
STATUTORY INSTRUMENTS

2019 No. 378

**PUBLIC SERVICE PENSIONS,
ENGLAND AND WALES
POLICE, ENGLAND AND WALES**

The Police and Firefighters' (Pensions etc.)
(Amendment) (England and Wales) Regulations 2019

<i>Made</i>	- - - -	<i>25th February 2019</i>
<i>Laid before Parliament</i>		<i>28th February 2019</i>
<i>Coming into force</i>	- -	<i>1st April 2019</i>

The Secretary of State makes the following Regulations in exercise of the powers in sections 1 and 3 of the Police Pensions Act 1976(1) (“the 1976 Act”), section 60 of the Police Act 1996(2) (“the 1996 Act”), and section 3 of, and paragraph 9 of Schedule 3 to, the Public Service Pensions Act 2013(3) (“the 2013 Act”).

In accordance with section 1(1) and (1ZB) of the 1976 Act, before making regulations 1 to 10, the Secretary of State consulted the Police Advisory Board for England and Wales and invited the views of the Northern Ireland Policing Board and the Police Association for Northern Ireland.

In accordance with section 60(4) of the 1996 Act, before making regulations 1 and 11, the Secretary of State has consulted the national board of the Police Federation for England and Wales.

In accordance with section 22(2)(a) of the 2013 Act, before making regulations 1 and 10, the Secretary of State consulted representatives of such persons as appeared to the Secretary of State to be likely to be affected by those regulations, with a view to reaching agreement.

In accordance with section 22(2)(b) of the 2013 Act, the Secretary of State has laid a report before Parliament.

In accordance with section 1(1) of the 1976 Act and section 3(5) of the 2013 Act, regulations 1 to 10 are made with the consent of the Treasury(4).

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- (1) 1976 c. 35; section 1 was amended by section 2(3) of the Police Negotiating Board Act 1980 (c. 10), section 103 of, and paragraph 28 of Schedule 7 to, the Police Act 1996 (c. 16), section 1(1) of the Police and Firemen’s Pensions Act 1997 (c. 52), section 99 of, and paragraphs 128 and 129 of Part 3 of Schedule 16 to, the Police Reform and Social Responsibility Act 2011 (c. 13), section 27 of, and paragraph 12 of Schedule 8 to, the Public Service Pensions Act 2013 (c. 25) and section 133(3) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12).
- (2) 1996 c. 16; section 60(4) was amended by regulation 23 of, and paragraph 1 of Schedule 1 to, S.I. 2017/1140; there are other amendments to section 60 not relevant to this instrument.
- (3) 2013 c. 25.
- (4) S.I. 1981/1670 transferred the function of giving consent to regulations made under section 1 of the Police Pensions Act 1976 from the Minister for the Civil Service to the Treasury.

The Secretary of State also makes these Regulations in exercise of the powers in section 26(1), (2) and (5) of the Fire Services Act 1947(5), section 12 of the Superannuation Act 1972(6), as applied by section 16(3) of that Act, and sections 34 and 60 of the Fire and Rescue Services Act 2004(7).

Before making these Regulations and in accordance with section 34(5) of the Fire and Rescue Services Act 2004, the Secretary of State consulted such persons as the Secretary of State considered appropriate.

PART 1

Introductory

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Police and Firefighters’ (Pensions etc.) (Amendment) (England and Wales) Regulations 2019.

(2) These Regulations come into force on 1st April 2019 but the provisions mentioned in paragraph (3) have effect as provided in that paragraph.

(3) The provisions in—

- (a) regulations 5, 7, 14, 15, 17 and 19 to 21 have effect from 5th December 2005;
- (b) regulation 13 has effect from 1st April 2007;
- (c) regulations 3 and 8 have effect from 3rd April 2011;
- (d) regulation 16 has effect from 13th March 2014.

(4) These Regulations extend to England and Wales.

(5) Part 3 of these Regulations applies in England only.

