

## **POLICY NOTE**

### **The Firefighters' Pension Scheme (Scotland) Amendment Order 2019**

**SSI 2019/358**

The above instrument was made in exercise of the powers conferred by section 26(5) of the Fire Services Act 1947(a), section 34(2)(e) and (m) and (4) of the Fire and Rescue Services Act 2004, sections 12 and 16 of the Superannuation Act 1972 and all other powers enabling them to do so. The instrument is subject to negative procedure.

#### **Purpose of the instrument**

The purpose of this instrument is to make amendments to the 1992 and 2006 Firefighters Pension Schemes in respect of firefighters in Scotland.

#### **Policy Objectives**

This order amends The Firefighters' Pension Scheme Order 1992 and schedule 1 of the Firefighters' Pension Scheme (Scotland) Order 2007. The Order makes amendments to both of the Schemes.

1992 and 2006 Scheme members are permitted to 'split' their pension in certain cases where they have a reduction in salary. Articles 3 and 6(3)(a) clarify that, where a firefighter has an entitlement to two pensions following such a split, the amount of the first pension is up-rated annually from the date that the firefighter ceased to earn the higher rate of pay.

Divorcing partners of scheme members may be granted pension credit may be granted pension credit, which they may subsequently be permitted to commute for a lump sum. Articles 4 and 6(5) update an out of date statutory reference in the 1992 and 2006 Orders to such commutation of pension credit.

Article 6 removes the requirement for a deceased member to have completed a nomination form before a survivor's pension can be paid

#### **Consultation**

A formal consultation was undertaken from 6 August to 29 October 2018. The consultation was issued to representatives of firefighters and employers and relevant Scottish and UK Government departments

## **Impact Assessments**

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

29 October 2019