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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 241**

**The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023**

**PART 1**

Introductory provisions

**Citation, commencement and extent**

1. These Regulations—
  - (a) may be cited as the Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023,
  - (b) come into force on 1 October 2023,
  - (c) extend to Scotland.

**Interpretation**

- 2.—(1) In these Regulations—
  - “PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022,
  - “the 2005 Regulations” means the Teachers' Superannuation (Scotland) Regulations 2005(1),
  - “the 2014 Regulations” means the Teachers' Pension Scheme (Scotland) (No.2) Regulations 2014(2),
  - “the PSP Directions 2022” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(3),
  - “deferred choice decision” has the meaning given in regulation 12(1),
  - “deferred choice decision-maker” means the person who may make a deferred choice election decision under regulation 12(2),
  - “deferred choice member” means a member with remediable teacher service who, immediately before 1 October 2023, was—
    - (a) an active or deferred member(4) in relation to that service, and
    - (b) is not a pensioner member(5) in relation to that service,
  - “end of the section 10 election period”, in relation to a deferred choice member, means the end of the day determined in accordance with—

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(1) S.S.I. 2005/393.

(2) S.S.I. 2014/292.

(3) 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.

(4) See section 109(2) and (4) of the Public Service Pensions and Judicial Offices Act 2022 (“PSPJOA 2022”) for the meanings of “active member” and “deferred member”.

(5) See section 109(3) of PSPJOA 2022 for the meaning of “pensioner member”.

- (a) where the member is the deferred choice decision-maker, regulation 13(2)(b),
- (b) where a person other than the member is the deferred choice decision-maker, regulation 14(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 8(2),

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

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

the “legacy scheme”, in relation to a remedy member’s remediable teacher service, means the relevant Chapter 1 legacy scheme(6) for that service under the 2005 Regulations, and “legacy scheme benefits” means benefits under that scheme,

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

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

the “reformed scheme” means the pension scheme established by the 2014 Regulations, and “reformed scheme benefits” means new scheme benefits(7) under the reformed scheme,

“remediable teacher service”, in relation to a remedy member, means the member’s remediable service(8) in an employment or office that is pensionable service(9) under a teacher 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,

“teacher pension scheme” means the legacy scheme or the reformed scheme.

(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 teacher 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—

- (a) is defined in the 2005 Regulations or the 2014 Regulations (“the relevant Regulations”), and

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

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

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

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

(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 of 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.