
WELSH STATUTORY INSTRUMENTS

2023 No. 961

The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023

PART 1

Introductory provisions

Title, application and coming into force

1.—(1) The title of these Regulations is the Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023.

(2) These Regulations apply in, or as regards, Wales.

(3) These Regulations come into force on 1 October 2023.

Interpretation

2.—(1) In these Regulations—

“the PSPJOA 2022” (“*DPGCSB 2022*”) means the Public Service Pensions and Judicial Offices Act 2022;

“the 1992 Order” (“*Gorchymyn 1992*”) means the Firemen's Pension Scheme Order 1992(1) and “the 1992 scheme” (“*Cynllun 1992*”) means the pension scheme set out in Schedule 2 to that Order as it has effect in Wales;

“the 2007 Order” (“*Gorchymyn 2007*”) means the Firefighters' Pension Scheme (Wales) Order 2007(2) and “the 2007 scheme” (“*cynllun 2007*”) means the pension scheme set out in Schedule 1 to those Regulations;

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Firefighters' Pension Scheme (Wales) Regulations 2015(3), “the 2015 scheme” means the pension scheme set out in those Regulations, and—

(a) “2015 scheme benefits” means benefits under the 2015 Regulations;

(b) “2015 scheme service”, in relation to a member, means the member's remediable service in an employment that is pensionable service under the 2015 Regulations (whether or not by virtue of section 2(1) of the PSPJOA 2022);

“the PSP Directions 2022” (“*Cyfarwyddydau PGC 2022*”) means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(4);

(1) [S.I. 1992/129](#). The name of the scheme was changed to the Firefighters' Pension (Wales) Scheme by [S.I. 2004/2918 \(W. 257\)](#). Further amended by [S.I. 2014/3242 \(W. 329\)](#) and [2015/1016 \(W. 71\)](#). Other amendments made are not relevant to these Regulations.

(2) [S.I. 2007/1072 \(W. 110\)](#), to which there are amendments not relevant to these Regulations.

(3) [S.I. 2015/622 \(W. 50\)](#); relevant amending instruments are [S.I. 2015/1016 \(W. 71\)](#), [2018/576 \(W. 103\)](#) and [2022/343 \(W. 85\)](#).

(4) Made on 14 December 2022. Published on 15 December 2022 and accessible online at www.gov.uk. A hard copy is available on written request to His Majesty's Treasury, 1 Horse Guards Road, London, SW1A 2HQ.

“death benefit” (“*budd marwolaeth*”) means a benefit payable under a firefighters’ pension scheme in relation to member of that scheme who has died;

“deferred choice decision” (“*penderfyniad dewis gohiriedig*”) has the meaning given in regulation 14(1);

“deferred choice decision-maker” (“*penderfynwr dewis gohiriedig*”) means the person who may make a deferred choice election decision under regulation 14(2);

“deferred choice member” (“*aelod dewis gohiriedig*”) means a member with remediable service who is not an immediate choice member;

“end of the section 10 election period” (“*diwedd y cyfnod dewisiad adran 10*”), in relation to a deferred choice member, means the time determined in accordance with—

- (a) where the member is the deferred choice decision-maker, regulation 15(3)(b);
- (b) where a person other than the member is the deferred choice decision-maker, regulation 16(3)(b);

a “firefighters’ pension scheme” (“*cynllun pensiwn diffoddwyr tân*”) means the 1992 scheme, the 2007 scheme or the 2015 scheme;

“immediate choice decision” (“*penderfyniad dewis ar unwaith*”) has the meaning given in regulation 10(1);

“immediate choice decision-maker” (“*penderfynwr dewis ar unwaith*”) means the person who may make an immediate choice decision under regulation 10(2);

“immediate choice member” (“*aelod dewis ar unwaith*”) means a member with remediable service who, immediately before 1 October 2023, was deceased or entitled to the present payment of a pension, other than a deferred choice pension, under the 1992 scheme, the 2007 scheme or the 2015 scheme; and “deferred choice pension” (“*pensiwn dewis gohiriedig*”) means a pension the rate of which—

- (a) is not determined (to any extent) by reference to the member’s remediable service, and
- (b) is not affected by the coming into force of section 2(1) of the PSPJOA 2022;

the “legacy scheme” (“*cynllun gwaddol*”), in relation to a member’s remediable service, means whichever of the 1992 scheme or 2007 scheme is the relevant Chapter 1 legacy scheme⁽⁵⁾ for the member, and—

- (a) “legacy scheme benefits” means benefits calculated in accordance with that scheme;
- (b) “legacy scheme service” means a member’s remediable service⁽⁶⁾ in an employment that is pensionable under the legacy scheme (whether or not by virtue of section 2(1) of the PSPJOA 2022);

“member” (“*aelod*”) means an active, deferred, deceased, pension credit or pensioner member⁽⁷⁾ of a firefighters’ pension scheme;

“opted-out service election” (“*dewisiad gwasanaeth a optiwyd allan*”) has the meaning given in regulation 6(1);

“remediable service” (“*gwasanaeth rhwymediol*”) means, in relation to a member, the member’s remediable service in an employment that is pensionable service under a firefighters’ pension scheme;

“remedy member” (“*aelod rhwymedi*”) means a deferred choice member or an immediate choice member;

“section 6 election” (“*dewisiad adran 6*”) has the meaning given in regulation 10(1)(a);

⁽⁵⁾ See section 4 of the PSPJOA 2022 for the meaning of “the relevant Chapter 1 legacy scheme”.

⁽⁶⁾ See section 1 of the PSPJOA 2022 for the meaning of “remediable service”.

⁽⁷⁾ See section 109(3) of the PSPJOA 2022 for the meaning of “pensioner member”.

“section 10 election” (“*dewisiad adran 10*”) has the meaning given in regulation 14(1)(a).

(2) For the purposes of these Regulations, a reference in the PSPJOA 2022 to section 2(1) of that Act coming into force is a reference to that section coming into force in relation to members of a firefighters’ pension scheme.

(3) A term used in these Regulations which—

(a) is defined in, or for the purposes of, a provision in Chapter 1 of Part 1, section 109 or section 110 of the PSPJOA 2022, and

(b) is not defined differently in these Regulations,

has the meaning given in, or for the purposes of, that provision.

(4) A term used in these Regulations which—

(a) is defined in the 1992 Order, the 2007 Order or the 2015 Regulations (“the relevant Regulations”), and

(b) is not defined differently—

(i) in these Regulations, or

(ii) in, or for the purposes of, a provision in Chapter 1 of Part 1, section 109 or section 110 of the PSPJOA 2022,

has, in relation to the scheme established by the relevant Regulations, the meaning given in those Regulations.

Delegation

3. The scheme manager may delegate any functions of the scheme manager under these Regulations, including this power to delegate.