

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2023 No. 239**

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

**PART 6**

**Transfers**

**CHAPTER 2**

**Transfers on a cash equivalent basis**

*SECTION 1*

*Transfers before 1st October 2023*

**Transfers out before 1st October 2023**

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

(2) The scheme manager, having consulted the scheme actuary, must calculate the transfer value of M’s remediable rights as if they were secured in—

- (a) M’s legacy scheme;
- (b) the reformed 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 (“the remediable amount”) equal to  $x - y$ .

(5) A payment made under paragraph (4) is subject to the same conditions as the remediable transfer value.

(6) Where—

- (a) paragraph (4) applies, and
- (b) the scheme manager, having taken reasonable steps, is unable to make the payment required by that paragraph,

the scheme manager owes M or, where M is deceased, M’s personal representatives an amount by way of compensation equal to  $x - y$  (“the compensatable amount”) reduced in accordance with paragraph (7).

(7) Where, if the compensatable amount was paid immediately after the requirement to pay it arose, the payment—

- (a) would be a payment described in regulation 6 of the Registered Pension Schemes (Authorised Payments) Regulations 2009<sup>(1)</sup> (“the 2009 Regulations”) as if regulation 6(1)(a) of those Regulations were omitted, the compensatable amount is to 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 be a payment described, the compensatable amount is to be reduced by an amount equal to the income tax that would be charged on the amount at M’s marginal rate under the Income Tax Acts.

---

<sup>(1)</sup> S.I. 2009/1171.