
SCOTTISH STATUTORY INSTRUMENTS

2013 No.

FIRE SERVICES

**The Firefighters’ Pension Scheme (Scotland) Amendment
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 Order 2013.

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

(3) Article 3(a) has effect from 1st October 2012.

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)—

- (a) in the definition of “authority”, for “Scottish fire authority” substitute “relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005(c)) 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”.

(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) 2005 asp 5.

Part 2

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

Part 3

5. 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).

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

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

Part 7

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

Part 9

9. 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

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

Part 12

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

Part 13

12. In rule 1 of Part 13 (authorities responsible for payment of awards)—

- (a) in paragraph (1), for “authority by whom the person was last so employed” substitute “Scottish Fire and Rescue Service”; and
- (b) in paragraph (2), for the words from “authority” to the end substitute “Scottish Fire and Rescue Service”.

Part 13B

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

A member of the Scottish Government

St Andrew’s House,
Edinburgh

2013

EXPLANATORY NOTE

(This note is not part of the Order)