
WELSH STATUTORY INSTRUMENTS

2023 No. 961

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

PART 6

Transfers

CHAPTER 1

General

Interpretation of Part 6

34.—(1) In this Part—

“public service pension scheme” (“*cynllun pensiwn gwasanaeth cyhoeddus*”) means—

- (a) a Chapter 1 scheme⁽¹⁾;
- (b) a judicial scheme within the meaning of section 70(1) of the PSPJOA 2022;
- (c) a local government scheme within the meaning of section 86(1) of the PSPJOA 2022;

“receiving scheme” (“*cynllun sy’n derbyn*”), in relation to a remediable value, means the scheme to which the remediable value was, or is to be, paid;

“remediable club transfer value” (“*gwerth trosglwyddiad clwb rhwymediol*”), in relation to a member, means the payment or acceptance by the scheme manager of—

- (a) a transfer value payment under arrangements in accordance with Part F of Schedule 2 to the 1992 Order;
- (b) a transfer value payment under the public sector transfer arrangements in accordance with Part 12 of paragraph 1 of Schedule 1 to the 2007 Order;
- (c) a club transfer value payment under Part 10 of the 2015 Regulations,

so far as the transfer value relates to the member’s remediable rights;

“remediable rights” (“*hawliau rhwymediol*”), in relation to a member, means the member’s rights to benefits under a public service pension scheme secured by virtue of the member’s remediable service;

“remediable transfer value” (“*gwerth trosglwyddo rhwymediol*”), in relation to a member, means the payment or acceptance by the scheme manager of a transfer value other than a remediable club transfer value under—

- (a) Part F of Schedule 2 to the 1992 Order;
- (b) Part 12 of paragraph 1 of Schedule 1 to the 2007 Order;
- (c) Part 10 of the 2015 Regulations,

⁽¹⁾ See section 33 of the PSPJOA 2022 for the meaning of “Chapter 1 scheme”.

so far as the transfer value relates to the member’s remediable rights;

“remediable value” (“*gwerth rhwymediol*”) means, except in Chapter 4, a remediable club transfer value or a remediable transfer value;

“sending scheme” (“*cynllun sy’n anfon*”), in relation to a remediable value, means the scheme which paid, or is to pay, the remediable value.

- (2) In this Part, the overall rights in relation to a remediable value in the legacy scheme are—
- (a) where the member’s legacy scheme would have permitted the transfer in of the entire remediable value (including, where relevant, any payment accepted under regulation 37(3) or any adjustment accepted under regulation 42(2) had the transfer taken place immediately before 1 April 2022, the rights to legacy scheme benefits that would have been secured if the remediable value had been transferred into that scheme;
 - (b) otherwise, the rights to legacy scheme benefits that would have been secured if that portion of the remediable value that the legacy scheme would have permitted to be transferred in had been transferred into that scheme, together with—
 - (i) where the member has service in an employment or office on or after 1 April 2022 which is pensionable service under the 2015 scheme (“relevant 2015 scheme service”), the rights to 2015 scheme benefits if the remaining portion of the remediable value had been transferred into that scheme;
 - (ii) where the member does not have relevant 2015 scheme service, the right to payment of any amount by way of compensation equal to the value of rights to 2015 scheme benefits if the remaining portion of the remediable value had been transferred into that scheme.
- (3) Where a provision of this Part requires the scheme manager to calculate a club transfer value or a transfer value (including a remediable club transfer value or a remediable transfer value) in relation to rights secured in a firefighters’ pension scheme, that value is to be calculated in accordance with—
- (a) the provisions of the firefighters’ pension scheme which apply to the calculation of values of that type, and
 - (b) the guidance and tables provided by the Government Actuary for the purpose of calculating such values that were, or are, in use on the date used for the calculation of the value which originally secured rights under a firefighters’ pension scheme.

Transferred out remediable service statements

35. Where a remedy member has transferred any rights in respect of remediable service out of a firefighters’ pension scheme, the scheme manager must provide a transferred out remediable service statement in accordance with direction 6(2) to (4) of the PSP Directions 2022 (and accordingly direction 6(4) applies as if the reference to “any provision made by virtue of section 29(1) of PSPJOA 2022” were a reference to regulation 4).