

**2013 No. 186**

**FIRE SERVICES**

**PENSIONS**

**The Fire Reform (Pensions Amendments) (Scotland) Order 2013**

<i>Made</i>	- - - -	<i>29th May 2013</i>
<i>Laid before the Scottish Parliament</i>		<i>31st May 2013</i>
<i>Coming into force</i>	- -	<i>1st July 2013</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 34(1) to (4) and 60(2) of the Fire and Rescue Services Act 2004<sup>(a)</sup> and all other powers enabling them to do so.

In accordance with section 34(5) of that Act, they have consulted with such persons as they considered appropriate.

**PART 1**

**General**

**Citation, commencement and effect**

**1.**—(1) This Order may be cited as the Fire Reform (Pensions Amendments) (Scotland) Order 2013.

(2) This Order comes into force on 1st July 2013 and, subject to paragraph (3), has effect from 1st April 2013.

(3) Articles 3 and 10(a) have effect from 1st October 2012.

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<sup>(a)</sup> 2004 c.21; section 34 was relevantly amended by S.I. 2013/602, Schedule 1, paragraph 7(2); the functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2005 (S.I. 2005/849).

## PART 2

### Amendment of the Firefighters' Compensation Scheme (Scotland) Order 2006

#### General

2. Schedule 1 to the Firefighters' Compensation Scheme (Scotland) Order 2006(a) is amended in accordance with articles 3 to 8.

#### Part 1

3. In rule 2(1) of Part 1 (interpretation)(b), in the definition of "fire and rescue authority" at the end insert "or the Scottish Fire and Rescue Service".

4. In rule 4(2) of Part 1 (application to temporary employment), for sub-paragraph (b) substitute—

"(b) as a Chief Inspector, Inspector or Assistant Inspector appointed, or taken to have been appointed, under section 43A of the 2005 Act(c);".

#### Part 8

5. In rule 1(5)(b) of Part 8 (award to employee not a regular or retained firefighter), omit "other".

#### Part 10

6. In rule 1 of Part 10 (authorities responsible for payment of awards)—

(a) in paragraph (1)—

(i) for "Subject to paragraph (2), an", substitute "An"; and

(ii) for the words from "the authority" to the end, substitute "the Scottish Fire and Rescue Service"; and

(b) omit paragraphs (2) and (3).

7. In rule 3 of Part 10 (prevention of duplication), omit paragraph (5).

8. In rule 4(2) of Part 10 (prevention of duplication: other injury awards), omit from "(whether" to "authorities)".

## PART 3

### Amendment of the Firefighters' Pension Scheme (Scotland) Order 2007

#### General

9. Schedule 1 to the Firefighters' Pension Scheme (Scotland) Order 2007(d) (in which the New Firefighters' Pension Scheme (Scotland) is set out) is amended in accordance with articles 10 to 20.

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(a) S.S.I. 2006/338.

(b) Relevant amending instrument is S.S.I. 2007/198.

(c) Section 43A was inserted by section 119 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

(d) S.S.I. 2007/199.

## **Part 1**

**10.** In rule 2(1) of Part 1 (interpretation)(a)—

- (a) in the definition of “authority”, for “Scottish fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005(b)) or the Scottish Fire and Rescue Service”; and
- (b) omit the definitions of “fire and rescue authority employer contributions”, “Firefighters’ Operating Account”, “Firefighters’ Pension Account” and “proper accounting practices”.

## **Part 2**

**11.** In rule 1(10) of Part 2 (scheme membership)(c), omit paragraph (a) and the word “or” immediately after it.

## **Part 3**

**12.** In rule 1 of Part 3 (ordinary pension)—

- (a) in paragraph (1), for “Subject to paragraph (2), this” substitute “This”; and
- (b) omit paragraph (2).

**13.** In rule 4 of Part 3 (cancellation of deferred pension), omit paragraph (3).

**14.** In rule 11(4)(a)(ii) of Part 3 (allocation of pension), for “their former” substitute “the”.

## **Part 7**

**15.** In rule 4 of Part 7 (reservists who do not resume employment), omit “reservist’s former”.

## **Part 9**

**16.** In rule 3 of Part 9 (withdrawal of pension during service as firefighter)—

- (a) in paragraph (2), omit “(whether from the same authority or from different authorities)”; and
- (b) omit paragraph (4).

## **Part 10**

**17.** In rule 4(1) of Part 10 (reckoning of unpaid period of absence), omit “in accordance with Part 13B”.

## **Part 12**

**18.** In rule 12 of Part 12 (transfer of payments and pension history between authorities), omit paragraph (10).

## **Part 13**

**19.** In rule 1 of Part 13 (authorities responsible for payment of awards)(d)—

- (a) in paragraph (1), for “authority by whom the person was last so employed” substitute “Scottish Fire and Rescue Service”; and

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(a) Relevant amending instrument is S.S.I. 2010/333.  
(b) 2005 asp 5.  
(c) Relevant amending instrument is S.S.I. 2008/160.  
(d) Relevant amending instrument is S.S.I. 2008/160.

(b) in paragraph (2), for the words from “authority” to the end substitute “Scottish Fire and Rescue Service”.

**Part 13B**

**20.** Omit Part 13B (Firefighters’ Pension Account).

St Andrew’s House,  
Edinburgh  
29th May 2013

*JOHN SWINNEY*  
A member of the Scottish Government

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends 2 pensions instruments so as to make changes consequential on the creation of the Scottish Fire and Rescue Service. The instruments amended are the Firefighters' Compensation Scheme (Scotland) Order 2006 and the Firefighters' Pension Scheme (Scotland) Order 2007.

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