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STATUTORY RULES OF NORTHERN IRELAND

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**2023 No. 132**

**The Health and Social Care Pension Schemes  
(Remediable Service) Regulations (Northern Ireland) 2023**

**PART 6**

**Transfers**

**Interpretation of Part 6**

**37.—(1) In this Part—**

“1995 regulation 60” means regulation 60 of the 1995 Regulations<sup>(1)</sup> (Member’s right to transfer accrued rights to benefits to this Section of the scheme);

“1995 regulation 62” means regulation 62 of the 1995 Regulations<sup>(2)</sup> (Transfers that are not made under the Public Sector Transfer Arrangements);

“2008 regulation 101” means regulation 101 of the 2008 Regulations<sup>(3)</sup>(Procedure for applications under regulation 100);

“2008 regulation 103” means regulation 103 of the 2008 Regulations<sup>(4)</sup> (Calculation of transferred-in pensionable service); “2008 regulation 228” means regulation 228 of the 2008 Regulations<sup>(5)</sup>(Procedure for applications under regulation 227);

“2008 regulation 230” means regulation 230 of the 2008 Regulations<sup>(6)</sup> (Calculation of increase to pensionable earnings as the result of a transfer-in);

“2015 regulation 142” means regulation 142 of the 2015 Regulations (Acceptance of transfer value payment);

“2015 scheme joining date” means the date on which the member became eligible to be an active member of the 2015 scheme for the purpose of regulation 141(1)(c)(i) of the 2015 Regulations (Application procedure);

“legacy scheme remediable cash equivalent”, in relation to a member, means the cash equivalent of rights in the legacy scheme used by the scheme manager to acquire rights in the 2015 scheme under—

(a) regulation 59A of the 1995 Regulations<sup>(7)</sup> (member’s right to transfer a preserved pension to the 2015 Scheme), or

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(1) Regulation 60 and its heading was amended by S.R. 1997 No.217; S.R. 2004 No.103; S.R. 2006 No.410; S.R. 2008 No.163 and S.R. 2010 No.22.

(2) Regulation 62 was amended by S.R. 2010 No.22.

(3) Regulation 101 was amended by S.R. 2009 No.65; S.R 2010 No.22 and S.R 2015 No.122.

(4) Regulation 103 was amended by S.R. 2009 No.65 and S.R 2010 No.22.

(5) Regulation 228 was amended by S.R. 2009 No.65; S.R 2010 No.22 and S.R 2015 No.122.

(6) Regulation 230 was amended by S.R. 2009 No.65 and S.R 2010 No.2.

(7) Regulation 59A was inserted by S.R. 2015 No.121.

(b) regulation 108B or regulation 235B of the 2008 Regulations<sup>(8)</sup> (right to transfer a deferred pension to the 2015 Scheme),

so far as the cash equivalent relates to the member’s remediable rights;

“receiving scheme”, in relation to a remediable value, means the scheme to which the remediable value was, or is to be, paid;

“reformed public service pension scheme” means—

- (a) a Chapter 1 scheme<sup>(9)</sup>;
- (b) a judicial scheme within the meaning of section 70(1) of PSPJOA 2022;
- (c) a local government scheme within the meaning of section 86(1) of PSPJOA 2022;

“remediable benefits” means the benefits payable to or in respect of a member in relation to that member’s remediable service;

“remediable club transfer value”, in relation to a member, means the payment or acceptance by the scheme manager of—

- (a) a transfer value payment under Part VI of the 1995 Regulations in accordance with the public sector transfer arrangements (within the meaning given to that term by regulation 2 of those Regulations);
- (b) a transfer value payment under Part 2 Chapter 6 of the 2008 Regulations (Transfers) in accordance with the public sector transfer arrangements (within the meaning given to that term by regulation 6 of those Regulations);
- (c) a transfer value payment under Part 3 Chapter 6 of the 2008 Regulations (Transfers) under the public sector transfer arrangements (within the meaning given to that term by regulation 137 of those Regulations);
- (d) a club transfer value under Part 7 of the 2015 Regulations (Transfers) (within the meaning given to that term by regulation 131 of those Regulations)

so far as the transfer value payment or transfer value relates to the member’s remediable rights;

