E7	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of commutation of a limited amount of a child's pension into a lump sum.	Consideration of commutation of a limited amount of a child's pension into a lump sum will be given in exceptional circumstances. Each case will be considered on a case by case basis.
13	Decision to substitute a higher amount of child's flat rate award where neither of the child's parents are alive.	Rule E9(6)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of substitution of a higher amount than the child's flat rate when neither of the child's parents are alive.	Yes, on a case by case basis.
14	Discretion that the Authority should pay the employers pension contribution (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.	Rule F2 (5)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer. If a firefighter has given notice under Rule F2(3) that he/ she wishes to pay contributions in order that a period of unpaid leave may count as pensionable service, the Authority can use their discretion under Rule F2(5) to pay the employer's contributions otherwise payable by the firefighter in addition to member contributions in these circumstances.	No, member should pay the employer contribution.
15	Extension of six month time limit for election to pay certain sums in order that earlier pensionable service may count on re-joining the fire and rescue service.	Rule F4(3)(c) and F5(1)(c)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of an extension of the time limit for an election to pay for previous service where a firefighter commences work with that or another fire authority after retiring without a pension.	No, extensions will not be granted.

16	Discretion to accept a transfer value.	Rule F7(1) subject to Rule F7(2) and (3)	This discretion would allow employees joining the Service to transfer previous pension rights into our scheme.	N/A as the 1992 scheme is now a closed scheme and is therefore 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.	Rule F9(2)	This discretion would allow employees leaving the Service to transfer out pension rights into a new employer scheme.	Yes, requests for transfers would be accepted at any time.
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.	Rule F9(5)	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.	No, the Authority will not extend the 12 months time limit.
19	Determination of pensionable pay.	Rule G1(1)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow consideration of which elements of pay are pensionable.	Yes, details are held in the Finance section on which elements of pay are pensionable.
20	Discretion to deduct pension contributions from instalments of pay.	Rule G2(2)	Contributions are normally deducted from instalments of pay but the Authority have discretion to collect the contributions due by other means should the need arise.	Yes, contributions will be made from salary where possible, but are accepted by other means such as accounts payable, electronic transfers.

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.	Rule G2A(3)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who have discretion to permit the extension of the 30-day time limit (counting from the day on which the person returns to work or, if he/she does not return to work, from the last day of employment with the Authority) for an election to pay contributions in respect or maternity, paternity or adoption leave which would not otherwise count as pensionable service.	Yes
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.	Rule G6(4)(b)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who require that a firefighter is in good health before accepting additional contributions.	Yes - a firefighter wishing to purchase increased benefits through the payment of additional contributions will be required to undergo a medical examination at his or her own expense but organised through HR via the Authority's Occupational Health provider.
23	Discretion of the 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.	Rule G7(3)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow a firefighter to cease making additional contributions.	Yes
24	The discretion to extend the time limit for appeal against a Fire and Rescue Authorities decision based on a medical opinion.	Rule H2(4)(c)	If a person, who wishes to appeal under Rule H2 of the Firemen's Pension Scheme Order 1992 against a decision based on a medical opinion, fails to submit the appeal notice and any supporting documents within the 28 days permitted for lodging such an appeal, the Fire and Rescue Authority have discretion to extend the 28 days.	Yes on a case by case basis

25	Requirement to deal with a person's disagreement by an 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 the Authority's determination under Rule H1 and the disagreement does not involve an issue of a medical nature.	Rule H3	The Fire and Rescue Authority must apply the requirements of Rule H3 of the Firemen's Pensions Scheme Order 1992 and Section 50 of the Pensions Act 1995 with two stage internal dispute resolution procedures. However, they have discretion to decide who the Stage 1 and Stage 2 decision makers will be.	Yes
26	Pension Credit members.	Part IA	<p>The Fire and Rescue Authority shall provide pension valuations and such information as may be required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. In the event of Pension Sharing Orders, the scheme members pension rights will be apportioned in accordance with the directions of the Court divorce/dissolution legislation, Rule B12 of the Firemen's Pension Scheme Order 1992, and factors provided by the Scheme Actuary; the pension credit members pension entitlement will be administered in accordance with Part IA of the Order.</p> <p>At the time that the pension credit pension becomes payable, the pension credit member will be informed of the comutation option and rights of appeal.</p> <p>The Authority can determine the charges to be made for administration.</p>	Yes

27	Discretion to commute a small pension due to a pension credit member.	Rule IA2(1)	If permissible under the Finance Act 2004 and Regulation 3(2)(b) of the Pension Sharing (Pension Credit Benefit) Regulations 2000 (commutation of pension credit benefit: small pensions) the Fire and Rescue Authority may commute the whole of a pension credit pension to a lump sum in accordance with guidance of the Scheme Actuary.	Yes on a case by case basis
28	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)	Although there is a requirement to review entitlement to an ill-health pension in accordance with this rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.	Yes
29	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/her former role as a firefighter.	Rule K1(3)	Although there is a requirement to review entitlement to early payment of a deferred pension under this Rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.	Yes

