



Scottish Public
Pensions Agency

Buidheann Peinnseanan
Poblach na h-Alba

**Retained Firefighters'
Pensions: Consultation on
proposed changes to the
Firefighters' Pension Scheme
(Scotland) Order 2007**

About This Consultation

Overview

This consultation is seeking views on the amendment of the Firefighters' Pension Scheme (Scotland) Order 2007 Regulations to provide a cohort of retained firefighters with further options to purchase historical pensionable service.

While the Scottish Ministers have executively devolved functions in relation to firefighters' pensions in Scotland, occupational pensions in general are a reserved matter outside the powers of the Scottish Parliament.

Duration of Consultation

This consultation will run from 2 September 2024 to 16 September 2024

How to respond

Please use the consultation response form and once completed send to SPPAPolicyConsultationResponses@gov.scot before midnight on the closing date.

Alternatively, responses can be posted to:

Scottish Firefighters' Pension Scheme Consultation

SPPA

Tweedside Park

Tweedbank

Galashiels

TD1 3TE

Further information

If you are unable to access an electronic version of the document, please write to the above address and a paper copy will be provided.

Data Protection Statement

The Scottish Public Pensions Agency (SPPA) is an executive Agency of the Scottish Government and forms part of the legal entity of the Scottish Ministers (Framework Document) , [SPPA Framework Document.pdf \(pensions.gov.scot\)](#) .

This framework of statutory powers and responsibilities, as agreed by the Scottish Ministers, enables SPPA to undertake the role of data controller for the processing of personal data which is provided as part of your response to the consultation. Any response you send us will be seen in full by SPPA staff dealing with the issues which this consultation is about or planning future consultations.

The process allows informed decisions to be made about how SPPA exercises its public function.

Where SPPA undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g., a research organisation or a consultancy company). Any such work will only be undertaken under contract. SPPA uses Scottish Government standard terms and conditions for such contracts which set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the SPPA intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response.

If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response, then these published reports will be retained indefinitely. Any of your data held otherwise by SPPA will be kept for no more than three years.

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is the independent regulator for data protection.

For further details about the information the SPPA holds and its use, or if you want to exercise your rights under the GDPR, please refer to our Privacy Policy in the first instance or contact:

Agency Data Protection Officer

Scottish Public Pensions Agency

7 Tweedside Park

Tweedbank

GALASHIELS

TD1 3TE

Tel: 01896 892 469

Website: <https://pensions.gov.scot/>

The contact details for the Information Commissioner's Office are:

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

Tel: 01625 545 745 or 0303 123 1113

Website: <https://ico.org.uk>

Background

1. In the employment tribunal case *Matthews v Kent and Medway Towns Fire Authority & others* (“*Matthews*”), the judgement reached held that firefighters employed on the Retained Duty System between 1 July 2000 and 5 April 2006 were permitted access to pension provisions with retrospective effect to 1 July 2000, in line with requirements of Part-time Workers (Prevention of Less Favourable Treatment) Regulations 2000 (PTWR). In response, in 2014 the UK Government (and Scottish and Welsh Ministers in the equivalent devolved schemes) made changes to the New Firefighters Pension Scheme 2006 (NFPS) to introduce a category of “special membership” to allow eligible serving or former retained firefighters to purchase pensionable service for this period during an Options Exercise. In Scotland, this exercise was undertaken by Scottish Fire and Rescue Service (SFRS) with support from the Scottish Public Pensions Agency (SPPA). Special membership largely replicates the terms of the earlier Firefighters’ Pension Scheme 1992, from which this cohort had been excluded.
2. Subsequently, in a similar and long running case brought by a fee-paid judge seeking equal treatment in the Judicial Pension Scheme, the European Court of Justice ruled in *O’Brien v Ministry of Justice* that equal treatment should extend beyond the date of the Part-time Workers Directive (which led to the PTWR) on 7 April 2000. This ruling had a read across to *Matthews* and the NFPS and means a second options exercise is being conducted.
3. To deliver the *Matthews* Second Option Exercise, the Scottish Ministers made the Firefighters’ Pension Scheme (Scotland) Amendment Order 2024, which came into force on 28 March 2024. This subsequent Order makes further minor amendments to the NFPS so that it operates as intended.
4. The Second Options Exercise is due to be completed by 17 September 2025.

5. SPPA anticipates that further minor changes will be made in respect of the exercise later in the year.

Proposed Changes

6. This Order makes some minor miscellaneous amendments to the Firefighters' Pension Scheme (Scotland) Order 2007. Regulation 1 corrects the definition of the "extended limited period". Regulation 2 extends the period within which persons who were employed in Scotland as retained firefighters have access to the pension scheme, and within which applications for death grants may be made in certain circumstances, to 17 September 2025. This will align the rules for affected retained firefighters in Scotland to those that apply to affected retained firefighters in the rest of the United Kingdom.

7. Regulation 3 to this Order also amends rule 6D on compensation deductions so that it includes interest applied to the amount of tax relief, taking into account any tax relief on mandatory special period contributions that have been received through PAYE.

Consultation Question

Q 1. Do you agree that these amendments align with the original policy intention of the SSI so that it is fully achieved?



Scottish Public
Pensions Agency
Buidheann Peinneanan
Poblach na h-Alba

An agency of

