

---

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Firefighters' Pension Scheme 1992 (set out in Schedule 2 to the Firefighters' Pension Scheme Order 1992 ([S.I. 1992/129](#))) as it has effect in England; the New Firefighters' Pension Scheme (England) (set out in Schedule 1 to the Firefighters' Pension Scheme (England) Order 2006 ([S.I. 2006/3432](#))); the Firefighters' Compensation Scheme (England) Order 2006 ([S.I. 2006/1811](#)) ("the 2006 Order"), Schedule 1 of which sets out the Firefighters' Compensation Scheme (England) 2006 ("the 2006 Compensation Scheme") and the Firefighters' Pension Scheme (Amendment and Transitional Provisions) (England) Order 2016 ([S.I. 2016/878](#)).

The amendments made by article 2(4)(b) of the Order have effect from 1st December 2006 and the amendment made by article 5 has effect from 30th September 2006; the other amendments made by the Order have effect from 1st April 2015. The power to give the Order retrospective effect is conferred by section 12 of the Superannuation Act 1972, as applied by section 16(3) of that Act and section 34(3) of the Fire and Rescue Services Act 2004.

Article 2 amends the Firefighters' Pension Scheme 1992 to, in particular, set out the circumstances in which a surviving spouse or civil partner's entitlement to a pension or gratuity under Part C rule C9 continues following marriage, remarriage, formation of a civil partnership or subsequent civil partnership on or after 1st April 2015. In addition the amendments clarify that under Part G of the 1992 Scheme a firefighter below the age of 50 who has reckoned 30 years pensionable service is treated as an employee of the fire and rescue authority for the purposes of annual employer contributions and that if such a firefighter has arrangements for additional pension benefits they must pay contributions in relation to these until they attain 50. When they attain the age of 50 the requirements in rule G2(1) of the 1992 Scheme will apply to them. Related to this, the amendment in Article 5 amends the transitional provision made by the Firefighters' Pension Scheme (Amendment and Transitional Provisions) (England) Order 2016 ([S.I. 2016/878](#)) to make it clear that payments made by a fire and rescue authority under that provision do not include any sum in respect of a firefighter's contribution in relation to additional pension benefit.

Article 3 amends the New Firefighters' Pension Scheme (England) to correct errors in cross references.

Article 4 amends Part 3, rule 5 of Schedule 1 to the 2006 Compensation Scheme which provided for a new compensation scheme for firefighters in England and superseded corresponding provisions of the Firefighters' Pension Scheme 1992. This amendment provides that the limitations on payments of survivors' benefits on marriage, remarriage or formation of a civil partnership or subsequent civil partnership do not apply where that marriage or civil partnership is entered into on or after 1st April 2015.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen and the impact on the public sector is minimal.