“remediable rights”, in relation to a member, means the member’s rights to benefits under a reformed public service pension scheme secured by virtue of the member’s remediable service;

“remediable transfer value”, in relation to a member, means the payment or acceptance by the scheme manager of a transfer value or transfer value payment other than—

- (a) a legacy scheme remediable cash equivalent, or
- (b) a remediable club transfer value,

so far as the transfer value payment or transfer value relates to the member’s remediable rights;

“remediable value” means a remediable club transfer value or a remediable transfer value;

“sending scheme”, in relation to a remediable value, means the scheme which paid, or is to pay, the remediable value.

(2) Where a provision of this Part requires the scheme manager to calculate a transfer value (including a remediable value or a remediable transfer value) in relation to rights secured in the legacy scheme or the 2015 scheme, that value must be calculated in accordance with—

- (a) the provisions of the legacy scheme or the 2015 scheme which apply to the calculation of values of that type; and
- (b) the guidance and tables provided for the purpose of calculating such values that were, or are, in use on the date used for the original calculation.

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<sup>(8)</sup> Regulations 108B and 235B were inserted by S.R. 2015 No.121.

<sup>(9)</sup> See section 33 of PSPJOA 2022 for the meaning of “Chapter 1 scheme”.

### Commencement Information

- II** Reg. 37 in operation at 1.10.2023, see [reg. 1](#)

### Treatment of transfer and transfer value payments made to the 1995 Section or the 2008 Section that are not made under public sector transfer arrangements

**38.**—(1) This regulation applies to a relevant transfer member who has remediable service under the legacy scheme where one of the following has occurred in relation to that member—

- (a) an immediate choice election has been accepted by the scheme manager or treated by the scheme manager as having been made in accordance with regulation 9 (election for 2015 scheme benefits: immediate choice members and deceased members); or
- (b) a deferred choice election has been accepted by the scheme manager or treated by the scheme manager as having been made in accordance of regulation 12 (Deferred choice election for 2015 scheme benefits: active, deferred and deceased members).

(2) For the purposes of paragraph (1), a member is a relevant transfer member if—

- (a) the scheme manager has accepted—
  - (i) a transfer payment and in respect of that payment—
    - (aa) the member is credited with a period of pensionable service calculated in accordance with 1995 regulation 62, or
    - (bb) the member is entitled to an increase in the member’s pensionable earnings in accordance with paragraph 18 of Schedule 2 to the 1995 Regulations<sup>(10)</sup> (medical and dental practitioners: transfers from other pension arrangements), or
  - (ii) a transfer value payment and in respect of that payment—
    - (aa) the member is entitled to an additional period of pensionable service calculated in accordance with paragraphs (1) to (4) of 2008 regulation 103, or
    - (bb) the member is entitled to count an increase in the member’s pensionable earnings calculated in accordance with paragraphs (1) to (4) of 2008 regulation 230; and
- (b) the member’s legacy scheme joining date in relation to the transfer payment or transfer value payment referred to in sub-paragraph (a) falls within the period of that member’s remediable service.

(3) Where this regulation applies and the scheme manager determines that the benefits payable in respect of the member’s remediable service are 2015 scheme benefits, the scheme manager must, after having regard to the advice of the scheme actuary, vary the member’s rights to benefits in respect of the additional period of pensionable service or increase in pensionable earnings referred to in paragraph (2) so that those rights are of an equivalent value to the rights the member would have secured if the transfer payment or transfer value payment (whichever is relevant) had been accepted for the purposes of 2015 regulation 142.

(4) In this regulation, “legacy scheme joining date” means—

- (a) the date on which the member joined the 1995 Section for the purposes of paragraph (1) of 1995 regulation 60; or

<sup>(10)</sup> Paragraph 18 was amended by [S.R. 2010 No. 22](#).

- (b) the date on which the member became eligible to be an active member of the 2008 Section for the purposes of paragraph (1)(c)(i) of 2008 regulation 101 or paragraph (1)(c)(i) or 2008 regulation 228.

