

POLICY NOTE

The Firefighters' Pension Scheme (Scotland) Amendment Order 2018

SSI 2018/215

The above instrument was made in exercise of the powers conferred by sections 34(1) to (4) and 60(2) of the Fire and Rescue Services Act 2004 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Policy Objectives

This order amends schedule 1 of the Firefighters' Pension Scheme (Scotland) Order 2007. The Order introduces new provisions and makes minor corrections to the Scheme.

Paragraph 1 of the schedule inserts a new rule 7B which extends additional pension benefit so that it covers-

- Payments to reward additional skills and responsibilities outside the requirements of the firefighter member's duties under the contract of employment but which are within the wider functions of the job;
- Any additional pay received whilst on temporary promotion or whilst temporarily carrying out the duties of a higher role; and
- Any non-consolidated performance related payment.

Any payments in respect of a firefighter member's continuing professional development continue to be covered by additional pension benefit.

The amendments made by sub-paragraphs (ii), (iii) and (iv) of paragraph 1(b) and paragraph 1 in relation to paragraphs (3) and (4) of the new rule 7B amend the method of uprating additional pension benefit for the long service increment (rule 7A of Part 3) and continuing professional development (rule 7B) from a specific index, retail price index, to an index in accordance with the Pensions (Increase) Act 1971. There is a specific provision to provide that the consumer price index is used for the tax year 2017/18. These amendments have effect from 9th April 2018.

Paragraph 4(a) of the schedule amends the definition of pensionable pay to include payments which are pensionable under additional pension benefit (new rule 7B) and provide that payments which are not within the definition of pensionable pay in rule 1(1)(a) as amended, or additional pension benefits payable for long service or in respect of a firefighter's continual professional development, should remain pensionable whilst the firefighter continues to receive them. Paragraph 4(b) amends the payments treated as final pensionable pay to exclude additional pension benefit payments payable within rule 7B of Part 3.

The amendments made to Annex 2 (appeals to board of medical referees) by paragraph 5 of the schedule enable-

- The board to reconsider its decision where the parties agree that it has made a material error of fact; and
- The authority to recover some or all of the expenses of the board where the appellant has withdrawn the appeal or requested the date for an interview or examination to be cancelled or postponed less than 22 working days before the date appointed.

Consultation

A formal consultation was undertaken from 22 March to 7 May 2018. 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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