
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 342

**The Firefighters' Pension Scheme
Amendment (Scotland) Order 2006**

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Firefighters' Pension Scheme Amendment (Scotland) Order 2006.

(2) This Order shall come into force on 1st July 2006, but subject to paragraph (3) (4) and (5) the amendments set out in Schedule 1 to this Order shall have effect from 6th April 2006.

(3) The following amendments shall have effect from 1st July 2006—

- (a) the amendments made by paragraph 6 of Schedule 1 (ill-health awards);
- (b) the amendments made by paragraph 46 of Schedule 1 (review of ill health and certain deferred pensions); and
- (c) the amendments made by paragraph 55 of Schedule 1 (calculation of an ill-health award).

(4) The amendment made by article 2 and paragraph 18 of Schedule 1 (spouse's or civil partner's requisite benefit and temporary pension) have effect from 1st March 1992.

(5) The amendment made by article 2 and paragraph 5 of Schedule 1 (short service award) have effect from 4th December 2005.

(6) In this Order—

“the Compensation Scheme” means the Firefighters' Compensation Scheme (Scotland) set out in the Schedule to the Firefighters' Compensation Scheme (Scotland) Order 2006(1); and

“the Pension Scheme” means the Firefighters' Pension Scheme, set out in Schedule 2 to the Firemen's Pension Scheme Order 1992(2), as it has effect in Scotland.

Amendment of the Pension Scheme

2. The Pension Scheme shall be amended in accordance with Schedule 1 to this Order.

Transitional provision

3.—(1) The amendments made by paragraph 6 (ill-health awards), 46 (review of ill health and certain deferred pensions) and 55 (calculation of an ill-health award) of Schedule 1 to this Order shall not have effect in relation to a person in respect of whom a determination or decision relevant to the termination of his or her employment on grounds of ill-health (whether under Part H or Part K of the Pension Scheme) has been made before 1st July 2006.

(1) S.I.2006/338.

(2) S.I. 1992/129, amended by S.I. 1997/2309 and 2851, S.I. 1998/1010, S.I. 2001/3649, S.I. 2005/3228, S.S.I. 2001/310, S.S.I. 2004/385 and S.S.I. 2005/566. The Scheme was made under section 26 of the Fire Services Act 1947 c. 41. That Act was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 c. 21. The Firefighters' Pension Scheme and subsections (1) to (5) of section 26 were continued in force, for the purposes of the scheme established under that section as the Firemen's Pension Scheme, by S.I. 2004/2306. The name of the scheme was changed by article 4(1) of S.I. 2004/2306.

(2) In a case to which paragraph (1) applies, rules B3 and K1 of the Pension Scheme shall continue to have effect in relation to such a person in the form in which they exist immediately before that date.

(3) Where—

- (a) a provision of this Order applies to a person to whom a protected benefit was being paid or might become payable; and
- (b) by virtue of this Order that person is placed in a worse position than he or she would have been if this Order had not applied to him or her;

he or she may, by giving written notice to the fire and rescue authority liable or prospectively liable for the payment of the benefit, elect that this Order or a provision of this Order shall not apply to him or her.

(4) Notice under paragraph (3) must be given not later than the date 3 months after the coming into force of a scheme, other than the Compensation Scheme⁽³⁾, under section 34 of the Fire and Rescue Services Act 2004⁽⁴⁾.

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

Revocation and consequential provision

4.—(1) So much of article 2(2) of the Firemen’s Pension Scheme Order 1992 as relates to the provisions specified in column 1 of Schedule 2 to this Order (provisions of the Pension Scheme superseded by the Compensation Scheme) is revoked.

(2) A reference in any document (whether made, served or issued before, on or after 6th April 2006) to a provision of the Pension Scheme that ceases to have effect by virtue of paragraph (1) shall, unless a contrary intention appears, be construed on and after that date as a reference to, the corresponding provision of the Compensation Scheme specified in column 2 of Schedule 2.

St Andrew’s House,
Edinburgh
8th June 2006

GEORGE LYON
Authorised to sign by the Scottish Ministers

(3) The Compensation Scheme is brought into operation by the Firefighters' Compensation Scheme (Scotland) Order 2006, [S.S.I. 2006/338](#).

(4) [2004 c. 21](#). The functions of the Secretary of State in respect of section 34 as regards Scotland were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2005, [S.I. 2005/849](#).