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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 246**

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

**PART 4**

**Voluntary contributions**

**Treatment of additional contributions: pensioners and deceased members of the legacy scheme**

**20.**—(1) This regulation applies to the additional pension payable to or in respect of a remedy member—

- (a) who on 30 September 2023—
  - (i) was a pensioner member with regard to benefits paid in respect of remediable service in the legacy scheme; or
  - (ii) was deceased;
- (b) who is not a member to whom payment of part of a pension has been made pursuant to paragraph (2) of 2015 transitional regulation 25 in respect of additional pension resulting from an option under 2011 regulation Q8 or 2011 regulation Q10;
- (c) where, during the remedy period one or more of the following occurred—
  - (i) the contribution option period began in relation to the member's option to pay additional periodical contributions under 2011 regulation Q8, 2013 regulation 2.C.8 or 2013 regulation 3.C.6;
  - (ii) the member's employing authority paid to the Scottish Ministers the single lump sum contribution in relation to the member's option under 2011 regulation Q10, 2013 regulation 2.C.10 or 2013 regulation 3.C.8;
  - (iii) the member's employing authority paid to the Scottish Ministers the single lump sum contribution in relation to that authority's option under 2011 regulation Q11, 2013 regulation 2.C.11 or 2013 regulation 3.C.9 in respect of the member; and
- (d) in respect of whom an immediate choice election has been accepted by the scheme manager or treated by the scheme manager as having been made in accordance with regulation 9 (immediate choice election for 2015 scheme benefits: pensioner and deceased members).

(2) Where this regulation applies and the scheme manager determines that the benefits to be paid to or in respect of the remedy member for the member's remediable service are to be determined in accordance with the 2015 Regulations, the scheme manager must, after having regard to the advice of the scheme actuary, vary the member's rights to the additional pension purchased in respect of the options referred to in paragraph (1)(c) so that those rights are of an equivalent value to the additional pension rights the member would have secured if the contributions had been made in the relevant scheme year in which they were paid—

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

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- (a) in respect of an election under 2015 regulation 63, where paragraph (1)(c)(i) applies to or in respect of the member, and
  - (b) in respect of an election under 2015 regulation 60, where paragraph (1)(c)(ii) or (iii) applies to or in respect of the member.
- (3) In this regulation, “pensioner member” means a person entitled to a retirement pension, including a partial retirement pension under regulation 2.D.5(1) or 3.D.5 of the 2013 Regulations (Partial retirement (members aged at least 55)), where—
- (a) the person became entitled to that pension on or after 1 April 2015; and
  - (b) at the same time as the person became entitled to that pension, the person also became entitled to the immediate payment of additional pension in accordance with regulation 2.D.5(5)(c) or 3.D.5(4)(c) of the 2013 Regulations.

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(1) Regulation 2.D.5 was amended by S.I 2009/381 and 2446. Regulation 3.D.5 was amended by [S.I 2009/381](#) and [2446](#), [2014/413](#).