

2012 No. 107

FIRE SERVICES

**The Firefighters' Pension Scheme (Scotland) Amendment
Order 2012**

<i>Made</i>	- - - -	<i>29th March 2012</i>
<i>Laid before the Scottish Parliament</i>		<i>30th March 2012</i>
<i>Coming into force</i>	- -	<i>1st April 2012</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 34 and 60 of the Fire and Rescue Services Act 2004^(a) and all other powers enabling them to do so.

In accordance with section 34(5) of that Act they have consulted with such persons as they considered appropriate.

Citation and commencement

1.—(1) This Order may be cited as the Firefighters' Pension Scheme (Scotland) Amendment Order 2012.

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

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

2. Schedule 1 to the Firefighters' Pension Scheme (Scotland) Order 2007^(b) (in which the New Firefighters' Pension Scheme (Scotland) is set out) is amended in accordance with articles 3 and 4 of this Order.

3. In Chapter 1 of Part 11 (pensionable pay, pension contributions and purchase of additional service), in rule 3(1) (pension contributions) for "8.5% of the firefighter member's pensionable pay for the time being" substitute "the firefighter member's pensionable pay for the time being, specified in the Table in Annex A1".

(a) 2004 c.21 amended by s.89(1) of, and paragraph 24 of Schedule 3 to, the Fire (Scotland) Act 2005 (asp 5). The functions of the Secretary of State as regards Scotland were transferred to the Scottish Ministers by virtue of the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc) Order 2005 (S.I. 2005/849).

(b) S.S.I. 2007/199; amended by S.S.I. 2008/160, 2010/65 and 2010/333.

4. After Part 14 insert—

“Annex A1

Pensions Contributions

1. The rate of the pension contribution mentioned in rule 3(1) of Part 11 is that specified in the Table below by reference to the amount of the pensionable pay of the firefighter member in the first column of the Table.

2. The amount of pensionable pay of a retained or volunteer firefighter for the purpose of the first column of the Table shall be that firefighter’s reference pay.

3. The amount of pensionable pay of a part-time regular firefighter for the purpose of the first column of the Table shall be the amount of pensionable pay of a whole-time regular firefighter of equivalent role and length of service.

4. Where there has been a permanent material change to the terms and conditions of a firefighter member’s employment which affects pensionable pay, from the date of that change pensionable pay shall be calculated by reference to the revised amount.

5. Pensionable pay in the first column of the Table below does not include payments made to a regular firefighter by the fire and rescue authority in respect of continual professional development, but those payments will be included in pensionable pay for the purposes of the application of the rate specified in the second column.

<i>Pensionable pay</i>	<i>Contribution rate from 1st April 2012</i>
Up to and including £15,000	8.5% of pensionable pay
More than £15,000 and up to and including £30,000	8.8% of pensionable pay
More than £30,000 and up to and including £40,000	8.9% of pensionable pay
More than £40,000 and up to and including £50,000	9.0% of pensionable pay
More than £50,000 and up to and including £60,000	9.1% of pensionable pay
More than £60,000 and up to and including £100,000	9.3% of pensionable pay
More than £100,000 and up to and including £120,000	9.5% of pensionable pay
More than £120,000	9.7% of pensionable pay”.

JOHN SWINNEY

A member of the Scottish Executive

St Andrew’s House,
Edinburgh
29th March 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the New Firefighters' Pension Scheme (Scotland) set out in Schedule 1 to the Firefighters' Pension Scheme (Scotland) Order 2007.

The amendment is to provide a different rate for pension contributions payable by firefighter members of the New Firefighters' Pension Scheme which increase according to the amount of pensionable pay which the firefighter member receives. The contribution rate which applies to a firefighter member is specified in the second column of the Table in Annex A1 in relation to the amount of his pensionable pay. 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 member'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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