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SCOTTISH STATUTORY INSTRUMENTS

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**2019 No. 382**

**The Firefighters' Pension and Compensation Schemes (Amendment) (Scotland) Order 2019**

**PART 2**

**CHAPTER 1**

**Firemen's Pension Scheme Order 1992**

**Amendments to the Firemen's Pension Scheme Order 1992**

2. Schedule 2 of the Firemen's Pension Scheme Order 1992<sup>(1)</sup> in which the Firefighters' Pension Scheme is set out is amended in accordance with articles 3 to 8.

**Amendments to Part B (personal awards)**

3. In rule B5A (entitlement to two pensions)<sup>(2)</sup>—
- (a) in paragraph (2), for “exceeds” substitute “is lower than”,
  - (b) in paragraph (6), after “B1,” insert “B1A,”, and
  - (c) in paragraph (9), for “paragraph (3)” substitute “paragraph (4)”.
4. In rule B7 (commutation – general provision)<sup>(3)</sup>, after paragraph (5A), insert—
- “(5B) Notwithstanding paragraph (4) a fire and rescue authority may, having regard to—
- (a) the economical, effective and efficient management of their functions, and
  - (b) the costs likely to be incurred in the particular case,
- pay a lump sum in excess of two and a quarter times the full amount of the pension.”.

**Amendments to Part C (awards on death – spouses)**

- 5.—(1) In rule C1 (spouse's ordinary pension)<sup>(4)</sup>—
- (a) in paragraph (2), after “spouse” insert “or surviving civil partner”, and
  - (b) omit paragraph (2A).
- (2) In rule C4 (spouse's accrued pension) in paragraph (3)—
- (a) in sub-paragraph (a), after “spouse” insert “or surviving civil partner”, and
  - (b) omit sub-paragraph (b) and the “and” immediately preceding it.

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(1) [S.I. 1992/129](#).

(2) Rule B5A was inserted by article 2 and paragraph 1 of the schedule of [S.S.I. 2008/161](#); there are amendments to paragraph (2) which are not relevant to this instrument; paragraph (9) was inserted by regulation 34(g) of [S.S.I. 2015/141](#).

(3) Paragraphs (3) and (11) of rule B7 were amended by article 2 and paragraph 2(i) of the schedule of [S.S.I. 2018/216](#).

(4) Rule C1 was relevantly amended by [S.I. 2005/3228](#), [S.S.I. 2006/342](#) and [S.S.I. 2018/216](#).

- (3) In rule C5 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership)—
- (a) in paragraph (2), after “spouse” insert “or surviving civil partner”, and
  - (b) omit paragraph (3).
- (4) In rule C6 (spouse’s requisite benefit and temporary pension)(5), in paragraph (4)—
- (a) in sub-paragraph (a) omit “in the case of a surviving spouse,” and
  - (b) omit sub-paragraph (b) and the “and” immediately preceding it.
- (5) In rule C8 (limitation where spouses living apart)(6) in paragraph (2)—
- (a) in sub-paragraph (a), omit “in the case of a surviving spouse,” and,
  - (b) omit sub-paragraph (b) and the “and” immediately preceding it.

#### **Amendments to Part J (special cases)**

6. In rule J1 (guaranteed minimum pensions)(7)—
- (a) for paragraph (2)(b) substitute—
    - “(b) in the case of a person who dies at any time and leaves a surviving spouse or civil partner, that person is entitled to a pension at a weekly rate equal to half the deceased person’s guaranteed minimum, and”,
  - (b) in paragraph (2), omit sub-paragraph (d) and the “and” immediately preceding it, and
  - (c) in paragraph (4), for “, (c) or (d)” substitute “or (c)”.

#### **Amendments to Appendix 1 to the scheme**

7. Omit paragraphs 1 and 2 of Part III (provision relating to same sex couples) of Appendix 1(8).

#### **Amendments to Appendix 3 to the scheme**

8. In Appendix 3 (awards on death – spouses)—
- (a) in Part III (spouse’s accrued pension)—
    - (i) in paragraph 2(1), after “spouse’s” insert “, or surviving civil partner’s,” and
    - (ii) in paragraph 3(1), after “spouse” insert “or surviving civil partner”, and
  - (b) in Part IV (pension for surviving spouse of post-retirement marriage), in paragraphs 1(1) and 2(1)(9), after “surviving spouse” insert “or surviving civil partner”.

### CHAPTER 2

#### Firefighters’ Compensation Scheme (Scotland) Order 2006

#### **Amendments to the Firefighters’ Compensation Scheme (Scotland) Order 2006**

9. Part 3 (awards on death: spouses and civil partners) of schedule 1 of the Firefighters’ Compensation Scheme (Scotland) Order 2006(10) (in which the firefighters’ compensation scheme 2006 is set out) is amended in accordance with paragraphs 10 to 12.

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(5) Rule C6 was relevantly amended by [S.I. 2005/3228](#).

(6) Rule C8 was relevantly amended by [S.S.I. 2006/342](#).

(7) Rule J1 was relevantly amended by [S.S.I. 2018/216](#).

(8) Paragraphs 1 and 2 of Part III of Appendix 1 were inserted by article 3 of [S.S.I. 2015/140](#).

(9) Paragraphs 1(1) and 2 of Part IV of Appendix 3 were substituted by article 2 of [S.S.I. 2005/566](#).

(10) [S.S.I. 2006/338](#), relevantly amended by [S.S.I. 2007/198](#), [S.S.I. 2014/109](#) and [S.S.I. 2015/143](#).

**Amendments to rule 1**

10. In rule 1 (special award for spouse or civil partner), in paragraph (3)—
- (a) in sub-paragraph (a), after “spouse” insert “or surviving civil partner”, and
  - (b) omit sub-paragraph (b).

**Amendments to rule 3**

11. In rule 3 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership)—
- (a) in paragraph (2), after “spouse” insert “or surviving civil partner”, and
  - (b) omit paragraph (3).

**Amendments to rule 4**

12. In rule 4 (limitation where spouse or civil partner is living apart), in paragraph (2)—
- (a) in sub-paragraph (a), after “spouse” insert “or surviving civil partner”, and
  - (b) omit sub-paragraph (b) and the “and” immediately preceding it.