

2015 No. 140

FIRE SERVICES

PENSIONS

**The Firemen's Pension Scheme (Amendment) (Scotland) Order
2015**

Made - - - - 24th March 2015

Laid before the Scottish Parliament 26th March 2015

Coming into force - - 1st April 2015

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 26(1) to (5) of the Fire Services Act 1947(a) and sections 12 and 16 of the Superannuation Act 1972(b) and all other powers enabling them to do so.

Citation, commencement, effect and extent

1.—(1) This Order may be cited as the Firemen's Pension Scheme (Amendment) (Scotland) Order 2015 and comes into force on 1st April 2015.

(2) Article 3 has effect from 16th December 2014.

(3) This Order extends to Scotland only.

Amendment of the Firemen's Pension Scheme Order 1992

2. Schedule 2 to the Firemen's Pension Scheme Order 1992(c) (in which the Firefighters' Pension Scheme is set out) is amended as follows.

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- (a) 1947 c.41; section 26 was repealed by sections 52 and 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21). Subsections (1) to (5) of section 26 continue to have effect for the purposes of the Firefighters' Pension Scheme, in relation to England and Scotland by virtue of S.I. 2004/2306 and in relation to Wales by virtue of S.I. 2004/2917. The name of the scheme was changed to the Firefighters' Pension Scheme by S.I. 2004/2306. Section 26 of the Fire Services Act 1947 was amended by section 1 of the Fire Services Act 1951 (c.27), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c.65), section 33 of, and Schedule 3 to, the Theft Act 1968 (c.60), sections 16 and 29 of, and Schedule 8 to, the Superannuation Act 1972 (c.11), sections 100 and 101 of, and Schedule 27 to, the Social Security Act 1973 (c.38), section 1 of, and Schedule 1 to, the Social Security (Consequential Provisions) Act 1975 (c.18), section 32(2) of the Magistrates' Courts Act 1980 (c.43), section 1 of the Police and Firemen's Pensions Act 1997 (c.52), section 256 of, and Schedule 25 to, the Civil Partnership Act 2004 (c.33), and S.I. 1976/551. The Secretary of State's functions under section 26 of the Fire Services Act 1947, in so far as they were exercisable in relation to Scotland, were devolved to Scottish Ministers by S.I. 1999/1750 and S.I. 2006/304.
- (b) 1972 c.11; Section 16 applies section 12 with the necessary modifications to Orders under section 26 of the Fire Services Act 1947. Section 16 is repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004, but continues to have certain effect by virtue of S.I. 2004/2306.
- (c) S.I. 1992/129; relevant amending instruments are S.S.I. 2012/106 and S.S.I. 2014/59.

3. After Part 2 of Schedule 1 (interpretation), insert—

“PART 3

Provisions relating to same sex couples

Marriage of a same sex couple

1.—(1) Subject to paragraph 3, in this Scheme—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same sex couple;
- (b) a reference to civil partners is to be read as including a reference to a married same sex couple; and
- (c) a reference to a person who is in a civil partnership is to be read as including a reference to a person who is married to a person of the same sex.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2), it does not matter how a reference is expressed.

Living together as a same sex couple

2.—(1) In this Scheme—

- (a) a reference to persons who are not in a civil partnership but are living together as civil partners is to be read as including a reference to a same sex couple who are not married but are living together as a married couple; and
- (b) a reference to a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2), it does not matter how a reference is expressed.

Continuation of marriage where Scheme member acquires new legal gender

3. Where—

- (a) a deceased Scheme member was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004(a); and
- (b) at the time of the member’s death, she was married to a woman and that marriage subsisted before the time when the certificate was issued,

the Scheme member’s widow is to be treated for the purposes of this Scheme as if the certificate had not been issued.”.

(a) 2004 c.7.

4. For the Table in paragraph 3 of Part 1A of Schedule 8 (pension contributions), substitute—

<i>“Pensionable pay</i>	<i>Contribution rate from 1st April 2015 to 31st March 2016 (percentage of pensionable pay)</i>
Up to and including £15,150	11.0%
More than £15,150 and up to and including £21,210	12.2%
More than £21,210 and up to and including £30,300	14.2%
More than £30,300 and up to and including £40,400	14.7%
More than £40,400 and up to and including £50,500	15.2%
More than £50,500 and up to and including £60,600	15.5%
More than £60,600 and up to and including £101,000	16.0%
More than £101,000 and up to and including £121,200	16.5%
More than £121,200	17.0%

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2016 to 31st March 2017 (percentage of pensionable pay)</i>
Up to and including £15,301	11.0%
More than £15,301 and up to and including £21,422	12.2%
More than £21,422 and up to and including £30,603	14.2%
More than £30,603 and up to and including £40,804	14.7%
More than £40,804 and up to and including £51,005	15.2%
More than £51,005 and up to and including £61,206	15.5%
More than £61,206 and up to and including £102,010	16.0%
More than £102,010 and up to and including £122,412	16.5%
More than £122,412	17.0%

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2017 to 31st March 2018 (percentage of pensionable pay)</i>
Up to and including £15,454	11.0%
More than £15,454 and up to and including £21,636	12.2%
More than £21,636 and up to and including £30,909	14.2%
More than £30,909 and up to and including £41,212	14.7%
More than £41,212 and up to and including £51,515	15.2%

More than £51,515 and up to and including £61,818	15.5%
More than £61,818 and up to and including £103,030	16.0%
More than £103,030 and up to and including £123,636	16.5%
More than £123,636	17.0%

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2018 (percentage of pensionable pay)</i>
Up to and including £15,609	11.0%
More than £15,609 and up to and including £21,852	12.2%
More than £21,852 and up to and including £31,218	14.2%
More than £31,218 and up to and including £41,624	14.7%
More than £41,624 and up to and including £52,030	15.2%
More than £52,030 and up to and including £62,436	15.5%
More than £62,436 and up to and including £104,060	16.0%
More than £104,060 and up to and including £124,872	16.5%
More than £124,872	17.0%".

JOHN SWINNEY
A member of the Scottish Government

St Andrew's House,
Edinburgh
24th March 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Firefighters' Pension Scheme 1992 (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992) as it has effect in Scotland.

A new Part 3 (dealing with same sex couples) is inserted in Schedule 1 to the Scheme with effect from 16th December 2014.

Part 1A of Schedule 8 to the Scheme sets out the contribution rates payable by members which are determined by reference to the applicable pensionable pay band. This Order substitutes the table in Part 1A to provide an annual one per cent uplift in the pay bands until 2018.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen and the impact on the public sector is minimal.

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