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## EXPLANATORY NOTE

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

This Order amends the Firefighters' Pension (Wales) Scheme (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992) as it has effect in Wales ("the 1992 Scheme"); the New Firefighters' Pension Scheme (Wales) (set out in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007); the Firefighters' Compensation Scheme (Wales) (set out in Schedule 1 to the Firefighters' Compensation Scheme (Wales) Order 2007) ("the 2007 Compensation Scheme") and the Firefighters' Pension (Wales) Scheme (Amendment and Transitional Provisions) Order 2016.

Article 2 amends the 1992 Scheme, in particular, to provide that the surviving spouse or civil partner of a firefighter who died from an injury received in the exercise of duty, or travelling to or from duty, is to retain his or her entitlement to a pension or gratuity under Part C of the 1992 Scheme if he or she marries, remarries, forms a civil partnership or subsequent civil partnership on or after 1 April 2015. It further provides that a pension or gratuity which had been withdrawn for these reasons prior to 1 April 2015 is reinstated with effect from that date. Article 2 also makes a number of unrelated amendments to the 1992 Scheme, including to clarify that under Part G of the 1992 Scheme a firefighter below the age of 50 who has reckoned 30 years' pensionable service is treated as an employee of the fire and rescue authority for the purposes of annual employer contributions and that where such a firefighter has arrangements for additional pension benefits the firefighter must pay contributions in relation to these until the firefighter attains the age of 50. When the firefighter attains 50 the requirements in rule G2(1) of the 1992 Scheme will apply to the firefighter. Related to this, article 5 amends the transitional provision made by the Firefighters' Pension (Wales) Scheme (Amendment and Transitional Provisions) Order 2016 to make it clear that payments made by a fire and rescue authority under that provision do not include any sum in respect of a firefighter's contribution in relation to additional pension benefit.

Article 3 amends the New Firefighters' Pension Scheme (Wales) to remove the requirement that a surviving cohabiting partner must have been nominated by the scheme member as a condition of eligibility for a survivor's pension. Article 3 also makes a number of unrelated amendments to that Scheme in order to correct errors in cross- references.

Article 4(3) revokes rule 5 of Part 3 of the 2007 Compensation Scheme so as to allow, with effect from 1 April 2015, a person entitled to a pension or gratuity under that scheme to retain it following marriage, remarriage or forming a civil partnership or subsequent civil partnership. Pensions or gratuities which had been withdrawn prior to 1 April 2015 for these reasons are reinstated with effect from that date.

The 2007 Compensation Scheme superseded corresponding provisions of the 1992 Scheme. Article 4(2) amends the transitional arrangements in article 4 of the Firefighters' Compensation Scheme (Wales) Order 2007 so that equivalent provision will apply to special and augmented awards under rule C2 or C3 of the 1992 Scheme that relate to determinations or decisions made before 1 April 2006 relevant to whether death has been occasioned by a qualifying injury (by virtue of article 4(1) of that Order the 1992 Scheme in the form in which existed immediately before 1 April 2006 continues to have effect in these circumstances).

The amendments made by article 3(2) to (7) and (9) of this Order have effect from 6 April 2006, the amendments made by article 2(4)(b) have effect from 1 December 2006, the amendment made by article 5 has effect from 31 December 2016; the other amendments have effect from 1 April 2015. The power to give this Order retrospective effect is conferred, in respect of the 1992 Scheme, by section 12 of the Superannuation Act 1972 as applied by section 16(3) of that Act and, in respect of

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the 2007 Compensation Scheme and the New Firefighters' Pension Scheme (Wales), by section 34(3) of the Fire and Rescue Services Act 2004.

The Welsh Ministers' Regulatory Impact Assessment Code for Subordinate Legislation has been considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.