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STATUTORY INSTRUMENTS

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**2023 No. 871**

**The Teachers' Pension Scheme  
(Remediable Service) Regulations 2023**

**PART 5**

Voluntary contributions

**CHAPTER 2**

Immediate choice members

**Treatment of scheme flexibilities in payment**

**35.**—(1) Paragraph (2) applies where—

- (a) section 2(1) of PSPJOA 2022 has effect in relation to the remediable teacher service of an immediate choice member (“M”),
- (b) M paid a remediable voluntary contribution to secure a reformed scheme flexibility.

(2) Where this paragraph applies—

- (a) the rights to benefits secured by virtue of the remediable voluntary contribution mentioned in paragraph (1)(b) are to be treated for the purposes of these Regulations and of PSPJOA 2022 as if those rights were secured by virtue of M’s remediable teacher service, and
- (b) section 2(5)(a) of PSPJOA 2022 does not apply in relation to the arrangement by virtue of which M secured the relevant reformed scheme flexibility mentioned in paragraph (1)(b) (and, accordingly, section 2(1) of PSPJOA 2022 affects that arrangement).

(3) Paragraph (4) applies where—

- (a) an immediate choice member (“M”) paid a remediable voluntary contribution to secure additional pension under the legacy scheme,
- (b) immediately before 1st October 2023, M was a pensioner member in relation to the legacy scheme, and
- (c) a section 6 election is made, or deemed to have been made, in relation to M’s remediable service.

(4) Where this paragraph applies, the rights secured by virtue of the remediable voluntary contribution mentioned in paragraph (3)(a) are to be treated for the purposes of these Regulations and of PSPJOA 2022 as if those rights were secured by virtue of M’s remediable teacher service.