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SCOTTISH STATUTORY INSTRUMENTS

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**2022 No. 79**

**FIRE SERVICES  
PENSIONS**

**The Firemen's Pension Scheme  
(Amendment) (Scotland) Order 2022**

<i>Made</i>	- - - -	<i>1st March 2022</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>3rd March 2022</i>
<i>Coming into force</i>	- -	<i>1st April 2022</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 26(1) to (5) of the Fire Services Act 1947<sup>(1)</sup> and section 12 of the Superannuation Act 1972<sup>(2)</sup>, as applied by section 16(3)<sup>(3)</sup> of that Act, and all other powers enabling them to do so.

**Citation, commencement and extent**

1.—(1) This Order may be cited as the Firemen's Pension Scheme (Amendment) (Scotland) Order 2022 and comes into force on 1 April 2022.

(2) This Order extends to Scotland only.

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- (1) 1947 c. 41, repealed by section 52 of, and schedule 2 of, the Fire and Rescue Services Act 2004 (c. 21). Subsections (1) to (5) of section 26 continue to have effect, in relation to England and Scotland, 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 virtue of article 3 of 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 of the 1947 Act 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 of, and schedule 3 of, the Theft Act 1968 (c. 60), sections 16 and 29 of, and schedule 8 of, the Superannuation Act 1972 (c. 11), section 100 of, and schedule 27 of, the Social Security Act 1973 (c. 38), section 1 of, and schedule 1 of, the Social Security (Consequential Provisions) Act 1975 (c. 18), section 32 of the Magistrates' Courts Act 1980 (c. 43), section 1 of the Police and Firemen's Pensions Act 1997 (c. 52), and schedule 25 of the Civil Partnership Act 2004 (c. 33), and article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of article 2 of 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 of and the Schedule of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2006 (S.I. 2006/304).
- (2) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7).
- (3) Section 16 continues to have effect, for the purposes of the Firefighters' Pension Scheme, by virtue of S.I. 2004/2306.

## **Amendment of the Firemen’s Pension Scheme Order 1992**

2.—(1) Schedule 2 of the Firemen’s Pension Scheme Order 1992(4) is amended as follows.

(2) In rule B7 (commutation-general provision)—

- (a) in paragraph (3A)(a) omit “and before 1st April 2022”,
- (b) omit paragraph (5),
- (c) omit paragraph (5A).

St Andrew’s House,  
Edinburgh  
1st March 2022

*TOM ARTHUR*  
Authorised to sign on behalf of the Scottish  
Ministers

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(4) S.I. 1992/129, relevantly amended by S.S.I. 2004/385, S.S.I. 2005/566, S.S.I. 2015/141, S.S.I. 2015/173, S.S.I. 2018/216 and S.S.I. 2019/382.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Firemen's Pension Scheme Order 1992 to remove the restriction on commutation of pension for members who retire with an ordinary pension after fewer than 30 years' pensionable service and who are below voluntary retirement age. It also removes the end date on the underpin which exists to allow Scottish members to use actuarial factors calculated by the Scheme Actuary in England, if they are higher.