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- (5) 1947 c. 41; repealed by sections 52 and 54 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 for the purposes of the Firefighters’ Pension Scheme, in relation to England and Scotland by virtue of S.I. 2004/2306 which also changed the name of the scheme to the Firefighters’ Pension Scheme. Section 26 of the Fire Services Act 1947 was amended by section 1(3) of the Fire Services Act 1951 (c. 27), section 42 of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65), sections 16 and 29 of, and Schedule 8 to, the Superannuation Act 1972 (c. 11), sections 100 and 101 of, and paragraph 6 of Schedule 27 to, the Social Security Act 1973 (c. 38), section 1 of, and Part 1 of Schedule 1 to, the Social Security (Consequential Provisions) Act 1975 (c. 18), section 1 of the Police and Firemen’s Pensions Act 1997 (c. 52), and section 256 of, and Schedule 25 to, the Civil Partnership Act 2004 (c. 33); there are other amendments to section 26 not relevant to this instrument.
 - (6) 1972 c. 11; section 12 was amended by section 10 of the Pensions (Miscellaneous Provisions) Act 1990 (c. 7). Section 16 was repealed by section 52 of, and Schedule 2 to, the Fire and Rescue Services Act 2004 but continues to have effect, in relation to England and Scotland, for the purposes of the Firefighters’ Pension Scheme by virtue of S.I. 2004/2306.
 - (7) 2004 c. 21; section 34 was amended by section 27 of, and paragraph 27 of Schedule 8 to, the Public Service Pensions Act 2013 (c. 25), sections 6 and 8 of, and paragraphs 1 and 11 of Part 1 of Schedule 1 to, the Policing and Crime Act 2017 (c. 3), S.I. 2013/602 and S.I. 2018/226; section 60 was amended by section 9 of the Localism Act 2011 (c. 20).

PART 2

Police

CHAPTER 1

Police Pensions Regulations 1987

Amendments to the Police Pensions Regulations 1987

2. The Police Pensions Regulations 1987(8) are amended in accordance with regulations 3 to 5.

Amendments to regulation F1

3. In regulation F1 (reckoning of pensionable service)(9)—
- (a) in paragraph (1)(db), for “, unpaid adoption support leave or unpaid maternity support leave” substitute “or unpaid adoption support leave”;
 - (b) after paragraph (1)(db) insert—
 - “(dc) any period of unpaid maternity support leave taken on or after 3rd April 2011 in respect of which the conditions specified in paragraph (1B) are not satisfied.”;
 - (c) in paragraph (1B)(10), in the opening words, for “sub-paragraphs (c), (da) and (db)” substitute “sub-paragraphs (c) to (dc)”.

Amendments to regulation G6

4. In regulation G6 (payments by women to enhance widowers’ awards)(11)—
- (a) after paragraph (1A)(12) insert—
 - “(1B) But an election under this regulation which is made by virtue of the amendments to these Regulations by the Police and Firefighters’ (Pensions etc.) (Amendment) (England and Wales) Regulations 2019 may secure the counting of pensionable service before 6th April 1988 irrespective of whether an election to which paragraph (1A) applies was previously made.”;
 - (b) in paragraph (3)(13), at the end insert—
 - “(i) in the case of a woman who was entitled to make an election under paragraph (1), to which sub-paragraphs (e) to (h) apply, who elects to secure the counting of pensionable service before 6th April 1988 (not being service which is already the subject of an election to enhance her surviving spouse or surviving civil partner award), the date on which the Police and Firefighters’ (Pensions etc.) (Amendment) (England and Wales) Regulations 2019 come into force.”;

(8) [S.I. 1987/257](#).

(9) Relevant amendments to regulation F1 were made by regulation 2(3) of [S.I. 1988/1339](#), regulations 2 and 3(1) of [S.I. 2000/843](#) and regulation 2 and 5 of [S.I. 2018/530](#); there are other amendments not relevant to this instrument.

(10) Paragraph (1B) was inserted by regulation 3(3) of [S.I. 2000/843](#) and substituted by regulation 2 of [S.I. 2018/530](#).

(11) Regulation G6 was inserted by regulation 5 of [S.I. 1994/641](#).

(12) Paragraph (1A) was inserted by regulation 2 of, and paragraph 9(b) of Schedule 1 to, [S.I. 2006/740](#) and was amended by regulations 2 and 4(a) of [S.I. 2014/79](#).

(13) Paragraph (3) was amended by regulation 2 of, and paragraph 4 of Schedule 1 to [S.I. 2003/27](#), regulation 2 of, and paragraph 9(c) of Schedule 1 to [S.I. 2006/740](#) and regulations 2 and 4(b) of [S.I. 2014/79](#).

- (c) in paragraph (4A)(14), for “or (h)” substitute “, (h) or (i)”.

