

Constitutional and Legislative Affairs Committee Draft Report CLA

Title: The Firefighters' Pension Scheme (Wales) Regulations 2015

These Regulations establish a scheme for the payment of pensions and other benefits to firefighters in Wales from 1 April 2015 onwards made under powers given to the Welsh Ministers under the Public Service Pensions Act 2013. The scheme established is a career average revalued earnings scheme. Schedule 2 of the Regulations makes transitional provision.

Procedure: Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3

(ii) in respect of this draft instrument – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly.

As Paragraph 2 of the Explanatory Memorandum refers:

“When the Regulations were in the final stages of preparation, it came to the Welsh Government’s attention that the Parliamentary Joint Committee on Statutory Instruments (“the JCSI”) had published a report criticising the drafting of three provisions in the Firefighters’ Pension Scheme (England) Regulations 2014 (“the English 2015 Scheme Regulations”). The Regulations are substantially based on the English 2015 Scheme Regulations and include the three provisions the JCSI criticised. “

Legal Services are satisfied with the explanations provided by the Welsh Government that the drafting of the three provisions are effective as set out in the Explanatory Memorandum and the additional clarification provided by Welsh Government lawyers.

Given the technical nature of the Regulations and above-mentioned comments from the JCSI, CLAC's attention is drawn to paragraph 4 of the Explanatory Memorandum.

“Although the Welsh Government is content that the drafting of the provisions is effective, it will further reflect on the JCSI's concerns post-introduction of the Regulations and will consider whether it is appropriate to bring forward amending regulations in due course.”

Legal Advisers

Constitutional and Legislative Affairs Committee

March 2015

Government Response

The Welsh Government notes the Committee's report on these Regulations. Although the Welsh Government is content that the drafting of the provisions to which the Parliamentary Joint Committee on Statutory Instruments' criticisms relate is effective, it will further reflect on the JCSI's concerns and the Committee's report and will consider whether it is appropriate to bring forward amending regulations in due course.