

2015 No. 173

FIRE SERVICES

PENSIONS

**The Firemen's Pension Scheme (Amendment No. 2) (Scotland)
Order 2015**

<i>Made</i> - - - -	<i>21st April 2015</i>
<i>Laid before the Scottish Parliament</i>	<i>21st April 2015</i>
<i>Coming into force</i> - -	<i>20th May 2015</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26(1) to (5) of the Fire Services Act 1947(a) and sections 12 and 16 of the Superannuation Act 1972(b) and all other powers enabling them to do so.

Citation, commencement, effect and extent

1.—(1) This Order may be cited as the Firemen's Pension Scheme (Amendment No. 2) (Scotland) Order 2015 and comes into force on 20th May 2015.

(2) This Order has effect from 21st May 2014.

(3) This Order extends to Scotland only.

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- (a) 1947 c.41; section 26 was repealed by sections 52 and 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21).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 Firefighters' Pension Scheme, in relation to England and Scotland by virtue of S.I. 2004/2306 and in relation to Wales by virtue of S.I. 2004/2917. The name of the scheme was changed to the Firefighters' Pension Scheme by S.I. 2004/2306. Section 26 of the Fire Services Act 1947 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), sections 100 and 101 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(2) of the Magistrates' Courts Act 1980 (c.43), section 1 of the Police and Firemen's Pensions Act 1997 (c.52), section 256 of, and Schedule 25 to, the Civil Partnership Act 2004 (c.33), and S.I. 1976/551. The Secretary of State's functions under section 26 of the Fire Services Act 1947, in so far as they were exercisable in relation to Scotland, were devolved to Scottish Ministers by S.I. 1999/1750 and S.I. 2006/304.
- (b) 1972 c.11; Section 16 applies section 12 with the necessary modifications to Orders under section 26 of the Fire Services Act 1947. Section 16 is repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004, but continues to have certain effect by virtue of S.I. 2004/2306.

Amendment of the Firemen’s Pension Scheme Order 1992

2. In Schedule 2 to the Firemen’s Pension Scheme Order 1992(**a**) (in which the Firefighters’ Pension Scheme is set out), in rule B7(**b**) (commutation – general provision)—

- (a) in paragraph (3), for “The lump sum” substitute “Except as provided for in paragraph (3A), the lump sum”; and
 - (b) after paragraph (3), insert—
 - “(3A) In a case where—
 - (a) a person’s date of retirement falls after 20th May 2014 and before 1st April 2022; and
 - (b) the lump sum calculated under paragraph (3) would have been greater had it been calculated from tables prepared by the Government Actuary for the purposes of this rule as it has effect in England,
- the lump sum is the greater sum calculated on the basis referred to in sub-paragraph (b).”.

JOHN SWINNEY

A member of the Scottish Government

St Andrew’s House,
Edinburgh
21st April 2015

(a) S.I. 1992/129.

(b) Rule B7 has been amended by S.S.I. 2001/310, S.S.I. 2004/385, S.S.I. 2005/566, S.S.I. 2006/342, S.S.I. 2007/200 and S.S.I. 2015/141.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Firefighters' Pension Scheme 1992 (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992) as it has effect in Scotland. Rule B7 in that Schedule is amended so as to provide a special rule for calculating the lump sum payable in respect of commuting a portion of pension in a case where a firefighter retires between 21st May 2014 and 31st March 2022.

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