



Firefighters' Pension Scheme Circular

Circular Number:	FPSC 6/2011	Date Issued:	19 th April 2011
Action:	For information and action		
Title:	<i>Firefighters' Pension Scheme 1992 – Revised Commutation Factors</i>		
Issued by:	Andrew Cornelius Firefighters' Pensions Team. Workforce, Pay and Pensions Division		

Summary:	This circular advises FRAs on the revised commutation factors prepared by the Government Actuary for the purpose of calculating lump sums payable under Rule B7 of the Firefighters' Pension Scheme 1992. These revised factors should be applied to members who retire on or after 19 th April 2011.
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1. Background

- 1.1 This circular advises FRAs about the revised commutation factors prepared by the Government Actuary for the purposes of calculating the lump sums payable to persons who commute part of their firefighter's pension under Rule B7 of the Firefighters' Pension Scheme 1992 (FPS). The revised commutation factors have been attached at Annex A.
- 1.2 The new factors must be applied to any member who retires on or after 19th April 2011.

2. Potential Tax Implications

- 2.1 FRAs should be aware that as some of revised commutation factors are higher than 20:1 there may be tax implications for some members where the value of their commuted lump sum exceeds the maximum permitted by HMRC (i.e. which is currently set at 25% of the total value of benefits vested).
- 2.2 Where the commuted lump sum exceeds the HMRC 25% limit then the amount of lump sum in excess of the limit may be an unauthorised payment and subject to a tax charge.

For example: using a revised commutation rate of 22 to illustrate the point

Annual (pre-commutation) pension = £10,000. Member elects to commute 25% (£2,500 a year) to generate a lump sum of £2,500 x 22 = **£55,000**. Annual (post commutation) pension = £7,500.

HMRC assess the total value of the benefits as 20 times the pension actually received plus the lump sum actually received i.e. (20 x £7,500) + £55,000 = £150,000 + £55,000 = £205,000

Maximum tax-free lump sum permitted by HMRC is 25% of the total value of benefits vested i.e. 25% x £205,000 = **£51,250**.

For this particular member the commuted lump sum of £55,000 will have exceeded the HMRC limit by £3,750.

- 2.3 In addition to the tax charge incurred by the scheme member the pension scheme may also be liable to pay a Scheme Sanction Charge. More information on the Scheme Sanction Charge can be accessed on the HMRC website via: <http://www.hmrc.gov.uk/manuals>
- 2.4 The increase in factors mean that at certain levels the HMRC limits on Pension Commencement Lump Sums (PCLS) may be exceeded. This is unavoidable due to the fact that the FPS scheme rules provide that any commuted lump sum has to be the actuarial equivalent of the pension being given up. However when considering whether to commute or not members should be made aware where full commutation is likely to incur a tax charge. This will allow them to consider reducing

the amount of pension they wish to commute to ensure they stay within the PCLS limits. Ultimately it is down to the individual member to decide on how much pension, if any, they wish to commute.

3. Software

- 3.1 We will be in touch with Heywoods who are the main fire pension software provider about the new format for the factors. We understand that the necessary software changes will be made to accommodate the new factors. If you use another provider you will need to inform them of the change.

Andrew Cornelius

**Firefighters' Pension Scheme 1992
Firefighters' Pension Scheme (Northern Ireland) 2007
Commutation on Retirement**

Author: Trevor Llanwarne, Ian Boonin

Date: 19 April 2011



Introduction

Rule B7 of the Firefighters' Pension Scheme Order 1992 (SI 1992/129) and article 18 of the Firefighters' Pension Scheme Order (Northern Ireland) 2007 (SR 2007/144) state that a member entitled to an ordinary, short service, ill health or deferred pension may commute a portion of their pension for a lump sum. The lump sum is the actuarial equivalent of the commuted portion at the date of retirement, calculated from tables prepared by the Government Actuary.

The purpose of this note is to provide the tables for commutation of pension to lump sum in the Firefighters' Pension Scheme (FPS) in England, Wales, Scotland and Northern Ireland.

This guidance supersedes any previous guidance or advice issued by GAD in connection with firefighter pension commutation and is effective with immediate effect.

If administrators for English authorities have any questions about how to use this guidance they should in the first instance consult published information on the Firefighter Pensions pages at:

<http://www.communities.gov.uk/fire/firerescueservice/firefighterpensions/>

If this does not help, administrators for English authorities may contact the Firefighters' Pensions Teams at DCLG.

Administrators for other authorities should contact the Scottish Public Pensions Agency, the Welsh Assembly Government or the Department of Health, Social Services and Public Safety Northern Ireland, as applicable.

The Firefighters' Pensions teams will seek input from the scheme actuary if necessary.

Caveats

This note should not be used for any purpose other than to determine the commutation factor that should be applied to the amount of pension commuted to provide a lump sum. For example:

- This guidance does not apply to the trivial commutation of pension under rules B8, E5 and E6 of The Firefighters' Pension Scheme Order 1992 or articles 19, 40 and 41 of the Firefighters' Pension Scheme Order (Northern Ireland) 2007.
- This guidance also does not cover the calculation of the capitalised value of benefits for the purpose of determining death gratuities under rule E4 of The Firefighters' Pension Scheme Order 1992 or article 39 of the Firefighters' Pension Scheme Order (Northern Ireland) 2007.

This note should be considered in its entirety, not as individual sections which if considered in isolation, may be misleading, and conclusions reached by a review of some sections on their own may be incorrect.

This note only covers the actuarial principles around the calculation and application of commutation factors. Any legal advice in this area should be sought from an appropriately qualified person or source.