Amendments to Schedule C

- 5.—(1) In Part 1 (widow’s ordinary pension) of Schedule C (widows’ awards)(15)—
- (a) in paragraph 1, omit sub-paragraphs (2B) and (2C);
 - (b) in paragraph 3, omit “of a woman”.
- (2) In Part 3 (widow’s accrued pension) of Schedule C(16)—
- (a) in paragraph 1, omit sub-paragraphs (1B) and 1(1C);
 - (b) in paragraph 3(4), omit “of a woman”.
- (3) In Part 4 (widow’s pension in case of post-retirement marriage) of Schedule C(17), omit paragraphs 5 and 6.
- (4) In Part 5 (widow’s requisite benefit pension) of Schedule C(18)—
- (a) in paragraph 1—
 - (i) in sub-paragraph (a), omit “, subject to paragraph 1A,”,
 - (ii) omit the “and” following sub-paragraph (a),
 - (iii) omit sub-paragraph (b);
 - (b) omit paragraph 1A.

Transitional provision

- 6.—(1) Paragraph (2) applies where—
- (a) unpaid maternity support leave has been taken; and
 - (b) the period specified in regulation F1(1D)(a) of the Police Pensions Regulations 1987(19) within which notice in writing must be given has ended, or will end, on or before 1st July 2019.
- (2) Regulation F1(1D)(a) has effect as if notice must be given—
- (a) on or before 1st July 2019; or
 - (b) where the police pension authority is satisfied that it was not reasonably practicable to give notice on or before that date, on or before 1st April 2020.

(14) Paragraph (4) and (4A) were substituted for paragraph (4) as originally enacted by regulation 2 of, and paragraph 4(1) and (4) of Schedule 1 to, [S.I. 2003/27](#); paragraph (4A) was amended by regulations 2 and 4(c) of [S.I. 2014/79](#) and regulation 2(2) of, and paragraph 1(k) of Schedule 2 to, [S.I. 2010/431](#).

(15) Sub-paragraphs (2B) and (2C) were inserted by regulation 2 of, and paragraph 14(b) of Schedule 1 to, [S.I. 2006/740](#) and amended by regulations 2 and 6(a)(ii) of [S.I. 2014/79](#); a relevant amendment was made to paragraph 3 by regulation 2 of, and paragraph 14(c) of Schedule 1 to, [S.I. 2006/740](#).

(16) Paragraphs 1(1B) and (1C) were inserted by regulation 2 of, and paragraph 4(c) of Schedule 1 to, [S.I. 2006/740](#) and amended by regulations 2 and 7(a)(ii) and (iii) of [S.I. 2014/79](#); paragraph 3(4) was inserted by regulation 14(2) of [S.I. 1992/2349](#).

(17) Paragraphs 5 and 6 were inserted by regulation 2 of, and paragraph 14(h) of Schedule 1 to, [S.I. 2006/740](#); paragraph 5 was amended by regulations 2 and 8(b) of [S.I. 2014/79](#); paragraph 6 was amended by regulations 2 and 8(c) of [S.I. 2014/79](#).

(18) Paragraph 1 was amended by regulation 2 of, and paragraph 14(i) of Schedule 1 to, [S.I. 2006/740](#) and regulations 2 and 9(a) of [S.I. 2014/79](#); paragraph 1A was inserted by regulation 2 of, and paragraph 14(j) of Schedule 1 to, [S.I. 2006/740](#).

(19) Paragraph (1D) was inserted by regulations 2 and 3(3) of [S.I. 2000/843](#) and was amended by regulations 2 and 3 of, and paragraph (c) of the Schedule to, [S.I. 2011/3063](#).

CHAPTER 2

Police (Injury Benefit) Regulations 2006

Amendments to the Police (Injury Benefit) Regulations 2006

7.—(1) The Police (Injury Benefit) Regulations 2006(20) are amended in accordance with paragraph (2).

(2) In regulation 13 (adult survivor’s special award) omit paragraphs (11) and (12).

CHAPTER 3

Police Pensions Regulations 2006

Amendments to the Police Pensions Regulations 2006

8.—(1) The Police Pensions Regulations 2006(21) are amended in accordance with paragraph (2).

(2) In regulation 10 (reckoning of pensionable service)(22)—

(a) in paragraph (1)(ba), for “, unpaid adoption support leave or unpaid maternity support leave” substitute “or unpaid adoption support leave”;

(b) after paragraph (1)(ba) insert—

“(bb) any period of unpaid maternity support leave taken on or after 3rd April 2011 in respect of which the conditions specified in paragraph (2) are not satisfied;”;

(c) in paragraph (2), in the opening words for “sub-paragraphs (a) and (b)” substitute “sub-paragraphs (a) to (bb)”.

