

SCHEDULE

AMENDMENT OF SCHEDULE 1 TO THE FIREFIGHTERS' PENSION SCHEME (SCOTLAND) ORDER 2007

7. In Part 7 (reservists)–

(a) in rule 2 (continuity of employment)–

- (i) in paragraph (2), for “pensionable”, substitute “additional”;
- (ii) for paragraph (3) substitute–

“(3) For the purposes of calculating the amount of a reservist’s pension contributions under rule 3 of Chapter 1 of Part 11–

- (a) where the reservist was a regular firefighter immediately before the forces period in question the pay that the reservist would have received from the reservist’s former authority during the reservist’s forces period shall be taken to be the reservist’s pay for that period (the reservist’s “notional regular pay”); and
- (b) where the reservist was a retained or volunteer firefighter immediately before the forces period in question, the amount determined by multiplying the average of the reservist’s pensionable pay for the period of 12 months that immediately preceded the reservist’s forces period (expressed as a daily rate) by the number of days in the reservist’s forces period shall be taken to be the reservist’s pay for that period (the reservist’s “notional retained or volunteer pay”),

but this is subject to paragraph (4).

(4) In respect of any period during a reservist’s forces period in which the aggregate of–

- (a) the reservist’s actual pay; and
- (b) any payments that the reservist receives under section 4 of the 1996 Act, is less than the reservist’s notional regular pay or, as the case may be, the reservist’s notional retained or volunteer pay for that first-mentioned period, the reservist shall be treated as having no pensionable pay (and, accordingly, no liability to make pension contributions)⁽¹⁾.”; and

(b) in rule 3 (awards on death or permanent disablement), for paragraph (2) substitute–

“(2) Where a reservist dies–

- (a) during the reservist’s forces period; or
- (b) while receiving a pension under paragraph (1),

an award shall be payable in accordance with paragraphs (3) and (4).”.

(1) See, as to pension payments, regulation 5 of the Reserve Forces (Call-out and Recall) (Financial Assistance) Regulations 2005 (S.I.2005/859).