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SCOTTISH STATUTORY INSTRUMENTS

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**2015 No. 141**

**The Firefighters' Pension Schemes  
(Amendment) (Scotland) Regulations 2015**

**PART 4**

**Amendment of the Firemen's Pension Scheme Order 1992**

**Amendment of Part G**

**39.** In Part G (pensionable pay and contributions)—

(a) in rule G1 (pensionable pay and average pensionable pay)—

(i) in paragraph (1), for “paragraph (2)” substitute “paragraphs (2) and (9)”;

(ii) after paragraph (8), insert—

“(9) Where paragraph (6) of rule A3 (exclusive application to regular firefighters) applies to a regular firefighter and paragraph 1 of Schedule 7 (final salary link) to the 2013 Act applies to that person, paragraph (1) of this rule does not apply and the average pensionable pay is determined in accordance with Schedule 7 so that the member's pensionable pay under the 2015 Regulations, as modified by paragraph 34 of Schedule 2 to those Regulations, derived from service in the 2015 Scheme is to be regarded as derived from service in this Scheme.

(10) Where paragraph (9) and paragraph 34(4) of Schedule 2 to the 2015 Regulations apply to a member of this Scheme, the pensionable pay to be regarded as derived from service in this Scheme is the pensionable pay derived from service in the 2015 Scheme under the 2015 Regulations as modified by paragraph 34 of Schedule 2 to those Regulations for the last year of pensionable service before the reduction in pensionable pay.

(11) Where the pensionable pay under the 2015 Regulations is the pensionable pay of the person employed as a retained firefighter or as a volunteer firefighter for the purposes of paragraphs (9) and (10) the pensionable pay under the 2015 Regulations is that of a whole-time regular firefighter employed in a similar role and with equivalent qualifying service.

(12) Where paragraph 34(3) of Schedule 2 to the 2015 Regulations applies to a person to whom paragraph (6) of rule A3 applies, average pensionable pay is determined in accordance with paragraph (3) of this rule and paragraph (9) does not apply in the case of that person.

(13) Subject to paragraph (12), where paragraph (9) applies—

(a) in sub-paragraph (a) of paragraph (4), “the date of the person's last day of service as a regular firefighter” is to be read as “the date of the person's last day of service in scheme employment in the 2015 Scheme”;

(b) in sub-paragraph (b) of paragraph (4), “in a period during which contributions were payable under rule G2” is to be read as “in a period

during which member contributions were payable under regulation 110 of the 2015 Regulations”; and

- (c) in sub-paragraph (e) of paragraph (6), where any unpaid period of additional maternity leave or adoption leave is within a period for which the pensionable pay derived from 2015 scheme service is treated as pensionable pay derived from this Scheme, “contributions have been paid under rule G2A” is to be read as “where contributions have been paid under regulation 113 of the 2015 Regulations”.

(14) In a case where paragraphs (1) and (10) apply, in sub-paragraph (a) of paragraph (4) “the date of the person’s last day of service as a regular firefighter” is to be read as “the date of the person’s last day of service in scheme employment in the 2015 Scheme before the reduction of pensionable pay.””;

- (b) in rule G2A, after paragraph (3) insert—

“(3A) Where the regular firefighter returns to work, or ceases to be employed, after the date on which paragraph (6) of rule A3 applies to that person, the election under paragraph (3) may only be made in respect of the period before paragraph (6) applied to that person.”;

- (c) in rule G7, after paragraph (3) insert—

“(4) In the case of a person to whom paragraph (7) of rule A3 applies—

- (a) periodical payments continue to be payable whilst paragraph (7) applies;
- (b) where the person is entitled to the payment of an equivalent amount to the 1992 Scheme lower tier ill-health pension under regulation 65 of the 2015 Regulations and following review of that award under regulation 68 of those Regulations, accepts the offer of employment, the contributions again become payable.”; and

- (d) in rule G8—

- (i) in sub-paragraph (a) of paragraph (1), after “pension under rule” insert “B1A,”; and
- (ii) after “B5 (” insert “continued”.