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WELSH STATUTORY INSTRUMENTS

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**2004 No. 2918 (W.257)**

**FIRE SERVICES**

**PENSIONS**

**The Fire and Rescue Services Act 2004  
(Firefighters' Pension Scheme) (Wales) Order 2004**

*Made* - - - - *9 November 2004*

*Coming into force* - - *11 November 2004*

The National Assembly for Wales makes the following order in exercise of the powers conferred on it by sections 36, 60 and 62 of the Fire and Rescue Services Act 2004<sup>(1)</sup>:

**Application, name and commencement**

1.—(1) This Order may be cited as the Fire and Rescue Services Act 2004 (Firefighters' Pension Scheme) (Wales) Order 2004 and shall come into force on 11 November 2004.

(2) This Order applies in relation to Wales.

**Interpretation**

2. In this Order, “the Scheme” means the scheme established under section 26 of the Fire Services Act 1947<sup>(2)</sup> and set out in the Firemen’s Pension Scheme Order 1992<sup>(3)</sup>.

**Preservation of existing pension scheme**

3.—(1) Notwithstanding the repeal of section 26 of the Fire Services Act 1947<sup>(4)</sup>, the Scheme shall continue in force.

(2) The enactments listed in the Schedule to this Order shall continue to have effect for the purposes of the Scheme as if they had not been amended or repealed, as appropriate, by the Fire and Rescue Services Act 2004.

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(1) 2004 c. 21.

(2) 1947 c. 41.

(3) S.I.1992/129, as amended by S.I. 1997/2309, 1997/2851, 1998/1010, 2001/3649, 2001/3691 and .S.I. 2001/310.

(4) Section 26 is repealed by section 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004, but continues to have effect for the purposes of the Scheme by article 3 of, and the Schedule to, this Order.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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**Change of scheme name**

4.—(1) The new name of the Scheme shall be the “Firefighters' Pension (Wales) Scheme”.

(2) Any reference to the Scheme in any enactment, instrument or other document (including the Scheme itself) shall be construed as a reference to the Scheme by its new name.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

9 November 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

## SCHEDULE

Article 3(2)

<i>Act</i>	<i>Sections of Act continuing in effect for the purposes of the Scheme</i>
Fire Services Act 1947	Section 26, subsections (1) to (5)(6)  Section 27A(7)  Section 35, in so far as it relates to section 26  Section 39(5)  Third Schedule
Fire Services Act 1951(8)	Section 1
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(9)	Section 46(3)(iii)  Section 61(1)(d)
Fire Services Act 1959(10)	Section 8, subsections (1) to (3)  Section 9, subsections (1) and (2)Section 10
Pensions (Increase) Act 1971(11)	Paragraphs 16, 16A and 44 of Schedule 2(12)
Superannuation Act 1972(13)	Section 16  Section 24(1)(a)
Police and Firemen's Pensions Act 1997(14)	Section 1(3)

- (6) Section 26 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 article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551).
- (7) Section 27A was inserted by section 3 of the Police and Firemen's Pensions Act 1997 and amended by article 102 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649).
- (8) 1951 c. 27.
- (9) 1951 c. 65; sections 46(3)(iii) and 61(1)(d) are amended, from 11 November 2004, by section 53 of, and paragraph 12 of Schedule 1 to, the Fire and Rescue Services Act 2004.
- (10) 1959 c. 44.
- (11) 1971 c. 56; paragraph 16A of Schedule 2 was inserted by section 29 of, and paragraph 89 of Schedule 6 to, the Superannuation Act 1972. Paragraphs 16, 16A and 44 of Schedule 2 are amended, from 11 November 2004, by section 53 of, and paragraph 35 of Schedule 1 to, the Fire and Rescue Services Act 2004.
- (12) 1971 c. 56; paragraph 16A was inserted by section 29 of, and Schedule 6 to, the Superannuation Act 1972.
- (13) 1972 c. 11. From 11 November 2004, section 24(1)(a) is amended by section 53 of, and paragraph 37 of Schedule 1 to, the Fire and Rescue Services Act 2004.
- (14) 1997 c. 52.

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## EXPLANATORY NOTE

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

This Order provides for the Firemen’s Pension Scheme (“the Scheme”), established under section 26 of the Fire Services Act 1947, to continue in force despite the repeal by the Fire and Rescue Services Act 2004 of that section. For the purposes of the Scheme, this Order continues to give effect to certain enactments amended or repealed by the 2004 Act.

This Order also provides for the name of the Scheme to be changed to the “Firefighters' Pension (Wales) Scheme”. Any reference to the Scheme in any enactment, instrument or other document (including the Scheme itself) will be construed as a reference to the Scheme by its new name.

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies.