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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 79**

**The Firemen's Pension Scheme  
(Amendment) (Scotland) Order 2016**

**Citation, commencement, effect and extent**

1.—(1) This Order may be cited as the Firemen's Pension Scheme (Amendment) (Scotland) Order 2016 and comes into force on 1st April 2016.

(2) This Order has effect from 1st April 2015, except that article 4 has effect from 1st October 2015.

(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(1) (in which the Firefighters' Pension Scheme is set out) is amended as follows.

3. In Part B (personal awards)—

(a) in paragraph (3) of rule B1A (continuous service pension)—

(i) in sub-paragraph (a), for “paragraph (1)(a)” substitute “paragraph (1)(b)”; and

(ii) for sub-paragraph (b), substitute—

“(b) paragraph (1) of this rule applies as if the age ascertained under sub-paragraph (a) above were substituted for “normal pension age.”;

(b) in rule B2A (continued pension)—

(i) for “regulation 65(4)(a)”, substitute “regulation 65(3)(b)”; and

(ii) for “rule B1A(3)(i)”, substitute “rule B1A(3)(a)”; and

(c) in paragraph (1A) of rule B5D (additional pension benefit: supplementary provision), for “paragraph (3)(i)” substitute “paragraph (3)(a)”.

4. In Part C (awards on death – spouses), after paragraph (2) of rule C9 (effect of remarriage) insert—

“(3) Paragraphs (1) and (2) do not apply where the person entitled to a pension under this Part is also entitled to a pension under Part 3 of Schedule 1 to the Firefighters' Compensation Scheme (Scotland) Order 2006(2).

(4) Where entitlement to a pension or any part of a gratuity under this Part was removed by virtue of paragraph (1) or (2) prior to 1st October 2015 and the person was in receipt of a pension under Part 3 of Schedule 1 to the Firefighters' Compensation Scheme (Scotland) Order 2006, entitlement to the pension or part of the gratuity under this Part is reinstated with effect from that date.

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(1) [S.I. 1992/129](#); relevant amending instruments are [S.S.I. 2001/310](#), [S.S.I. 2004/385](#), [S.S.I. 2005/566](#), [S.S.I. 2006/342](#), [S.S.I. 2008/161](#), [S.S.I. 2010/332](#), [S.S.I. 2013/185](#) and [S.S.I. 2015/141](#).

(2) [S.S.I. 2006/338](#).

- (5) Nothing in paragraph (4) requires the making of any payment where the person to whom the payment would otherwise have been made has died prior to 1st October 2015.”.
5. In Part F (pensionable service and transfer values)—
- (a) in rule F2 (current service), after paragraph (1)(ab) for “or” substitute “and”; and
  - (b) in paragraph (1B) of rule F9 (payment of transfer values), omit “from the 2015 Scheme”.
6. In Part G (pensionable pay and contributions), in rule G1 (pensionable pay and average pensionable pay)—
- (a) in paragraph (9), for “paragraph 34” substitute “paragraph 33”;
  - (b) in paragraph (10)—
    - (i) for “paragraph 34(4)”, substitute “paragraph 33(4)”;
    - (ii) for “paragraph 34”, substitute “paragraph 33”;
  - (c) in paragraph (12), for “paragraph 34(3)” substitute “paragraph 33(3)”; and
  - (d) in paragraph (13)(b), for “which contributions” substitute “which pension contributions”.
7. In Part 2A (continuous service pension) of Schedule 2 (personal awards), in the definition of “C” for “40 years” substitute “30 years”.

St Andrew’s House, Edinburgh  
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