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WELSH STATUTORY INSTRUMENTS

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**2013 No. 1577 (W. 145)**

**FIRE AND RESCUE SERVICES, WALES  
PENSIONS, WALES**

**The Firefighters' Pension Scheme  
(Wales) (Amendment) Order 2013**

<i>Made</i>	- - - -	<i>25 June 2013</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>28 June 2013</i>
<i>Coming into force</i>	- -	<i>1 August 2013</i>

This Order is made in exercise of the powers conferred by sections 34, 60 and 62 of the Fire and Rescue Services Act 2004<sup>(1)</sup>.

In accordance with section 34(5) of that Act, the Welsh Ministers have consulted such persons as they considered appropriate before making the Order.

The Welsh Ministers<sup>(2)</sup> make the following Order:

**Title and commencement**

**1.**—(1) The title of this Order is the Firefighters' Pension Scheme (Wales) (Amendment) Order 2013.

(2) This Order comes into force on 1 August 2013.

**Amendment of the Firefighters' Pension Scheme (Wales) Order 2007**

**2.** Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007<sup>(3)</sup> (in which the New Firefighters' Pension Scheme (Wales) is set out) is amended in accordance with the Schedule to this Order.

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(1) [2004 c.21](#).

(2) Powers under sections 34 and 60 of the Fire and Rescue Services Act 2004 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 section 62 of the Fire and Rescue Services Act 2004. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 ([c.32](#)), they were transferred to the Welsh Ministers.

(3) [S.I. 2007/1072 \(W.110\)](#), amended by [S.I. 2009/1225 \(W.108\)](#), [2010/234](#), [2012/972 \(W.127\)](#) and [2013/735 \(W.87\)](#).

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**Status:** This is the original version (as it was originally made).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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25 June 2013

*Lesley Griffiths*  
Minister for Local Government and Government  
Business, one of the Welsh Ministers

## SCHEDULE

## Article 2

### Amendment of Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007

1. In Part 1 (title and interpretation), in rule 2 (interpretation), in paragraph (1) insert the following definitions at the appropriate places—

“the Automatic Enrolment Regulations” (“*y Rheoliadau Cofrestru Awtomatig*”) means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010<sup>(4)</sup>;

“automatic enrolment date” (“*dyddiad cofrestru awtomatig*”) has the meaning given by section 3(7) (automatic enrolment) of the Pensions Act 2008<sup>(5)</sup>;

“automatic re-enrolment date” (“*dyddiad ailgofrestru awtomatig*”) means the date determined in accordance with regulation 12 of the Automatic Enrolment Regulations;

“automatically enrolled” (“*cael ei gofrestru'n awtomatig*”) means becoming a firefighter member of the Scheme on the automatic enrolment date;

“automatically re-enrolled” (“*cael ei ailgofrestru'n awtomatig*”) means becoming a firefighter member of the Scheme on the automatic re-enrolment date;

“opt in” (“*dewis ymuno*”) means becoming a firefighter member of the Scheme pursuant to the right in section 7(3) of the Pensions Act 2008 and in accordance with the arrangements prescribed by the Automatic Enrolment Regulations and similar expressions are to be construed accordingly.

2. In Part 2 (scheme membership, cessation and retirement) —

(a) in rule 1 (scheme membership)—

(i) in paragraph (2), for “rule 6(4)” substitute “rule 6”; and

(ii) after paragraph (2) insert—

“(2A) Where a person who—

(a) having taken up employment as a firefighter before 6 April 2006;

(b) having continued in such employment until the firefighter’s automatic enrolment date;

(c) having made an election not to pay pension contributions under the 1992 Scheme or not being eligible to be a member of the 1992 Scheme; and

(d) having not otherwise elected to become a member of this Scheme,

is automatically enrolled in this Scheme, that enrolment shall constitute an election to become a firefighter member of this Scheme.”;

(b) in rule 5 (election not to make pension contributions), after paragraph (1) insert—

“(1ZA) A written notice given under paragraph (1) of this rule must be signed by the firefighter member or, where the notice is in electronic format, it must include a statement confirming that that person personally submitted the notice.”; and

(c) in rule 6 (rejoining the Scheme)—

(i) for paragraph (1) substitute—

“(1) A person who has made a contributions election may cancel it by giving a signed written notice to the authority or, where the notice is in electronic format, it must include a statement confirming that that person personally submitted the notice.”;

<sup>(4)</sup> S.I. 2010/772, amended by S.I. 2012/215, 2012/1257, 2012/1477 and 2012/2691.

<sup>(5)</sup> 2008 c.30.

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- (ii) after paragraph (1) insert—
    - “(1A) Where a person who has made a contributions election is subsequently automatically enrolled or re-enrolled in the Scheme, that enrolment or re-enrolment shall constitute a cancellation of their contributions election.”;
  - (iii) omit paragraphs (2) and (3); and
  - (iv) in paragraph (4), after “is received”, insert—
    - “or, in the case of a firefighter member who has been automatically enrolled or re-enrolled, with effect from the automatic enrolment or re-enrolment date (as the case may be)”.
3. In Part 3 (personal awards), in rule 8 (refund of aggregate pension contributions)—
- (a) before paragraph (1) insert—
    - “(Z1) Paragraphs (1) and (2) are subject to paragraph (3).” ; and
  - (b) after paragraph (2) insert—
    - “(3) In the case of a firefighter member who makes a contributions election subsequent to being automatically enrolled or re-enrolled in the Scheme, or having opted in to the Scheme, paragraphs (1) and (2) apply with the following modifications—
    - (a) “three months’ qualifying service” means three months’ qualifying service since being automatically enrolled or re-enrolled, or opting in (as the case may be), on that occasion; and
    - (b) “aggregate pension contributions” means the payments made by the firefighter member to the member’s employing authority by way of pension contributions since being automatically enrolled or re-enrolled, or opting in (as the case may be), on that occasion.”.

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## EXPLANATORY NOTE

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

This Order amends Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007. The amendments ensure that the New Firefighters’ Pension Scheme (Wales) (“the Scheme”) complies with the requirements prescribed by the Pensions Act 2008 and the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010 (“the 2010 Regulations”) with regards to arrangements the employer must make in respect of automatic enrolment and automatic re-enrolment of a jobholder in a qualifying scheme. The amendments also ensure that the Scheme complies with other arrangements prescribed by the Pensions Act 2008 and the 2010 Regulations by which a jobholder or a worker may join and/or leave a qualifying pension scheme.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.