Transitional provision

9.—(1) Paragraph (2) applies where—

(a) unpaid maternity support leave has been taken; and

(b) the period specified in regulation 10(4)(a) of the Police Pensions Regulations 2006(23) within which notice in writing must be given has ended, or will end, on or before 1st July 2019.

(2) Regulation 10(4)(a) has effect as if notice must be given—

(a) on or before 1st July 2019; or

(b) where the police pension authority is satisfied that it was not reasonably practicable to give notice on or before that date, on or before 1st April 2020.

CHAPTER 4

Police Pensions Regulations 2015

Amendment to the Police Pensions Regulations 2015

10.—(1) The Police Pensions Regulations 2015(24) are amended in accordance with paragraph (2).

(20) [S.I. 2006/932](#); paragraphs (11) and (12) of regulation 13 were amended by [S.I. 2014/79](#).

(21) [S.I. 2006/3415](#).

(22) Paragraph (1)(ba) was inserted by, and paragraph (2) was substituted by, regulations 8 and 9 of [S.I. 2018/530](#).

(23) Regulation 10(4)(a) was amended by regulations 2 and 3 of, and paragraph (i) of the Schedule to, [S.I. 2011/3063](#).

(24) [S.I. 2015/445](#).

(2) In the heading to the table in regulation 170 (rate of member contributions), for “31st March 2019” substitute “31st March 2020”.

CHAPTER 5

Police Federation (England and Wales) Regulations 2017

Amendment to the Police Federation (England and Wales) Regulations 2017

11.—(1) The Police Federation (England and Wales) Regulations 2017(**25**) are amended in accordance with paragraph (2).

(2) In regulation 9 (Metropolitan police force: branch council and representation), after paragraph (1) insert—

“(1A) For the purposes of paragraph (1), the number of police officers in the metropolitan police force is the total number of police officers in that force on 31st March in the year that was two years before that in which the election is held.”.

PART 3

Firefighters

CHAPTER 1

Firefighters’ Pension Scheme Order 1992

Amendments to the Firefighters’ Pension Scheme Order 1992

12. Schedule 2 to the Firefighters’ Pension Scheme Order 1992(**26**) (“the Order”) (in which the Firefighters’ Pension Scheme is set out) is amended in accordance with regulations 13 to 17.

Amendment to Part B (personal awards)

13. In rule B5A (entitlement to two pensions)(**27**)—

- (a) in paragraph (2), for “exceeds” substitute “is lower than”;
- (b) in paragraph (6), after “B1” insert “B1A.”;
- (c) in paragraph (9), for “paragraph (3)” substitute “paragraph (4)”.

Amendments to Part C (awards on death – spouses)

14.—(1) In rule C1 (spouse’s ordinary pension)—

- (a) in paragraph (2)(**28**), after “spouse” insert “or surviving civil partner”;
- (b) omit paragraph (2A)(**29**).

(2) In rule C4 (spouse’s accrued pension)(**30**) in paragraph (3)—

(25) [S.I. 2017/1140](#).

(26) [S.I. 1992/129](#); the name of the scheme in England and Scotland was changed to the Firefighters’ Pension Scheme by article 4(1) of [S.I. 2004/2306](#).

(27) Rule B5A was inserted by article 2 of, and paragraph 1 of the Schedule to, [S.I. 2008/214](#); there are amendments to paragraph (2) which are not relevant to this instrument; paragraph (9) was inserted by regulation 4 of, and paragraph 2(h) of Schedule 3 to, [S.I. 2015/589](#).

(28) Paragraph 2 of rule C1 was substituted by article 2 of, and paragraph 3(a) of the Schedule to, [S.I. 2013/1392](#).

(29) Paragraph (2A) of rule C1 was inserted by article 2 of, and paragraph 3(b) of Schedule 1 to, [S.I. 2005/3228](#).

(30) Paragraph (3) of rule C4 was substituted by article 2 of, and paragraph 6(b) of Schedule 1 to, [S.I. 2005/3228](#).

- (a) in sub-paragraph (a,) after “spouse” insert “or surviving civil partner”;
 - (b) omit sub-paragraph (b) and the “and” preceding it.
- (3) In rule C5 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership)(31)—
- (a) in paragraph (2), after “spouse” insert “or surviving civil partner”;
 - (b) omit paragraph (3).
- (4) In rule C6 (spouse or civil partner’s requisite benefit and temporary pension), in paragraph (4)(32)—
- (a) in sub-paragraph (a) omit “in the case of a surviving spouse,”;
 - (b) omit sub-paragraph (b) and the “and” preceding it.
- (5) In rule C8 (limitation where spouses living apart) in paragraph (2)(33)—
- (a) in sub-paragraph (a), omit “in the case of a surviving spouse,”;
 - (b) omit sub-paragraph (b) and the “and” preceding it.

