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WELSH STATUTORY INSTRUMENTS

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**2023 No. 961**

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

**PART 9**

Liabilities and payment

CHAPTER 4

Payment of net liabilities

**Application and interpretation of Chapter 4**

**68.** This Chapter applies in respect of a relevant amount (together with any interest on that relevant amount) owed after taking into account the effect, if any, of regulations 59 to 67 (“a net liability”).

**Payment of amounts owed to the scheme manager**

**69.**—(1) This regulation applies where a person (“P”) owes a net liability to the scheme manager.

(2) The scheme manager must send notice in writing to P setting out—

- (a) how the net liability has been calculated,
- (b) an explanation of the circumstances in which the net liability may be reduced or waived under regulations 64 to 66,
- (c) where the net liability is calculated by reference to an amount by way of compensation under section 16(3) of the PSPJOA 2022, an explanation of the agreement that may be made under regulation 67,
- (d) when and how the net liability must be paid, and
- (e) the consequences of not paying the net liability.

(3) Where—

- (a) the scheme manager has sent a notice under paragraph (2), and
- (b) the amount of the net liability is subsequently adjusted,

the scheme manager must send another notice in writing to P under paragraph (2).

(4) P must pay the amount of the net liability to the scheme manager—

- (a) where the net liability relates to the remediable service of—
  - (i) an immediate choice member, before the end of the period of 6 months beginning with the day after the day on which P receives the most recent notice under paragraph (2);
  - (ii) a deferred choice member, before the day on which benefits become payable in relation to the member’s remediable service, or

- (b) in accordance with an agreement under paragraph (5), and within a period of 10 years beginning on the date of such an agreement.
- (5) P and the scheme manager may agree that the net liability is to be paid in part or in full by way of—
  - (a) a lump sum, or
  - (b) where the net liability is £100 or more, instalments.
- (6) If, during the period of an agreement under paragraph (4), P—
  - (a) retires on any grounds, or
  - (b) dies,

the balance owing under the agreement may be paid by way of deductions from any benefits (including a lump sum benefit) to which P is entitled under a firefighters' pension scheme.

(7) Where P does not pay any amount that falls due by virtue of paragraph (4) or an agreement under paragraph (5), the scheme manager may deduct such sums from benefits payable to P under a firefighters' pension scheme as seem reasonable to the scheme manager for the purpose of discharging P's liability.

#### **Payments of amounts owed to a person**

- 70.**—(1) This regulation applies where the scheme manager owes a net liability to a person ("P").
- (2) The scheme manager must pay the amount of the net liability to P—
    - (a) as soon as reasonably practicable after the scheme manager determines the amount of the net liability, or
    - (b) where the scheme manager requires P to provide information in accordance with paragraph (3), as soon as reasonably practicable after receipt of that information.
  - (3) Before paying the amount of a net liability owed to P, the scheme manager may, by written notice given as soon as reasonably practicable after the scheme manager determines the amount of the net liability, require P to provide information in relation to the payment of the net liability which is—
    - (a) information within P's possession, or
    - (b) information which P may be reasonably expected to obtain.