

## **POLICY NOTE**

### **THE FIREFIGHTERS' COMPENSATION AND PENSION SCHEMES (SCOTLAND) AMENDMENT ORDER 2016**

**SSI 2016/77**

The above instrument was made in exercise of the powers conferred by sections 34 and 60 of the Fire and Rescue Services Act 2004. This instrument is subject to negative procedure.

#### **Policy Objectives**

The purpose of this instrument is to make amendments to the Firefighters' Compensation Scheme (Scotland) Order 2006 ("the 2006 Order") and to the Firefighters' Pension Scheme (Scotland) Order 2007.

On 5 October 2015, Scottish Ministers announced a change to the pensions paid to the widows, widowers and civil partners of firefighters killed in the line of duty. Under the 2006 Order, Special and Augmented awards are payable to survivors of firefighters who die as a result of an injury sustained on duty. The change means that Special and Augmented pensions will no longer be withdrawn on remarriage or registration of a civil partnership. In addition, any Special and Augmented pensions already withdrawn are reinstated from 1 October 2015. To reflect this change, existing rule 5 is omitted and new rule 5A provides for survivor pensions previously withdrawn to be reinstated from 1 October 2015.

The 2006 Order provides for the level of injury pension payable to recipients to be adjusted depending on "additional benefits" payable by the State. This Order makes a retrospective change so as to include contributions-based Employment Support Allowance as an "additional benefit".

This Order also makes certain minor amendments to deal with points raised by the Delegated Powers and Law Reform Committee in its 22nd and 24th Reports of 2015 in relation to S.S.I. 2015/141 and S.S.I. 2015/143.

#### **Consultation**

A consultation was undertaken from 26 November 2015 to 14 January 2016. All stakeholders were consulted, including the Fire Brigades Union, Fire Officers Association and relevant Scottish and UK Government Departments. A copy of the consultation document is available on the Scottish Public Pension Agency's website [www.sppa.gov.uk](http://www.sppa.gov.uk).

#### **Financial Effects**

There are costs attached to the reinstatement of survivor pensions previously withdrawn under the injury benefit regulations. This cost will have minimal impact on the scheme and the employer.

## **Business and Regulatory Impact Assessment**

This policy does not impose any additional costs or reduce existing costs for business, third or public sector organisations and on that basis no Business and Regulatory Impact Assessment is required for this Order.

Scottish Public Pensions Agency  
An Agency of the Scottish Government  
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