Administration

1. The amount of FPS pension that can be commuted is subject to the limits set out in the FPS regulations. In most cases a quarter of the pension can be commuted. An ordinary pension in respect of at least 25 but less than 30 years of service (unless the member retires at, or after, normal pension age) can be commuted to give a maximum lump sum of no more than 2¼ times the full amount of the annual pension (rule B7 of the Firefighters' Pension Scheme Order 1992 / article 18 of the Firefighters' Pension Scheme Order (Northern Ireland) 2007).
2. Rule B10 of the Firefighters' Pension Scheme Order 1992 (or article 21 of the Firefighters' Pension Scheme Order (Northern Ireland) 2007) describes additional restrictions on the amount of pension that can be commuted in certain circumstances.
3. Restrictions on pension commutation are also imposed by the pension taxation regime under Finance Act 2004. Administrators must ensure that the payment of a lump sum in lieu of pension is compliant with the tax rules as well as with the firefighter pension regulations. The main taxation restriction is that for a lump sum to be authorised under the tax rules it must not exceed 25% of the total value of benefits vested.
4. There are some scenarios where the 25% HMRC limit could potentially be breached.
 - A member with a commutation factor above 20 commutes 25% of their pension. This can be avoided by commuting a lower proportion of pension.
 - Allocation in accordance with Firefighters' Pension Scheme Order 1992 rule B9 / article 20 of the Firefighters' Pension Scheme Order (Northern Ireland) 2007.
 - Pension commencing before age 55 after a gap since leaving service

Please refer to HMRC guidance if such cases arise.

FPS commutation – retiring from active service

5. For a firefighter retiring on pension directly from firefighter service the lump sum payable can be determined as follows:

pension given up × factor from table 1


Equivalently, the pension given up can be determined as follows:

lump sum payable ÷ factor from table 1

6. Note that the factor for retirements at age 49 and below should only be used for retirements under rule A15 (article 11 in Northern Ireland) since retirements under other rules are not possible until age 50.
7. The example on page 5 illustrates this calculation.

FPS commutation – break between leaving service and pension commencing

8. For a firefighter retiring with a break between leaving service and pension commencing the commutation lump sum should be calculated as in paragraphs 5 and 6 above in the following cases:
- If the pension commences at or above age 55; or
 - If the pension commences on grounds of ill health before age 55 and attracts full pension increases.
9. In other cases where the pension commences before age 55 a special calculation is needed. If any cases arise, please refer to the Firefighters' Pension Team at DCLG, the SPPA, the Welsh Assembly or the Department of Health, Social Services and Public Safety Northern Ireland (as applicable) for onward transmission to GAD.



Trevor Llanwarne
Government Actuary
19 April 2011



Ian Boonin
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19 April 2011

Example Calculations

This section provides an example of the calculations described in this note.

Example – FPS: retiring from active service

Date of birth: 22 December 1961

Date pension commences: 22 December 2011

Pensionable Service: 25 years (excluding doubling)

Total pension payable: £20,000 pa

Age on day pension commences: 50 years

Commutation Factor = 22.4 (from table 1)

The member retires at age 50 with 25 years' service, so the maximum lump sum he can commute according to the FPS rules is two and a quarter times the full amount of the pension.

$$\begin{aligned}\text{Maximum lump sum} &= 2.25 \times 20,000 \\ &= £45,000\end{aligned}$$

$$\begin{aligned}\text{Pension after commutation} &= 20,000 - 45,000 / 22.4 \\ &= £17,991 \text{ pa}\end{aligned}$$

**Table 1: FPS factors for commutation of pension to lump sum
Males and Females**

Years	Age in years and completed months on day pension commences											
	0	1	2	3	4	5	6	7	8	9	10	11
Below 50	23.4											
50	22.4	22.3	22.3	22.3	22.3	22.2	22.2	22.2	22.2	22.1	22.1	22.1
51	22.1	22.0	22.0	22.0	22.0	21.9	21.9	21.9	21.9	21.8	21.8	21.8
52	21.8	21.7	21.7	21.7	21.7	21.6	21.6	21.6	21.6	21.5	21.5	21.5
53	21.5	21.4	21.4	21.4	21.3	21.3	21.3	21.3	21.2	21.2	21.2	21.1
54	21.1	21.1	21.1	21.0	21.0	21.0	21.0	20.9	20.9	20.9	20.9	20.8
55	20.8	20.8	20.8	20.7	20.7	20.7	20.6	20.6	20.6	20.5	20.5	20.5
56	20.4	20.4	20.4	20.4	20.3	20.3	20.3	20.2	20.2	20.2	20.1	20.1
57	20.1	20.0	20.0	20.0	19.9	19.9	19.9	19.8	19.8	19.8	19.7	19.7
58	19.7	19.6	19.6	19.6	19.5	19.5	19.5	19.4	19.4	19.4	19.3	19.3
59	19.3	19.2	19.2	19.2	19.1	19.1	19.1	19.0	19.0	19.0	18.9	18.9
60	18.9	18.8	18.8	18.7	18.7	18.7	18.6	18.6	18.6	18.5	18.5	18.5
61	18.4	18.4	18.4	18.3	18.3	18.2	18.2	18.2	18.1	18.1	18.1	18.0
62	18.0	18.0	17.9	17.9	17.8	17.8	17.8	17.7	17.7	17.7	17.6	17.6
63	17.5	17.5	17.5	17.4	17.4	17.4	17.3	17.3	17.2	17.2	17.2	17.1
64	17.1	17.1	17.0	17.0	16.9	16.9	16.9	16.8	16.8	16.8	16.7	16.7
65	16.6											