
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 246

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

PART 5

Divorce or the dissolution of a civil partnership

Pension debits: no immediate choice election for 2015 scheme benefits: pensioner and deceased members

- 28.**—(1) This regulation applies to a corresponding pension debit member (“DM”) where—
- (a) on 30 September 2023, DM was a pensioner remedy member, or a deceased member of the 2015 scheme in respect of remediable service, and
 - (b) before these Regulations came into force, the scheme manager provided a valuation of benefits, in respect of remediable service shareable rights, under regulation 3 of the 2000 Regulations.
- (2) Paragraph (3) applies where—
- (a) DM or, where DM has died after the transfer day, the designated person (see regulation 7) does not make an immediate choice election for 2015 scheme benefits under regulation 9 before the end of the immediate choice election period and such an election is not treated by the scheme manager as having been made in accordance with regulation 9(6);
 - (b) DM has remediable service in the legacy scheme that is pensionable service by virtue of section 2(1) of PSPJOA 2022; and
 - (c) DM is subject to a debit of the appropriate amount in the 2015 scheme in respect of remediable service shareable rights—
 - (i) at or before the operative time, or
 - (ii) after the operative time,
- (3) Where this paragraph applies, all DM’s debit of the appropriate amount in the 2015 scheme in respect of remediable service shareable rights—
- (a) becomes a debit of the appropriate amount in the legacy scheme, and
 - (b) is adjusted to a debit of equivalent value to a debit of the appropriate amount that DM would have had in the legacy scheme on the transfer day.
- (4) Paragraph (3) has effect—
- (a) at the operative time, where paragraph (2)(c)(i) applies, or
 - (b) on such later date as the scheme manager considers reasonable in all the circumstances of the case.
- (5) Where paragraph (2)(c)(ii) applies, the scheme manager must send a notice in writing to DM specifying the equivalent debit of the appropriate amount, in respect of remediable service shareable rights, in the legacy scheme that DM would have had in the legacy scheme on the transfer day.

Status: This is the original version (as it was originally made).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

(6) The scheme manager must send the notice mentioned in paragraph (5) to DM within one month beginning with the day after paragraph (3) has effect in accordance with paragraph (4).