
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 141

**The Firefighters' Pension Schemes
(Amendment) (Scotland) Regulations 2015**

PART 3

Amendment of the Firefighters' Pension Scheme (Scotland) Order 2007

Amendment of Part 2

25. In Part 2 (scheme membership, cessation and retirement)—

(a) after rule 1A (special membership), insert—

“Cessation of firefighter membership and special firefighter membership

1B. A person ceases to be a firefighter member or a special firefighter member of this scheme—

- (a) where the member is not a full protection member of this Scheme or a tapered protection member of this Scheme, on the scheme closing date;
- (b) where the member is a tapered protection member of this Scheme on the tapered protection closing date, or if earlier, on the date on which the member ceases to be a tapered protection member;
- (c) where the member is a full protection member of this Scheme on the date on which the member retires from scheme employment in the 2015 Scheme, or if earlier on the date on which the member ceases to be a full protection member of this Scheme.

Standard membership of this Scheme after the transition date

1C.—(1) In the case of a standard member of this Scheme to whom rule 1B applies and who joins the 2015 Scheme with continuity of service—

- (a) if that person (P) remains in pensionable service in that Scheme, P is a connected member of this Scheme in respect of the membership to which paragraph (4) applies;
- (b) if P opts out of pensionable service in the 2015 Scheme or leaves scheme employment in the 2015 Scheme before reaching normal retirement age, P is a deferred member of this Scheme;
- (c) if P opts into the 2015 Scheme or takes up scheme employment in the 2015 Scheme and paragraph (2) applies, P is again a connected member of this Scheme.

(2) This paragraph applies if P re-enters pensionable service under the 2015 Scheme after a gap in pensionable service not exceeding 5 years.

(3) In the case of a standard member of this Scheme to whom rule 1B applies and who joins the 2015 Scheme with a gap in pensionable service of more than 5 years, that member is a deferred member of this Scheme.

(4) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 57 (qualifying service) of the 2015 Regulations.

Special membership of this Scheme after the transition date

1D.—(1) In the case of a special member of this Scheme to whom rule 1B applies—

- (a) if that person (S) was a special firefighter member of this Scheme who joins the 2015 Scheme immediately after rule 1B applied to S, or who had joined this Scheme as a special member on or after the date on which rule 1B applied to S, S is a connected special member of this Scheme in respect of the membership to which paragraph (2) applies;
- (b) if that person (D) was a special firefighter member of this Scheme who joins the 2015 Scheme with a gap in pensionable service after rule 1B applied to D, or who had joined this Scheme as a special member with a gap in pensionable service after the date on which rule 1B applied to D, D is a special deferred member of this Scheme in respect of the membership to which paragraph (2) applies;
- (c) if S opts out of pensionable service in the 2015 Scheme or leaves scheme employment under the 2015 Scheme before reaching normal retirement age, S is a special deferred member of this Scheme.

(2) This paragraph applies in relation to the active member's account of the 2015 Scheme to which the qualifying service of the membership of this Scheme was added for the purposes of regulation 57 (qualifying service) of the 2015 Regulations.

Membership of this Scheme where ill-health award paid from 2015 Scheme

1E.—(1) A person who is entitled to the payment of an equivalent amount to the NFPS lower tier ill-health pension under the 2015 Scheme continues to be a connected member, or connected special member, of this Scheme.

(2) A person who was entitled to an ill-health award under this Scheme or under the 2015 Scheme and who accepts an offer of employment referred to in rule 2 of Part 9 of this Scheme or referred to in regulation 69(3)(b) of the 2015 Scheme, continues to be a connected member, or a connected special member, of this Scheme.”;

(b) in rule 3 (normal retirement age and normal benefit age), after paragraph (4) insert—

“(5) The normal retirement age of connected members is 60.

(6) The normal retirement age of connected special members is 55.”; and

(c) in rule 4 (last day of membership)—

(i) in paragraph (1) for “Where” substitute “Subject to paragraphs (3) to (5), where”;

(ii) after paragraph (2) insert—

“(3) The last day of membership of a firefighter member or a special firefighter member, who is not a full protection member of this Scheme or a tapered protection member of this Scheme, shall be taken to be the scheme closing date.

(4) The last day of membership of a firefighter member or a special firefighter member, who is a tapered protected member of this Scheme, shall be taken to be the

tapered protection closing date or, if earlier, the date on which that member ceases to be a tapered protection member.

(5) The last day of membership of a firefighter member or a special firefighter member who is a full protection member of this Scheme shall be taken to be the date on which that member ceases to be a full protection member of this Scheme.”.