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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 241**

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

**PART 6**

**Transfers**

**CHAPTER 3**

**Transfers on a club basis**

*SECTION 1*

*Club transfers before 1 October 2023*

**Club transfers out before 1 October 2023**

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

(2) The scheme manager must calculate the following amounts—

- (a) the club transfer value of M’s rights under a teacher pension scheme as if M’s remediable rights had been secured in M’s legacy scheme,
- (b) the club transfer value of M’s rights under a teacher pension scheme as if M’s remediable rights had been secured in the reformed scheme.

(3) The scheme manager must provide to the receiving scheme the result of the calculations mentioned in paragraph (2).

(4) Where the receiving is a local government scheme (within the meaning of section 86(1) of PSPJOA 2022), and—

- (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 pay the receiving scheme an amount equal to  $x - y$ .

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

**Club transfers in before 1 October 2023**

**51.**—(1) This regulation applies in relation to each remediable club transfer payment value in respect of a member (“M”) which was accepted by the scheme manager before 1 October 2023.

(2) The scheme manager may accept an adjustment in the value of a remediable club transfer value—

- (a) in respect of the remediable rights to which the remediable club transfer value relates, and

(b) which is made by the sending scheme pursuant to, or to provision made under, PSPJOA 2022.

(3) An adjustment accepted under paragraph (2) is to be used for the purpose of determining the amount of pension M is entitled to count under a teacher pension scheme on the same terms as the remediable club transfer value mentioned in paragraph (1).

(4) The scheme manager must determine the amount of pension M is entitled to count if the remediable transfer value together with any adjustment accepted under paragraph (2) were applied in respect of rights in—

- (a) M's legacy scheme,
- (b) the reformed scheme.