
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends provisions of the Firefighters' Compensation Scheme set out in Schedule 1 to [S.S.I. 2006/338](#) (“the Compensation Scheme”). The amendments made by article 2 of this Order have effect from 6th April 2006. The power to provide for an order to have effect from a date that is earlier than that on which it is made is conferred by section 34(3) of the Fire and Rescue Services Act 2004.

Articles 3 and 4 of the Order contain transitional provisions. Article 3 enables a person whose position would be less favourable under the amended version of the Scheme to elect to retain benefits under the unamended version. Notice of election has to be given to the fire and rescue authority before 1st July 2007. Article 4 provides for the compensation scheme in its unamended form to continue to apply in relation to decisions and determinations made before the coming into force of this Order as to whether permanent disablement has been caused by a “qualifying injury” as defined in rule 7 of Part 1 of the Compensation Scheme.

Subject to two exceptions, the amendments are consequential on the introduction of a new pension scheme for firefighters employed by fire and rescue authorities in Scotland (the New Firefighters' Pension Scheme (Scotland), set out in Schedule 1 to [S.S.I. 2007/](#)).

The first exception is the definition of “fire and rescue authority” which is amended to cover joint fire boards.

The second exception relates to the amendment made by paragraph 8(a)(ii) of the Schedule to this Order. It corrects an error in rule 1(4)(a) of Part 8 of the Compensation Scheme by substituting “rule” for “paragraph”.

The main effects of the amendments made by this Order are that—

- (a) the former distinction between regular firefighters and retained and volunteer firefighters is removed. This change reflects the fact that retained and volunteer firefighters were not entitled to be members of the Firefighters' Pension Scheme (set out in Schedule 2 to [S.I.1992/129](#)). (Persons who join the fire and rescue service in Scotland on or after 6th April 2006 as retained or volunteer firefighters are entitled to membership of the new pension scheme, and persons who were employed in the fire and rescue service in Scotland before that date as regular or retained firefighters may elect to become members of the new pension scheme. Benefits under the compensation scheme, as amended by this Order, are not dependent on membership of a firefighters' pension scheme); and
- (b) the insertion of references to relevant provisions of the new pension scheme ensures that the provisions of the compensation scheme apply to members of both pension schemes.

A full regulatory impact assessment has not been produced for this Order, as it has no impact on the costs of business, charities or voluntary bodies.