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STATUTORY INSTRUMENTS

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**2014 No. 446**

**FIRE AND RESCUE SERVICES, ENGLAND  
PENSIONS, ENGLAND**

**The Firefighters' Pension Scheme  
(Amendment) (England) Order 2014**

*Made* - - - - *28th February 2014*  
*Laid before Parliament* *6th March 2014*  
*Coming into force* - - *1st April 2014*

The Secretary of State, in exercise of the powers conferred by sections 26(1) to (5) of the Fire Services Act 1947(1) makes the following Order:

**Citation, commencement, application and interpretation**

- 1.—(1) This Order may be cited as the Firefighters' Pension Scheme (Amendment) (England) Order 2014 and comes into force on 1st April 2014.
- (2) The Order applies in relation to England only(2).

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- (1) 1947 c.41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21).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 article 3 of S.I. 2004/2306, and in relation to Wales by S.I. 2004/2918. 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 to, the Theft Act 1968 (c.60), sections 16 and 29 of, and Schedule 8 to, the Superannuation Act 1972 (c.11), section 100 of, and Schedule 27 to, the Social Security Act 1973 (c.38), section 1 of, and Schedule 1 to, 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 to 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).
- (2) The Secretary of State's functions under section 26 of the Fire Services Act 1947, in so far as they were exercisable in relation to Scotland, were devolved to Scottish Ministers by section 63 of the Scotland Act 1998 (c.46) and article 2 of, and Schedule 1 to, the Scotland Act 1998 (Transfer of Functions to Scottish Ministers etc) Order 1999 (S.I. 1999/1750). The Secretary of State's functions under section 3(5) of the Fire Services Act 1947 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); see the entry for the Fire Services Act 1947 in Schedule 1 to that Order. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers.

(3) In this Order, “the Scheme” means the Scheme set out in Schedule 2 to the Firemen’s Pension Scheme Order 1992(3).

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

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

(2) In Schedule 1 (interpretation) to the Scheme, in Part 1 (glossary of expressions)(4)—

- (a) after the entry for the expression “mixed-rate service”—
  - (i) in the first column insert “New Firefighters’ Pension Scheme (England)”, and
  - (ii) in the second column insert “the New Firefighters’ Pension Scheme (England) set out in Schedule 1 to the Firefighters’ Pension Scheme (England) Order 2006(5).”;
- (b) in the entry for the expression “retained firefighter and volunteer firefighter”—
  - (i) in the first column omit “and volunteer firefighter”; and
  - (ii) in the second column after “regular firefighter” insert “or as a volunteer firefighter”;
- (c) after the entry for the expression “tax year”—
  - (i) in the first column insert “volunteer firefighter”; and
  - (ii) in the second column insert—
    - “A person employed by an authority—
    - (a) as a firefighter but not as a regular firefighter or as a retained firefighter;
    - (b) on terms under which he is, or may be, required to engage in firefighting or, without a break in continuity of such employment, may be required to perform other duties appropriate to his role as a firefighter (whether instead of, or in addition to, engaging in fire fighting);
    - (c) otherwise than in a temporary capacity; and
    - (d) who is obliged to attend at such times as the officer in charge considers necessary, and in accordance with the orders that he receives.”.

(3) In Schedule 6 (pensionable service and transfer values)(6) to the Scheme, in Part 4 (amount of transfer value)—

- (a) in paragraph 2 for “Where” substitute “Subject to paragraph 7, where”;
- (b) after paragraph 6, insert—

“7. Where a transfer value is payable to the scheme managers of the New Firefighters’ Pension Scheme (England) in the case of a person who—

- (a) immediately after the termination of his employment as a regular firefighter on or after 1st July 2000, took up employment as a retained firefighter;
- (b) is a special firefighter member of the New Firefighters’ Pension Scheme (England) under rule 1A(1) of Part 2 (scheme membership, cessation and retirement) of that Scheme from 1st July 2000, or if later, from the date before 6th April 2006 on which he took up employment as a retained firefighter;
- (c) has elected under rule 6A (election to purchase service during the limited period) of Part 11 (pensionable pay, pension contributions and purchase of additional

