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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 239**

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

**PART 6**

**Transfers**

**CHAPTER 4**

**Treatment of rights secured by virtue of a remediable value**

**Treatment of rights to benefits secured by virtue of a remediable value**

**46.**—(1) Paragraphs (2) and (4) apply where a remediable value is treated as being accepted into M's legacy scheme by virtue of regulation 45.

(2) The scheme manager must confer rights to benefits under the legacy scheme in relation to the remediable value that are equivalent to—

(a) where M's legacy scheme would have permitted the transfer in of the entire remediable value had the transfer taken place immediately before 1st April 2022, the rights to legacy scheme benefits that would have been secured if the remediable value had been transferred into that scheme in the same relevant pension year in which the remediable value was accepted;

(b) otherwise—

(i) where M has relevant reformed scheme service (within the meaning of regulation 31(2)(b)(i)), the rights to legacy scheme benefits that would have been secured if that portion of the remediable value that the legacy scheme would have permitted to be transferred in were transferred into that scheme in the same relevant pension year in which the remediable value was accepted, together with the rights to reformed scheme benefits if the remaining portion of the remediable value had been transferred into the reformed scheme in the same relevant pension year in which the remediable value was accepted;

(ii) where M does not have relevant reformed scheme service, the rights to legacy scheme benefits that would have been secured if that portion of the remediable value that the legacy scheme would have permitted to be transferred in were transferred into that scheme in the same relevant pension year in which the remediable value was accepted.

(3) Where paragraph (2)(b)(ii) applies, the scheme manager owes to M or, where M is deceased, to M's personal representatives an amount by way of compensation equal to the value of rights to reformed scheme benefits that would have been secured if the portion of the remediable value that M's legacy scheme would not have permitted to be transferred in had been transferred into the reformed scheme.

(4) The rights to benefits that would otherwise have been secured by the remediable value are extinguished.

(5) Paragraph 6 applies where—

(a) the benefits payable to or in respect of M's remediable police service are reformed scheme benefits by virtue of a section 6 election or a section 10 election (including, in either case, a deemed election), and

(b) the rights to benefits payable in relation to M's remediable value would otherwise be legacy scheme benefits.

(6) Where this paragraph applies, the scheme manager must, having consulted the scheme actuary, where the remediable value is a remediable transfer value, vary the value of those rights so that they are of an equivalent value to rights M would have secured under the reformed scheme if the remediable value had been transferred into that scheme in the same relevant pension year that the remediable value was accepted.

(7) In this regulation, "relevant pension year" has the meaning given by direction 5(16)(c)(i) of the PSP Directions 2022.