**Commencement Information**

**I2** Reg. 38 in operation at 1.10.2023, see [reg. 1](#)

**Transfer value payments made to the 2015 scheme that are not made under public sector transfer arrangements: treatment as transfer payments under the 1995 Section or transfer value payments under the 2008 Section: deferred choice members**

**39.**—(1) This regulation applies to a deferred choice member who has remediable service in the legacy scheme that is pensionable service under that scheme by virtue of section 2(1) of PSPJOA 2022, where—

- (a) the scheme manager has accepted a transfer value payment in relation to the member that is a non-club transfer (**11**) for the purposes of 2015 regulation 142;
  - (b) in respect of that payment, the member is entitled to an increase in the member’s pensionable earnings and has been credited with a period of pensionable service under paragraph (2) of that regulation; and
  - (c) the member’s 2015 scheme joining date in relation to the transfer value payment referred to in sub-paragraph (a) falls within the period of that member’s remediable service.
- (2) Where this regulation applies—
- (a) all the remedy member’s rights secured by the transfer value payment mentioned in paragraph (1) are extinguished;
  - (b) the scheme manager must treat the payment as if it had been accepted for the purposes of—
    - (i) 1995 regulation 62 where, pursuant to section 2(1) of PSPJOA 2022, the remedy member’s remediable service is treated as being pensionable service under the 1995 Section, or
    - (ii) 2008 regulation 103 or 2008 regulation 230 (whichever is relevant) where, pursuant to section 2(1) of PSPJOA 2022, the remedy member’s remediable service is treated as being pensionable service under the 2008 Section; and
  - (c) in respect of the payment, the member is entitled to count the additional period of pensionable service or the increase in pensionable earnings set out in paragraph (3) or (4) (whichever is relevant).
- (3) If the scheme manager treats the transfer value payment as if it had been accepted for the purposes of the 1995 Regulations, in respect of the payment the member is entitled to—
- (a) an additional period of pensionable service calculated in accordance with 1995 regulation 62; or
  - (b) count an increase in the member’s pensionable earnings calculated in accordance with paragraph 18 of Schedule 2 to the 1995 Regulations (medical and dental practitioners: transfers from other pension arrangements).
- (4) If the scheme manager treats the transfer value payment as if it had been accepted for the purposes of the 2008 Regulations, in respect of the payment the member is entitled to—
- (a) an additional period of pensionable service calculated in accordance with paragraphs (1) to (4) of 2008 regulation 103; or

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(11) For the meaning of “non-club transfer”, see the definition of “club transfer” in regulation 131 of the 2015 Regulations.

(b) count an increase in the member's pensionable earnings calculated in accordance with paragraphs (1) to (4) of 2008 regulation 230.

(5) The scheme manager must send a notice in writing to the remedy member specifying the additional period of pensionable service or the increase in pensionable earnings that the member is entitled to count as set out in paragraph (3) or (4) (whichever is relevant).

(6) The notice must be sent to the remedy member before 1st October 2024 or such later date as the scheme manager determines, after having regard to all the circumstances of the case.

#### Commencement Information

**I3** Reg. 39 in operation at 1.10.2023, see [reg. 1](#)

### **Transfer value payments in accordance with regulation 39: variation of the member's rights on the making of a deferred choice election**

**40.**—(1) This regulation applies to a remedy member where—

- (a) the member is entitled to an additional period of pensionable service or an increase in pensionable earnings in the 1995 Section under paragraph (3), or in the 2008 Section under paragraph (4), of regulation 39; and
- (b) a deferred choice election has been accepted by the scheme manager or treated as having been made in accordance with 12 (election for 2015 scheme benefits: deferred choice members and deceased members).

(2) Where this regulation applies and the scheme manager determines that the benefits to be paid to or in respect of the remedy member for the member's remediable service are to be determined in accordance with the 2015 Regulations, the scheme manager must, after having regard to the advice of the scheme actuary, vary the member's rights to benefits in respect of the additional period of pensionable service or increase in pensionable earnings referred to in paragraph (1) so that those rights are of an equivalent value to the rights the member would have secured if the transfer payment or transfer value payment (whichever is relevant) had been accepted for the purposes of 2015 regulation 142.

