



Ein cyf/Our ref MA HB 0678 22

Elin Jones MS
Llywydd
Senedd Cymru
Cardiff Bay
CARDIFF
CF99 1SN

22 March 2022

Dear Llywydd,

THE FIREFIGHTERS' PENSION SCHEME (WALES) (AMENDMENT) REGULATIONS 2022

In accordance with section 11A(4) of the Statutory Instruments Act 1946 I am notifying you that this statutory instrument will come into force on 30 March 2022, less than 21 days after it has been laid. A copy of the instrument and the Explanatory Memorandum that accompanies it are attached for your information.

The Public Service Pensions and Judicial Offices Act ("the Act") addresses age discrimination in public service pension schemes. Section 88 (Restriction of existing schemes) of the Act, amends sections 18 and 31 of the Public Service Pensions Act 2013 and closes older pension schemes to further accrual from 1 April 2022.

The Act, which follows the judgment in the case of Sargeant and others v London Fire Commissioner and others, sets out the statutory foundation to remedy age discrimination in public sector pension schemes. It includes powers and duties for the Welsh Ministers to amend the scheme rules for firefighters' pensions in Wales. Responsibility for other public sector pension schemes is not devolved to the Welsh Ministers; occupational pensions in general (including those for firefighters) are a reserved matter outside the competence of the Senedd.

The Firefighters' Pension Scheme (Wales) (Amendment) Regulations 2022 ("the Regulations") provide transitional arrangements to transfer all active members from the 1992 and 2007 Schemes (the "legacy schemes") to the 2015 Scheme, from 1 April 2022.

The Regulations are necessary to align with the requirements of the Act, which received Royal Assent on 10 March; the relevant provisions came into force immediately. Given it is not possible to make the Regulations until after the Bill receives Royal Assent, it is not therefore

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Hannah.Blythyn@llyw.cymru
Correspondence.Hannah.Blythyn@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

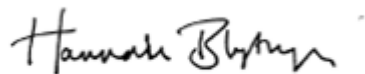
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

possible to allow for the conventional 21 day period before they need to come into force on 30 March.

If the Regulations were not made and brought into force by the end of the financial year, around 200 affected firefighters would not be members of any pension scheme from 1 April. This is because the Act closes their existing pension schemes; the Regulations are essential to transfer them to the 2015 Scheme.

I am copying this letter to the Minister for Rural Affairs, North Wales and Trefnydd, Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee, Siwan Davies, Director of Senedd Business, Sian Wilkins, Head of Chamber and Committee Services and Julian Luke, Head of Policy and Legislation Committee Service.

Yours sincerely,

A handwritten signature in black ink, reading "Hannah Blythyn". The signature is written in a cursive style with a small flourish at the end.

Hannah Blythyn AS/MS

Y Dirprwy Weinidog Partneriaeth Gymdeithasol
Deputy Minister for Social Partnership