
STATUTORY INSTRUMENTS

1998 No. 1010

FIRE SERVICES

SUPERANNUATION

The Firemen's Pension Scheme (Amendment) Order 1998

<i>Made</i>	- - - -	<i>7th April 1998</i>
<i>Laid before Parliament</i>		<i>20th April 1998</i>
<i>Coming into force</i>	- -	<i>11th May 1998</i>

The Secretary of State, in exercise of the powers conferred on him by section 26 of the Fire Services Act 1947(1) and section 12, as applied by section 16(3), of the Superannuation Act 1972(2), with the approval of the Treasury(3) and after consultation with the Central Fire Brigades Advisory Council and the Scottish Central Fire Brigades Advisory Council, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Firemen's Pension Scheme (Amendment) Order 1998, shall come into force on 11th May 1998, and shall have effect as from 6th April 1997.

Amendment of the Firemen's Pension Scheme Order 1992

2.—(1) The Schedule to this Order has effect for varying the Scheme set out in Schedule 2 to the Firemen's Pension Scheme Order 1992(4).

(2) A reference in the Schedule to this Order to a numbered rule is a reference to the rule identified by that number in the 1992 Scheme.

Home Office
26th March 1998

George Howarth
Parliamentary Under-Secretary of State

(1) 1947 c. 41; section 26 was amended and extended by the Fire Services Act 1951 (c. 27), section 1; by the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65), section 42; and by the Superannuation Act 1972 (c. 11), sections 12 and 16.
(2) 1972 c. 11.
(3) See S.I. 1981/1670.
(4) S.I. 1992/129; to which there have been amendments not relevant to this Order.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

We approve

7th April 1998

Graham Allen
Jon Owen Jones
Two of the Lords Commissioners of Her
Majesty's Treasury

SCHEDULE

Article 2

AMENDMENTS TO THE FIREMEN'S PENSION SCHEME

1. In rule J1 (guaranteed minimum pensions)—
 - (a) in paragraph (1), after the word “service” there shall be inserted “before 6th April 1997”;
 - (b) at the end of paragraph (2)(c) there shall be added “up to and including the tax year 1996–97”.
- 2.—(1) Rule J2 (revaluation of guaranteed minimum) shall be amended as follows.
 - (2) In paragraph (1)—
 - (a) for the words “paragraph 13(2) of Schedule 1A to the Social Security Pensions Act 1975 (“the Pensions Act”)” there shall be substituted “section 95(1) of the Pension Schemes Act 1993(5) (“the 1993 Act”)”;
 - (b) for the words “paragraph 13(2)(b)” there shall be substituted “section 95(2)(c) of that Act”.
 - (3) For paragraph (2) there shall be substituted—

“(2) Where this rule applies, to the extent that the person’s guaranteed minimum is otherwise appropriately secured within the meaning of section 19(3) of the 1993 Act—

 - (a) for the purposes of section 14(2) of that Act (amount of guaranteed minimum) his earnings factors shall be determined by reference to the last order under section 21 of the Social Security Pensions Act 1975(6) or section 148 of the Social Security Administration Act 1992(7) to come into force before the end of the tax year in which he ceased to serve as a regular firefighter or, as the case may be, in which his election under rule G3 took effect and without reference to any subsequent order, and
 - (b) the weekly equivalent mentioned in section 14(2) of the 1993 Act shall be increased—
 - (i) by at least the prescribed percentage for each relevant year after the end of the tax year in which he ceased to serve as a regular firefighter or, as the case may be, in which his election under rule G3 took effect, and
 - (ii) in accordance with such additional requirements as may be prescribed for the purposes of section 16(3) of the 1993 Act(8).
 - (3) In this rule—

“relevant year” has the meaning given in section 14(8) of the 1993 Act(9);

“prescribed percentage” has the meaning given in regulation 62 of the Occupational Pension Schemes (Contracting-out) Regulations 1996(10).”.
3. In Part II of Schedule 1 (interpretation), for paragraph 2 there shall be substituted—

“2. In this Scheme “state pensionable age” means pensionable age as determined in accordance with the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995(11).”.

(5) 1993 c. 48; section 95(1) was amended by the Pensions Act 1995 (c. 26), Schedule 6, paragraph 3.

(6) 1975 c. 60.

(7) 1992 c. 5.

(8) Section 16(3) was amended by the Pensions Act 1995, Schedule 5, paragraph 28.

(9) Section 14(8) was amended by the Pensions Act 1995, Schedule 5, paragraph 27.

(10) S.I. 1996/1172.

(11) 1995 c. 26.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Firemen’s Pension Scheme set out in Schedule 2 to the Firemen’s Pension Scheme Order 1992.

Rules J1 and J2 of that Scheme contain provisions in respect of guaranteed minimum pensions in respect of service which is contracted-out employment. This Order makes amendments to those rules which are consequential to amendments made to the Pension Schemes Act 1993 by the Pensions Act 1995. A new definition of “state pensionable age” is substituted in Part II of Schedule 1 to the Scheme to reflect the prospective equalisation of pensionable age for men and women.

This Order has effect as from 6th April 1997, as permitted by section 12(1) of the Superannuation Act 1972, as applied by section 16(3) of that Act.