

**FIREFIGHTERS' PENSION SCHEMES  
2016/01**

**WHO SHOULD READ:** Chief Fire Officer of the Scottish Fire and Rescue Service  
Administration Staff

**ACTION:** Information on changes to regulations

**SUBJECT:** The Firefighters' Pension Scheme (Scotland) (Amendment) Regulations 2016  
The Firefighters' Compensation and Pension Schemes (Scotland) Amendment Order 2016  
The Firemen's Pension Scheme (Amendment) (Scotland) Order 2016

**The purpose of this circular is to:**

- Advise on the introduction of a change to the pensions paid to the survivors of firefighters who die or die as a result of an injury received on duty. **This change has effect from 1 October 2015.**
- Advise on a retrospective change to include contributions-based Employment Support Allowance (ESA) as an additional benefit. **This change has effect from 27 October 2008.**
- To make provision for new entitlements to shared parental pay.

This circular notifies that changes have been made to the Firemen's Pension Scheme Order 1992, the Firefighters' Compensation Scheme (Scotland) Order 2006 and the Firefighters' Pension Scheme (Scotland) Regulations. The regulations and orders come into force on 1 April 2016.

**Consultation**

SPPA consulted on the draft amendments from 26 November 2015 to 14 January 2016. One response was received with no objection to the proposed amendments. Scottish Ministers have therefore proceeded with implementing the provisions contained in the proposals, which are briefly outlined below.

**The Firefighters' Compensation and Pension Schemes (Scotland) Amendment Order 2016 and The Firemen's Pension Scheme (Amendment) (Scotland) Order 2016****Injury Awards**

On 5 October 2015 Scottish Ministers announced a change to the pensions paid to the widows, widowers and civil partners of police officers and firefighters killed in the line of duty. Under the Firefighters' Compensation Scheme (Scotland) Order 2006, Special and Augmented awards are payable to survivors of firefighters who die as a result of an injury



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sustained on duty. The change means that Special and Augmented pensions will no longer be withdrawn on remarriage, registration of a civil partnership. In addition any Special and Augmented pensions already withdrawn are reinstated from 1 October 2015.

To reflect this change existing Rule 5 is omitted, and new Rule 5A removes the provision for the withdrawal of special and augmented awards in the event of the survivor remarrying, forming a civil partnership. In addition, it provides for survivor pensions previously withdrawn will be reinstated, including entitlement to any outstanding injury gratuity. This has effect from 1 October 2015.

Regulation C9 of the 1992 Scheme is also amended to bring this fully into effect.

Under Schedule 1 to Part 2, Part 1 of the compensation order, the level of injury pension payable to recipients can be adjusted depending on “additional benefits” payable by the state. Amendment of paragraph 3 (3) (b) includes a retrospective change to include contributions-based Employment and Support Allowance as an “additional benefit”.

### **The Firefighters’ Pension Scheme (Scotland) Amendment Regulations 2016**

#### **Children and Families Act 2014**

The Firefighters’ Pension Scheme (Scotland) Regulations 2015 is amended in regulations 3,18,59,65 and 113 to make provision for new entitlements to shared parental pay and abolishes additional paternity leave and additional statutory parental pay.

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#### **Contact information**

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