
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 358

**FIRE SERVICES
PENSIONS**

**The Firefighters' Pension Schemes
(Scotland) Amendment Order 2019**

Made - - - - 29th October 2019
*Laid before the Scottish
Parliament* - - - - 31st October 2019
Coming into force - - 10th December 2019

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26(1), (2) and (5) of the Fire Services Act 1947(1), section 34(1) to (4) of the Fire and Rescue Services Act 2004(2), sections 12 and 16 of the Superannuation Act 1972(3), and all other powers enabling them to do so.

In accordance with section 34(5) of the Fire and Rescue Services Act 2004, the Scottish Ministers have consulted with such persons as they considered appropriate.

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- (1) 1947 c.41; repealed by section 52 and schedule 2 of the Fire and Rescue Services Act 2004 (c.21). Subsections (1) to (5) of section 26 continue to have effect for the purposes of the scheme established under that section as the Firemen's Pension Scheme and set out in the Firemen's Pension Scheme Order 1992 (S.I. 1992/129), by article 3 of the Firefighters' Pension Scheme (England and Scotland) Order 2004 (S.I. 2004/2306). The name of the scheme was changed to the Firefighters' Pension Scheme by article 4(1) of S.I. 2004/2306. Section 26 was amended by section 1 of the Fire Services Act 1951 (c.27), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c.65), section 33 and schedule 3 of the Theft Act 1968 (c.60), sections 16 and 29 and schedule 8 of the Superannuation Act 1972 (c.11), section 100 and schedule 27 of the Social Security Act 1973 (c.38), section 1 and schedule 1 of the Social Security (Consequential Provisions) Act 1975 (c.18), section 32 of the Magistrates' Courts Act 1980 (c.43), article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551), section 1 of the Police and Firemen's Pensions Act 1997 (c.52) and section 256 and schedule 25 of the Civil Partnership Act 2004 (c.33). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of article 2 and schedule 1 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999, (S.I. 1999/1750) and article 2 and the schedule of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2006 (S.I. 2006/304).
- (2) 2004 c.21; amended by section 89(1) and paragraph 24 of schedule 3 of the Fire (Scotland) Act 2005 (asp 5). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (3) 1972 c.11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c.7). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of article 2 and schedule 1 of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999 (S.I. 1999/1750). Section 16 applies section 12 with the necessary modifications to orders under section 26 of the Fire Services Act 1947. Section 16 is repealed by section 52 and schedule 2 of the Fire and Rescue Services Act 2004 (c.21) but continues to have effect, for the purposes of the Firefighters' Pension Scheme, by virtue of article 3 of S.I. 2004/2306.