

POLICY NOTE

THE FIREFIGHTERS' PENSION SCHEME (AMENDMENT AND TRANSITIONAL PROVISION) (SCOTLAND) REGULATIONS 2017

SSI 2017/435

The above instrument was made in exercise of the powers conferred by section 26(1) to (5) of the Fire Service Act 1947 and section 12 of the Superannuation Act 1972 and sections 1(1) and 2 (f) of, and paragraph 6 (c) of schedule 2 of, the Public Service Pensions Act 2013 and all other powers enabling them to do so. Functions under these Acts as regards Scotland have been executively devolved to the Scottish Ministers. The instrument is subject to negative procedure.

Policy Objectives

In 2015, a major reform of the Firefighters' Pensions Framework was completed when the Firefighters' Pension Scheme 2015 ('the 2015 Scheme') was introduced. A number of minor amendments are now required to ensure that certain limited aspects of the new scheme work as originally intended, particularly as regards certain scheme members who retire on ill-health grounds.

Regulation 3 (4) of the instrument amends Regulation 71A of the 2015 Scheme, which provides for a member's entitlement to commute part of a pension into a lump sum. In particular, Regulation 3 (4)(b) amends Regulation 71A to clarify the calculation of commutation of any part of any lower tier ill-health pension that may be awarded as an equivalent amount to the 1992 Scheme. The 2015 Regulations set out certain provisions relating to the commutation of a lump sum for members transitioning from the 2006 Scheme to the 2015 Scheme. This amendment makes comparable provision for members transitioning from the 1992 Scheme.

Regulation 7 (3) of the instrument relates to paragraphs 37 and 38 of Schedule 2 to the 2015 Regulations, which include provisions that deal with the position of members who are being considered for ill-health retirement by an independent qualified medical practitioner at the time of their transition date, and who subsequently continue as active members of the 2015 Scheme. These members join the 2015 Scheme at the time specified under such provisions. The position of members who are being considered for ill-health retirement by an independent qualified medical practitioner at the time of their transition date, who are subsequently granted an ill-health award and consequently retire requires amendment. Under the amendments to paragraphs 37 and 38, such members would remain in their existing pension scheme, avoiding the necessity for a minimal period of membership of the 2015 Scheme.

Regulation 8 makes minor amendments to ensure that, following the implementation of that Order, firefighters continue to pay contributions in relation to additional pension benefit as appropriate and that the Scottish Fire and Rescue Service pay the appropriate level of employer contributions.

Consultation

A formal consultation was undertaken from 31 October to 28 November 2017. The consultation was issued to representatives of firefighters and employers and relevant Scottish and UK Government departments.

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 these Regulations.

Scottish Public Pensions Agency
An Agency of the Scottish Government
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