
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 338

The Firefighters' Compensation Scheme (Scotland) Order 2006

General transitional provision

3.—(1) Where—

- (a) a provision of the Compensation Scheme (“the new provision”) re-enacts a provision of the Pension Scheme (“the old provision”) with any modification; and
- (b) a person to whom a protected benefit was being paid or might become payable is placed in a worse position than the person would have been in if the old provision had continued to have effect,

he or she may, by giving written notice to the fire and rescue authority liable or prospectively liable for payment of the benefit, elect that the new provision is to apply in relation to the benefit as if the old provision had been re-enacted without modification.

(2) Notice under paragraph (1) must be given not later than 30th September 2006.

(3) For the purposes of paragraph (1), a protected benefit is one paid, or capable of becoming payable, to or in respect of a person who, before 6th April 2006, ceased to be a member of the fire and rescue service or died.