
WELSH STATUTORY INSTRUMENTS

2023 No. 961

The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023

PART 3

Decisions in relation to remediable service

CHAPTER 2

Immediate choice decision for 2015 scheme or legacy scheme benefits

Application and interpretation of Chapter 2

9.—(1) This Chapter applies in respect of the remediable service of an immediate choice member (“M”).

(2) Where M has remediable service in multiple employments, this Chapter applies separately in relation to the remediable service in each employment.

Immediate choice decision for 2015 scheme or legacy scheme benefits

10.—(1) A decision (an “immediate choice decision”) may be made in accordance with this Chapter—

- (a) to make an election (“a section 6 election”) by virtue of section 6 of the PSPJOA 2022 for 2015 scheme benefits in relation to M’s remediable service, or
- (b) that no section 6 election is to be made in relation to that service.

(2) An immediate choice decision may be made—

- (a) by M, or
- (b) where M is deceased, by the eligible decision-maker determined in accordance with the Schedule.

(3) Where the scheme manager is the eligible decision-maker, they must make an election for 2015 scheme benefits in relation to M’s remediable service, as soon as reasonably practicable.

(4) An immediate choice decision is made when it is communicated in writing to, and received by, the scheme manager.

(5) An immediate choice decision may only be made before the end of the section 6 election period⁽¹⁾.

(6) An immediate choice decision is irrevocable.

(7) An immediate choice decision to make a section 6 election takes effect as a section 6 election (see sections 6(5) and (7), 7(1)(b) and 9 of the PSPJOA 2022 about the effect of a section 6 election).

(8) Where—

⁽¹⁾ See section 7(2) of the PSPJOA 2022 for the meaning of “the end of the section 6 election period”.

- (a) immediately before 1 October 2023, M has remediable service in the 2015 scheme, and
- (b) an immediate choice decision is that no section 6 election is to be made in relation to M's remediable service,

section 6(4) of the PSPJOA 2022 does not apply in relation to M's 2015 scheme service (and, accordingly, section 2(1) of the PSPJOA 2022 has effect in relation to M's 2015 scheme service for the purposes mentioned in section 2(3)(b) of that Act from the time the immediate choice decision is made).

(9) The following provisions of the PSPJOA 2022 have effect in relation to a decision that no section 6 election is to be made as they have effect in relation to a section 6 election—

- (a) section 6(7) (section 6 election has effect in respect of all remediable service in the employment);
- (b) section 7(1)(b) (provision about when a section 6 election is to be treated as having taken effect);
- (c) section 9 (provision about persons with remediable service in more than one Chapter 1 legacy scheme).

Immediate choice decision: additional requirements

11.—(1) An immediate choice decision may not be made unless a remediable service statement has been provided in accordance with regulation 4(2)(a).

(2) The scheme manager must, together with that remediable service statement, provide to the immediate choice decision-maker information about the timing, effect and irrevocability of an immediate choice decision.

(3) An immediate choice decision is to be treated as having been made only if the immediate choice decision-maker (“D”) provides any information specified in a written request from the scheme manager that is—

- (a) information in D's possession, or
- (b) information which D can reasonably be expected to obtain.

Immediate choice decision: deemed decision

12.—(1) An immediate choice decision is treated as made in relation to M's remediable service immediately before the end of the section 6 election period where—

- (a) the end of the section 6 election period in relation to M has passed, and
- (b) no immediate choice decision has been communicated in relation to M's remediable service.

(2) In cases where M is not deceased, the immediate choice decision in paragraph (1) is that no section 6 election is made and the benefits payable in relation to M's remediable service are legacy scheme benefits.

(3) In cases where M is deceased, the immediate choice decision in paragraph (1) is that a section 6 election is made and the benefits payable in relation to M's remediable service are 2015 scheme benefits.