
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: deferred choice election for 2015 scheme benefits: active and deferred members

29.—(1) This regulation applies to a corresponding pension debit member (“DM”) where—

- (a) DM has remediable service in the legacy scheme that is pensionable service under that scheme whether or not by virtue of section 2(1) of PSPJOA 2022;
- (b) on 30 September 2023, DM was an active or deferred member of the legacy scheme or the 2015 scheme in respect of remediable service;
- (c) under regulation 12, DM or, where DM has died after the transfer day, the designated person (see regulation 7) makes a deferred choice for 2015 scheme benefits or such an election is treated by the scheme manager as having been made in accordance with regulation 12(6); and
- (d) DM is subject to—
 - (i) an adjustment 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 under regulation 26(2);
 - (ii) a debit of the appropriate amount in the legacy scheme in respect of remediable service shareable rights at or before the operative time;
 - (iii) a debit of the appropriate amount in the legacy scheme in respect of remediable service shareable rights after the operative time.

(2) Where this regulation applies, the scheme manager must adjust all DM’s debit of the appropriate amount in the legacy scheme in respect of remediable service shareable rights to an equivalent value to the debit of the appropriate amount that DM would have had in the 2015 scheme on the transfer day.

(3) Paragraph (2) has effect—

- (a) where paragraph (1)(d)(i) or (ii) applies, at the operative time;
- (b) where paragraph (1)(d)(iii) applies, immediately after DM is subject to a debit of the appropriate amount in respect of remediable service shareable rights; or
- (c) on such later date as the scheme manager considers reasonable in all the circumstances of the case.

(4) Where paragraph (1)(d)(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 2015 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Status: This is the original version (as it was originally made).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.

(5) The scheme manager must send the notice mentioned in paragraph (4) to DM within one month beginning with the day after paragraph (2) has effect in accordance with paragraph (3)(b) or (c).