
WELSH STATUTORY INSTRUMENTS

2007 No. 1074

**The Firefighters' Pension Scheme
(Wales) (Amendment) Order 2007**

Title, commencement, interpretation and application

1.—(1) This Order is called the Firefighters' Pension (Wales) Scheme (Amendment) Order 2007.

(2) This Order comes into force on 29 March 2007, but has effect as specified in paragraphs (3) to (6).

(3) The amendment made by article 2 and paragraph 18 of Schedule 1 (spouse's or civil partner's requisite benefit and temporary pension) has effect from 1 March 1992.

(4) The amendment made by article 2 and paragraph 2 of Schedule 1 (short service award) has effect from 21 November 2005.

(5) The amendments made by article 2 and the following paragraphs of Schedule 1 have effect from 6 April 2006—

- (a) paragraph 1 (exclusive application of Scheme to regular firefighters),
- (b) paragraph 10 (commutation — general provision),
- (c) paragraph 11 (commutation — small pensions),
- (d) paragraph 12 (allocation),
- (e) paragraph 14 (deduction of tax from certain awards),
- (f) paragraph 24 (lump sum death grant),
- (g) paragraph 27 (lump sum in lieu of surviving spouse's or civil partner's pension),
- (h) paragraph 28 (lump sum in lieu of child's allowance),
- (i) paragraph 29 (limitation on discretion to commute pension or allowance for lump sum),
- (j) paragraph 41 (election to purchase increased benefits),
- (k) paragraph 42 (payment of periodical contributions for increased benefits), and
- (l) paragraph 43 (pension debit members: restriction on replacement of debited rights).

(6) The remaining provisions of this Order have effect from 1 April 2006.

(7) In this Order—

“the Assembly” means the National Assembly for Wales²CQ?;

“the Compensation Scheme” means the Firefighters' Compensation Scheme (Wales) 2007 set out in the Schedule to the Firefighters' Compensation Scheme (Wales) Order 2007⁽¹⁾; and

“the Pension Scheme” means the Firefighters' Pension Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992⁽²⁾ (renamed in relation to Wales as the Firefighters' Pension (Wales) Scheme, as it has effect in Wales ⁽³⁾).

(1) S.I.2007/1072 (W.110).

(2) S.I. 1992/129; amended by 1997/2309 and 2851, 1998/1010, 2001/3649 and 3691, 2004/1912 and 2006/1672 (W. 160).

(3) 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

(8) The amendments made by this Order apply only in relation to the Firefighters' Pension (Wales) Scheme as it has effect in Wales⁽⁴⁾.

Amendment of the Pension Scheme

2. The Pension Scheme is amended in accordance with Schedule 1.

Transitional provision

3.—(1) The amendments made by article 2 and paragraphs 6 (ill-health awards), 51 (review of ill-health and certain deferred pensions) and 62 (ill-health pension) of Schedule 1 do not have effect in relation to a person in respect of whom a determination or decision relevant to the termination of that person's employment on grounds of ill-health (whether under Part H or Part K of the Pension Scheme) has been made before 1 April 2006.

(2) In a case to which paragraph (1) applies, rules B3 and K1 of the Pension Scheme continue to have effect in relation to the person concerned in the form in which they exist immediately before that date.

Revocation and consequential provision

4.—(1) So much of article 2(2) of the Firemen's Pension Scheme Order 1992 as relates to the provisions specified in column (1) of Schedule 2 to this Order (provisions of the Pension Scheme superseded by the Compensation Scheme) is revoked as to Wales.

(2) A reference in any document (whether made, served or issued before, on or after 1 April 2006) to a provision of the Pension Scheme that ceases to have effect by virtue of paragraph (1) is, unless a contrary intention appears, to be construed on and after that date as a reference to the corresponding provision of the Compensation Scheme specified in column (2) of Schedule 2.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁵⁾.

28 March 2007

D. Elis-Thomas
The Presiding Officer of the National Assembly

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, in so far as they were exercisable in relation to Wales, were transferred to 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.

(4) The National Assembly for Wales preserved the scheme established under section 26 of the Fire Services Act 1947 (known in Wales as the Firefighters' Pension (Wales) Scheme) by virtue of S.I. 2004/2918 (W.257).

(5) 1998 c. 38.