#### Commencement Information

**I4** Reg. 40 in operation at 1.10.2023, see [reg. 1](#)

### **Transfer value payments made to the 2015 scheme that are not made under public sector transfer arrangements: treatment as if accepted under the legacy scheme: immediate choice members and deceased members**

**41.**—(1) This regulation applies to a remedy member—

- (a) who has pensionable service under the legacy scheme by virtue of section 2(1) of PSPJOA 2022;
- (b) who—
  - (i) is an immediate choice member, or
  - (ii) is a member who died before 1st October 2023;
- (c) in respect of whom—
  - (i) an immediate choice election may be made or treated by the scheme manager as having been made in accordance with regulation 9;

- (ii) the scheme manager has accepted a transfer value payment in relation to the member that is a non-club transfer for the purposes of 2015 regulation 142 and, in respect of that payment, the member is entitled to an increase in the member's pensionable earnings and has been credited with a period of pensionable service under paragraph (2) of that regulation; and
  - (iii) the 2015 scheme joining date in relation to the transfer value payment referred to in paragraph (ii) falls within the period of that member's remediable service.
- (2) Where this regulation applies, on the acceptance of an election referred to in paragraph (1)(c) (i) in respect of a member or at the end of the immediate choice election period if no such election is accepted—
- (a) all the remedy member's rights secured by the transfer value payment mentioned in paragraph (1)(c)(ii) are extinguished;
  - (b) the scheme manager must treat the payment as if it had been accepted for the purposes of—
    - (i) 1995 regulation 62 where, pursuant to section 2(1) of PSPJOA 2022, the remedy member's remediable service is treated as being pensionable service under the 1995 Section, or
    - (ii) 2008 regulation 103 or 2008 regulation 230 (whichever is relevant) where, pursuant to section 2(1) of PSPJOA 2022, the remedy member's remediable service is treated as being pensionable service under the 2008 Section;
  - (c) in respect of the payment, the member is entitled to count the additional period of pensionable service or the increase in pensionable earnings set out in paragraph (3) or (4) (whichever is relevant); and
  - (d) paragraph (5) applies if the scheme manager determines that the benefits payable in respect of the member's remediable service are 2015 scheme benefits.
- (3) If the scheme manager treats the transfer value payment as if it had been accepted for the purposes of the 1995 Regulations, in respect of the payment the member is entitled to—
- (a) an additional period of pensionable service calculated in accordance with 1995 regulation 62; or
  - (b) count an increase in the member's pensionable earnings in respect of the payment calculated in accordance with paragraph 18 of Schedule 2 to the 1995 Regulations.
- (4) If the scheme manager treats the transfer value payment as if it had been accepted for the purposes of the 2008 Regulations, in respect of the payment the member is entitled to—
- (a) an additional period of pensionable service calculated in accordance with paragraphs (1) to (4) of 2008 regulation 103; or
  - (b) count an increase in the member's pensionable earnings in respect of the payment calculated in accordance with paragraphs (1) to (4) of 2008 regulation 230.
- (5) Where this paragraph applies (see paragraph (2)(d)), the scheme manager must, after having regard to the advice of the scheme actuary, vary the member's rights to benefits in respect of the additional period of pensionable service or increase in pensionable earnings referred to in paragraph (3) or (4) (whichever is relevant) so that those rights are of an equivalent value to the rights the member would have secured if the transfer payment or transfer value payment (whichever is relevant) had been accepted for the purposes of 2015 regulation 142.

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**Commencement Information**

**I5** Reg. 41 in operation at 1.10.2023, see [reg. 1](#)

## Treatment of transfer and transfer value payments and statements accepted from other and corresponding health service schemes

42.—(1) This regulation applies to a member who—

- (a) is credited with a period of pensionable service (together with the rights attaching to that service) in accordance with regulation 81(2) or (6) of the 1995 Regulations (former members of health service schemes) in respect of a transfer payment made by a health service scheme;
- (b) is entitled to count a period of pensionable service in accordance with paragraph (6) of 2008 regulation 103 or entitled to count an increase in pensionable earnings in accordance with paragraph (6) of 2008 regulation 230 in respect of a transfer value payment made by a corresponding 2008 scheme; or
- (c) is entitled to count an increase in pensionable earnings in accordance with regulation 143(5) of the 2015 Regulations (calculation of increase to pensionable earnings) in respect of a transfer value statement accepted from a corresponding scheme.

