

## SCHEDULE

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

#### **Amendment of Part 2 (scheme membership, cessation and retirement)**

##### **2. In Part 2—**

- (a) in paragraph (4) of rule 1 (scheme membership), after “pensionable service” insert “or special pensionable service”;
- (b) after rule 1, insert—

##### **“Special membership**

**1A.—**(1) Subject to paragraphs (2) to (5) and (15), a firefighter member of any of the following descriptions is also a special firefighter member of this Scheme—

- (a) a person who—
  - (i) having taken up employment as a retained firefighter before 6th April 2006;
  - (ii) having continued in such employment until the date of that person’s election; and
  - (iii) having elected<sup>(1)</sup>, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11 to pay the mandatory special period pension contributions;
- (b) a person who—
  - (i) having taken up employment as a retained firefighter before 6th April 2006;
  - (ii) having continued in such employment until a date on or after 6th April 2006;
  - (iii) having, immediately after the termination of such employment, taken up employment as a regular firefighter and continued in that employment until the date of his or her election; and
  - (iv) having elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11 to pay the mandatory special period pension contributions.

(2) Where a special firefighter member makes a contributions election in respect of his or her special membership and ceases to be a special member, he or she may again become a firefighter member (but not a special member) by virtue of rule 6 of this Part, which shall apply to him or her with the omission of the word “again”.

(3) A special firefighter member who is treated as having ceased to make mandatory special period pension contributions in accordance with rule 6B(5)(C) of Part 11 ceases to be a special firefighter member and becomes a special deferred member.

(4) A special firefighter member who is entitled to reckon a period as special pensionable service pursuant to rule 5 of Part 10 and resumes service immediately after that period remains a special firefighter member.

(5) A special firefighter member who would be entitled to reckon a period as special pensionable service pursuant to rule 4 of Part 10 (reckoning of unpaid period of absence) if

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(1) See rule 6B(10) of Part 11 for the date when an election takes place.

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that person had elected to purchase additional service during that period under rule 4(1) of that Part and subsequently paid the special pension contribution in respect of that period, but does not so elect or pay that special pension contribution, remains a special firefighter member if he or she resumes service immediately after that period.

(6) Subject to paragraph (15), a person who satisfies the conditions in paragraph (7) is a special deferred member of this Scheme.

(7) The conditions are that the person—

- (a) took up employment as a retained firefighter before 6th April 2006;
- (b) was employed as a retained firefighter on or after 1st July 2000;
- (c) resigned or was dismissed from that employment before the date that his or her election under rule 6A of Part 11 to pay the mandatory special period pension contributions took effect;
- (d) was younger than 55 years on the date of the resignation or dismissal;
- (e) is not entitled to an ill-health award under rule 2 or 2A of Part 3; and
- (f) has elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11 to pay the mandatory special period pension contributions.

(8) Subject to paragraph (15) a person who—

- (a) satisfies the requirements of paragraph (1)(a);
- (b) has joined this Scheme as a standard member in respect of service which that person would otherwise be entitled to treat as special pensionable service before electing to join this Scheme as a special member; and
- (c) does not elect to convert his or her standard membership to special membership

is a special deferred member of this Scheme.

(9) A person who was a special firefighter member of this Scheme immediately before paragraph (1) of rule 3 of Part 3 applied to him or her is then a special deferred member of this Scheme.

(10) Subject to paragraph 15, a person who satisfies all of the conditions in paragraph (11) and who satisfies at least one of the conditions in paragraph (12) is a special pensioner member of this Scheme.

(11) The conditions are that the person—

- (a) took up employment as a retained firefighter before 6th April 2006;
- (b) was employed as a retained firefighter on or after 1st July 2000;
- (c) retired from that employment before the date that his or her election under rule 6A of Part 11 to pay the mandatory special period pension contributions took effect;
- (d) has elected, within the period required by rule 6B(1), or 6B(12) as the case may be, of Part 11 to pay the mandatory special period pension contributions.

(12) The conditions are that the person—

- (a) retired having attained the age of 55 ;
- (b) was dismissed or retired by reason of permanent disability and the conditions of rule 2A of Part 3 (retrospective award on ill-health retirement) are capable of being satisfied; or
- (c) has attained the age of 60.

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(13) Subject to paragraph (15), a person of any of the following descriptions is also a special pensioner member of this Scheme—

- (a) a person who was a special firefighter member of this Scheme immediately before retirement and to whom rule 1A of Part 3 applies;
- (b) a person who was a special deferred member of this Scheme immediately before retirement and who satisfies the requirements of paragraph (4) of rule 3 of Part 3;
- (c) a person who was a special firefighter member of this Scheme immediately before leaving employment by reason of permanent disablement and is entitled under rule 2 (award on ill-health retirement) of Part 3 (personal awards) to a lower tier ill-health pension or a higher tier ill-health pension.

(14) A person who was a special deferred member of this Scheme immediately before his or her 60th birthday is a special pensioner member after that date.

(15) A person who was employed as a retained firefighter and to whom paragraph (1) of rule 2 of Part 8 of the Compensation Scheme applies (award to or in relation to a retained firefighter) may not be a special member of this Scheme.”;

(c) after rule 2 (eligibility conditions), insert—

**“Special eligibility conditions**

**2A.—(1)** A special firefighter member is eligible for a special member’s ordinary pension or a pension under rule 2 (award on ill-health retirement) or rule 3 (deferred pension) of Part 3 as a special member under this Scheme if—

- (a) that person pays the special pension contribution; and
- (b) an eligibility condition is satisfied.

(2) A special deferred member or a special pensioner member is eligible for a special member’s ordinary pension or a pension under rule 2 (award on ill-health retirement) or a rule 2A (retrospective award on ill-health retirement) if an eligibility condition is satisfied.

(3) A special deferred member who was a special firefighter member immediately before satisfying the requirements of paragraph (1) of rule 3 of Part 3 and in respect of whom an eligibility condition is satisfied is entitled to a special member’s ordinary pension.”;

(d) in paragraphs (1) and (2) of rule 3 (normal retirement age and normal benefit age), after “members” in each place where it occurs insert “who are not special firefighter members”;

(e) after paragraph (2) of rule 3 (normal retirement age and normal benefit age), insert—

“(3) The normal retirement age of special firefighter members, or for persons who joined this scheme as special pensioner members, is 55.

(4) The normal benefit age of special firefighter members, or of special deferred members, is 60 ”