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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 78**

**PUBLIC SERVICE PENSIONS**

**The Firefighters' Pension Scheme  
(Scotland) Amendment Regulations 2016**

*Made* - - - - - *2nd February 2016*  
*Laid before the Scottish*  
*Parliament* - - - - - *4th February 2016*  
*Coming into force* - - - - - *1st April 2016*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 1(1) and (2)(f) of, and paragraph 6(c) of Schedule 2 to, the Public Service Pensions Act 2013<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 21 of that Act, the Scottish Ministers consulted the representatives of such persons as appeared to the Scottish Ministers likely to be affected by these Regulations.

**Citation, commencement and effect**

1.—(1) These Regulations may be cited as the Firefighters' Pension Scheme (Scotland) Amendment Regulations 2016.

(2) These Regulations come into force on 1st April 2016 and have effect from 1st April 2015.

**Amendment of the Firefighters' Pension Scheme (Scotland) Regulations 2015**

2. The Firefighters' Pension Scheme (Scotland) Regulations 2015<sup>(2)</sup> are amended as follows.

3. In regulation 3 (interpretation)—

(a) omit the definition of “additional paternity leave”;

(b) in the definition of “child-related leave”—

(i) omit paragraph (e) and the word “or” immediately after it;

(ii) after paragraph (f), insert “or”; and

(iii) at the end, insert—

“(g) shared parental leave;”;

(c) after the definition of “sending scheme”, insert—

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(1) 2013 c.25; section 3(3)(b) enables scheme regulations to make retrospective provision.

(2) S.S.I. 2015/19, amended by S.S.I. 2015/141.

- “shared parental leave” means leave under the Shared Parental Leave Regulations 2014(3);” and
- (d) in the definition of “statutory pay”—
- (i) in paragraph (c), omit “ordinary”;
  - (ii) omit paragraph (d); and
  - (iii) at the end, insert—
    - “(e) statutory shared parental pay within the meaning of section 171ZU (entitlement: birth) and section 171ZV (entitlement: adoption) of the Social Security Contributions and Benefits Act 1992(4);”.
4. In paragraph (2) of regulation 18 (meaning of “assumed pensionable pay”)—
- (a) in sub-paragraph (c), for “parental leave or additional paternity leave” substitute “shared parental leave or parental leave”; and
  - (b) in sub-paragraph (e), for “additional paternity leave” substitute “shared parental leave”.
5. In paragraph (2) of regulation 59 (annual rate of retirement pension (active members)), for “paragraphs (a), (b) and (c)” substitute “paragraphs (a), (b), (ba) and (c)”.
6. In paragraph (3)(a) of regulation 65 (entitlement to lower tier ill-health pension and higher tier ill-health pension), after “rule 2(2)” insert “of Part 3”.
7. In paragraph (3) of regulation 113 (contributions during child-related leave), for “additional paternity leave, additional adoption leave” substitute “additional adoption leave, shared parental leave”.
8. In Part 3B of Schedule 2 (transitional provisions)—
- (a) omit sub-paragraph (3) of paragraph 26;
  - (b) in paragraph 28(2), omit “and a bereavement pension is not payable under rule E8A”; and
  - (c) in paragraph 29(3), for ““regulation 96” in sub-paragraph (2) is to be read as “regulation 97”” substitute ““regulation 96(2)” in sub-paragraph (2) is to be read as “regulation 97(3)””.
9. In Part 3C of Schedule 2, in paragraph 38(2)(b), for the words from “28 days” to “H2(4)” substitute “14 days from the date on which the member received the documents which the authority is required to supply under rule H2(1)”.
10. In Part 3D of Schedule 2, in paragraph 44(2), for “of person” substitute “of a person”.

St Andrew’s House, Edinburgh  
2nd February 2016

*JOHN SWINNEY*  
A member of the Scottish Government

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(3) S.I. 2014/3050.

(4) 1992 c.4; sections 171ZU and 171ZV were inserted by the Children and Families Act 2014 (c.6), section 119(1).

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## EXPLANATORY NOTE

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

These Regulations amend the Firefighters' Pension Scheme (Scotland) Regulations 2015 ("the 2015 Regulations"). Regulations 3, 4 and 7 make provision in connection with the introduction of entitlements to shared parental leave and statutory shared parental pay (in place of additional paternity leave and additional statutory paternity pay). Other changes made by these Regulations involve minor corrections to the 2015 Regulations.