30	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.	Rule K3(1)	This discretion permits the reduction of a firefighter pension to not less than half the amount due where it is considered that they have contributed to an infirmity by their default. The amount of the reduced pension would be increased to the level of a notional deferred pension when the person attains age 60.	Yes
31	Discretion to withdraw whole or part of a person's pension (other than a spouse's or civil partner's award under Firefighter's Pension Scheme 1992) during any period of his/her re-employment in any capacity with a Fire and Rescue Authority.	Rule K4	The Fire and Recue Authority have a discretion (which is expected to be exercised) to withdraw the whole or part of any pension (other than an award made to a spouse or civil partner) for any period during which the person entitled to it is employed by any Fire and Rescue Authority in any capacity. Fire pensioners are required to inform the Authority of any re-employment, in any capacity, by another Fire and Rescue Authority.	Yes
32	Discretion to withdraw a pension in whole or in part, permanently or temporarily, on a person's conviction of certain offences.	Rule K5(1)	This discretion only applies in the case of treason, a serious offence under the official secrets act which lead to a serious loss of confidence in the public service.	Yes
33	Discretion to restore, at any time and to such extent as the Fire and Rescue 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.	Rule K5(5)	This discretion allows consideration of the reinstatement of the pension withdrawn as a result of a decision under Rule K5(1)	Yes
34	Determination of intervals at which instalments of pension or allowances shall be paid.	Rule L3(1)	The Fire and Rescue Authority have discretion to determine the intervals at which instalments of pension or allowance should be paid. (There is no longer a requirement to pay in advance.)	Yes

35	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)	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.	Yes
36	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.	Rule L3(7) and (8)	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.	Yes
37	Repayment of aggregate pension contributions.	Rule L3(9)	This discretion allows repayment on the request of the individual or unitl the expiration of a year from the date of retirement.	No - the Authority would repay at the earliest opportunity.
38	Discretion as to the recipient of any sum payable to a minor.	Rule L5(1)	The Fire and Rescue Authority may, at their discretion and as they think fit, pay a minor's pension to such other person as they may determine.	Yes
39	Discretion as to recipient, or application, of payments due to a person incapable of managing his/her own affairs.	Rule L5(2)	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.	Yes
40	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)	This discretion deals with awards (currently) less than £5,000 and allows decision to be made of who should receive this amount.	Yes

41	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.	Rule L5(6) to (9)	If 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 a regular firefighter in connection with his/her employment, the Authority can consider using the powers contained in Rule L5(6) of the Firemen's Pension Scheme Order 1992 to withhold all or part of any sums becoming due to him/her from the Authority in respect of a pension. The total amount withheld must not exceed the amount of the loss nor any part of a sum due that is not attributable to service as an employee of a Fire and Rescue Authority nor, where a sum is due in respect of a period beyond state pension age, any amount in respect of the secured portion of an ordinary, short service or ill-health pension.	Yes
42	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 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. The Fire and Rescue Authority have discretion to deduct the outstanding amount from the payments of award made to him/her.	Yes
43	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 medical opinion to that person, provided the Fire and Rescue Authority are of the opinion that the person's failure to lodge the appeal within 28 days was not due to his/her own default.	Schedule 9, Part I, paragraph 1(2)	This discretion allows consideration of extending the time limit for an appeal.	Yes - delegated to Chief Fire Officer in conjunction with Section 151 Officer.

44	Discretion to decide the Fire and Rescue Authority's representation at Medical Appeal Board interview.	Schedule 9, Part 1, paragraph 4(5)	This discretion deals with the arrangements for representation at a Medical Appeal Board.	Yes - delegated to 1) a medically qualified representative for the Authority and 2) a representative from the Service aware of the individual's circumstances.
45	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 allows consideration of whether to present written evidence to a Medical Appeal Board. In practice this is always done.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.
46	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)		Yes
47	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 Medical Appeal Board's total fees and allowances payable to the Board by the Authority.	Schedule 9, Part I, paragraph 8(2A)		Yes

Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
<u>DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 2006</u>				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Discretion to accept the status of 'nominated partner' where the Scheme member and partner had been in a relationship for less than 2 years.	Part 2, Rule 1(6) to (9)	On completion of a nomination form the Fire and Rescue Authority will accept the members' nomination.	Yes
2	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 Chief Fire Officer in conjunction with the Section 151 Officer who give consideration on a case by case basis.	Yes
3	Discretion to retire a firefighter who is at least aged 55 but under normal retirement age (60) on grounds of economical, effective and efficient management of their functions ("authority-initiated early retirement").	Part 3, Rule 6	This discretion allows the early payment of a pension to a firefighter aged 55 or over where the retirement is in the interests of the management of the service.	Each case will be considered on an individual basis depending on the needs of the Service. A full business case would be needed demonstrating the economical, effective and efficient management of it's functions with associated costs.

