
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 239

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

PART 1

Introductory Provisions

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;
- (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;

(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.

“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—

- (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—

(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 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.