

Criminal Justice Committee  
Wednesday 27 November 2024  
37th Meeting, 2024 (Session 6)

## Note by the Clerk on the Firefighters' Pension Schemes (Scotland) Amendment (No. 2) Order 2024 (SSI 2024/295)

### Overview

1. At this meeting, the Committee will consider the following Scottish Statutory Instrument (SSI), which is subject to annulment by resolution of the Parliament until 9 December 2024. The Committee is invited to consider the instrument and decide what, if any, recommendations to make.
2. More information about the instrument is summarised below:

**Title of instrument:** [The Firefighters' Pension Schemes \(Scotland\) Amendment \(No. 2\) Order 2024](#) (SSI 2024/295)

**Laid under:** Section 34(1), (2) and (4) of the [Fire and Rescue Services Act 2004](#).

**Laid on:** 31 October 2024

**Procedure:** Negative

**Deadline for committee consideration:** 2 December 2024

**Deadline for Chamber consideration:** 9 December 2024 (Statutory 40-day deadline for any decision whether to annul the instrument)

**Commencement:** 11 December 2024

### Procedure

3. Under the negative procedure, an instrument is laid after it is made, and is subject to annulment by resolution of the Parliament for a period of 40 days beginning on the day it is laid.
4. Once laid, the instrument is referred to:
  - the Delegated Powers and Law Reform (DPLR) Committee, for scrutiny on various technical grounds, and
  - a lead committee, whose remit includes the subject-matter of the instrument, for scrutiny on policy grounds.
5. Any MSP may propose, by motion, that the lead committee recommend annulment of the instrument. If such a motion is lodged, it must be debated at a meeting of the Committee, and the Committee must then report to the Parliament (by the advisory deadline referred to above).

6. If there is no motion recommending annulment, the lead committee is not required to report on the instrument.

## **Delegated Powers and Law Reform Committee consideration**

7. The DPLR Committee considered the instrument on 19 November 2024 and reported on it in its [68th Report, 2024](#).
8. The DPLR Committee raises no points on the instrument but draws to the attention of the Criminal Justice Committee its [correspondence with the Scottish Government](#), with regards to paragraph 1 of the schedule.
9. The DPLR Committee also welcomes that this instrument fulfils a commitment made by the Scottish Government to correct an error in a date inserted by the Firefighters' Pension Schemes (Scotland) Amendment Order 2024 (SSI 2024/26).

## **Purpose of the instrument**

10. The 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.
11. It 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.
12. The instrument only amends 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.
13. Ahead of the Committee's consideration of the instrument, the Fire Brigades Union were invited to comment but they had no issue with, or comment to make on it.
14. The Policy Note accompanying the instrument is included in the annexe. It includes a summary of consultation undertaken on the instrument, impact assessments carried out, and the anticipated financial effects.

## **Committee consideration**

15. So far, no motion recommending annulment has been lodged.
16. Members are invited to consider the instrument and decide whether there are any points they wish to raise. If there are, options include:

- seeking further information from the Scottish Government (and/or other stakeholders) through correspondence, and/or
- inviting the Minister (and/or other stakeholders) to attend the next meeting to give evidence on the instrument.

It would then be for the Committee, at the next meeting, to consider the additional information gathered and decide whether to make recommendations in relation to the instrument.

17. If members have no points to raise, the Committee should note the instrument (that is, agree that it has no recommendations to make).

18. However, should a motion recommending annulment be lodged later in the 40-day period, it may be necessary for the Committee to consider the instrument again.

**Clerks to the Committee  
November 2024**

## **Annexe: Scottish Government 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 Consideration**

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-andlegislation/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