Amendments to Part J (special cases)

15. In rule J1 (guaranteed minimum pensions)(34)—
- (a) for paragraph (2)(b) substitute—
 - “(b) in the case of a person who dies at any time and leaves a widow, a surviving same-sex spouse or surviving civil partner, that person is entitled to a pension of a weekly rate equal to half the deceased person’s guaranteed minimum, and”;
 - (b) in paragraph (2), omit sub-paragraph (d) and the “and” preceding it;
 - (c) in paragraph (4), for “, (c) or (d)” substitute “or (c)”.

Amendment to Schedule 1 to the scheme

16. Omit paragraphs 1 and 2 of Part 3 (provision relating to same sex couples) of Schedule 1 to the Firefighters’ Pension Scheme (in Schedule 2 to the Order)(35).

Amendments to Schedule 3 to the scheme

17. In Schedule 3 (awards on death – spouses) to the Firefighters’ Pension Scheme (in Schedule 2 to the Order)—
- (a) in Part 3 (spouse’s accrued pension)—
 - (i) in paragraph 2(1), after “spouse’s” insert “, or surviving civil partner’s,”
 - (ii) in paragraph 3(1), after “spouse” insert “or surviving civil partner”;

(31) Rule C5 was substituted by article 2 of, and paragraph 7 of Schedule 1 to, [S.I. 2005/3228](#); paragraphs (2) and (3) were amended by article 2 of, and paragraph 17 of Schedule 1 to, [S.I. 2006/1810](#).

(32) Rule C6 was substituted by article 2 of, and paragraph 18 of Schedule 1 to, [S.I. 2006/1810](#).

(33) Paragraph (2) of rule C8 was substituted by article 2 of, and paragraph 10(b) of Schedule 1 to, [S.I. 2005/3228](#); it was amended by article 2 of, and paragraph 20(b) of Schedule 1 to, [S.I. 2006/1810](#).

(34) Paragraph (2)(b) of rule J1 was amended by article 2 of, and paragraph 20(a) of Schedule 1 to, [S.I. 2005/3228](#); paragraph (2) (d) was substituted by article 2 of, and paragraph 11 of the Schedule to, [S.I. 2013/1392](#).

(35) Part 3 of Schedule 1 to the scheme was inserted by article 4 of, and paragraph 17 of Part 2 of Schedule 3 to, [S.I. 2014/560](#); there is an amendment to paragraph 1 not relevant to this instrument.

- (b) in Part 4 (pension for surviving spouse of post-retirement marriage), in paragraphs 1(1)(36) and 2(1), after “surviving spouse” insert “or surviving civil partner”.

CHAPTER 2

Firefighters’ Compensation Scheme (England) Order 2006

Amendments to the Firefighters’ Compensation Scheme (England) Order 2006

18. Part 3 (Awards on Death: Spouses and Civil Partners) of Schedule 1 to the Firefighters’ Compensation Scheme (England) Order 2006(37) (in which the firefighters’ compensation scheme 2006 is set out) is amended in accordance with regulations 19 to 21.

Amendments to rule 1

- 19.** In rule 1 (special award for spouse or civil partner), in paragraph (3)(38)—
- (a) in sub-paragraph (a), after “spouse” insert “or surviving civil partner”;
 - (b) omit sub-paragraph (b).

Amendments to rule 3

- 20.** In rule 3 (limitation on award to spouse or civil partner by reference to date of marriage or formation of partnership)—
- (a) in paragraph (2), after “spouse” insert “or surviving civil partner”;
 - (b) omit paragraph (3).

Amendments to rule 4

- 21.** In rule 4 (limitation where spouse or civil partner is living apart), in paragraph (2)(39)—
- (a) in sub-paragraph (a), after “spouse” insert “or surviving civil partner”;
 - (b) omit sub-paragraph (b) and the “and” preceding it.

We consent

Jeremy Quin
Craig Whittaker
Two of the Lords Commissioners of Her
Majesty’s Treasury

19th February 2019

(36) Part 4 was substituted in relation to England by article 2 of, and paragraph 83(b) of the Schedule to, [S.I. 2005/2980](#); paragraph 1(1) was amended by article 2 of, and paragraph 62(c)(i) of Schedule 1 to, [S.I. 2006/1810](#).