4	Discretion to determine that certain payments, not otherwise pensionable, should be treated as such for the credit of Additional Pension Benefit to the firefighter member	Part 3, Rule 7B	This discretion introduces new powers for the Authority to make certain temporary allowances, which satisfy the prescribed requirements, pensionable under the additional pension benefit arrangements.	The Authority will treat CPD payments as pensionable. Payments for temporary promotion will be treated as non-pensionable.
5	Discretion to commute a small pension payable to firefighter.	Part 3, Rule 10	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. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.
6	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	It must be demonstrated to the satisfaction of the Authority that the nominee is a person substantially dependant upon the member.	There is no guidance in the Scheme Rules as to the method of demonstration and so the Authority must determine our own test. Each case will be considered on an individual basis.
7	Requirement for, and acceptance of, an opinion as to normal life expectancy for allocation purposes.	Part 3, Rule 11, paragraph 6(a)	This discretion allows a firefighter 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. There is a requirement that the member has normal life expectancy and this discretion allows consideration of whether this is so.	Where a Firefighter elects to give up part of their pension the Authority may require them to undertake a medical examination to ensure they are in good health before permitting them to do so. Each case will be considered on an individual basis.

8	Discretion to provide pension valuations and information required in relation to divorce or dissolution of civil partnership proceedings and will take appropriate steps to record and administer Attachment Orders. ('Pension Debit Members')	Part 3, Rule 12	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer 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. The Fire and Rescue Authority may determine the charges to be made for administration.	Yes
9	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 Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the pension where there is a conviction of manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes
10	Discretion, subject to request of surviving spouse, civil partner or nominated partner of a firefighter, to commute their pension to a lump sum.	Part 4, Rule 5	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will give consideration of commutation into a lump sum.	Yes, on a case by case basis.
11	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 Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the child's pension where the child is convicted of the manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes

12	Discretion, subject to consent of child's remaining parent, guardian or the child (if not a minor) to commute a child's pension to a commutation lump sum.	Part 4, Rule 12	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will give consideration of commutation into a lump sum.	Yes, on a case by case basis.
13	Discretion, as to recipient of death grant and post retirement death grant	Part 5, Rule 1 & 2	This discretion allows the Authority to decide who should receive a death grant. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
14	Discretion as 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	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may permanently withhold all of the pension where there is a conviction of manslaughter of the deceased until and unless the conviction is quashed on appeal.	Yes
15	Discretion, with the agreement of the pension credit member, to commute whole of pension credit pension to a commutation lump sum.	Part 6, Rule 2	This discretion allows the commutation of a small pension into a lump sum in the circumstances of divorce. A small pension is defined in paragraph 20 schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Yes
16	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 allows the Authority to decide who should receive a death grant. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
17	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 allows the Authority to consider exceptions to the 28 day time limit for a firefighter to submit an appeal. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes, on a case by case basis.

<p>18</p>	<p>Requirement to deal with a person's disagreement by Internal Dispute Resolution Procedure arrangements set up by a 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 and the disagreement does not involve an issue of a medical nature.</p>	<p>Part 8, Rule 5</p>	<p>This requirement applies where a person disagrees with the Authority's decision and the question is not of a medical nature. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.</p>	<p>Yes, on a case by case basis.</p>
<p>19</p>	<p>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.</p>	<p>Part 9, Rule 1, paragraph 1</p>	<p>Although there is a requirement to review entitlement to an ill health pension in accordance with this rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.</p>	<p>Yes</p>

20	Requirement to decide, at such intervals as a Fire and Rescue Authority think proper, whether a person under normal benefit age (65) who is 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.	Part 9, Rule 1, paragraph 2 & Rule 2	Although there is a requirement to review entitlement to early payment of a deferred pension under this Rule, the Fire and Rescue Authority can decide at what intervals the pension should be reviewed.	Yes
21	Discretion, to withdraw the whole or part of a Part 3 (personal awards) pension for any period during which the person entitled to it is again employed as a firefighter, or in any other capacity, by any Fire and Rescue Authority.	Part 9, Rule 3	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
22	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].	Part 3 Rule 3 paragraph 4 contains the power to pay a deferred pension early (as in the case of medical capability), this discretion allows consideration of not making such a payment where the firefighter was dismissed due to an offence. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
23	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	This discretion only applies in the case of treason, a serious offence under the official secrets act which lead to a serious loss of confidence in the public service.	Yes

