
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 239

The Police Pensions (Remediable Service) (Scotland) Regulations 2023

PART 1

Introductory Provisions

Citation and commencement

1.—(1) These Regulations may be cited as the Police Pensions (Remediable Service) (Scotland) Regulations 2023.

(2) These Regulations come into force on 1 October 2023.

Interpretation

2.—(1) In these Regulations—

“PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;

“the 1987 Regulations” means the Police Pensions Regulations 1987(1) and “the 1987 scheme” means the pension scheme established by those Regulations;

“the 2007 Regulations” means the Police Pensions (Scotland) Regulations 2007(2) and “the 2006 scheme” means the pension scheme established by those Regulations;

“the 2015 Regulations” means the Police Pension Scheme (Scotland) Regulations 2015(3);

“the PSP Directions 2022” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(4);

“deferred choice decision” has the meaning given in regulation 12(1);

“deferred choice decision-maker” means the person who may make a deferred choice decision under regulation 12(2);

“deferred choice member” means a member with remediable police service who, immediately before 1st October 2023, was—

(a) an active or deferred member in relation to that service, and

(b) is not a pensioner member(e) in relation to that service;

“eligible child” means, in relation to—

(a) the 1987 scheme, a person in respect of whom a child’s allowance is payable under that scheme;

(1) [S.I. 1987/257](#).

(2) [S.S.I. 2007/201](#).

(3) [S.S.I. 2015/142](#).

(4) Published on 15 December 2022 and accessible online at <https://www.gov.uk/government/publications/public-service-pensions-and-judicial-offices-act-2022-treasury-directions>. A hard copy is available on written request to His Majesty’s Treasury, 1 Horse Guards Road, London, SW1A 2HQ.

- (b) the 2006 scheme, a person in respect of whom a child survivor’s pension is payable under that scheme;
- (c) the reformed scheme, an eligible child within the meaning of regulation 134 of the 2015 Regulations;

“employer” has the same meaning as given in regulation 2 of the 2015 Regulations;

“end of the section 10 election period”, in relation to a deferred choice member, means the time determined in accordance with—

- (a) where the member is the deferred choice decision-maker, regulation 13(3)(b);
- (b) where a person other than the member is the deferred choice decision-maker, regulation 13(2)(b);

“immediate choice decision” has the meaning given in regulation 8(1);

“immediate choice decision-maker” means the person who may make an immediate choice decision under regulation 7(2);

“immediate choice member” means a member with remediable police service who, immediately before 1st October 2023, was—

- (a) a pensioner member in relation to that service, or
- (b) a deceased member;

the “legacy scheme”, in relation to a member, means whichever of the 1987 scheme or the 2006 scheme is the relevant Chapter 1 legacy scheme⁽⁵⁾ for the member, and “legacy scheme benefits” means benefits calculated in accordance with that scheme;

“member” means an active, deferred, deceased or pensioner, but not pension credit, member of a police pension scheme;

“opted-out service election” has the meaning given in regulation 6(1);

“police pension scheme” means the 1987 scheme, the 2006 scheme or the reformed scheme;

the “reformed scheme” means the pension scheme established by the 2015 Regulations, and

“reformed scheme benefits” means new scheme benefits⁽⁶⁾ under the reformed scheme;

“remediable police service” means, in relation to a member, the member’s remediable service⁽⁷⁾ in an employment or office that is pensionable service⁽⁸⁾ under a police pension scheme;

“remedy member” means a deferred choice member or an immediate choice member;

“section 6 election” has the meaning given in regulation 8(1)(a);

“section 10 election” has the meaning given in regulation 12(1)(a);

“surviving adult” means—

- (a) surviving spouse;
- (b) surviving civil partner;
- (c) surviving qualifying partner;

(2) For the purposes of these Regulations, a reference in PSPJOA 2022 to section 2(1) of that Act coming into force is to be understood as a reference to that section coming into force in relation to members of a police pension scheme.

(3) A term used in these Regulations which—

(5) See section 4 of PSPJOA 2022 for the meaning of “relevant Chapter 1 legacy scheme”.

(6) See section 34 of PSPJOA 2022 for the meaning of “new scheme benefits”.

(7) See section 1 of PSPJOA 2022 for the meaning of “remediable service”.

(8) See section 110(1) of PSPJOA 2022 for the meaning of “pensionable service”.

(a) is defined in, or for the purposes of, a provision in Chapter 1 of Part 1 of PSPJOA 2022, and
(b) is not defined differently in these Regulations,
has the meaning given in, or for the purposes of, that provision.

(4) A term used in these Regulations which—

(a) is defined in the 1987 Regulations, the 2007 Regulations or the 2015 Regulations (“the relevant Regulations”), and

(b) is not defined differently—

(i) in these Regulations, or

(ii) in, or for the purposes of, a provision in Chapter 1 of Part 1 to PSPJOA 2022,

has, in relation to the scheme established by the relevant Regulations, the meaning given in those Regulations.

(5) In these Regulations, a reference to a provision of the PSP Directions 2022 is a reference to that provision as amended from time to time.

Delegation

3. The scheme manager may delegate any functions of the scheme manager under these Regulations, including this power to delegate.