(2) Where this regulation applies and the scheme manager determines that the payment or transfer value statement referred to in paragraph (1) represents any rights in respect of a period of pensionable service that is remediable service under another health service scheme, a corresponding 2008 scheme or a corresponding scheme, the scheme manager must treat that period of pensionable service as a period of pensionable service that is remediable service under the 1995 Section, the 2008 Section or the 2015 scheme (whichever is relevant).

(3) In this regulation—

“corresponding 2008 scheme” means a scheme as so defined in regulation 6(1) and regulation 137(1) of the 2008 Regulations;

“corresponding scheme” means a scheme as so defined in Schedule 13 to the 2015 Regulations 2015;

“health service scheme” means a scheme as so defined in regulation 81(1) of the 1995 Regulations.

### Commencement Information

**I6** Reg. 42 in operation at 1.10.2023, see [reg. 1](#)

## Transferred out remediable service statements

43. Where a remedy member has transferred any rights in respect of remediable service out of the legacy scheme or the 2015 scheme, the scheme manager must provide a transferred out remediable service statement in accordance with direction 6(2) to (4) of the 2023 Directions (transfers) (and direction 6(4) applies as if the reference to “any provision made by virtue of section 29(1) of PSPJOA 2022” were a reference to regulation 6).

### Commencement Information

**I7** Reg. 43 in operation at 1.10.2023, see [reg. 1](#)

## Remediable transfer value payments made before 1st October 2023

44.—(1) This regulation applies in relation to a member (“M”) in respect of whom the scheme manager paid a remediable transfer value before 1st October 2023.

(2) Where this regulation applies, the scheme manager must, after having regard to the advice of the scheme actuary, calculate the transfer value of M’s remediable rights as if they had been secured in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
- (b) the 2015 scheme.

(3) The scheme manager must notify the receiving scheme of the results of the calculations mentioned in paragraph (2).

(4) Where—

- (a) the greater of the amounts calculated under paragraph (2) (“x”) is greater than
- (b) the amount of the remediable transfer value (“y”),

the scheme manager must take reasonable steps to pay the receiving scheme an amount equal to  $x - y$  (“top-up transfer value payment”).

(5) Where the greater of the amounts calculated under paragraph (2) (“x”) is less than the amount of the remediable transfer value (“y”), the scheme manager must waive any overpayment.

(6) A top-up transfer value payment made under paragraph (4) is subject to the same conditions as the remediable transfer value.

(7) Where a receiving scheme, other than a reformed public service scheme, cannot accept the top-up transfer value payment, the scheme manager may—

- (a) pay the top-up transfer value payment to another nominated registered pension scheme; or
- (b) pay an amount of compensation to M reduced (where relevant) in accordance with direction 6(5) of the 2023 Directions.

(8) Where, if the amount of compensation under paragraph (7)(b) had been paid immediately after the requirement to pay it arose, the payment—

- (a) would have been a payment described in regulation 6 of the Registered Pension Schemes (Authorised Payments) Regulations 2009<sup>(12)</sup> (“the 2009 Regulations”) (payment after relevant accretion) read as if paragraph (1)(a) of that regulation had been omitted, the amount of compensation must be reduced by the amount equal to the income tax that would be chargeable on it as if regulation 3(b) of the 2009 Regulations applied to it;
- (b) would not have been a payment so described, the amount of compensation must be reduced by an amount equal to the income tax that would be charged on the amount at M’s marginal tax rate under The Income Tax Acts<sup>(13)</sup>.

(9) In this regulation, a “nominated registered pension scheme” means a pension scheme registered under Chapter 2 of Part 4 of the 2004 Act, that—

- (a) is chosen by M;
- (b) agrees to accept the top-up transfer value payment; and
- (c) meets such other conditions as the scheme manager may require.

