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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2024 No. 972 (W. 166)**

**PUBLIC SERVICE PENSIONS,  
WALES**

**The Firefighters' Pension Schemes  
(Miscellaneous Amendments)  
(Wales) Regulations 2024**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend:

- the Firefighters' Pension Scheme (Wales) 2015 ("the 2015 Pension Scheme"), set out in the Firefighters' Pension Scheme (Wales) Regulations 2015;
- the Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 ("the 2023 Remediable Service Regulations");
- the New Firefighters' Pension Scheme (Wales) ("the 2007 Pension Scheme"), set out in Schedule 1 to the Firefighters' Pension Scheme (Wales) Order 2007.

Regulation 3 amends the 2015 Pension Scheme to correct an issue with the valuation of accrued pension rights for 2021 and 2022.

Accrued pensions of active members of the 2015 Pension Scheme are revalued annually. The revaluation is done in accordance with an annual order made by HM Treasury under section 9(2) of the Public Service Pensions Act 2013. The increases provided for in the Public Service Pensions Revaluation Order 2021 and the Public Service Pensions Revaluation Order 2022 were based on provisional average weekly earnings figures published by the Office for National Statistics in November for each of the respective years. Regulation 3 of these Regulations amends the 2015 Pension Scheme so that the revaluation for both of those years reflects the final December figures published by the Office for National Statistics for each of those years. It does so by adding a sum, when valuing a beneficiary's accrued pension rights for 2021 and 2022, which represents the difference between the

percentage figures used in the provisional November figures, and the final December figures, for those years. It also makes a corresponding change to the valuation of the accrued pension of a member who transfers their pension to certain other public sector pension schemes.

Regulation 4 amends the 2023 Remediable Service Regulations in order to make some minor corrections.

As a consequence of regulations 3 and 4, these Regulations are “scheme regulations” within the meaning given by section 1(4) of the Public Service Pensions Act 2013. In addition, as a consequence of regulation 4, these Regulations are “scheme regulations” within the meaning given by section 37 of the Public Service Pensions and Judicial Offices Act 2022 (“the PSPJOA 2022”) in relation to a member’s remediable service in a firefighters’ pension scheme. Regulation 4 of these Regulations is, to the extent required by section 27 of the PSPJOA 2022, made in accordance with the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022, which were made under that section. Regulations 3 and 4 have retrospective effect, as permitted by section 3(3)(b) of the Public Service Pensions 2013 Act.

Regulation 5 amends the 2007 Pension Scheme in order to make a minor correction to some of the Welsh text which was inserted into it by the Firefighters’ Pension Schemes and Compensation Scheme (Amendment) (Wales) Order 2024.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from Fire Services Branch, Welsh Government, Rhydycar, Merthyr Tydfil, CF48 1UZ.

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**2024 No. 972 (W. 166)**

**PUBLIC SERVICE PENSIONS,  
WALES**

**The Firefighters' Pension Schemes  
(Miscellaneous Amendments)  
(Wales) Regulations 2024**

*Made* 19 September 2024

*Laid before Senedd Cymru* 23 September 2024

*Coming into force* 21 October 2024

The Welsh Ministers make these Regulations in exercise of the powers conferred on them by sections 34(1), (2) and (4), and 60(2)(a) of the Fire and Rescue Services Act 2004<sup>(1)</sup>, now vested in the Welsh Ministers, sections 1(1) and (2)(f), and 2(1) (together with paragraph 6(b) of Schedule 2) and section 3(1), (2) and (3)(a) and (b) of the Public Service Pensions Act 2013<sup>(2)</sup> (“the 2013 Act”) and sections 18(1), 19(1), (4) and (5), 21(1) to (3) and 22(1) and (6) of the Public Service Pensions and Judicial Offices Act 2022<sup>(3)</sup>.

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- (1) 2004 c. 21 (“the 2004 Act”). The powers conferred by section 34 were conferred on the National Assembly for Wales, so far as they apply to Wales, by section 62 of the 2004 Act. They were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Section 34 was amended by paragraph 27 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); there are other amendments to this section but none is relevant to these Regulations. Section 60 was amended by section 9(3) of the Localism Act 2011 (c. 20); there are other amendments to this section but none is relevant to these Regulations. The power to make an order under section 34 of the 2004 Act may be exercised to make regulations by virtue of section 39 of the Legislation (Wales) Act 2019 (anaw 4).
- (2) 2013 c. 25. Section 3 was amended by section 94(2) and (3) of the Public Service Pensions and Judicial Offices Act 2022 (c. 7); there are other amendments to this section but none is relevant to these Regulations.
- (3) 2022 c. 7.

