
SCOTTISH STATUTORY INSTRUMENTS

2013 No. 185

**FIRE SERVICES
PENSIONS**

**The Firemen's Pension Scheme
(Amendment) (Scotland) (No. 2) Order 2013**

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| <i>Made</i> | - - - - | <i>29th May 2013</i> |
| <i>Laid before the Scottish Parliament</i> | - - - - | <i>31st May 2013</i> |
| <i>Coming into force</i> | - - | <i>1st July 2013</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(1) 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) (Scotland) (No. 2) Order 2013.

(2) This Order comes into force on 1st July 2013 and, subject to paragraph (3), has effect from 1st April 2013.

(3) Article 8(a) has effect from 1st October 2012.

(4) This Order extends to Scotland only.

(1) 1947 c.41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21).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), section 1 of the Police and Firemen's Pensions Act 1997 (c.52), and section 256 of, Schedule 25 to the Civil Partnership Act 2004 (c.33), and article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of article 2 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 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 Firemen’s Pension Scheme Order 1992

2. Schedule 2 to the Firemen’s Pension Scheme Order 1992(2) is amended as follows.

Rule A4

3. In rule A4(2) (application to temporary employment), for sub-paragraph (b) substitute—
“(b) as a Chief Inspector, Inspector or Assistant Inspector appointed, or taken to have been appointed, under section 43A of the Fire (Scotland) Act 2005(3);”.

Rule B1

4. In rule B1(2)(b) (ordinary pension), for the words “a chief fire officer, or in Scotland a firemaster, who” substitute “the Chief Officer of the Scottish Fire and Rescue Service if that person”.

Rule F2

5. In rule F2(4)(b) (current service), omit “under rule LA3”.

Rule F8A

6. Omit rule F8A (transfer of pension history between Scottish fire and rescue authorities).

Part LA

7. Omit Part LA (Firefighters’ Pension Account).

Schedule 1

8. In Schedule 1 (glossary of expressions)—
(a) in the definition of “fire and rescue authority”, at the end insert “or the Scottish Fire and Rescue Service”; and
(b) omit the definitions of “fire and rescue authority employer contributions”, “Firefighters’ Operating Account”, “Firefighters’ Pension Account” and “proper accounting practices”.

St Andrew’s House, Edinburgh
29th May 2013

JOHN SWINNEY
A member of the Scottish Government

(2) S.I. 1992/129; amended by S.I. 1997/2309 and 2851, 1998/1010, 2001/3649 and 2005/3228, and by S.S.I. 2001/310, 2004/385, 2005/566, 2006/342, 2007/200, 2008/161, 2009/184, 2010/66 and 332, 2012/106 and 2013/128.
(3) 2005 asp 5; section 43A was inserted by section 119 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Firemen's Pension Scheme Order 1992 so as to make changes consequential on the creation of the Scottish Fire and Rescue Service.