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**Commencement Information**

**18** Reg. 44 in operation at 1.10.2023, see [reg. 1](#)

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<sup>(12)</sup> S.I. 2009/1171. Regulation 6 was amended by section 42(6)(a) of the Finance Act 2014 (c. 26).

<sup>(13)</sup> For the meaning of “The Income Tax Acts”, see Schedule 1 to the Interpretation Act 1978 (c. 30).

### **Remediable transfer value payments made on or after 1st October 2023 that are not made under public sector transfer arrangements**

**45.**—(1) This regulation applies in relation to a member (“M”) in respect of whom the scheme manager makes a remediable transfer value payment on or after 1st October 2023.

(2) Where this regulation applies, the scheme manager must, after having regard to the advice of the scheme actuary, calculate the transfer value of M’s remediable rights as if they had been secured in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
- (b) the 2015 scheme.

(3) The amount of the remediable transfer value is the greater of the amounts calculated under paragraph (2).

#### **Commencement Information**

**19** Reg. 45 in operation at 1.10.2023, see [reg. 1](#)

### **Transfers of remediable rights in the legacy scheme to the 2015 scheme before 1st October 2023**

**46.**—(1) This regulation applies in relation to a member (“M”) in respect of whom the scheme manager has used a legacy scheme remediable cash equivalent to acquire rights in the 2015 scheme before 1st October 2023.

(2) Where this regulation applies, the scheme manager must, after having regard to the advice of the scheme actuary, recalculate the cash equivalent of M’s remediable rights as if they had been secured in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
- (b) the 2015 scheme.

(3) Where—

- (a) the greater of the amounts calculated under paragraph (2) (“x”) is greater than
- (b) the legacy scheme remediable cash equivalent (“y”),

the scheme manager must, after having regard to the advice of the scheme actuary, use an amount equal to  $x - y$  to acquire further rights in the 2015 scheme in respect of M on the same terms as applied when M’s legacy scheme remediable cash equivalent was used to acquire rights in the 2015 scheme.

#### **Commencement Information**

**110** Reg. 46 in operation at 1.10.2023, see [reg. 1](#)

### **Transfers of remediable rights in the legacy scheme to the 2015 scheme on or after 1st October 2023**

**47.**—(1) This regulation applies in relation to a member (“M”) in respect of whom the scheme manager uses a legacy scheme remediable cash equivalent to acquire rights in the 2015 scheme on or after 1st October 2023.

(2) Where this regulation applies, the scheme manager must, after having regard to the advice of the scheme actuary, calculate the cash equivalent of M’s remediable rights as if they had been secured in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
  - (b) the 2015 scheme.
- (3) The amount of the legacy scheme remediable cash equivalent used to acquire rights in the 2015 scheme in respect of M is the greater of the amounts calculated under paragraph (2).

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**Commencement Information**

**I11** Reg. 47 in operation at 1.10.2023, see [reg. 1](#)

**Remediable transfer value payments accepted from other public service schemes but not accepted under the public sector transfer arrangements**

**48.**—(1) This regulation applies in relation to each payment of a remediable transfer value accepted the by the scheme manager in respect of a member (“M”).

(2) Where this regulation applies, the scheme manager must, after having regard to the advice of the scheme actuary, determine M’s remediable benefits if the transfer value payment or transfer value, together with any adjustment payment accepted under paragraph (3), is applied in respect of rights in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
- (b) the 2015 scheme.

(3) Where the remediable transfer value payment was accepted by the scheme manager before 1st October 2023 and the sending scheme is a reformed public service pension scheme, the scheme manager may accept an adjustment in the value of a remediable transfer value—

- (a) in respect of the remediable rights to which the remediable transfer value payment relates; and
- (b) which is made by the sending scheme pursuant to, or to provision made under, PSPJOA 2022.

(4) An adjustment payment accepted under paragraph (3) must be used for the purpose of determining M’s benefits under the legacy scheme or the 2015 scheme on the same terms as the remediable transfer value.

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**Commencement Information**

**I12** Reg. 48 in operation at 1.10.2023, see [reg. 1](#)

**Remediable club transfer value payments made before 1st October 2023**

**49.**—(1) This regulation applies in relation to each member (“M”) in respect of whom the scheme manager paid a remediable club transfer value before 1st October 2023.