24	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, paragraphs 1 to 3, or to apply it for the benefit of any dependant of the pensioner.	Part 9, Rule 5, paragraph 4	This discretion allows consideration of the reinstatement of the pension withdrawn as a result of a decision under Part 9 Rule 5 paragraphs 1-3 of the Firefighters Pension Scheme (England) Order 2006. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
25	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 allows consideration to what extent an award should be forfeited in the circumstances described. This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes, on a case by case basis.
26	Discretion for a Fire and Rescue Authority to 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 or special pensionable service.	Part 10, Rule 4, Paragraph 3	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer, however, this will be payable by the individual rather than the Fire Authority.	No, member should pay the employer contribution.

27	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 a Fire and Rescue Authority and the member)	Part 11, Rule 3, paragraph 2	Contributions are normally deducted from instalments of pay but the Authority have discretion to collect the contributions due by other means should the need arise.	Yes, contributions will be made from salary where possible, but are accepted by other means such as accounts payable, electronic transfers.
28	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	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who have discretion to permit the extension of the 30-day time limit (counting from the day on which the person returns to work or, if he/she does not return to work, from the last day of employment with the Authority) for an election to pay contributions in respect of maternity, paternity or adoption leave which would not otherwise count as pensionable service.	Yes
29	Discretion to deduct contributions in respect of unpaid additional maternity or adoption leave from the death grant payable under Part 5 if the member or connected member dies without giving notice within the election time limit that he/she wishes to pay such contributions.	Part 11, Rule 4, paragraph 6 & 7	If a Firefighter member would have had the option to pay contributions in order to reckon as pensionable service or special pensionable service a period of maternity, paternity or adoption leave but dies within the time limits for making such an election without having made it, he/she shall be deemed to have given the notice and the Fire and Rescue Authority must give the Firefighter's personal representatives a statement of the contributions due, and may collect the contributions from the death grant payable under Part 5 of the Firefighter's Pension Scheme (England) Order 2006.	Yes

30	Discretion to allow a part-time regular firefighter to pay contributions at a part-time rate to purchase additional service.	Part 11, Rule 5, paragraph 5	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
31	Discretion to allow a retained or volunteer firefighter to purchase additional service by periodical contributions.	Part 11, Rule 5, paragraph 6	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer, in which case the contributions are based on the firefighter's reference pay.	Yes
32	Purchase of service during limited period. Discretions for estimation of service for duration of special retained firefighters exercise only.	Part 11, Rule 5A		Yes
33	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, and decisions 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	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow a firefighter to cease making additional contributions.	Yes

34	The payment of contributions in respect of periods of unpaid service or absence, and discretion to extend the time limit in which the firefighter must pay.	Part 11, Rule 9, paragraph 4(c)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who will allow a firefighter to apply for an extension but this must be no later than one month after the end of the period of unpaid absence. The additional contributions may be paid directly to the Authority during the unpaid leave or collected within 6 months of the firefighter's return to duty after the absence. The Authority have discretion to extend this time limit.	Yes, on a case by case basis.
35	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	Where, in any period of 12 consecutive months, a member has made and not withdrawn two applications for a statement of transfer value entitlement, the Fire and Rescue Authority have discretion not to supply a third or subsequent statement during that 12 month period unless the applicant pays such fee as the Authority may reasonably require.	Yes
36	Discretion to extend time limit in which a member, other than a special firefighter member, may apply for a transfer value payment from a non-occupational pension scheme.	Part 12, Rule 9, paragraph (1)(c)(ii)	The Fire and Rescue Authority have discretion to accept a Scheme Member's application for a transfer value payment from a non-occupational pension scheme where the application is made more than one year after the member first became eligible to be a firefighter member.	Yes
37	Discretion to accept a transfer value.	Part 12, Rule 10, paragraph 1, subject to paragraph 3 and 4 and Part 10, Rule 2, Paragraphs 2 and 3		Yes
38	Discretion to extend 12-month time limit for acceptance of a 'mis-selling' transfer value payment.	Part 12, Rule 14, paragraph 3		Yes

39	Discretion to adjust 'mis-selling' transfer value to take account of any earlier service credit.	Part 12, Rule 14, paragraph 6		Yes
40	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)	The Fire Authority need not pay the sum until they are satisfied as to the eligibility of an award.	Yes
41	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)		Yes
42	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 offset against any other awards payable under the Firefighters' Pension Scheme 2006 in respect of the deceased).	Part 14, Rule 3, paragraph 5		Yes
43	Repayment of aggregate contributions.	Part 14, Rule 3, paragraph 6	This discretion allows repayment on the request of the individual or until the expiration of a year from the date of retirement.	No - the Authority would repay at the earliest opportunity.
44	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	The Fire and Rescue Authority may, at their discretion and as they think fit, pay a minor's pension to such other person as they may determine.	Yes

