

## **POLICY NOTE**

### **THE FIREMEN'S PENSION SCHEME (AMENDMENT NO. 2) (SCOTLAND) ORDER 2014 SSI 2014/108**

### **THE FIREFIGHTERS' COMPENSATION SCHEME (SCOTLAND) AMENDMENT ORDER 2014 SSI 2014/109**

### **THE FIREFIGHTERS' PENSION SCHEME (SCOTLAND) AMENDMENT (NO. 2) ORDER 2014 SSI 2014/110**

The above instruments were made in exercise of the powers conferred by the preserved section 26 (1) to (5) of the Fire Services Act 1947 and sections 34 and 60 of the Fire and Rescue Services Act 2004. Functions under these Acts as regards Scotland have been executively devolved to the Scottish Ministers. The instruments are subject to negative procedure.

#### **Policy Objectives**

The Firemen's Pension Order 1992 (SI 1992/129) ("the 1992 Order") provides a pension scheme to Scottish firefighters recruited before 1 April 2006. The Firefighters' Compensation Scheme (Scotland) Order 2006 (SSI 2006/338) provides compensation benefits for all Scottish firefighters who suffer a work related injury.

Following new employment legislation in 2000, retained firefighters, supported by the Fire Brigades Union (FBU) and Retained Firefighters Union (RFU), submitted an ultimately successful employment tribunal claim seeking equal treatment with whole-time firefighters. The tribunal determined that the FBU and officials at the Department for Communities and Local Government (DCLG) should negotiate and deliver an outcome that provided the necessary comparable rights.

The main terms of the modified scheme are based on those provided under the 1992 Order.

Those individuals that would be eligible to purchase pension rights under the terms of the new pension arrangements are those individuals who were employed as retained firefighters between 1 July 2000 and 5 April 2006. An individual who was employed on retained duties and as a whole-time regular firefighter by the same employer is not eligible to benefit from these proposed pension arrangements. Membership will be open to all eligible persons – they do not need to have made an employment tribunal claim.

An exercise is being undertaken to identify all eligible members and to alert them to the new provisions.

## **Consultation**

A formal consultation was undertaken from 6 September to 18 October 2013. The consultation was issued to representatives of firefighters and employers and relevant Scottish and UK Government Departments.

## **Financial Effects**

The actual financial impact will not be known until after 31 March 2015 when take up of the offer to join the new terms will be known.

No Business and Regulatory Impact Assessment has been prepared because no impact on the private or voluntary sector is foreseen.

Scottish Public Pensions Agency  
An Agency of the Scottish Government  
April 2014