(37) [S.I. 2006/1811](#).

(38) Paragraph (3) of rule 1 was amended by article 2 of, and paragraph 3(a)(ii)(bb) of the Schedule to, [S.I. 2006/3434](#), article 2 of, and paragraph 3(1) and (2) of the Schedule to, [S.I. 2014/447](#), and article 2 of, and paragraph 3(1), (2)(a)(i) and (ii) of Schedule 1 to, [S.I. 2015/590](#).

(39) Paragraph 2 of rule 4 was amended by article 2 of, and paragraph 3(b)(iii) of the Schedule to, [S.I. 2006/3434](#).

Signed

25th February 2019

Nick Hurd
Minister of State
Home Department

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EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations, which extends to England and Wales, make amendments to the Police Pensions Regulations 1987 (“the 1987 Regulations”), the Police (Injury Benefit) Regulations 2006 (“the 2006 Injury Benefit Regulations”), the Police Pensions Regulations 2006 (“the 2006 Pension Regulations”), the Police Pensions Regulations 2015 (“the 2015 Regulations”) and the Police Federation (England and Wales) Regulations 2017 (“the 2017 Regulations”).

Regulation 3 allows police officers who are members of the scheme constituted by the 1987 Regulations to make contributions to buy pensionable service in relation to any period of unpaid maternity support leave during the period from 3rd April 2011 to 1st September 2014. Regulation 8 makes equivalent provision in relation to police officers who are members of the scheme constituted by the 2006 Pension Regulations. Transitional provision is made by regulations 6 and 9 in this regard.

Those amendments have effect from 3rd April 2011.

The effect of the amendments made by regulations 4 and 5 is to bring the benefits under the scheme constituted by the 1987 Regulations payable to survivors of civil partnerships and same sex marriages, into line with the benefits payable to widows of different-sex marriages. Regulation 7 makes a corresponding amendment to the 2006 Injury Benefit Regulations. Women police officers who paid lower contributions in anticipation of lower survivor benefits are enabled to elect to pay additional contributions to be able to access these higher survivor benefits.

Regulations 5 and 7 have effect from the dates from which civil partnerships were introduced.

Section 1(5) of the Police Pensions Act 1976 enables these Regulations to make amendments in relation to the 1987 Regulations and the 2006 Pension Regulations from a date earlier than the date these Regulations are made.

Regulation 170 of the 2015 Regulations makes provision for the contributions payable by members of those schemes up to 31st March 2019. Regulation 10 provides for the contribution rates applicable in the scheme year ending on that date also to apply for the following year. Since this involves a change to a protected element of the scheme constituted by the 2015 Regulations, the Secretary of State has consulted representatives of those likely to be affected by the change with a view to reaching agreement and has laid a report before Parliament.

Regulation 11 amends regulation 9 of the 2017 Regulations, to identify how the numbers of members of the metropolitan police branch are to be calculated for the purposes of local branch council elections of the Police Federation for England and Wales.

Part 3 of these Regulations, which applies in England only, make amendments to the Firefighters’ Pension Scheme contained in Schedule 2 to the Firefighters’ Pension Scheme Order 1992 (“the 1992 Order”) and to the Firefighters’ Compensation Scheme contained in Schedule 1 to the Firefighters Compensation Scheme (England) Order 2006 (“the Compensation Order”). The effect of the amendments, apart from the amendment made by regulation 13, is to bring the benefits payable to survivors of civil partnerships and same sex marriages into line with the benefits payable to widows of different-sex marriages.

The amendments made by regulation 13 ensure that a firefighter is not disadvantaged by the provision which allows for two pensions to be awarded, calculated separately, after a significant reduction in pay, and make other minor updates.

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The amendments apart from that made by regulation 13 have effect from the dates from which civil partnerships or same-sex marriages were introduced. The amendment made by regulation 13 has effect from the date Rule B5A was inserted into the 1992 Order. Section 12(1) of the Superannuation Act 1972, as applied by section 16(3) of that Act in relation to orders made under section 26 of the Fire Services Act 1947, permits such retrospective provision in relation to the 1992 Order. Section 34(3) of the Fire and Rescue Services Act 2004 permits retrospective provision in relation to the Compensation Order.

No impact assessment has been produced for this instrument as no impact on the private or voluntary sectors is foreseen.