

## SCHEDULE

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

#### **Amendment of Part 1 (citation and interpretation)**

##### **1. In Part 1—**

- (a) in rule 2 (interpretation), in paragraph (1)—
  - (i) after the definition of “the 1999 Act”, insert—
    - “the 2004 Act” means the Finance Act 2004<sup>(1)</sup>;
    - “Actuary” means a fellow of the Institute and Faculty of Actuaries;”;
  - (ii) in the definition of “child”, for “or a pensioner member” substitute “a pensioner member or a special member”;
  - (iii) after the definition of “child”, insert—
    - ““child’s pension” means a pension under rule 6 (child’s pension) of Part 4 (survivors’ pensions);”
  - (iv) after the definition of “independent qualified medical practitioner”, insert—
    - ““initial date” means 1st April 2014”;
  - (v) after that definition of “injury”, insert—
    - ““IQMP means an independent qualified medical practitioner;
    - “limited period” means the period beginning on 1st July 2000 or if later, the date falling before 6th April 2006, on which the person was first employed as a retained firefighter and ending on the earlier of—
      - (a) the date on which that person joined this Scheme as a special member or as a standard member in respect of service which he or she could otherwise reckon as special pensionable service, and
      - (b) the date, if applicable, on which that person ceased to be employed as a retained or regular firefighter;”;
  - (vi) after “lower tier ill-health pension”, insert—
    - ““lump sum contribution” means the lump sum payable under paragraphs (1) to (13) of rule 6A of Part 11;
    - “mandatory special period” means that part of a person’s service during the limited period beginning on the date selected by that person before 6th April 2006 and ending on the earlier of—
      - (a) the date on which that person joined this Scheme as a special member or as a standard member in respect of service which he or she could otherwise reckon as special pensionable service, and
      - (b) the date, if applicable, on which that person was dismissed or retired from employment as a regular or retained firefighter;
    - “mandatory special period pension contributions” means the special pension contribution payable in respect of a special member’s service during the mandatory special period under rule 6A of Part 11 together with any interest payable in respect of that contribution in accordance with rule 6A(13);”;

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<sup>(1)</sup> 2004 c.12.

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- (vii) at the end of the definition of “opt in”, insert “or, in the case of a special firefighter member, means making an election under rule 6A of Part 11 to pay the mandatory special period pension contributions”;
- (viii) after the definition of “opt in”, insert—
  - ““ordinary pension”, in relation to a standard member, means a pension referred to in rule 1 of Part 3 (personal awards);”;
- (ix) in the definition of “pensioner”, after “pensioner member” insert “or “special pensioner member””;
- (x) for the definition of “retained firefighter” and “volunteer firefighter”, substitute—
  - ““retained firefighter” means a person employed by an authority—
  - (a) as a retained firefighter, but not as a regular firefighter or as a volunteer firefighter;
  - (b) on terms under which that person is, or may be, required to engage in firefighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to the person’s role as a firefighter (whether instead of, or in addition to, engaging in firefighting);
  - (c) otherwise than in a temporary capacity; and
  - (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that he or she receives;”;
- (xi) after the definition of “role”, insert—
  - ““Scheme Actuary” means the actuary appointed by the Scottish Ministers to provide actuarial advice and to carry out any statutory functions set out in the Scheme;
  - “scheme chargeable payment” has the meaning given in section 241 of the 2004 Act;
  - “special deferred member” has the meaning given by rule 1A(5) to (8) of Part 2;
  - “special eligibility conditions” has the meaning given in rule 2A of Part 2;
  - “special firefighter member” has the meaning given in rule 1A(1) to (4) of Part 2;
  - “special membership” means membership of this Scheme as a special firefighter member, special deferred member or special pensioner member as the case may be;
  - “special member” means a special firefighter member, a special deferred member or a special pensioner member;
  - “special member’s ordinary pension” means a pension of the description referred to in rule 1A of Part 3;
  - “special pension contribution” means the pension contribution set out in rule 3(1A) of Part 11;
  - “special pensionable retained service”, in relation to a retained firefighter who is a special member and any period of special pensionable service, means the same proportion of whole-time service as that which actual pensionable pay for that period bears to the person’s reference pay for that period;
  - “special pensionable service” is to be construed in accordance with rules 2A to 5 of Part 10;

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“special pensioner member” has the meaning given by rule 1A(9) to (13) of Part 2;

“standard member” means a member of this Scheme other than a special member;

“standard membership” means membership of this Scheme as a standard member.”;

(xii) after the definition of “transfer value payment”, insert—

““volunteer firefighter” means a person employed by an authority—

- (a) as a volunteer firefighter but not as a regular firefighter or as a retained firefighter;
- (b) on terms under which that person is, or may be required to, engage in firefighting (whether instead of, or in addition to, engaging in firefighting);
- (c) otherwise than in a temporary capacity; and
- (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that he or she receives.”

(b) in rule 2, after paragraph (2) insert—

“(3) References in this Scheme to a firefighter member, a deferred member or a pensioner member include references to a special firefighter member, a special deferred member or a special pensioner member, respectively, unless the contrary intention is shown.”.