POLICY NOTE

THE FIREFIGHTERS' PENSION SCHEMES (SCOTLAND) AMENDMENT (NO. 2) ORDER 2024

SSI 2024/295

The above instrument was made in exercise of the powers conferred by section 34(1), (2) and (4) of the Fire and Rescue Services Act 2004. This instrument is subject to the negative procedure.

Summary Box

This order further amends the Firefighters Pension Scheme (Scotland) Order 2007, following amendments made to that Order by the Firefighters' Pension Scheme (Scotland) Amendment Order 2024, extending the period during which persons who were employed in Scotland as retained firefighters have access to a pension scheme.
This Order amends the date of that extended period, and the dates by which applications for death grants must be made in certain circumstances, so that similar rules apply to affected retained firefighters in Scotland as to affected retained firefighters in the rest of the United Kingdom.

Policy Objectives

The Firefighters' Pensions Schemes (Scotland) Amendment (No. 2) 2024 will only be amending the Firefighters' Pension Schemes (Scotland) Amendment Order 2024 which came into force on 18 March 2024, to ensure that the original intention of that SSI is fully achieved, rather than making policy changes which have not previously been consulted on.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

In accordance with section 23(2) of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, the Scottish Ministers certify that, in their view, the Firefighters' Pension Schemes (Scotland) Amendment (No.2) Order 2024 is compatible with the UNCRC requirements as defined by section 1(2) of the Act.

EU Alignment Consultation

This instrument is not relevant to the Scottish Government's policy to maintain alignment with the EU.

Consultation

To comply with the requirements of section 34(5) of the Fire and Rescue Services Act 2004, a consultation took place from 2 September 2024 to 16 September 2024.

In particular, employer and employee representatives of the Scottish Fire and Rescue Service, administrators and Scottish Government interests and UK Government departments were consulted. Two responses were received and on the basis of these responses the proposed amendments will be adopted.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report which will be published on the Scottish Public Pensions Agency's website : https://pensions.gov.scot/firefighters/scheme-governance-and-legislation/consultations

Impact Assessments

An equality impact summary statement has been produced rather than a full EQIA as the instrument is removing historical discrimination and equalising treatment as far as possible to retained firefighters, in comparison to regular firefighters. There was limited data from the first options exercise with only protected characteristics available for comparison being age. The Scottish Government have carried out a Child Rights and Wellbeing Impact Assessment (CRWIA) and this has been published alongside the laying of this Order. The CRWIA has concluded that there is no impact on the rights or wellbeing of children.

A Fairer Scotland Duty Assessment was not carried out. The SSI is technical in nature and implements reserved UK legal changes. Accordingly, the Fairer Scotland Duty Assessment is not considered to be applicable here.

Financial Effects

The *Minister for Public Finance* confirms that no BRIA is necessary as the instrument has no financial effects on or on the public, private or third sector or regulators.

Scottish Public Pensions Agency
An Agency of the Scottish Government
October 2024