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(3) S.I. 1992/129; amended by 1997/2309 and 2851/1998/1010, 2001/3649 and 3691, 2004/1912 and 2006/1810 and 3433, 2008/214, 2012/953, 2013/703, 2013/1392 and 2125. The name of the Scheme was changed to the Firefighters’ Pension Scheme by S.I. 2004/2306.

(4) Part 1 of Schedule 1 was amended by S.I. 2001/3691, 2004/1912, 2005/2980, 3228 and 2006/1810 and 3433.

(5) S.I. 2006/3432, amended by 2008/213, 2012/954 and 2988 and 2014/445.

(6) Schedule 6 was amended by S.I. 2001/3961, 2004/1912, 2005/2980 and 3228.

service) of the New Firefighters' Pension Scheme (England) to pay the pension contributions required as a special firefighter member from that date;

- (d) has elected under rule 11A (transfer of accrued rights under the 1992 Scheme to special membership under this Scheme) of Part 12 (transfers into and out of the Scheme) of the New Firefighters' Pension Scheme (England) to transfer his accrued rights under this Scheme to his special membership of the New Firefighters' Pension Scheme (England) at the same time as his election under rule 6A of Part 11 of that Scheme,

the amount of the transfer value is the equivalent value to the total of  $A/45$  of pensionable service where  $A$  is the total in years of pensionable service, not exceeding 30 years.”

- (4) Part A1 of Schedule 8 (pension contributions) to the Scheme is amended as follows—

- (a) for paragraph 1(2)(b) substitute—

“(b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a regular firefighter by the fire and rescue authority in respect of any benefits which are pensionable under rule B5C of Part B, but those payments shall be included in his pensionable pay for the purposes of the application of the rate specified in the second column.”

- (b) for paragraph 2(2)(b) substitute—

“(b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a part-time regular firefighter by the fire and rescue authority in respect of any benefits which are pensionable under rule B5C of Part B, but those payments shall be included in his pensionable pay for the purposes of the application of the rate specified in the second column.”

- (c) for the Table in paragraph 3 substitute—

<i>“Pensionable pay</i>	<i>Contribution rate from 1st April 2014 (percentage of pensionable pay)</i>
Up to and including £15,000	11.0%
More than £15,000 and up to and including £21,000	12.2%
More than £21,000 and up to and including £30,000	14.2%
More than £30,000 and up to and including £40,000	14.7%
More than £40,000 and up to and including £50,000	15.2%
More than £50,000 and up to and including £60,000	15.5%
More than £60,000 and up to and including £100,000	16.0%
More than £100,000 and up to and including £120,000	16.5%
More than £120,000	17.0%”

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Signed by authority of the Secretary of State for Communities and Local Government

28th February 2014

*Brandon Lewis*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

## EXPLANATORY NOTE

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

This Order amends the Firefighters' Pension Scheme 1992 (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992) as it has effect in England.

Article 2(2) amends the definition of "retained firefighter" and "volunteer firefighter" so that they are now defined separately.

Article 2(3) is consequential on the amendments made to the New Firefighters' Pension Scheme (England) by the Firefighters' Pension Scheme (England) (Amendment) Order 2014 ([S.I. 2014/445](#)) which provide those persons who were employed in England as retained firefighters between 1st July 2000 and 6th April 2006 with access to a pension scheme for that period. Article 2(3) amends Part 4 of Schedule 6 to the Firefighters' Pension Scheme 1992 to provide a different amount of transfer value where the member of that Scheme meets certain requirements.

Article 2(4) amends Part A1 of Schedule 8 to the Scheme to specify the pension contribution rates for regular firefighters payable from 1st April 2014.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.