
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 246

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

PART 6

Transfers

Varying the value of benefits secured by virtue of transferred in remediable rights

55.—(1) Where this regulation applies (see regulation 53) and—

- (a) a member is an active or deferred remedy member (“M”), and
- (b) M’s transferred in remediable rights are treated as rights to benefits under the relevant Section of the legacy scheme by virtue of regulation 54,

the scheme manager must vary the value of those rights so that they are of an equivalent value to rights M would have secured under the relevant Section of the legacy scheme if the rights had been transferred into that Section.

(2) A variation under paragraph (1) is to be treated as having taken effect when these Regulations come into force.

(3) Where—

- (a) M is a pensioner remedy member or a remedy member who died before 1 October 2023, and the end of the immediate choice election period has passed in relation to M and no election has been made (or treated by the scheme manager as having been made) under regulation 9 in relation to M’s remediable service, and
- (b) M’s transferred in remediable rights are treated as rights to benefits under the relevant Section of the legacy scheme by virtue of regulation 54,

the scheme manager must vary the value of those rights so that they are of an equivalent value to the rights M would have secured under the relevant Section of the legacy scheme if the rights had been transferred into that Section.

(4) A variation under paragraph (3) is to be treated as having taken effect at the end of the immediate choice election period.

(5) Where—

- (a) the benefits payable to or in respect of M’s remediable service are 2015 scheme benefits by virtue of an immediate choice election under regulation 9 or a deferred choice election under regulation 12 (including such an election which the scheme manager treats as having been made under either of those regulations), and
- (b) the benefits payable in relation to M’s transferred in remediable rights would otherwise be benefits in the relevant Section of the legacy scheme,

the scheme manager must vary the value of those rights so that they are of an equivalent value to rights M would have secured under the 2015 scheme if the rights had been transferred into that scheme.

(6) Where the scheme manager is required to vary the value of any rights under this regulation so that they are equivalent to rights that would have been secured in another scheme (“the alternative scheme”), the scheme manager must, after having regard to the advice of the scheme actuary, calculate the varied rights as if the remediable transfer value which originally secured the rights had been paid to the alternative scheme or Section of the scheme in the scheme year the payment was received by the scheme manager.

(7) In paragraph (6), “scheme year” means a period of one year beginning on 1 April and ending with 31 March.