
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

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—

- (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

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

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).