

2012 No.

FIRE SERVICES

PENSIONS

**The Firefighters' Pension Scheme (Contributions) Amendment
(Scotland) Order 2012**

<i>Made</i> - - - -	2012
<i>Laid before the Scottish Parliament</i>	2012
<i>Coming into force</i> - -	1st April 2012

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26(5) of the Fire Services Act 1947(a), sections 12 and 16 of the Superannuation Act 1972(b) and all other powers enabling them to do so.

Citation, commencement, effect and extent

1.—(1) This Order may be cited as the Firefighters' Pension Scheme (Contributions) Amendment (Scotland) Order 2012.

(2) This Order comes into force on 1st April 2012.

(3) This Order extends to Scotland only.

(a) 1947 c.41 ("the 1947 Act"); repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21). Subsections (1) to (5) of section 26 continue to have effect for the purposes of the scheme established under that section as the Firemen's Pension Scheme and set out in the Firemen's Pension Scheme Order 1992 (S.I. 1992/129), by article 3 of the Firefighters' Pension Scheme (England and Scotland) Order 2004 S.I. 2004/2306. The name of the scheme was changed to the Firefighters' Pension Scheme by article 4(1) of S.I. 2004/2306. Section 26 of the 1947 Act was amended by section 1 of the Fire Services Act 1951 (c.27), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c.65), section 33 of, and Schedule 3 to, the Theft Act 1968 (c.60), sections 16 and 29 of, and Schedule 8 to, the Superannuation Act 1972 (c.11), section 100 of, and Schedule 27 to, the Social Security Act 1973 (c.38), section 1 of, and Schedule 1 to, the Social Security (Consequential Provisions) Act 1975 (c.18), section 32 of the Magistrates' Courts Act 1980 (c.43), article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551), section 1 of the Police and Firemen's Pensions Act 1997 (c.52) and section 256 of, and Schedule 25 to, the Civil Partnership Act 2004 (c.33). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of article 2 of and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, (S.I. 1999/1750) and article 2 of and the Schedule to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006, (S.I. 2006/304).

(b) 1972 c.11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c.7). 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 1999, article 2 and Schedule 1 (S.I. 1999/1750). Section 16 applies section 12 with the necessary modifications to orders under section 26 of the Fire Services Act 1947. Section 16 is repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21) but continues to have effect, for the purposes of the Firefighters' Pension Scheme, by virtue of article 3 of S.I. 2004/2306.

Amendment of the Firefighters Pension Scheme Order 1992

2.—(1) Schedule 2 to the Firefighters' Pension Scheme Order 1992(c) (in which the Firefighters' Pension Scheme is set out) is amended in accordance with the Schedule to this Order.

St Andrew's House,
Edinburgh
.....2012

JOHN SWINNEY
A member of the Scottish Executive

(c) S.I. 1992/129, amended by S.I. 1997/2309 and 2851, 1998/1010, 2001/3649 and 2005/3228, and S.S.I. 2001/310, 2004/385, 2005/566, 2006/342, 2007/200, 2008/161, 2009/184 and 2010/66 and 332.

SCHEDULE

Article 2

AMENDMENT OF THE FIREFIGHTERS' PENSION SCHEME

In rule G2 (pension contributions) of Part G (pensionable pay and contributions) for paragraph (1A) substitute –

“(1A)(a) Subject to sub-paragraph (c), from 1st April 2012 to 31st March 2013, the contribution rate is to be determined on the basis of the pensionable pay of a regular firefighter, as notified to the firefighter by the authority within 30 days of 1st April 2012, in accordance with the following table:

Pensionable pay band	Contribution rate from 1 st April 2012 to 31 st March 2013
Up to and including £15,000	11.0%
More than £15,000 and up to and including £21,000	11.6%
More than £21,000 and up to and including £30,000	12.3%
More than £30,000 and up to and including £40,000	12.4%
More than £40,000 and up to and including £50,000	12.6%
More than £50,000 and up to and including £60,000	12.8%
More than £60,000 and up to and including £100,000	13.0%
More than £100,000 and up to and including £120,000	13.1%
More than £120,000	13.3%

(b) Where the contribution rate under sub-paragraph (a) relates to a part-time regular firefighter, the contribution rate which applies to him or her shall be determined in accordance with sub-paragraph (a) on the basis of the pensionable pay of a whole-time regular firefighter.

(c) Where in the course of the year there is a permanent change to the terms and conditions of a regular firefighter's employment which affects his or her pensionable pay during the year such that the firefighter falls into a different pay band to that applied at the beginning of the year, the contribution rate shall be adjusted from the date that the pensionable pay is changed, as notified to the firefighter by the authority, to that of the applicable new band.

(d) For the purposes of calculating the appropriate pensionable pay band in the table set out in paragraph (1A)(a), pensionable pay does not include any pensionable benefits paid to a regular firefighter by his or her employing authority under rule B5C(5) but those payments will be included in pensionable pay for the purposes of calculating the pension contribution to be paid.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order changes the pension contribution rates in relation to firefighters from 1st April 2012 to 31st March 2013.