
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 246

**The National Health Service Pension Schemes
(Remediable Service) (Scotland) Regulations 2023**

PART 1

General provisions

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service Pension Schemes (Remediable Service) (Scotland) Regulations 2023.

(2) These Regulations come into force on 1 October 2023.

(3) These Regulations extend to Scotland.

Interpretation

2.—(1) In these Regulations—

“PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022(1);

“2004 Act” means the Finance Act 2004(2);

“2011 Regulations” means the National Health Service Superannuation Scheme (Scotland) Regulations 2011(3);

“1995 Section” means the section of the National Health Service Superannuation scheme for Scotland set out in the 2011 Regulations;

“2008 Section” means the section of the National Health Service Superannuation scheme for Scotland set out in the 2013 Regulations;

“2013 Regulations” means the National Health Service Superannuation Scheme (2008 Section) (Scotland) Regulations 2013(4);

“2015 Regulations” means the National Health Service Pension Scheme (Scotland) Regulations 2015(5);

“2015 Transitional Regulations” means the National Health Service Pension Scheme (Transitional and Consequential Provisions) (Scotland) Regulations 2015(6);

“2015 scheme” means the National Health Service Pension scheme for Scotland set out in the 2015 Regulations;

(1) 2022 c. 7.

(2) 2004 c. 12.

(3) S.S.I. 2011/117.

(4) S.S.I. 2013/174.

(5) S.S.I. 2015/94.

(6) S.S.I. 2015/95.

“2015 scheme contributions” means contributions under regulation 37 of the 2015 Regulations (members’ contributions; supplementary; medical practitioners and non-GP providers);

“2022 Directions” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(7);

“active or deferred remedy member” means a member who—

- (a) on 30 September 2023 was an active member or deferred member in respect of remediable service in the legacy scheme or the 2015 scheme, and
- (b) is not a pensioner remedy member;

“designated person” has the meaning given in regulation 7(2);

“end of the deferred choice election period” means—

- (a) the end of the period of three months beginning with the day on which a remediable service statement is provided to the active or deferred remedy member or the designated person in accordance with regulation 6, or
- (b) such earlier or later time as the scheme manager considers reasonable in all the circumstances of the case,
which also meets the requirements of regulation 12(8);

“end of the immediate choice election period” means—

- (a) the end of the period of one year beginning with the day on which a remediable service statement is provided to the remedy member or the designated person in accordance with regulation 6, or
- (b) such—
 - (i) later time as the scheme manager considers reasonable in all the circumstances of the case; or
 - (ii) earlier time as agreed by the scheme manager with the remedy member or designated person;

“immediate detriment remedy member” means a remedy member who has obtained an immediate detriment remedy in relation to the member’s remediable service;

“legacy scheme” means the National Health Service Superannuation scheme for Scotland comprising both the 1995 Section and the 2008 Section;

“legacy scheme contributions” means contributions under paragraph 14(8) of schedule 1 of the 2011 Regulations (medical and dental practitioners: contributions (to the 1995 Section)) or regulation 3.C.2 of the 2013 Regulations (members’ contribution rate) (whichever is relevant);

“lump sum benefit” means any benefit payable under the legacy scheme or the 2015 scheme by way of a lump sum;

“pension benefit” means any benefit payable under the legacy scheme or the 2015 scheme otherwise than by a lump sum;

“pensioner remedy member” means a member who on 30 September 2023 was entitled to a retirement pension in respect of—

- (a) remediable service in the legacy scheme or the 2015 scheme, or
- (b) pensionable service in the legacy scheme, where—

(7) These Directions came into force on 19 December 2022. A copy may be obtained from the hyperlink <https://www.gov.uk/government/publications/public-service-pensions-and-judicial-offices-act-2022-treasury-directions> or from His Majesty’s Treasury by writing to His Majesty’s Treasury, 1 Horse Guards Road, London, SW1A 2HQ.

(8) Paragraph 14 was substituted by S.S.I. 2009/19 and subsequently amended by S.S.I. 2010/369, S.S.I. 2011/117, S.S.I. 2011/364, S.S.I. 2012/69, S.S.I. 2013/168, S.S.I. 2014/43, S.S.I. 2014/154, S.S.I. 2016/98, S.S.I. 2017/27, S.S.I. 2019/46, S.S.I. 2020/30 and S.S.I. 2021/102.

- (i) the member became entitled to the retirement pension on or after 1 April 2015, and
- (ii) on 30 September 2023, the member was an active or deferred member in respect of remediable service in the 2015 scheme;

“relevant scheme year” means one of the seven scheme years beginning with 1 April 2015 to 31 March 2016 and ending with 1 April 2021 to 31 March 2022;

“remedy member” means a member who has pensionable service in the legacy scheme or the 2015 scheme that is remediable service⁽⁹⁾;

“scheme administrator” means the Scottish Ministers;

“scheme manager” means the Scottish Ministers or, where the Scottish Ministers have made arrangements for any of the functions and responsibilities as scheme manager under the 2015 Regulations to be performed on the Scottish Ministers’ behalf by another person pursuant to regulation 3(3) of those Regulations, that other person.

(2) In these Regulations, “in writing” includes by electronic communication where such communication is approved by the scheme manager from time to time and “electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000⁽¹⁰⁾.

(3) 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 the legacy scheme and the 2015 scheme.

(4) 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.

⁽⁹⁾ For the meaning of “remediable service”, see section 1 of PSPJOA 2022.

⁽¹⁰⁾ 2000 c. 7. That definition was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).