WELSH STATUTORY INSTRUMENTS

2012 No. 974 (W.128)

FIRE AND RESCUE SERVICES, WALES
PENSIONS, WALES

The Firefighters' Pension (Wales) Scheme (Contributions) (Amendment) Order 2012

Made - - - -	*28 March 2012*
Laid before the National Assembly for Wales - -	*29 March 2012*
Coming into force - -	*1 April 2012*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State by section 26(1) of the Fire Services Act 1947(**1**) and now vested in them(**2**), make the following Order:

Title and commencement

1.—(1) The title of this Order is The Firefighters' Pension (Wales) Scheme (Contributions) (Amendment) Order 2012.

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

Amendment of the Firemen's Pension Scheme Order 1992

2. Schedule 2 to the Firemen's Pension Scheme Order 1992(**3**) (in which the Firefighters' Pension (Wales) Scheme is set out), as it has effect in Wales, is amended in accordance with articles 3 and 4 of this Order.

3. In rule G2 (pension contributions)—

(**1**) 1947 c. 41, repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 (c. 21). Subsections (1) to (5) of section 26 continue to have effect, in relation to Wales, for the purposes of the scheme established under that section as the Firemen's Pension Scheme and set out in the Firemen's Pension Scheme Order 1992 (S.I. 1992/129), by article 3 of S.I. 2004/2918 (W.257). By article 4 of that instrument the name of the Scheme was changed to the Firefighters' Pension (Wales) Scheme. Section 26 of the 1947 Act was amended by various Acts but those amendments are not relevant to this Order.

(**2**) The Secretary of State's functions under section 26 of the Fire Services Act 1947 are now vested in the Welsh Ministers so far as they are exercisable in relation to Wales. They were previously vested in the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), *see* the entry for the Fire Services Act 1947 in Schedule 1 to that Order. By virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32), they were transferred to the Welsh Ministers.

(**3**) S.I. 1992/129; amended by 1997/2309 and 2851, and 1998/1010, 2001/3649 and 3691, 2004/1912, 2006/1672 (W.160) and 2009/1226 (W.109).

(a) in paragraph (1), for "specified in paragraph (1A)" substitute "specified in the Table in paragraph 3 of Part A1 of Schedule 8;" and

(b) omit paragraph (1A).

4. In Schedule 8 for

"PURCHASE OF INCREASED BENEFITS"

substitute

"**PENSION CONTRIBUTION AND PURCHASE OF INCREASED BENEFITS**
Rule G2

PART A1

PENSION CONTRIBUTIONS

1.—(1) In the case of a whole-time regular firefighter the pension contribution mentioned in rule G2(1) is the percentage of the firefighter's pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of the firefighter's pensionable pay in the first column of that Table.

(2) For the purposes of sub-paragraph (1)—

(a) where there has been a permanent material change to the terms and conditions of a regular firefighter's employment which affects the firefighter's pensionable pay, from the date of that change the firefighter's pensionable pay in the first and second columns must be calculated by reference to the revised amount.

(b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a regular firefighter by the fire and rescue authority in respect of his continual professional development, but those payments will be included in the firefighter's pensionable pay for the purposes of the application of the rate ascertained from that Table.

2.—(1) In the case of a part-time regular firefighter, the pension contribution mentioned in rule G2(1) is the percentage of the firefighter's pensionable pay ascertained from the Table in paragraph 3 by reference to the amount of pensionable pay which the firefighter would have received had the firefighter been a whole-time regular firefighter.

(2) For the purposes of sub-paragraph (1)—

(a) where there has been a permanent material change to the terms and conditions of a part-time regular firefighter's employment which affects the firefighter's pensionable pay, from the date of that change the firefighter's pensionable pay in the first and second columns must be calculated by reference to the revised amount; and

(b) pensionable pay in the first column of the Table in paragraph 3 does not include payments made to a part-time regular firefighter by the fire and rescue authority in respect of the firefighter's continual professional development, but those payments will be included in the firefighter's pensionable pay for the purposes of the application of the rate ascertained from that Table.

3. The following Table is that referred to in paragraphs 1 and 2.