

SCHEDULE

Regulation 76

Amendment of the 2011 Regulations, the 2013 Regulations and the 2015 Transitional Regulations

Amendment of the 2011 Regulations

1. In the 2011 Regulations, in regulation B3(1) (restriction on further participation in this Section of the scheme), after paragraph (A2), insert—

“(A3) Nothing in paragraphs (4) to (18) of this regulation prevents a member’s remediable service within the meaning of section 1 of the Public Service Pensions and Judicial Offices Act 2022 being treated as pensionable service under this scheme in accordance with section 2 of that Act (Remediable service treated as pensionable under Chapter 1 legacy schemes).”.

Amendment of the 2013 Regulations

2.—(1) the 2013 Regulations are amended as follows.

(2) In regulation 2.B.3(2), (restrictions on eligibility: general), after paragraph (A2), insert—

“(A3) Nothing in paragraph (1A) and paragraphs (1C) to (1L) of this regulation prevents a member’s remediable service within the meaning of section 1 of the Public Service Pensions and Judicial Offices Act 2022 being treated as pensionable service under this Section of the scheme in accordance with section 2 of that Act (Remediable service treated as pensionable under Chapter 1 legacy schemes).”.

(3) In regulation 3.B.3(3) (restrictions on eligibility: general), after paragraph (A2), insert—

“(A3) Nothing in paragraph (1A) and paragraphs (1C) to (1L) of this regulation prevents a member’s remediable service within the meaning of section 1 of the Public Service Pensions and Judicial Offices Act 2022 being treated as pensionable service under this Section of the scheme in accordance with section 2 of that Act (Remediable service treated as pensionable under Chapter 1 legacy schemes).”.

Amendment of the 2015 Transitional Regulations

3.—(1) Regulation 27 of the 2015 Transitional Regulations (ill-health benefits: continuity of existing applications) is amended as follows.

(2) In paragraph (1)—

(a) in the words before sub-paragraph (a), after “This regulation” insert “, except paragraph (1A) and paragraph (2) to the extent that it relates to paragraph (1A),”;

(b) in sub-paragraph (a), in the words before paragraph (i), for “on 1st April 2022 (“the transition date”)” substitute “the transition date”.

(3) After paragraph (1), insert—

“(1A) This regulation, except paragraph (1) and paragraph (2) to the extent that it relates to paragraph (1), applies during the application period to a member—

(a) who has remediable service in the legacy scheme up to and including 31 March 2022—

(i) that is pensionable service under that scheme by virtue of section 2(1) of PSPJOA 2022; and

(1) Regulation B3 was amended by [S.S.I. 2015/95](#) and [S.S.I. 2022/100](#).

(2) Regulation 2.B.3 was amended by [S.S.I. 2015/95](#), [S.S.I. 2015/96](#), [S.S.I. 2017/434](#) and [S.S.I. 2022/100](#).

(3) Regulation 3.B.3 was amended by [S.S.I. 2015/95](#), [S.S.I. 2015/96](#), [S.S.I. 2017/434](#) and [S.S.I. 2022/100](#).

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

- (ii) in respect of which an immediate choice election by virtue of regulation 10 of the National Health Service Pension Schemes Remediable Service) (Scotland) Regulations 2023 (Immediate choice election for 2015 scheme benefits: pensioner and deceased members) has not been made;
 - (b) who on the transition date—
 - (i) was prevented from contributing to or accruing further pensionable service in the 1995 Section or being an active member of the 2008 Section; and
 - (ii) was eligible to be an active member of the new scheme;
 - (c) who submitted a claim to the Scottish Ministers together with supporting medical evidence (if not included in the form) for the purposes of 2015 regulation 89 before the transition date;
 - (d) whose claim and supporting medical evidence (“the member’s application for ill-health pension”) was received by the Scottish Ministers before the transition date; and
 - (e) whose ill-health pension had not become payable under the new scheme before the transition date.”.
- (4) In paragraph (2), in the words before sub-paragraph (a), for “paragraph (1)” substitute “paragraphs (1) and (1A)”.
- (5) In paragraph (21)—
- (a) in the definition of “the member’s application for ill-health pension”—
 - (i) for “give” substitute “given”;
 - (ii) at the end, insert “or (1A)(d) (whichever is relevant)”;
 - (b) at the end of the definition of “the member’s application for ill-health pension”, for the full stop substitute a semicolon;
 - (c) after that definition, insert ““the transition date” means 1 April 2022.”.