45	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 allows the consideration of payment of an award to an appropriate person where the recipient is deemed to be incapable of managing their affairs.	Yes
46	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 deals with awards (currently) less than £5,000 and allows decision to be made of who should receive this amount.	Yes
47	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 7	If 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 a regular firefighter in connection with his/her employment, the Authority can consider using the powers contained in Part 14, Rule 6 of the Firefighter's Pension Scheme (England) Order 2006 to withhold all or part of any sums becoming due to him/her from the Authority in respect of a pension. The total amount withheld must not exceed the amount of the loss nor any part of a sum due that is not attributable to service as an employee of a Fire and Rescue Authority nor, where a sum is due in respect of a period beyond state pension age, any amount in respect of the secured portion of an ordinary, short service or ill-health pension.	Yes

48	Discretion to require a person who is or may be entitled to a pension or a lump sum under the FPS 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 gives the Authority the ability to require confirmation of identity when making an award.	Yes
49	Decision as to date of issue of annual benefit statements and relevant date for the pension illustration.	Part 15, Rule 4	Statutory requirement to provide by the 31st August each year.	Yes
50	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 allows consideration of extending the time limit for an appeal.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.
51	Discretion to decide fire and rescue authority's representative at Medical Appeal Board interview.	Annex 2, paragraph 6(5)	This discretion deals with the arrangements for representation at a Medical Appeal Board.	Yes - delegated to 1) a medically qualified representative for the Authority and 2) a representative from the Service aware of the individual's circumstances.

52	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 allows consideration of whether to present written evidence to a Medical Appeal Board. In practice this is always done.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.
53	Discretion, where Medical Appeal Board determines an appeal in favour of the Fire and Rescue Authority and states that , in its opinion, the appellants appeal was 'frivolous , vexatious or manifestly ill-founded' , to require the appellant to pay to the Fire and Rescue Authority such sum as the authrity 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 allows the Authority to require the appellant to pay a sum to the Authority where the appeal board decide that the appeal was frivolous, vexatious, or manifestly ill-founded.	Yes

54	Discretion, to 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 amount of fees and allowances payable to the Board by the Authority under Annex 2, paragraph 9(1), in circumstances where the 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, or if the appellants acts or omissions cause the Board to cancel, postpone or otherwise adjourn less than 22 days before the appointed date.	Annex 2, paragraph 10(3)	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.	Yes
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Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
DISCRETIONS UNDER THE FIREFIGHTERS' PENSION SCHEME 2015				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Power to Delegate. The Scheme Manager (the FRA) may delegate any of their functions including the power to delegate to such persons or employees of such as person as may be authorised in that behalf by the scheme manager.	Regulation 5 (2)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer. The Local Pension Board should ensure that delegated powers are appropriate and current.	Yes
2	Opting Out - Opting into this scheme. 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. There is an option 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)	New entrants will be automatically enrolled into the relevant scheme at which point they may opt out, therefore consideration for opting in is at a mutually agreed future date.	Yes
3	Opting out after first three months. 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. If the scheme manager considers that day to be inappropriate, it may vary the date to the first day of any later pay period as	Regulation 16 (2) (b)	The Authority would exercise the option in line with the contributions made by the individual.	Yes

	the scheme manager does consider appropriate.			
4	Pensionable Pay- The scheme manager has discretion to determine if continual professional development payments are to be treated as pensionable pay.	Regulation 17 (1) (d)	As per the email of 3/7/15 this discretion does not over-rule the NJC collective agreement that CPD should be pensionable, it just allows for a change in the employer position in the future.	Yes
5	Active membership - 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 (linked to regulation 111(4) and subject to the member paying the appropriate contributions).	Regulation 19 (c)		Yes - on a case by case basis.
6	Establishment of pension accounts: general. The Scheme Manager must establish and maintain pension accounts for scheme members, but they may be kept in such form as the scheme manager considers appropriate.	Regulation 28 (2)		Yes

7	<p>Closure and re-establishment of active member's account: if a member has more than two active member's accounts 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.</p>	<p>Regulation 37 (3), (4) and (5)</p>		<p>Yes</p>
8	<p>Closure of deferred member's account after gap in pensionable service not exceeding five years - 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 selection, the scheme manager must make the choice for them.</p>	<p>Regulation 49 (3) and (4)</p>		<p>Yes</p>
9	<p>Employer Initiated retirement - 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. 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.</p>	<p>Regulation 62 (1) and (2)</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer who may wish to refer the matter to the Fire Authority. In the case of a Principal Officer this decision would be taken to the Fire Authority.</p>	<p>Yes</p>

