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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 6**

**Transfers**

**Benefits already paid in relation to transferred in remediable rights**

**56.**—(1) Where this regulation applies (see regulation 53), paragraph (2) applies in relation to any benefits (“the paid benefits”) that have at any time been paid to a person (“P”) from the 2015 scheme so far as—

- (a) they are calculated by reference to P’s, or any other person’s, transferred in remediable rights, and
  - (b) they are benefits that, as a result of regulation 54(1)(a), P was not entitled to receive from the 2015 scheme.
- (2) The paid benefits are to be treated for all purposes—
- (a) as not having been paid to P by the 2015 scheme, but
  - (b) as having been paid to P instead by the relevant Section of the legacy scheme.