

2004 No. 2306

**FIRE AND RESCUE SERVICES, ENGLAND AND
SCOTLAND**

PENSIONS, ENGLAND AND SCOTLAND

**The Firefighters' Pension Scheme (England and Scotland) Order
2004**

<i>Made</i> - - - -	<i>7th September 2004</i>
<i>Laid before Parliament</i>	<i>10th September 2004</i>
<i>Coming into force</i> - -	<i>1st October 2004</i>

The First Secretary of State, in exercise of the powers conferred on him by sections 36 and 60 of the Fire and Rescue Services Act 2004(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Firefighters' Pension Scheme (England and Scotland) Order 2004.

(2) This Order shall come into force on 1st October 2004.

(3) This Order applies in England and in Scotland only(b).

Interpretation

2. In this Order, "the Scheme" means the scheme established under section 26 of the Fire Services Act 1947 (Firemen's Pension Scheme)(c) and set out in the Firemen's Pension Scheme Order 1992(d).

Preservation of existing pension scheme

3.—(1) Notwithstanding the repeal of section 26 of the Fire Services Act 1947, the Scheme shall continue in force.

(a) 2004 c. 21.

(b) The powers of the First Secretary of State under sections 36 and 60 of the Fire and Rescue Services Act 2004 are vested in the National Assembly for Wales by virtue of section 62 of that Act.

(c) 1947 c. 41; the whole of the Fire Services Act 1947 is repealed on 1st October 2004 by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004.

(d) S.I. 1992/129, as amended by S.I. 1997/2309, 1997/2851, 1998/1010, 2001/3649, 2001/3691, 2004/1912 and S.S.I. 2001/310.

(2) The provisions of the enactments listed in the Schedule to this Order shall continue to have effect for the purposes of the Scheme as if they had not been amended or repealed, as the case may be, by the Fire and Rescue Services Act 2004.

Change of scheme name

4.—(1) The new name of the Scheme shall be the “Firefighters’ Pension Scheme”.

(2) Any reference to the Scheme in any enactment, instrument or other document (including the Scheme itself) shall be construed as a reference to the Scheme by its new name.

Signed by the authority of the First Secretary of State

7th September 2004

Phil Hope
Parliamentary Under Secretary of State
Office of the Deputy Prime Minister

SCHEDULE

Article 3(2)

<i>Act</i>	<i>Provisions of Act continuing in effect for the purposes of the Scheme</i>
Fire Services Act 1947	Subsections (1) to (5) of section 26(a) Section 27A (information in connection with firemen’s pensions etc)(b) Section 35 (regulations and orders to be laid before Parliament), in so far as it relates to section 26 Section 39(5) (short title, extent, transitional provisions and savings) Schedule 3 (provisions of 15 & 16 Geo 5 c 47 applicable for purposes of Firemen’s Pension Scheme)
Fire Services Act 1951(c)	Section 1 (amendments of s 26)
Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(d)	Section 46(3)(iii) (payments to make up civil remuneration) Section 61(1)(d) (presumption of death of persons serving in forces)

- (a) Section 26 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 article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551).
- (b) Section 27A was inserted by section 3 of the Police and Firemen’s Pensions Act 1997 and amended by article 102 of the Financial Services and Markets Act 2000 (Consequential Amendments and Repeals) Order 2001 (S.I. 2001/3649).
- (c) Section 1 is repealed, from 1st October 2004, by section 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004.
- (d) Sections 46(3)(iii) and 61(1)(d) are amended, from 1st October 2004, by section 53 of, and paragraph 12 of Schedule 1 to, the Fire and Rescue Services Act 2004.

<i>Act</i>	<i>Provisions of Act continuing in effect for the purposes of the Scheme</i>
Fire Services Act 1959 (a)	Subsections (1) to (3) of section 8 Subsections (1) and (2) of section 9 Section 10
Pensions (Increase) Act 1971 (b)	Paragraphs 16, 16A and 44 of Schedule 2 (official pensions)
Superannuation Act 1972 (c)	Section 16 (members of fire brigades) Section 24(1)(a) (compensation for loss of office, etc)
Police and Firemen's Pensions Act 1997 (d)	Section 1(3) (clarification of powers in respect of transfer values etc)

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- (a)** 1959 c. 44. Sections 8, 9 and 10 are repealed, from 1st October 2004, by section 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004.
- (b)** 1971 c. 56; paragraph 16A of Schedule 2 was inserted by section 29 of, and paragraph 89 of Schedule 6 to, the Superannuation Act 1972. Paragraphs 16, 16A and 44 of Schedule 2 are amended, from 1st October 2004, by section 53 of, and paragraph 35 of Schedule 1 to, the Fire and Rescue Services Act 2004.
- (c)** From 1st October 2004, section 16 is repealed by section 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 and section 24(1)(a) is amended by section 53 of, and paragraph 37 of Schedule 1 to, the Fire and Rescue Services Act 2004.
- (d)** Section 1(3) is repealed, from 1st October 2004, by section 54 of, and Schedule 2 to, the Fire and Rescue Services Act 2004.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies in England and in Scotland only (*article 1(3)*).

This Order provides for the Firemen's Pension Scheme ("the Scheme"), established under section 26 of the Fire Services Act 1947, to continue in force despite the repeal by the Fire and Rescue Services Act 2004 ("the 2004 Act") of that section (*article 3(1)*). For the purposes of the Scheme, this Order continues to give effect to certain provisions of enactments amended or repealed by the 2004 Act (*article 3(2) and the Schedule*).

This Order also provides for the name of the Scheme to be changed to the "Firefighters' Pension Scheme". Any reference to the Scheme in any enactment, instrument or other document (including the Scheme itself) will be construed as a reference to the Scheme by its new name (*article 4*).

A full regulatory impact assessment has not been produced for this instrument, as it has no impact on the costs of businesses, charities or voluntary bodies; neither does it have significant financial impact on any public bodies.

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