

SCHEDULE 2

Article 3(3)(a)(i)

TRANSITIONAL ARRANGEMENTS

Regular firefighters who became members of the 1992 scheme on or after 6th April 2006

1.—(1) The following provisions of this paragraph apply in relation to regular firefighters who became members of the 1992 Scheme on or after 6th April 2006 and before the coming into force of this Order.

(2) Where, before the coming into force of this Order, the firefighter made an election under rule G3 of the 1992 Scheme (election not to pay pension contributions), that election shall be treated on and after the coming into force of this Order as an election under rule 5 of Part 2 of the New Firefighters' Pension Scheme (Scotland) (referred to in this Schedule as “the new scheme”).

(3) The period of the firefighter’s service as a member of the 1992 Scheme shall be treated as a period of qualifying service under rule 1(a) of Part 10 of the new scheme.

(4) The period of the firefighter’s pensionable service accrued under the 1992 Scheme shall be treated as pensionable service accrued under rule 2(1)(a) of Part 10 of the new scheme.

(5) Where, on or after 6th April 2006, the Scottish fire authority accepted a transfer value in respect of the firefighter under rule F7 (receipt of transfer value) of the 1992 Scheme—

- (a) the amount accepted shall be treated as a transfer value payment accepted under rule 10 of Chapter 3 of Part 12 of the new scheme, irrespective of paragraphs (2) and (3) of rule 2 of Part 10; and
- (b) rule 11 of Chapter 3 of Part 12 shall apply as if, for paragraph (2), there were substituted—
“(2) For the purposes of that calculation, the member’s pensionable earnings are to be taken to be the amount of those earnings as at the date on which the transfer value payment is received.”.

Options for active members of the 1992 Scheme

2.—(1) Sub paragraph (2) applies in relation to each person who—

- (a) was a member of the 1992 Scheme both before 6th April 2006 and immediately before the coming into force of this Order; and
- (b) was not at any time before the coming into force of this Order in receipt of a pension or entitled to a deferred pension under that Scheme.

(2) A Scottish fire authority shall, not later than 31st January 2007, give to each person to whom this sub paragraph applies a written statement—

- (a) of the pensionable service that the authority would treat the person as having accrued in the new scheme (calculated in accordance with paragraph 3) if he or she were to elect to transfer his or her accrued rights under the 1992 Scheme to the new scheme; and
- (b) that, if the person wishes to make that election, the person must do so by written notice to the authority not later than 31st March 2007.

(3) A person’s notice under sub paragraph (2)(b) must state—

- (a) the date, which may be either 6th April 2006 or such later date as the person specifies in the notice, on which the person wishes to be treated as becoming a member of the new scheme; and
- (b) whether the person wishes—
 - (i) to retain the person’s accrued rights in the 1992 Scheme; or

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(ii) to transfer those rights subject to paragraph 3, to the new scheme.

(4) A Scottish fire authority must not accept a person's election to transfer the person's accrued rights if the aggregate of—

- (a) the person's pensionable service treated as accrued as mentioned in sub paragraph (2)(a); and
- (b) the person's prospective pensionable service, on the assumption that the person continues to be a member of the new scheme until the person reaches the age of 60,

would exceed 45 years by the time of the person's 60th birthday.

(5) Where a Scottish fire authority accept a person's election to transfer the person's accrued rights the authority shall—

- (a) within 28 days after the date on which they receive the person's notice under sub paragraph (2)(b), make all the arrangements necessary to give effect to the person's election; and
- (b) within 28 days of making those arrangements, supply the person with a written statement of the pensionable service credited in the new scheme in consequence of the transfer of the person's accrued rights.

(6) A person whose election to transfer his or her accrued rights has been accepted shall be treated—

- (a) where 6th April 2006 is specified in the person's notice under sub paragraph (2)(b), as having ceased to be a member of the 1992 Scheme on 5th April 2006;
- (b) where a date later than 6th April 2006 is specified in the person's notice under sub paragraph (2)(b), as having ceased to be a member of the 1992 Scheme on the day before that later date; and
- (c) as having become a member of the new scheme on the day after that on which the person is treated as having ceased to be a member of the 1992 Scheme.

(7) Where a person is treated as becoming a member of the new scheme on 6th April 2006—

- (a) pensionable service that the person has accrued in the 1992 Scheme on and after that date shall be disregarded for the purposes of the 1992 Scheme;
- (b) the person's pensionable and qualifying service on and after that date shall be treated as having accrued in the new scheme; and
- (c) the authority shall refund to the person the amount of the difference between the pension contributions—
 - (i) that the person made, as a member of the 1992 Scheme, in respect of the period beginning on 6th April 2006 and ending on the date on which all necessary arrangements to give effect to the person's election have been made; and
 - (ii) that the person would have made, as a member of the new scheme, in respect of that period.

(8) In the case of a person mentioned in sub paragraph (6)(b) who specifies in his or her notice under sub paragraph (2)(b) a date later than 6th April 2006, sub paragraph (7) shall apply as if—

- (a) references to 6th April 2006 (in whatever terms) were references to that later date; and
- (b) where that later date is on or after the coming into force of this Order, paragraph (c) were omitted.

(9) Where a person in relation to whom sub paragraph (2) applies had elected under rule G6 of the 1992 Scheme to purchase increased benefits—

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- (a) the person's election under that rule shall, notwithstanding paragraph (5)(b) of that rule, be treated as revoked with effect from 6th April 2006 or, where the person specifies a later date in his or her notice under paragraph (2)(b), that later date;
- (b) nothing in sub paragraph (a) shall affect the person's entitlement to make an election under rule 6 of Chapter 2 of Part 11 of the new scheme (election to purchase additional service); and
- (c) for the purposes of rule 5(4) of that Chapter, the calculation under sub paragraph (a) or, as the case may be, the determination under sub paragraph (b), shall be made on the basis of the person's age at the time of the person's election under rule G6 of the 1992 Scheme.

Calculation of transferred-in pensionable service

3. For the purposes of calculating the pensionable service that a person is treated as having accrued in the new scheme on the transfer of their accrued rights under the 1992 Scheme, fire and rescue authorities—

- (a) shall have regard to guidance and tables provided by the Scheme Actuary for the purposes of this Schedule; and
- (b) shall disregard Chapter 3 of Part 12 of the new scheme (transfers into the Scheme).