
SCOTTISH STATUTORY INSTRUMENTS

2013 No.

FIRE SERVICES

The Firefighters’ Pension Scheme (Scotland) Amendment (No. 2) Order 2013

<i>Made</i>	- - - -	2013
<i>Laid before the Scottish Parliament</i>		April 2013
<i>Coming into force</i>	- -	May 2013

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(a) 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.

Citation, commencement and effect

1.—(1) This Order may be cited as the Firefighters’ Pension Scheme (Scotland) Amendment (No.2) Order 2013.

(2) This Order comes into force on May 2013 and has retrospective effect from 1 April 2013.

Amendment of the Firefighters’ Pension Scheme (Scotland) Order 2007

2. Schedule 1 to the Firefighters’ Pension Scheme (Scotland) Order 2007(b) (in which the New Firefighters’ Pension Scheme (Scotland) is set out) is amended as follows.

Part 1

3. In rule 2(1) of Part 1 (interpretation), insert the following definitions at the appropriate places—

““automatic enrolment date” has the meaning given by section 3(7) (automatic enrolment) of the Pensions Act 2008(c);”

““the Automatic Enrolment Regulations” mean the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(d);”

(a) 2004 c.21 amended by s.89(1) of, and paragraph 24 of Schedule 3 to, the Fire (Scotland) Act 2005 (asp 5). 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).

(b) S.S.I. 2007/199; amended by S.S.I. 2008/160, 2010/65 and 333, and 2012/107.

(c) 2008 c.30.

(d) S.I. 2010/772; amended by S.I. 2012/215.

““automatic re-enrolment date” means the date determined in accordance with regulation 12 of the Automatic Enrolment Regulations;”

““automatically enrolled” means becoming a firefighter member of the Scheme on the automatic enrolment date;”

““automatically re-enrolled” means becoming a firefighter member of the Scheme on the automatic re-enrolment date;” and

““opt in” means becoming a firefighter member of the Scheme pursuant to the right in section 7(3) of the Pensions Act 2008 and in accordance with the arrangements prescribed by the Automatic Enrolment Regulations, and similar expressions are to be construed accordingly;”.

Part 2

4. In rule 1 of Part 2 (scheme membership)—

- (a) in paragraph (2), for “rule 6(4)” substitute “rule 6”; and
- (b) after paragraph (2), insert—

“(2A) Where a person who has made an election not to pay pension contributions under the 1992 Scheme is automatically enrolled in this Scheme, that enrolment shall constitute an election to become as firefighter member of this Scheme.”.

5. In rule 5 of Part 2 (election not to make pension contributions), after paragraph (1) insert—

“(Z1) A written notice given under paragraph (1) must be signed by the firefighter member or, where the notice is in electronic format, must include a statement confirming that that person personally submitted the notice.”

6. In rule 6 of Part 2 (rejoining the Scheme)—

- (a) for paragraph (1), substitute—

“(1) A person who has made a contributions election may cancel it by giving to the authority a written notice which must—

- (a) be signed by that person; or
- (b) where the notice is in electronic format, include a statement confirming that that person personally submitted the notice.”;

- (b) after paragraph (1), insert—

“(1A) Where a person who has made a contributions election is subsequently automatically enrolled or re-enrolled in the Scheme, that enrolment or re-enrolment constitutes a cancellation of that person’s contributions election.”

- (c) omit paragraphs (2) and (3); and
- (d) in paragraph (4), at the end insert “or, in the case of a firefighter member who has been automatically enrolled or re-enrolled, with effect from the automatic enrolment or re-enrolment (as the case may be)”.

Part 3

7. In rule 8 of Part 3 (refund of aggregate pension contributions)—

- (a) before paragraph (1), insert—

“(A1) Paragraphs (1) and (2) are subject to paragraph (3).”; and

- (b) after paragraph (2), insert—

“(3) In the case of a firefighter member who makes a contributions election subsequent to being automatically enrolled or re-enrolled in the Scheme, or having opted in to the Scheme, paragraph (1) applies with the following modifications—

- (a) “three months’ qualifying service” means three months’ qualifying service since being automatically enrolled or re-enrolled or opting in (as the case may be) on that occasion; and
- (b) “aggregate pension contributions” means the payments made by the firefighter member to the employing authority by way of pension contributions since being automatically enrolled or re-enrolled or opting in (as the case may be) on that occasion.”.

St Andrew’s House,
Edinburgh

2013

A member of the Scottish Government

EXPLANATORY NOTE

(This note is not part of the Order)