

SCOTTISH STATUTORY INSTRUMENTS

2010 No.

FIRE SERVICES

PENSIONS

The Firefighters' Pension Scheme Amendment (Scotland)
Order 2010

<i>Made</i>	- - - -	2010
<i>Laid before Parliament</i>		2010
<i>Coming into force</i>	-	2010

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26(1) to (5) of the Fire Services Act 1947(a) 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 Amendment (Scotland) Order 2010 and comes into force on [] 2010.

(2) This Order extends to Scotland only.

Amendment of the Firefighters' Pension Scheme Order 1992

2. Schedule 2 to the Firefighters' Pension Scheme Order 1992(b) as it has effect in Scotland is amended in accordance with the Schedule to this Order.

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- (a) 1947 c.41 ("the 1947 Act"); repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21).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 the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, article 2 and Schedule 1 (S.I. 1999/1750) and the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006, article 2 and the Schedule (S.I. 2006/304).
- (b) 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 and 2007/200. The Firemen's Pension Scheme was made under section 26 of the Fire Services Act 1947 (c.41). That Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21). The Scheme and subsections (1) to (5) of section 26 were continued in force by 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.

A member of the Scottish Executive

St Andrew's House,
Edinburgh
2010

SCHEDULE

Article 2

AMENDMENT OF SCHEDULE 2 TO THE FIREFIGHTERS' PENSION SCHEME ORDER 1992

1. In Part L (payment of awards and financial provisions) after rule L2 (expenses and receipts of fire and rescue authorities) insert—

“Payment by Scottish Ministers

L2A.—(1) For the purposes of meeting the liabilities of fire authorities under the Scheme or obligations incurred by them under the 1973 Scheme and previous Firemen's Pension Schemes Scottish Ministers may pay sums into the account described in rule L2.

Duty to provide information

L2B.—(1) An authority shall provide the Scottish Ministers with such information relevant to the exercise of their functions under this Part as Scottish Ministers may, by written notice to the authority require for the purpose of paying sums under rule L2A.

(2) An authority shall respond to a request under paragraph (1) within such period as the Scottish Ministers shall specify in their notice under that paragraph, or such longer period as they may in any particular case allow.

Guidance

L2C. An authority shall have regard to such guidance as may be issued by the Scottish Ministers from time to time for the purposes of this Part.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Firefighters' Pension Scheme (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992) as it has effect in Scotland.

The amendments to the 1992 Scheme in terms of article 2 and the Schedule to this Order have effect from 1st April 2010.

This Order provides a power for Scottish Ministers to make payments to fire and rescue authorities to meet those authorities liabilities under the Firefighters' Pension Scheme.