

## SCHEDULE

Article 3

### PART 1

#### MODIFICATIONS OF PUBLIC GENERAL ACTS

##### *The Pensions (Increase) Act 1971*

1. In paragraph 44 of Schedule 2 to the Pensions (Increase) Act 1971 (official pensions)(1) for “Scottish fire authority” substitute “relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))”.

##### *The Road Traffic Act 1988*

2. In section 85 of the Road Traffic Act 1988 (interpretation of Part 2), in the definition of “light passenger vehicle”(2) for the words from “a fire brigade” to “1947” substitute “any matter in relation to which a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) has functions (whoever uses it for those purposes)”.

##### *The Vehicle Excise and Registration Act 1994*

3. In Schedule 2 to the Vehicle Excise and Registration Act 1994 (exempt vehicles) (3)–
- (a) in paragraph 4(2) (fire engines), for paragraph (b) substitute–
    - “(b) is used solely for purposes in relation to which a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) has functions (whoever uses it for those purposes).”; and
  - (b) in paragraph 5 (other vehicles kept by fire authorities)–
    - (i) for “fire authority” substitute “relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))”; and
    - (ii) for “fire brigade service” substitute “functions”.

### PART 2

#### MODIFICATIONS OF SUBORDINATE LEGISLATION

##### *The Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975*

4.—(1) The Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations 1975(4) are amended as follows.

(2) In paragraph 2 of Part 1 of Schedule 1 (employments to be treated as employed earners' employments for industrial injuries purposes)–

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- (1) 1971 c. 56; paragraph 44 was substituted by the Fire and Rescue Services Act 2004 (c. 21), section 53 and Schedule 1, paragraph 35(3).
  - (2) 1988 c. 52; the definition of “light passenger vehicle” was inserted by S.I. 1992/3107; there is an amendment to that definition not relevant to this Order.
  - (3) 1994 c. 22; there are amendments to Schedule 2 not relevant to this Order.
  - (4) S.I. 1975/467, to which there are amendments not relevant to this Order.

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- (a) after “as” where it first occurs insert “an employee of a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act for the purposes of that authority or board under that Act or”; and
- (b) omit “fire brigade,”.

(3) In paragraph 4 of column (1) of Schedule 3 (employments in respect of which persons are treated as employees for industrial injuries purposes), for the words “fire brigade” substitute “fire and rescue authority or joint fire and rescue board”.

*The Income Support (General) Regulations 1987*

5. In paragraph 7(1) of Schedule 8 to the Income Support (General) Regulations 1987 (sums to be disregarded in the calculation of earnings)<sup>(5)</sup>–

- (a) paragraph (a) is revoked; and
- (b) after paragraph (aa) insert–
  - “(ab) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The Housing Benefit (General) Regulations 1987*

6.—(1) The Housing Benefit (General) Regulations 1987<sup>(6)</sup> are amended as follows.

(2) In paragraph 6(1) of Schedule 3 (sums to be disregarded in calculation of earnings)–

- (a) paragraph (a) is revoked; and
- (b) after paragraph (aa) insert–
  - “(ab) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

(3) In paragraph 3(2) of Schedule 3A (sums disregarded from claimant’s earnings)–

- (a) paragraph (a) is revoked; and
- (b) after paragraph (aa) insert–
  - “(ab) as a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The Council Tax Benefit (General) Regulations 1992*

7.—(1) The Council Tax Benefit (General) Regulations 1992<sup>(7)</sup> are amended as follows.

(2) In paragraph 6(1) of Schedule 3 (sums to be disregarded in the calculation of earnings)–

- (a) paragraph (a) is revoked; and
- (b) after paragraph (aa) insert–

<sup>(5)</sup> S.I. 1987/1967, amended by S.I. 2000/2575; there are other amending instruments but none is relevant.

<sup>(6)</sup> S.I. 1987/1971; relevant amending instruments are S.I. 1993/317, 2000/2545 and 2003/325.

<sup>(7)</sup> S.I. 1992/1814; relevant amending instruments are S.I. 2000/2545, S.I. 2003/325.

- “(ab) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.
- (3) In paragraph 3(2) of Schedule 3A (sums disregarded from claimant’s earnings)–
- (a) paragraph (a) is revoked; and
- (b) after paragraph (aa) insert–
- “(ab) as a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The Child Support (Maintenance Assessments and Special Cases) Regulations 1992*

- 8.** In paragraph 1(1)(i) of Part 1 of Schedule 1 to the Child Support (Maintenance Assessments and Special Cases) Regulations 1992 (earnings of an employed earner)**(8)**–
- (a) head (ii) is revoked; and
- (b) after head (iia) insert–
- “(iib) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The Goods Vehicles (Licensing of Operators) Regulations 1995*

- 9.** In paragraph 6 of Part 1 of Schedule 3 to the Goods Vehicles (Licensing of Operators) Regulations 1995 (exempt vehicles)**(9)**, for “fire brigade” substitute “relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))”.