10	Exercise of partial retirement option - 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 in conjunction with the Section 151 Officer. The Local Pension Board should ensure that delegated powers are appropriate and current.	Yes - on a case by case basis.
11	Review of ill health award or early payment of retirement pension - 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 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.	Regulation 68 (1) and (2)		Yes
12	Consequences of review - If, following the review of a lower tier ill- health pension 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)		Yes

13	<p>Commencement of pensions - 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.</p> <p>If a deferred member requests deferral of payment of a deferred pension beyond deferred pension age or requests early payment with an early payment reduction before deferred pension age the scheme manager will decide the payment date after the claim for payment has been made.</p>	Regulation 70 (7) & (8)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
14	<p>Allocation election - The scheme manager must give consent 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 (Consent can be withheld if the scheme manager is not satisfied that the person nominated is not substantially dependent of the active member).</p>	Regulation 72 (3) (b) and (4)		Yes
15	<p>Adjustment of allocated benefit - 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>	Regulation 75 (1) and (2)		Yes on a case by case basis

16	<p>Death Benefits - Meaning of 'surviving partner'. A cohabiting partner may be considered a 'surviving partner' and potentially qualify 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.</p>	Regulation 76 (1) (b) (v) and (2)		Yes on a case by case basis.
17	<p>Person to whom lump sum death benefit payable - The scheme manager has absolute discretion as to the recipient of any lump sum benefit payable.</p>	Regulation 95		Yes
18	<p>Payment of pensions under Part 6 'Death Benefits' - 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.</p>	Regulation 100 (2)		Yes
19	<p>Surviving partner's pensions and eligible child's pensions: suspension and recovery - A scheme manager has the right to cease paying a surviving partner's pensions and/or eligible child's pension and recover any payment made in respect of a pension 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. (This 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).</p>	Regulation 101 (2) and (3)		Yes

<p>20</p>	<p>Provisional awards of eligible child's pensions: later adjustments - 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 (this does not affect the scheme managers' right to recover a payment or overpayment under any other provision where the scheme manager considers it appropriate to do so).</p>	<p>Regulation 102 (2) and (3)</p>		<p>Yes</p>
<p>21</p>	<p>Adjustments of benefits to comply with FA 2004 where members die over 75 - If a member dies after reaching age 75 and any part of a pension to 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 (the pension death benefit rules), the scheme manager has discretion to adjust the benefit payable to the person so that it would qualify under the section of the act.</p>	<p>Regulation 104 (1) (a) and (2)</p>		<p>Yes</p>

22	<p>Member Contributions - 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.</p> <p>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.</p>	<p>Regulation 110 (5) Regulation 110 (7) (h)</p>	<p>This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer</p>	<p>Yes on a case by case basis</p>
23	<p>Contributions During Absence From Work Due to Illness, Injury, Trade Dispute or Authorised Absence - 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.</p>	<p>Regulation 111(2), (3) and (4)</p>	<p>Approved CFA paper 24/3/15 With regard to regulation 111 contributions during absence from work, the Authority currently requires the scheme member to pay the employer contributions if they decide to pay the member contributions.</p>	<p>Yes on a case by case basis</p>

<p>24</p>	<p>Deduction and Payment Of Contributions - Member contributions due under Regulation 110 may be deducted by the scheme employer from each instalment of pensionable as it becomes due, unless another method of payment has been agreed between the scheme manager and the member. 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) 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.</p>	<p>Regulation 114 (1) Regulation 114(2) Regulation 114 (3)</p>		<p>Yes on a case by case basis</p>
<p>25</p>	<p>Transfers - Statement of entitlement. 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.</p>	<p>Regulation 135(4)</p>		<p>Yes</p>

26	Request for acceptance of a transfer payment - 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)		Yes
27	Transfer statement - 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 count provided that the transfer date falls within two months of the date of the statement.	Regulation 142(2)		Yes
28	Club transfer value statement - 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)		Yes
29	Appeal concerning entries on the certificate - 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)		Yes

30	Determinations by the scheme manager - It is the scheme manager that must determine whether a person is entitled to an award or to retain an award.	Regulation 151	Relates to recommendations from the IQMP process.	Yes
31	Role of IQMP in determinations by the scheme manager - The scheme manager must 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. 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(1) Regulation 152(7)	This discretion will be exercised by the Chief Fire Officer in conjunction with the Section 151 Officer.	Yes
32	Review of medical opinion - 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. 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 in conjunction with the Section 151 Officer.	Yes

