

**2012 No. 106**

**FIRE SERVICES**

**The Firemen’s Pension Scheme Amendment (Scotland)  
Order 2012**

*Made* - - - - *29th March 2012*

*Laid before the Scottish Parliament* *30th March 2012*

*Coming into force* - - *1st April 2012*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 26(1) to (5) of the Fire Services Act 1947(a) and all other powers enabling them to do so.

**Citation and commencement**

**1.**—(1) This Order may be cited as the Firemen’s Pension Scheme Amendment (Scotland) Order 2012.

(2) This Order comes into force on 1st April 2012.

(3) Amendment of the Firemen’s Pension Scheme Order 1992.

**2.** Schedule 2 to the Firemen’s Pension Scheme Order 1992(b) is amended in accordance with articles 3 and 4 of this Order.

**3.** In rule G2 (pension contributions)—

(a) in paragraph (1), for “paragraph (1A)” substitute “the Table in paragraph 3 of Part A1 of Schedule 8”; and

(b) omit paragraph (1A).

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(a) 1947 c.41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c.21). Subsections (1) to (5) of section 26 continue to have effect, for the purposes of the scheme established under that section as the Firemen’s Pension Scheme and set out in the Firemen’s Pension Scheme Order 1992 (S.I. 1992/129), by article 3 of the Firefighters’ Pension Scheme (England and Scotland) Order 2004 S.I. 2004/2306. The name of the scheme was changed to the Firefighters’ Pension Scheme, by article 4(1) of S.I. 2004/2306. Section 26 of the 1947 Act 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 section 256 of, Schedule 25 to the Civil Partnership Act 2004 (c.33), and article 2 of the Social Security (Modification of Fire Services Act 1947) Order 1976 (S.I. 1976/551). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of article 2 and Schedule 1 to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 1999 (S.I. 1999/1750) and article 2 and the Schedule to the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2006, (S.I. 2006/304).

(b) S.I. 1992/129; amended by 1997/2309 and 2851, and 1998/1010, 2001/3649, and 2005/3228 and S.S.I. 201/310, 2004/385, 2005/566, 2006/342, 2007/200, 2008/161, 2009/184, 2010/66 and 2010/332.

4. In Schedule 8 for—

“PURCHASE OF INCREASED BENEFITS”

substitute—

“PENSION CONTRIBUTION AND PURCHASE OF  
INCREASED BENEFITS

PART 1A

PENSION CONTRIBUTIONS

1.—(1) In the case of a whole-time regular firefighter the pension contribution mentioned in rule G2(1) is the percentage of his pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of his pensionable pay in the first column of that Table.

(2) For the purposes of sub-paragraph (1)—

- (a) where there has been a permanent material change to the terms and conditions of a regular firefighter’s employment which affects his pensionable pay, from the date of that change his pensionable pay in the first and second columns shall be calculated by reference to the revised amount.
- (b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in his pensionable pay for the purposes of the application of the rate ascertained from that Table.

2.—(1) In the case of a part-time regular firefighter, the pension contribution mentioned in rule G2(1) is the percentage of his pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of pensionable pay which he would have received had he been a whole-time regular firefighter.

(2) For the purposes of sub-paragraph (1)—

- (a) where there has been a permanent material change to the terms and conditions of a part-time regular firefighter’s employment which affects his pensionable pay, from the date of that change his pensionable pay in the first and second columns shall be calculated by reference to the revised amount.
- (b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a part-time regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in his pensionable pay for the purposes of the application of the rate ascertained from that Table.

3. The following Table is that referred to in paragraphs 1 and 2.

**TABLE**

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2012</i>
Up to and including £15,000	11.0% of pensionable pay
More than £15,000 and up to and including £30,000	11.6% of pensionable pay
More than £30,000 and up to and including £40,000	11.7% of pensionable pay

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2012</i>
More than £40,000 and up to and including £50,000	11.8% of pensionable pay
More than £50,000 and up to and including £60,000	11.9% of pensionable pay
More than £60,000 and up to and including £100,000	12.2% of pensionable pay
More than £100,000 and up to and including £120,000	12.5% of pensionable pay
More than £120,000	13.0% of pensionable pay”.

St Andrew’s House,  
Edinburgh  
29th March 2012

*JOHN SWINNEY*  
A member of the Scottish Executive

## EXPLANATORY NOTE

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

This Order amends the Firefighters' Pension Scheme (set out in Schedule 2 to the Firemen's Pension Scheme Order 1992) as it has effect in Scotland.

The amendment is to provide a different rate for pension contributions payable by members of the Firefighters' Pension Scheme which increase according to the amount of pensionable pay which the member receives. The contribution rates are specified in paragraph 3 of the Table in Part A1 of Schedule 8. The contribution rate which applies to a part-time regular firefighter is that which is specified as though that person had been a whole-time firefighter. Where there is a change in a firefighter's pensionable pay, the contribution rate which applies from that date is that specified for the revised amount of pensionable pay. For the purposes of ascertaining the rate of contribution, the pensionable pay does not include any payments made for continual professional development although these payments are included in pensionable pay for the purposes of calculating the pension contribution to be paid.

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