

## RULE A1 Citation and Commencement

**Rule A1 gives the title of the Scheme and its commencement date.**

**The title of the Scheme and when it came into force**

Rule A1 says that the name of the Scheme is “The Firemen’s Pension Scheme 1992” and that it is in force from 1 March 1992.

**Useful reference source**

- FSC 2/1992: announces the coming into force of FPS 1992 and has a Table of Derivations attached so that each Rule of the Firemen’s Pension Scheme Order 1992 can be traced back to the equivalent Article of the Firemen’s Pension Scheme Order 1973

**Points To Note**

1. Section 26 of the Fire Services Act 1947 (“the Act”) allowed the Secretary of State to make an order to –  
*“bring into operation a scheme, to be known as the Firemen’s Pension Scheme”*  
Although the Act required a reference to “Firemen” in the legal title of the Scheme, in circumstances where the legal title need not be used it was generally referred to as the Firefighters’ Pension Scheme.
2. The Act also required the Secretary of State –
  - to consult the Central Fire Brigades Advisory Councils for England and Wales and for Scotland before making or amending the provisions of the Scheme,
  - to consult the Council on Tribunals before making provisions concerning the appeal functions exercised by a tribunal, and
  - to make the Scheme with the consent of the Treasury.
3. The Central Fire Brigades Advisory Councils were set up under the Fire Services Act 1947, to advise the relevant Secretaries of State about various aspects of the running of fire services. Pension matters were considered by members of the Pensions Sub-Committee of the Joint Strategic Personnel Committee of the CFBAC. The Pensions Sub-Committee –
  - was chaired by a senior official of the Department,
  - had a membership representing fire authorities, staff associations, the Department and the Scottish Executive, and
  - had a Secretary from the Department.In this way, fire authorities and representatives of staff interests could discuss and comment on proposals for changes in the FPS and put forward proposals of their own.
4. The Scheme came into force on 1 March 1992 with the consent of the Treasury and following the required consultation. It replaced the Firemen’s Pension Scheme 1973.

**Rule A1 (continued)**

**Points To Note continued**

5. On 22 July 2004 the Fire Services Act 1947 was replaced by the Fire and Rescue Services Act 2004. It placed on a statutory footing other activities the Service had undertaken since 1947, e.g. road traffic accidents, responding to serious environmental disasters and terrorist threat, local risks and needs of the community. Section 34 of the 2004 Act continued/ revised the powers previously contained in s26 of the 1947 Act.
6. Section 34 of the Fire and Rescue Services Act 2004 allows the Secretary of State, by order, to "bring into operation one or more schemes making provision for the payment of pensions, allowances and gratuities to or in respect of –
  - (a) persons who have been employed by a fire and rescue authority or by a Scottish fire authority
  - (b) persons who die or have died while so employed."
7. Section 34 of the 2004 Act also requires the Secretary of State, before making, varying or revoking an order, to consult "any persons considered appropriate". Following abolition of the Central Fire Brigades Advisory Council by the Fire and Rescue Services Act 2004, the CFBAC Pensions Sub-Committee was replaced by the Firefighters' Pension Committee (FPC) as the usual channel of consultation with the representative organisations. Minutes of, and papers from, the FPC can be viewed on the Department's website –  
[www.communities.gov.uk/firepensions](http://www.communities.gov.uk/firepensions)  
  
Consultation documents, too, can be found on the website so that they can be accessed by any interested party who may wish to read them and offer a response.
8. Section 35 of the 2004 Act continues the "mis-selling" information requirements which were added to the 1947 Act in 1997.
9. Section 36 of the 2004 Act allows the Secretary of State to "provide for the scheme established under s26 of the Fire Services Act 1947 to continue in force despite the repeal by this Act of that section". The Fire and Rescue Services Act 2004 (Commencement) (England and Scotland) Order 2004 enabled the making of an Order on 7 September 2004 to preserve the 1992 Scheme. Consequently the Firefighters' Pension Scheme (England and Scotland) Order 2004 was made on 7 September 2004 and it came into force on 1 October 2004.
10. Articles 3 and 4 of the Firefighters' Pension Scheme (England and Scotland) Order 2004 allow the FPS 1992 to continue in force and change the name of the scheme from the "Firemen's Pension Scheme" to the "Firefighters' Pension Scheme". The Schedule to the Order lists all the enactments which have an impact on the FPS 1992 and which will continue to have effect for the purposes of the Scheme.
11. The Firefighters' Pension Scheme 1992 became a closed scheme with effect from 1 April 2006. All firefighters appointed after that date were admitted to the New Firefighters' Pension Scheme 2006. (This is referred to as "NFPS" in this Commentary.)

**Rule A1 (continued)**

**Points To Note continued**

12. A new tax regime for pension schemes was introduced by HM Revenue and Customs with effect from 6 April 2006. The introduction of this new regime, as set out in the Finance Act 2004, meant that substantial amendments had to be made to the FPS. For example, all the injury provisions had to be removed before 6 April 2006. The Firefighters' Pension Scheme (Amendment) (England) Order 2006 [SI 2006/1810] made these amendments. The injury provisions were transferred from the Firemen's Pension Scheme Order 1992 and put into a new Statutory Instrument – The Firefighters' Compensation Scheme (England) Order 2006 [SI 2006/1811]. Also included in the new SI were the compensation provisions previously set out in the Conditions of Service (Grey Book: 5th Edition).