(2) Where this regulation applies, the scheme manager must calculate the transfer value of M’s remediable rights as if they had been secured in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
- (b) the 2015 scheme.

(3) The scheme manager must provide to the receiving scheme—

- (a) the result of the calculations mentioned in paragraph (2); and

- (b) such further information as the receiving scheme may require in relation to M's remediable rights.
- (4) Where the receiving scheme is a local government pension scheme (within the meaning of section 86(1) of PSPJOA 2022), and—
  - (a) the greater of the amounts calculated under paragraph (2) ("x") is greater than
  - (b) the amount of the remediable club transfer value ("y"),the scheme manager must pay the receiving scheme an amount equal to  $x - y$ .
- (5) A payment made under paragraph (4) is subject to the same conditions as the remediable club transfer value.

**Commencement Information**

**I13** Reg. 49 in operation at 1.10.2023, see [reg. 1](#)

**Remediable club transfer value payments made on or after 1st October 2023**

- 50.**—(1) This regulation applies in relation to a member ("M") in respect of whom the scheme manager is to make a remediable club transfer value payment on or after 1st October 2023.
- (2) Where this regulation applies, the scheme manager must calculate the transfer value of M's remediable rights as if they had been secured in—
- (a) the 1995 Section or the 2008 Section (whichever is relevant);
  - (b) the 2015 scheme.
- (3) The amount of the remediable club transfer value is the greater of the amounts calculated under paragraph (2).
- (4) The scheme manager must provide to the receiving scheme—
- (a) the result of the calculations mentioned in paragraph (2); and
  - (b) such further information as the receiving scheme may require in relation to M's remediable rights.

**Commencement Information**

**I14** Reg. 50 in operation at 1.10.2023, see [reg. 1](#)

**Remediable club transfer value payments accepted before 1st October 2023**

- 51.**—(1) This regulation applies in relation to a member ("M") in respect of whom the scheme manager accepts a remediable club transfer value payment before 1st October 2023.
- (2) Where this regulation applies and the sending scheme is a local government pension scheme (within the meaning of section 86(1) of PSPJOA 2022), the scheme manager may accept an adjustment in the value of a remediable club transfer value—
- (a) in respect of the remediable rights to which the remediable club transfer value payment relates; and
  - (b) which is made by the sending scheme pursuant to, or to provision made under, PSPJOA 2022.

(3) The scheme manager must determine M’s remediable benefits if the transfer value, together with any payment adjustment accepted under paragraph (2), were applied in respect of rights secured in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
- (b) the 2015 scheme.

**Commencement Information**

**I15** Reg. 51 in operation at 1.10.2023, see [reg. 1](#)

**Remediable club transfer value payments accepted on or after 1st October 2023**

**52.**—(1) This regulation applies in relation to a member (“M”) in respect of whom the scheme manager has accepted a remediable club transfer value payment on or after 1st October 2023.

(2) Where this regulation applies, the scheme manager must determine M’s remediable benefits as if the remediable club transfer value payments were applied in respect of rights secured in—

- (a) the 1995 Section or the 2008 Section (whichever is relevant);
- (b) the 2015 scheme.

**Commencement Information**

**I16** Reg. 52 in operation at 1.10.2023, see [reg. 1](#)

**Application and interpretation of regulations 54 to 56**

**53.**—(1) Regulations 54 to 56 apply in relation to a member (“M”) in respect of whom the scheme manager has accepted either or both of the following—

- (a) a remediable transfer value payment, together with any adjustment payment accepted under regulation 48(3);
- (b) a remediable club transfer value payment, together with any adjustment payment accepted under regulation 51(2).

(2) In regulations 54 to 56—

“relevant Section of the legacy scheme” means—

- (a) the 1995 Section if M has pensionable service under that Section;
- (b) the 2008 Section if M has pensionable service under that Section;
- (c) otherwise, the 2008 Section;

“transferred in remediable rights” means M’s remediable rights in the legacy scheme or the 2015 scheme secured by virtue of a remediable value together with any payment or, as the case may be, adjustment under regulation 48(3) or regulation 51(2).

