

2010 No. 66

FIRE SERVICES

PENSIONS

**The Firefighters' Pension Scheme Amendment (Scotland)
Order 2010**

Made - - - - *23rd February 2010*

Laid before the Scottish Parliament *26th February 2010*

Coming into force - - *1st April 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26(2)(j) and (5) of the Fire Services Act 1947(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) This Order may be cited as the Firefighters' Pension Scheme Amendment (Scotland) Order 2010 and comes into force on 1st April 2010.

(2) This Order extends to Scotland only.

(a) 1947 c.41 ("the 1947 Act"); repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21).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 article 2 of and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750) and article 2 of and the Schedule to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).

Amendment of the Firefighters' Pension Scheme Order 1992

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

FERGUS EWING

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
23rd February 2010

(a) 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, 2007/200, 2008/161 and 2009/184. 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.

SCHEDULE

Article 2

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

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

“Payments by Scottish Ministers

L2A. For the purposes of meeting the liabilities of a fire and rescue authority under this Scheme, the 1973 Scheme or previous Firemen’s Pension Schemes, the Scottish Ministers may pay sums to such an authority.

Duty to provide information

L2B.—(1) A fire and rescue authority shall provide to the Scottish Ministers such information as the Scottish Ministers may, by written notice, require in connection with their functions under rule L2A.

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

Guidance

L2C. An authority shall have regard to guidance issued by the Scottish Ministers 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 Firefighters' Pension Scheme Order 1992) as it has effect in Scotland.

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

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