
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 246

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

PART 6

Transfers

Treatment of transfer and transfer value payments and statements accepted from other and corresponding health service schemes

42.—(1) This regulation applies to a member who—

- (a) is credited with a period of pensionable service (together with the rights attaching to that service) in accordance with regulation R7(2) or (6) of the 2011 Regulations (Former members of health service schemes) in respect of a transfer payment made by a health service scheme;
- (b) is entitled to count a period of pensionable service in accordance with paragraph (6) of 2013 regulation 2.F.11 or entitled to count an increase in pensionable earnings in accordance with paragraph (6) of 2013 regulation 3.F.11 in respect of a transfer value payment made by a corresponding 2008 Section; or
- (c) is entitled to count an increase in pensionable earnings in accordance with regulation 145(5) of the 2015 Regulations (calculation of increase to pensionable earnings) in respect of a transfer value statement accepted from a corresponding scheme.

(2) Where this regulation applies and the scheme manager determines that the payment or transfer value statement referred to in paragraph (1) represents any rights in respect of a period of pensionable service that is remediable service in another health service scheme, a corresponding 2008 scheme or a corresponding scheme, the scheme manager must treat that period of pensionable service as a period of pensionable service that is remediable service in the 1995 Section, the 2008 Section or the 2015 scheme (whichever is relevant).

(3) In this regulation—

“corresponding 2008 scheme” means a scheme as so defined in regulation 2.A.1(1) of the 2013 Regulations;

“corresponding scheme” means a scheme as so defined in schedule 13 of the 2015 Regulations;

“health service scheme” means a scheme as so defined in regulation R7(1) of the 2011 Regulations.