
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 246

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

PART 10

Revocation of election to convert pensionable service in the legacy scheme

Option to revoke election to convert pensionable service in the legacy scheme

69.—(1) This regulation applies to a remedy member (“M”) who has made an election under regulation 41 of the 2015 Transitional Regulations.

(2) M may revoke the election referred to in paragraph (1) with the effect that M’s pensionable service for the purposes of the 1995 Section is treated as if it were never such service for the purposes of the 2008 Section.

(3) Where M may make an election under regulation 9 (immediate choice election for 2015 scheme benefits: pensioner and deceased members)—

- (a) the scheme manager must send a notice in writing to M of M’s right under paragraph (2) on or before the relevant date referred to in regulation 6(2);
- (b) M must, if M decides to exercise that right, give the scheme manager notice in writing of that decision—
 - (i) within three months beginning with the day on which the scheme manager issued the notice referred to in sub-paragraph (a); or
 - (ii) by such later time as the scheme manager considers reasonable after having regard to all the circumstances of the case.

(4) Where M may make an election under regulation 12 (deferred choice election for 2015 scheme benefits: active, deferred and deceased members)—

- (a) the scheme manager must send a notice in writing to M of M’s right under paragraph (2) before 1 April 2024;
- (b) M must, if M decides to exercise that right, give the scheme manager notice in writing of that decision—
 - (i) within three months beginning with the day on which the scheme manager issued the notice referred to in sub-paragraph (a); or
 - (ii) by such later time as the scheme manager considers reasonable after having regard to all the circumstances of the case.

(5) Where M revokes the election in accordance with paragraph (2), for the purposes of section 4(9)(a) of PSPJOA 2022, the Section under which the person most recently accrued pensionable service is the 1995 Section.