*The Jobseeker’s Allowance Regulations 1996*

- 10.**—(1) The Jobseeker’s Allowance Regulations 1996**(10)** are amended as follows.
- (2) In regulation 4 (interpretation of Parts 2, 4 and 5), in the definition of “part-time member of a fire brigade” for “member of a fire brigade maintained in pursuance of the Fire Services Acts 1947 – 1959” substitute “fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act”.
- (3) In regulation 53(d) (persons treated as not engaged in remunerative work)–
- (a) sub-paragraph (i) is revoked; and
- (b) after sub-paragraph (ia) insert–
- “(ib) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.
- (4) In paragraph 9(1) of Schedule 6 (sums to be disregarded in the calculation of earnings)–
- (a) paragraph (a) is revoked; and
- (b) after paragraph (aa) insert–

**(8)** [S.I. 1992/1815](#), revoked by [S.I. 2001/155](#) with certain savings (see regulation 15(2) to (6) and [S.I. 2000/3186](#)); there are other amending instruments but none is relevant.

**(9)** [S.I. 1995/2869](#), to which there is an amendment not relevant to this Order.

**(10)** [S.I. 1996/207](#); amended by [S.I. 2000/2545](#); there are other amending instruments but none is relevant.

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“(ab) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The Social Security Benefit (Computation of Earnings) Regulations 1996*

**11.** In paragraph 9 of Schedule 1 to the Social Security Benefit (Computation of Earnings) Regulations 1996 (sums to be disregarded in the calculation of earnings)(**11**)–

(a) paragraph (a) is revoked; and

(b) after paragraph (aa) insert–

“(ab) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The Local Government Pension Scheme (Scotland) Regulations 1998*

**12.** In regulation 5(9) of the Local Government Pension Scheme (Scotland) Regulations 1998 (further restrictions on eligibility)(**12**) for “a member of a fire brigade” to “1947” substitute “an employee of a relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))”.

*The Health and Safety (Enforcing Authority) Regulations 1998*

**13.** In regulation 4(3)(e) of the Health and Safety (Enforcing Authority) Regulations 1998 (exceptions)(**13**), for the words “fire authority within the meaning of section 43(1) of the Fire Precautions Act 1971” substitute “relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))”.

*The Scotland Act 1998 (Concurrent Functions) Order 1999*

**14.**—(1) Schedule 2 to the Scotland Act 1998 (Concurrent Functions) Order 1999(**14**) is amended as follows.

(2) In paragraph 2(a)(ii) for “fire brigades” substitute “employees of relevant authorities (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))”.

(3) In paragraph 2(b)(iii) for “members of fire brigades” substitute “employees of relevant authorities”.

(4) In paragraph 2(b)(iv) for “fire brigades” substitute “employees of relevant authorities”.

*The Child Support (Maintenance Calculations and Special Cases) Regulations 2000*

**15.** In paragraph 4(2)(g) of the Schedule to the Child Support (Maintenance Calculations and Special Cases) Regulations 2000 (calculation of earnings)(**15**)–

(a) head (ii) is revoked; and

(b) after head (iia) insert–

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(11) [S.I. 1996/2745](#), to which there are amendments not relevant to this Order.

(12) [S.I. 1998/366](#), to which there are amendments not relevant to this Order.

(13) [S.I. 1998/494](#), to which there are amendments not relevant to this Order.

(14) [S.I. 1999/1592](#).

(15) [S.I. 2001/155](#), to which there are amendments not relevant to this Order.

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“(iib) a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The State Pension Credit Regulations 2002*

16. In paragraph 2(2) of Schedule 6 to the State Pension Credit Regulations 2002 (sums disregarded from claimant’s earnings)(16)–

(a) paragraph (a) is revoked; and

(b) after paragraph (aa) insert–

“(ab) as a part-time fire-fighter employed by a fire and rescue authority (as defined in section 1 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#)) or a joint fire and rescue board constituted by an amalgamation scheme made under section 2(1) of that Act;”.

*The Regulation of Investigatory Powers (Communications Data) Order 2003*

17.—(1) The Regulation of Investigatory Powers (Communications Data) Order 2003(17) is amended as follows.

(2) In Part 1 of Schedule 2 (individuals in additional public authorities that may acquire all types of communications data), for the words “A joint Board constituted by an administration scheme under section 36 of the Fire Services Act 1947 or section 147 of the Local Government (Scotland) Act 1973” substitute “A joint fire and rescue board constituted by an amalgamation scheme under section 2 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) or a joint fire and rescue board within the meaning of section 5 of that Act”.

(3) In Part 2 of Schedule 2 (individuals in the public authorities specified in Part 1 that may only acquire certain types of communications data), for the words “A joint Board constituted by an administration scheme under section 36 of the Fire Services Act 1947 or section 147 of the Local Government (Scotland) Act 1973” substitute “A joint fire and rescue board constituted by an amalgamation scheme under section 2 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#) or a joint fire and rescue board within the meaning of section 5 of that Act”.

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(16) S.I. 2002/1792, to which there are amendments not relevant to this Order.

(17) S.I. 2003/3172, to which there are amendments not relevant to this Order.