
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 143

The Firefighters' Compensation Scheme and Pension Scheme (Amendment) (Scotland) Order 2015

PART 3

Amendment of the Firefighters' Pension Scheme (Scotland) Order 2007

Amendment of Part 1 (citation and interpretation)

17.—(1) Part 1 is amended as follows.

(2) In rule 2(1) (interpretation)—

(a) after the definition of “the 2004 Act”, insert—

““the 2015 Regulations” means the Firefighters' Pension Scheme (Scotland) Regulations 2015⁽¹⁾ which established the Firefighters' Pension Scheme (Scotland) 2015;

“the 2015 Scheme” means the Scheme established by the 2015 Regulations;”;

(b) after the definition of “firefighter member”, insert—

““full protection member of this Scheme” means a person who is a full protection member of this Scheme by virtue of paragraph 9 of Schedule 2 to the 2015 Regulations;”;

(c) for the definition of “limited period”, substitute—

““limited period” means the period beginning on 1st July 2000 or if later, the date falling before 6th April 2006, on which the person was first employed as a retained firefighter and ending on—

(a) the earlier of—

(i) the date on which that person joined this Scheme as a special member or as a standard member in respect of service which he or she could otherwise reckon as special pensionable service, and

(ii) the date, if applicable, on which he or she ceased to be employed as a retained or a regular firefighter;

(b) in the case of a person who joins this Scheme as a provisionally enrolled member on 31st March 2015 and who on or after 1st April 2015—

(i) does not become a full protection member of this Scheme or a tapered protection member of this Scheme, 31st March 2015,

(ii) becomes a full protection member of this Scheme, the date on which that person joins this Scheme as a special member,

- (iii) becomes a tapered protection member of this Scheme, the earlier of the date the person joins this Scheme as a special member, and the member's tapered protection closing date, within the meaning given in paragraph 3 of Schedule 2 to the 2015 Regulations;";
 - (d) after the definition of "personal pension scheme", insert—
 - ""provisionally enrolled member" has the meaning given in rule 1(11) of Part 2;";
 - (e) in the definition of "special deferred member", for "1A(5) to (8)" substitute "1A(6) to (9)";
 - (f) in the definition of "special eligibility conditions", for "has the meaning given" substitute "means the conditions specified";
 - (g) in the definition of "special firefighter member", for "1A(1) to (4)" substitute "1A(1) to (5)";
 - (h) in the definition of "special pensioner member", for "1A(9) to (13)" substitute "1A(10) to (14)";
 - (i) after the definition of "survivor's pension", insert—
 - ""tapered protection member of this Scheme" means a person who is a tapered protection member of this Scheme by virtue of paragraph 15 of Schedule 2 to the 2015 Regulations;".
- (3) After rule 3, insert—

"Marriage of a same sex couple

4.—(1) In this Scheme—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same sex couple;
- (b) a reference to civil partners is to be read as including a reference to a married same sex couple; and
- (c) a reference to a person who is in a civil partnership is to be read as including a reference to a person who is married to a person of the same sex.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended, or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2), it does not matter how a reference is expressed.

Living together as a same sex couple

5.—(1) In this Scheme—

- (a) a reference to persons who are not in a civil partnership but are living together as civil partners is to be read as including a reference to a same sex couple who are not married but are living together as a married couple; and
- (b) a reference to a person who is living with another person as if they were in a civil partnership is to be read as including a reference to a person who is living with another person of the same sex as if they were married.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to persons formerly living together as civil partners) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.”.