

SCHEDULE

Article 2

Amendment of Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007

1. In Part 1 (title and interpretation), in rule 2 (interpretation), in paragraph (1) insert the following definitions at the appropriate places—

“the Automatic Enrolment Regulations” (“*y Rheoliadau Cofrestru Awtomatig*”) means the Occupational and Personal Pension Schemes (Automatic Enrolment) Regulations 2010(1);

“automatic enrolment date” (“*dyddiad cofrestru awtomatig*”) has the meaning given by section 3(7) (automatic enrolment) of the Pensions Act 2008(2);

“automatic re-enrolment date” (“*dyddiad ailgofrestru awtomatig*”) means the date determined in accordance with regulation 12 of the Automatic Enrolment Regulations;

“automatically enrolled” (“*cael ei gofrestru'n awtomatig*”) means becoming a firefighter member of the Scheme on the automatic enrolment date;

“automatically re-enrolled” (“*cael ei ailgofrestru'n awtomatig*”) means becoming a firefighter member of the Scheme on the automatic re-enrolment date;

“opt in” (“*dewis ymuno*”) means becoming a firefighter member of the Scheme pursuant to the right in section 7(3) of the Pensions Act 2008 and in accordance with the arrangements prescribed by the Automatic Enrolment Regulations and similar expressions are to be construed accordingly.

2. In Part 2 (scheme membership, cessation and retirement) —

(a) in rule 1 (scheme membership)—

(i) in paragraph (2), for “rule 6(4)” substitute “rule 6”; and

(ii) after paragraph (2) insert—

“(2A) Where a person who—

(a) having taken up employment as a firefighter before 6 April 2006;

(b) having continued in such employment until the firefighter’s automatic enrolment date;

(c) having made an election not to pay pension contributions under the 1992 Scheme or not being eligible to be a member of the 1992 Scheme; and

(d) having not otherwise elected to become a member of this Scheme,

is automatically enrolled in this Scheme, that enrolment shall constitute an election to become a firefighter member of this Scheme.”;

(b) in rule 5 (election not to make pension contributions), after paragraph (1) insert—

“(1ZA) A written notice given under paragraph (1) of this rule must be signed by the firefighter member or, where the notice is in electronic format, it must include a statement confirming that that person personally submitted the notice.”; and

(c) in rule 6 (rejoining the Scheme)—

(i) for paragraph (1) substitute—

“(1) A person who has made a contributions election may cancel it by giving a signed written notice to the authority or, where the notice is in electronic format, it must include a statement confirming that that person personally submitted the notice.”;

(1) S.I. 2010/772, amended by S.I. 2012/215, 2012/1257, 2012/1477 and 2012/2691.

(2) 2008 c.30.

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

(ii) after paragraph (1) insert—

“(1A) Where a person who has made a contributions election is subsequently automatically enrolled or re-enrolled in the Scheme, that enrolment or re-enrolment shall constitute a cancellation of their contributions election.”;

(iii) omit paragraphs (2) and (3); and

(iv) in paragraph (4), after “is received”, insert—

“or, in the case of a firefighter member who has been automatically enrolled or re-enrolled, with effect from the automatic enrolment or re-enrolment date (as the case may be)”.

3. In Part 3 (personal awards), in rule 8 (refund of aggregate pension contributions)—

(a) before paragraph (1) insert—

“(Z1) Paragraphs (1) and (2) are subject to paragraph (3).” ; and

(b) after paragraph (2) insert—

“(3) In the case of a firefighter member who makes a contributions election subsequent to being automatically enrolled or re-enrolled in the Scheme, or having opted in to the Scheme, paragraphs (1) and (2) apply with the following modifications—

(a) “three months’ qualifying service” means three months’ qualifying service since being automatically enrolled or re-enrolled, or opting in (as the case may be), on that occasion; and

(b) “aggregate pension contributions” means the payments made by the firefighter member to the member’s employing authority by way of pension contributions since being automatically enrolled or re-enrolled, or opting in (as the case may be), on that occasion.”.