In accordance with section 3(5) of the 2013 Act, regulations 3 and 4 of these Regulations are made with the consent of the Treasury.

In accordance with section 34(5) of the Fire and Rescue Services Act 2004, the Welsh Ministers consulted such persons as they considered appropriate, in relation to regulation 5, before making these Regulations.

In accordance with section 21(1) of the 2013 Act, the Welsh Ministers have consulted the representatives of such persons as appear to the Welsh Ministers likely to be affected by regulations 3 and 4 of these Regulations.

To the extent required by section 27 of the Public Service Pensions and Judicial Offices Act 2022, regulation 4 of these Regulations is made in accordance with Treasury directions<sup>(1)</sup> made under that section.

#### **Title and coming into force**

1. The title of these Regulations is the Firefighters' Pension Schemes (Miscellaneous Amendments) (Wales) Regulations 2024.

2. These Regulations come into force on 21 October 2024.

#### **Amendments to the Firefighters' Pension Scheme (Wales) Regulations 2015**

3.—(1) The Firefighters' Pension Scheme (Wales) Regulations 2015<sup>(2)</sup> are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in the definition of “index adjustment”, in paragraph (a), after “earnings” insert “and the index supplement”;

(b) at the appropriate place insert—

““index supplement” (“*atodiad mynegai*”) means an amount of earned pension equal to the value of the index adjustment where the change in earnings is increased—

(a) for 2021, by 0.2% above the amount specified in the Public Service Pensions Revaluation Order 2021<sup>(3)</sup>;

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(1) The Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022.

(2) S.I. 2015/622 (W. 50), to which there are amendments not relevant to these Regulations.

(3) S.I. 2021/276.

- (b) for 2022, by 0.4% above the amount specified in the Public Service Pensions Revaluation Order 2022(1);”;
- (c) in the definition of “in-service revaluation index”, at the end insert “and, in this scheme, includes the index supplement”.

#### **Amendments to the Firefighters’ Pensions (Remediable Service) (Wales) Regulations 2023**

4.—(1) The Firefighters’ Pensions (Remediable Service) (Wales) Regulations 2023(2) are amended as follows.

(2) In regulation 22(2), in the definition of “legacy scheme amount”, after “section 29(2)” insert “of WRPA 1999”.

(3) In regulation 23(2)(b), in the Welsh language text, for “a’r swm amgen” substitute “ac mae’r swm amgen”.

(4) In regulation 29(1)(a), in the English language text, for “divorce, annulment” substitute “divorce or annulment”.

(5) In regulation 34(2)(a)—

- (a) in the Welsh language text, for the comma following “rhwymediol cyfan” substitute an opening parenthesis;
- (b) after “regulation 42(2)” insert a closing parenthesis.

(6) In regulation 39(2), in the Welsh language text, after “pe bai’r hawliau hynny” insert “wedi bod”.

(7) In regulation 41(4), in the Welsh language text, for “adran 89(1)” substitute “adran 86(1)”.

(8) In regulation 46, in subparagraph (ii) of the substituted paragraph (2)(b), in the Welsh language text, for “nad yw’r” substitute “bod y”.

(9) In regulation 65(4), in the Welsh language text, for “gwasanaeth adferadwy”, in both places it occurs, substitute “gwasanaeth rhwymediol”.

#### **Amendment to the Welsh text of Schedule 1 (the New Firefighters’ Pension Scheme (Wales)) to the Firefighters’ Pension Scheme (Wales) Order 2007**

5. In Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007(3), in Chapter 2 of Part 11, in rule

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(1) S.I. 2022/215.  
(2) S.I. 2023/961 (W. 156).  
(3) S.I. 2007/1072 (W. 110). Rule 5C of Part 11 of Schedule 1 to the Order was inserted by S.I. 2024/13 (W. 5). There are other amending instruments but none is relevant to these Regulations.

5C(7), in the Welsh language text, after “Pan” insert “nad”.

We consent to the making of regulations 3 and 4 of these Regulations.

*Jeff Smith*

*Anna Turley*

Two of the Lords Commissioners of His Majesty's Treasury

11 September 2024

*Jayne Bryant*

Cabinet Secretary for Housing and Local Government,  
one of the Welsh Ministers

19 September 2024