**Commencement Information**

**I17** Reg. 53 in operation at 1.10.2023, see [reg. 1](#)

### Transferred in remediable rights treated as rights under the legacy scheme

**54.**—(1) Where this regulation applies (see regulation 53) and the transferred in remediable rights of a member (“M”) would, apart from this regulation, be rights to benefits under the 2015 scheme, the rights—

- (a) are not, and are treated as never having been, rights under the 2015 scheme; and
  - (b) are treated as being, and as always having been, rights under the relevant Section of the legacy scheme.
- (2) Paragraph (1) has effect—
- (a) for the purposes of determining which Section of the legacy scheme is (or at any time was) required to pay benefits to or in respect of M’s transferred in remediable rights; and
  - (b) subject to regulation 56, for all other purposes.

#### Commencement Information

**118** Reg. 54 in operation at 1.10.2023, see [reg. 1](#)

### Varying the value of benefits secured by virtue of transferred in remediable rights

**55.**—(1) Where this regulation applies (see regulation 53) and—

- (a) a member is a deferred choice member; and
- (b) the member’s transferred in remediable rights are treated as rights to benefits under the relevant Section of the legacy scheme by virtue of regulation 54,

the scheme manager must vary the value of those rights so that they are of an equivalent value to rights the member would have secured under the relevant Section of the legacy scheme if the rights had been transferred into that Section.

(2) A variation under paragraph (1) is to be treated as having taken effect on 1<sup>st</sup> October 2023.

(3) Where this regulation applies and—

- (a) a member is an immediate choice member or a remedy member who died before 1st October 2023;
- (b) the end of the immediate choice election period has passed in relation to the member and no election has been made (or treated by the scheme manager as having been made) under regulation 9 in relation to the member’s remediable service; and
- (c) the member’s transferred in remediable rights are treated as rights to benefits under the relevant Section of the legacy scheme by virtue of regulation 54,

the scheme manager must vary the value of those rights so that they are of an equivalent value to the rights the member would have secured under the relevant Section of the legacy scheme if the rights had been transferred into that Section.

(4) A variation under paragraph (3) is to be treated as having taken effect at the end of the immediate choice election period.

(5) Where this regulation applies and—

- (a) the benefits payable to or in respect of the member’s remediable service are 2015 scheme benefits by virtue of an immediate choice election under regulation 9 or a deferred choice election under regulation 12 (including such an election which the scheme manager treats as having been made under either of those regulations); and

- (b) the benefits payable in relation to the member's transferred in remediable rights would otherwise be benefits in the relevant Section of the legacy scheme,

the scheme manager must vary the value of those rights so that they are of an equivalent value to rights the member would have secured under the 2015 scheme if the rights had been transferred into that scheme.

(6) Where the scheme manager is required to vary the value of any rights under this regulation so that they are equivalent to rights that would have been secured in another scheme ("the alternative scheme"), the scheme manager must, after having regard to the advice of the scheme actuary, calculate the value of the varied rights as if the remediable transfer value which originally secured the rights had been paid to the alternative scheme or Section of the scheme in the scheme year the payment was received by the scheme manager.

(7) In paragraph (6), "scheme year" means a period of one year beginning on 1st April and ending with 31st March.

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**Commencement Information**

**I19** Reg. 55 in operation at 1.10.2023, see [reg. 1](#)

**Benefits already paid in relation to transferred in remediable rights**

**56.**—(1) Where this regulation applies (see regulation 53), paragraph (2) applies in relation to any benefits ("the paid benefits") that have at any time been paid to a person ("P") from the 2015 scheme so far as—

- (a) they are calculated by reference to P's, or any other person's, transferred in remediable rights; and
- (b) they are benefits that, as a result of regulation 54(1)(a), P was not entitled to receive from the 2015 scheme.

(2) The paid benefits are to be treated for all purposes—

- (a) as not having been paid to P by the 2015 scheme; but
- (b) as having been paid to P instead by the relevant Section of the legacy scheme.

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**Commencement Information**

**I20** Reg. 56 in operation at 1.10.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023, PART 6.