33	<p>Notice of appeal - 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 154(4). 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.</p>	Regulation 155(2)		Yes
34	<p>Reference of appeal to the board - 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 the 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 costs and requesting notification from the member as to whether, in the circumstances, they wish to continue with, or withdraw, the appeal.</p>	Regulation 156(8) to (12)		Yes

35	<p>Procedure where appeal to be pursued - 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).</p>	Regulation 157(6) to (9)		Yes
36	<p>Expenses of each party - 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. If the appellant withdraws the 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.</p> <p>If the appellant's acts or omissions cause the 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.</p>	Regulation 161(2) Regulation 161(3)(a) Regulation 161 (3)(b)		Yes

37	<p>Appeals on other issues - 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.</p>	Regulation 163		Yes
38	<p>Commutation of small pensions - 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 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>	Regulation 167(3)		Yes on a case by case basis
39	<p>Payments for persons incapable of managing their affairs - 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</p>	Regulation 168		Yes

	may determine for the benefit of the person entitled, or any beneficiaries of that person			
40	Payments due in respect of deceased persons - 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 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.	Regulation 169		Yes

41	<p>Forfeiture: offences committed by members, surviving partners or eligible children - If a member, surviving partner or eligible child is convicted of a relevant offence, the scheme member 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. "Relevant offence" is defined in this Regulation. The definition includes offences injurious to the State (including treason) or likely to lead to a 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 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.</p>	Regulation 171(1), (2), (3) and (5) Regulation 171(4)		Yes
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<p>42</p>	<p>Forfeiture of pensions: offences committed by other persons - If a surviving partner or eligible child is convicted of the murder of a scheme member from whose benefits their pension would be derived the scheme manager must withhold all of the survivor's or child's pension otherwise payable. However, 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. The amount withheld must only be that part of the pension which exceeds any guaranteed minimum pension. 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>	<p>Regulation 172(1) to (5)</p>		<p>Yes</p>
<p>43</p>	<p>Forfeiture of lump sum death benefit: offences committed by other persons - 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</p>	<p>Regulation 173</p>		<p>Yes</p>

	<p>offence as outlined above, any restoration is cancelled.</p>			
<p>44</p>	<p>Forfeiture: relevant monetary obligations and relevant monetary losses - 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. "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</p>	<p>Regulation 174</p>		<p>Yes</p>

	omission. The procedure is set out in Regulation 176.			
45	Set-off - 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). The procedure is set out in Regulation 176.	Regulation 175		Yes

46	<p>Payment on behalf of members of lifetime allowance charge - At a scheme member's request, the scheme manager may 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 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.</p>	Regulation 178		Yes
47	<p>Evidence of entitlement - 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.</p>	Regulation 184(1) and (2) Regulation 184(3)		Yes Yes
48	<p>Amount of accrued added pension may not exceed overall limit of extra pension - The total amount of accrued added pension must not exceed a certain limit. If it appears to be 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).</p>	Schedule 1 Part 1, Paragraph 4		Yes

49	Member's election to make periodical contributions for added pension - If a scheme member wishes to make periodical payments for added pension, the scheme manager can set a minimum amount which must be paid.	Schedule 1 Part 1, Paragraph 7(3)	Scheme Manager determined minimum figure of £25 per month	Yes
50	Periodical payments - 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)		Yes
51	Periodical payments during periods of assumed pensionable pay - 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 can extend this period of six months.	Schedule 1 Part 2, Paragraph 10(4)		Yes
52	Meaning of 'tapered protection closing date' - 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) 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		Yes

Statement of Firefighter Pension Schemes – Scheme Member Obligations and Discretions				
DISCRETIONS UNDER THE FIREFIGHTERS' COMPENSATION SCHEME 2006				
No	Discretion	Regulation	Explanation/Process for Exercising Discretion	DDFRA statement on whether the discretion is to be exercised or not (the individual exercising the discretion is stated where appropriate)
1	Determining pensionable pay in certain cases (retained firefighters). Where the Fire & Rescue Authority are unable to determine the period of a person's service from their records and do not hold records of that persons pay for any period and the necessary documents can not be obtained from the person, the Authority may estimate the persons pensionable pay from the records they hold and may in particular estimate this on the basis of the average of recent pay data for retained firefighters at the same station or stations as that at which the person was based for the relevant period.	Part 1, Rule 11, paragraphs (5) and (6)		Yes

2	Discretion to reduce compensation for death or permanent incapacity while on duty if the firefighter's serious and culpable negligence or misconduct contributed 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		Yes
3	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		Yes
4	Discretion to commute small compensatory pension for a lump sum.	Part 2, Rule 4	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. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.

