

SL(6)638 – The Firefighters’ Pension Scheme (Wales) (Amendment) Regulations 2025

Background and Purpose

These Regulations amend the Firefighters’ Pension Scheme (Wales) Regulations 2015 (“the 2015 Regulations”) which set out the Firefighters’ Pension Scheme (Wales) 2015 (“the 2015 Pension Scheme”).

These Regulations come into force on 1 September 2025 and do not have retrospective effect.

Regulations 3, 4 and 9 amend the 2015 Pension Scheme to make provision in respect of scheme members’ entitlements during periods of parental bereavement leave.

Regulations 5, 6, 7, 8, 9, 10 and 11 amend the 2015 Pension Scheme to provide for new member contribution rates and a new mechanism by which members’ contribution rates are determined from 1 September 2025.

Regulation 6 inserts regulation 119A into the 2015 Regulations which introduces a new mechanism whereby members’ contribution rates within the 2015 Pension Scheme are determined based on a tier structure rather than pensionable pay range. This new mechanism defines scheme member roles for the purpose of members’ contribution rates and provides that these roles will fall within 1 of 5 tiers, against which members’ contribution rates will be determined from 1 September 2025. The updated mechanism makes clear that regardless of role, retained and volunteer firefighters will always remain within tier 1 when determining applicable member contribution rates. For the purpose of new regulation 119A only, the definition of regular firefighter does not include the roles of crew manager, watch manager, station manager, group manager, area manager, assistant chief fire officer, deputy chief fire officer or chief fire officer.

Since regulations 5, 6, 7, 8, 9, 10 and 11 involve a change to a protected element of the scheme constituted by the 2015 Regulations (as defined in section 22(5) of the Public Service Pensions Act 2013), the Welsh Ministers have consulted such persons (or representatives of such persons) as appear to the Welsh Ministers likely to be affected by these Regulations, with a view to reaching agreement. The Welsh Ministers have also laid a report before Senedd Cymru.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.



Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulation 6, in the new regulation 119A(5), in the English text, the definitions are listed according to the order in which they appear in the table found in regulation 119A(2). However, the definitions are listed according to Welsh alphabetical order in the Welsh text of regulation 119A(5). Definitions are usually listed in alphabetical order in both language texts although it is also possible to list definitions in conceptual order or some other logical order – see WLW 4.15(1). But it would make more sense for the lists of definitions to be ordered by using the same approach in both language texts of regulation 119A(5).

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

In the second paragraph of the preamble, it notes that in accordance with section 21(1) of the Public Service Pensions Act 2013 (“the 2013 Act”), the Welsh Ministers have consulted “the representatives of such persons” as appear to them likely to be affected by regulations 3, 4 and 9 of these Regulations. However, the requirement is to consult “**such persons (or representatives of such persons)**” as correctly noted in paragraph 5.1 of the Explanatory Memorandum. The same requirement is also correctly noted in the following paragraph of the preamble in relation to the separate consultation under section 22(2)(a) of the 2013 Act.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

Under section 21(2) of the 2013 Act, the Welsh Ministers as the responsible authority are required to publish a statement, and to keep it up-to date, indicating the persons they would normally expect to consult under section 21(1) before making scheme regulations. However, there is no mention of such a statement or where it has been published in the accompanying Explanatory Memorandum or in these Regulations. Could the Welsh Government explain whether such an up-to-date statement was used for this consultation, where it is published, and why it is not mentioned anywhere in the EM or Regulations?

4. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.



In the second and third paragraphs of the preamble, it notes that regulation 9 of these Regulations was consulted upon under both sections 21(1) and 22(2)(a) of the 2013 Act. In addition, in the fourth paragraph of the preamble, it notes that a report has been laid before the Senedd in respect of regulation 9 in accordance with section 22(2)(b) of the 2013 Act. However, section 22(7) notes that where section 22 applies there is no requirement to consult under section 21(1) of the 2013 Act. In which case, should it only refer to regulation 9(b)(i) of these Regulations in the second paragraph of the preamble, and to regulation 9(a) and (b)(ii) of these Regulations in the third and fourth paragraphs of the preamble?

5. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

In regulation 6, in the new regulation 119A(5) that is inserted in the Firefighters' Pension Scheme (Wales) Regulations 2015, the definitions of "retained firefighter" and "volunteer firefighter" for regulation 119A are both superfluous. They only refer the reader to the existing definitions of the same terms in regulation 3 (interpretation) which apply to the whole of the 2015 Regulations, including when those terms are used in any new amendments such as regulation 119A.

6. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

In regulation 6, in the new regulation 119A(5), in the definition of "crew manager", in paragraph (a), it refers to a crew manager role set out in the "'Fire and Rescue Services Rolemaps" issued by the National Joint Council for Local Authority Fire and Rescue Services **in September 2005**". However, in regulation 3 of the 2015 Regulations, in the definition of "role", it refers to a document of the same name that was issued by the National Joint Council for Local Authority Fire and Rescue Services **in August 2005**. In addition, there is no footnote to accompany the reference to the "Fire and Rescue Services Rolemaps" in the new definition of "crew manager" in regulation 119A(5) noting where that document may be obtained or its publication details, to clearly identify the document. Therefore, there is uncertainty as to whether the document "Fire and Rescue Services Rolemaps" referred to in the definition of "crew manager" in the new regulation 119A(5) is the same document that is referred to in the existing definition of "role" in regulation 3 or an updated later issue of the same document. The same problem occurs in the definitions of "watch manager", "station manager", "group manager" and "area manager" in the new regulation 119A(5) which also refer to the "Fire and Rescue Services Rolemaps" issued in September 2005.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

22 August 2025



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—
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