
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 241

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

PART 7

Provision about special cases

CHAPTER 2

Miscellaneous special cases

Protection of the amount of pension payable to an eligible child

65.—(1) This regulation applies where—

- (a) immediately before 1 October 2023, a child pension is in payment to an eligible child (“E”) in respect of the remediable teacher service of a deceased member (“M”),
- (b) there is a surviving adult (“S”) in relation to the deceased member,
- (c) E is not in the care of S, and
- (d) S makes an immediate choice decision which would (disregarding this regulation) result in a decrease in the rate of child pension payable to E in respect of M’s remediable teacher service.

(2) Where this regulation applies—

- (a) E does not owe the scheme manager a liability under section 14(3) of PSPJOA 2022 in respect of the child pension, and
- (b) the rate of child pension continues to be the rate that was payable before the decision was made.

Immediate choice members with excess teacher service

66.—(1) This regulation applies in relation to an immediate choice member (“M”) who has excess teacher service within the meaning of section 110(2)(b) of PSPJOA 2022 (“relevant excess teacher service”).

(2) Section 2(1) of PSPJOA 2022 does not apply in relation to M’s remediable teacher service until the sooner of—

- (a) an immediate choice decision being made in relation to that service, or
- (b) the end of the section 6 election period in relation to M.

(3) Where—

- (a) section 2(1) of PSPJOA 2022 has effect in relation to M’s remediable teacher service, and
- (b) a section 6 election has been made, or deemed to have been made, in relation to that service,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

section 4(4) of PSPJOA 2022 does not apply in relation to M's relevant excess teacher service (and, accordingly, the relevant Chapter 1 legacy scheme in relation to that excess teacher service is the legacy scheme).