

2012 No. 953

FIRE AND RESCUE SERVICES, ENGLAND
PENSIONS, ENGLAND

**The Firefighters' Pension Scheme (Amendment)(England)Order
2012**

<i>Made</i>	- - - -	<i>27th March 2012</i>
<i>Laid before Parliament</i>		<i>29th March 2012</i>
<i>Coming into force</i>	- -	<i>1st April 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 26(1) to (5) of the Fire Services Act 1947(a), makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Firefighters' Pension Scheme (Amendment)(England) Order 2012.

(2) This Order shall come into force on 1st April 2012.

Amendment of the Firemen's Pension Scheme Order 1992

2. Schedule 2 to the Firemen's Pension Scheme Order 1992(b) (in which the Firefighters' Pension Scheme is set out), as it has effect in England(c), shall be amended in accordance with articles 3 and 4 of this Order.

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- (a) 1947 c.41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21).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, in relation to England and Scotland, 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 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 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).
- (b) S.I. 1992/129; amended by 1997/2309 and 2851, and 1998/1010, 2001/3649 and 3691, 2004/1912, 2006/1810 and 3433 and 2008/214. The Scheme was made under section 26 of the Fire Services Act 1947 (c.41).
- (c) 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 section 63 of the Scotland Act 1998 (c.46) and article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc) Order 1999 (S.I. 1999/1750). The Secretary of State's functions under section 3(5) of the Fire Services Act 1947 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry for the Fire Services Act 1947 in Schedule 1 to that Order. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

3. In rule G2 (pension contributions)—

- (a) in paragraph (1), for “specified in paragraph (1A)” substitute “specified in the Table in paragraph 3 of Part A1 of Schedule 8;” and
- (b) omit paragraph (1A).

4. In Schedule 8 for—

“PURCHASE OF INCREASED BENEFITS”

substitute—

**“PENSION CONTRIBUTION AND PURCHASE OF
INCREASED BENEFITS**

PART A1

PENSION CONTRIBUTIONS

1.—(1) In the case of a whole-time regular firefighter the pension contribution mentioned in rule G2(1) is the percentage of his pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of his pensionable pay in the first column of that Table.

(2) For the purposes of sub-paragraph (1)—

- (a) where there has been a permanent material change to the terms and conditions of a regular firefighter’s employment which affects his pensionable pay, from the date of that change his pensionable pay in the first and second columns shall be calculated by reference to the revised amount.
- (b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in his pensionable pay for the purposes of the application of the rate ascertained from that Table.

2.—(1) In the case of a part-time regular firefighter, the pension contribution mentioned in rule G2(1) is the percentage of his pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of pensionable pay which he would have received had he been a whole-time regular firefighter.

(2) For the purposes of sub-paragraph (1)—

- (a) where there has been a permanent material change to the terms and conditions of a part-time regular firefighter’s employment which affects his pensionable pay, from the date of that change his pensionable pay in the first and second columns shall be calculated by reference to the revised amount.
- (b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a part-time regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in his pensionable pay for the purposes of the application of the rate ascertained from that Table.

3. The following Table is that referred to in paragraphs 1 and 2.

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2012</i>
Up to and including £15,000	11.0% of pensionable pay
More than £15,000 and up to and including £30,000	11.6% of pensionable pay
More than £30,000 and up to and including £40,000	11.7% of pensionable pay

More than £40,000 and up to and including £50,000	11.8% of pensionable pay
More than £50,000 and up to and including £60,000	11.9% of pensionable pay
More than £60,000 and up to and including £100,000	12.2% of pensionable pay
More than £100,000 and up to and including £120,000	12.5% of pensionable pay
More than £120,000	13.0% of pensionable pay”

Signed by authority of the Secretary of State for Communities and Local Government

Bob Neill

Parliamentary Under Secretary of State

Department for Communities and Local Government

27th March 2012

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 Firemen’s Pension Scheme Order 1992) as it has effect in England.

The amendment is to provide a different rate for pension contributions payable by members of the Firefighters’ Pension Scheme which increase according to the amount of pensionable pay which the member receives. The contribution rates are specified in paragraph 3 of the Table in Part A1 of Schedule 8. The contribution rate which applies to a part-time regular firefighter is that which is specified as though he had been a whole-time firefighter. Where there is a change in a firefighter’s pensionable pay, the contribution rate which applies from that date, is that specified for the revised amount of pensionable pay. For the purposes of ascertaining the rate of contribution, the pensionable pay does not include any payments made for continual professional development although these payments are included in pensionable pay for the purposes of calculating the pension contribution to be paid.

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