
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 241

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

PART 4

Provision about divorce and dissolution arrangements

CHAPTER 1

Pension credit and pension debit members

SECTION 1

Application and interpretation of Chapter 1

Application and interpretation of Chapter 1

17.—(1) This Chapter applies in relation to—

- (a) a pension credit member (“C”),
- (b) the corresponding pension debit member (“D”), and
- (c) the pension sharing agreement or pension sharing order by virtue of which C became a pension credit member in relation to D’s remediable teacher service (the “relevant pension sharing arrangement”).

(2) In this Chapter—

“appropriate person” means—

- (a) D, or
- (b) where D is deceased, D’s personal representatives,

“C” means the pension credit member mentioned in paragraph (1)(a),

“cash equivalent” means an amount calculated in accordance with regulations made under section 30 of WRPA 1999(1),

“corresponding pension debit member” means the member referred to in sub-paragraph (c) of the definition of “pension credit member”,

“D” means the corresponding pension debit member mentioned in paragraph (1)(b),

“pension credit member” means a member of a teacher scheme who has rights under the scheme—

- (a) which are attributable (directly or indirectly) to a pension credit(2),

(1) In accordance with section 110(1) of PSPJOA 2022, “WRPA 1999” means the Welfare Reform and Pensions Act 1999 (c. 30).

(2) See section 19(7) of PSPJOA 2022 for the meanings of “pension debit” and “pension credit”.

(b) which arise by virtue of a pension sharing arrangement with a transfer day on or after 1st April 2015, and

(c) the value of which was determined (to any extent) by reference to the value of benefits payable in respect of the remediable teacher service of another member,

“pension sharing agreement” means an agreement to which section 28 of WRPA 1999(3) applies in relation to a pension credit member and the corresponding pension debit member;

“pension sharing order” means the order or provision by virtue of which section 29 of WRPA 1999 applies in relation to a pension credit member and the corresponding pension debit member,

“relevant pension sharing arrangement” has the meaning given in paragraph (1)(c),

“remediable relevant benefits” means the benefits or future benefits described in section 29(4) and (5) of WRPA 1999 to which D is entitled by virtue of remediable shareable rights,

“remediable shareable rights” means D’s shareable rights secured by virtue of D’s remediable teacher service during the period beginning on 1 April 2015 and ending on the earlier of—

(a) the day before the transfer date, or

(b) the last day of D’s remediable teacher service,

“shareable rights” has the meaning given in section 27(2) of WRPA 1999,

“transfer day” means the day on which the relevant pension sharing arrangement takes effect,

“valuation day” has the meaning given in section 29(7) of WRPA 1999.

(3) Section 28 was amended by the Civil Partnership Act 2004 (c. 33), the Pensions Act 2008 (c. 30) and the Children and Families Act 2014 (c. 6).