5	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)	This discretion allows some flexibility on whether to pay an award if it would be considered inequitable to do so.	Yes
6	Discretion to increase, for such period as the fire and rescue 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	This discretion allows consideration of payment of such an award. This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6/4/06 who have opted out of the NFPS – because the "living apart" limitation would not apply.	Yes
7	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	This discretion allows consideration of payment of such an award. This does not apply to members of the NFPS 2006, nor to firefighters appointed on or after 6/4/06 who have opted out of the NFPS – because the post-retirement marriage/civil partnership limitation would not apply.	Yes
8	Decision to cease payment of a child's special allowance where the Fire & 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)	This discretion allows the review of a child's pension on change of circumstances.	Yes

9	Discretion to award an adult dependent relative's special pension for such period(s) as the Fire & Rescue Authority may determine.	Part 5, Rule 1		Yes
10	Discretion to award a dependent relative's gratuity.	Part 5, Rule 2, paragraph 3		Yes
11	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 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. A small pension is defined in Paragraph 20 Schedule 29 of the Finance Act 2004 as a lump sum which is not more than 1% of the standard lifetime allowance on the date the lump sum is paid.	Where appropriate the Authority will allow the conversion of a small pension to a single lump sum in accordance with the financial limits set by the Finance Act 2004. Each case will be considered on an individual basis.
12	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 Chief Fire Officer in conjunction with the Section 151 Officer who allows consideration of commutation of a limited amount of a child's pension into a lump sum.	Consideration of commutation of a limited amount of a child's pension into a lump sum will be given in exceptional circumstances. Each case will be considered on a case by case basis.
13	Requirement to reconsider, at person's request, his/her claim to an award where the Fire & Rescue Authority do not admit the claim at all, or to its full extent.	Part 6, Rule 3	Requirement to reconsider an award. IDR process is appropriate.	Yes by way of IDR process

14	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 and Rule 4	This discretion allows the consideration of increasing the award for a serviceman injured during his/her forces period.	Yes on a case by case basis
15	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 and 4	This applies in respect of those covered by the FPS 1992.	Yes on a case by case basis
16	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 and 4. <i>This applies in respect of those covered by the NFPS 2006.</i>	This discretion allows the consideration of increasing the award for a reservist injured during his/her forces period.	Yes on a case by case basis
17	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 and 4. This applies in respect of those covered by the NFPS 2006.	This discretion allows the consideration of increasing the award for a reservist injured during his/her forces period.	Yes on a case by case basis

18	Discretion to pay an injury award to or in respect of an employee of a Fire & 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	This discretion is the general discretion to pay an award to an employee of the fire authority who is injured while in attendance at a fire.	Yes on a case by case basis
19	Discretion to decide intervals at which a person's degree of disablement should be reviewed.	Part 9, Rule 1, paragraph 1	This discretion allows the Authority to set timescales for review of payments under the scheme.	Yes
20	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 allows the Authority to decide to make no further reviews of degree of disablement.	Yes
21	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 allows the authority to reduce an award where a person contributed to the infirmity by his/her own default.	Yes

22	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 Authority.	Part 9, Rule 3	This discretion allows the Authority to withdraw a pension if the person is re-employed as a firefighter.	Yes
23	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	This discretion allows the withdrawal of a pension if the pensioner is convicted of an act of treason, or a serious offence under the Official Secrets Act.	Yes
24	Discretion to restore at any time and to such extent as the Fire & 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	This discretion allows the consideration of reinstatement of a pension withdrawn.	Yes
25	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		Yes
26	Determination of intervals at which instalments of injury pension should be paid.	Part 10, Rule 2, paragraph 1		Yes

27	Discretion to delay payment of an award to the extent necessary for determining any questions of the Fire & Rescue Authority's liability.	Part 10, Rule 2, paragraph 1	This discretion allows the Authority to delay payment of the sum until satisfied as to the eligibility for an award.	Yes
28	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 & Rescue Authority think fit.	Part 10, Rule 2, paragraph 7	This discretion allows the consideration of paying regular payments instead of a lump sum gratuity.	Yes
29	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 & 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 allows consideration of extending the time limit for an appeal.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.
30	Discretion to decide Fire & Rescue Authority's representation at Medical Appeal Board interview.	Schedule 5, paragraph 5(5)	This discretion deals with the arrangements for representation at a Medical Appeal Board.	Yes - delegated to 1) a medically qualified representative for the Authority and 2) a representative from the Service aware of the individual's circumstances.
31	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 allows consideration of whether to present written evidence to a Medical Appeal Board. In practice this is always done.	Yes - delegated to Chief Fire Officer in conjunction with the Section 151 Officer.

32	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 & 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(2)		Yes
33	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 & Rescue Authority such sum as the Authority think fit, not exceeding the Board's total fees and allowances.	Schedule 5, paragraph 9(3)		Yes