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SCOTTISH STATUTORY INSTRUMENTS

2025 No. 114

PUBLIC SERVICE PENSIONS

The Police Pensions (Remediable Service) (Scotland) Amendment Regulations 2025

Made - - - -	*22nd April 2025*
Laid before the Scottish Parliament	*24th April 2025*
Coming into force - -	*23rd June 2025*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 1(1), 1(2)(g), (together with paragraph 7(b) of schedule 2) and 3(1), (2)(a) (together with paragraph 13 of schedule 3) and (c) and (3)(b) of the Public Service Pensions Act 2013 ("the 2013 Act")(**a**) and sections 5(1) and (5), 6(1), 7(3), 8(1) and (3), 10(1), 11(1) and (5), 12(1) and (3), 21, 22(1), (2) and (6), 24(1), 26(1) and (2), and 31(2) and (3) of the Public Service Pensions and Judicial Offices Act 2022(**b**) ("PSPJOA 2022") and all other powers enabling them to do so.

In accordance with section 21(1) of the 2013 Act, the Scottish Ministers consulted the representatives of such persons as appeared to the Scottish Ministers likely to be affected by these Regulations.

To the extent required by section 27 of PSPJOA 2022, these Regulations are made in accordance with Treasury Directions made under that section.

Citation and commencement

1.—(1) These Regulations may be cited as the Police Pensions (Remediable Service) (Scotland) Amendment Regulations 2025.

(2) These Regulations come into force on 23 June 2025 and have effect from 1 October 2023(**c**).

Interpretation

2. In these Regulations references to "the 2023 Regulations" means the Police Pensions (Remediable Service) (Scotland) Regulations 2023(**d**).

(**a**) 2013 c. 25. Section 3(1) was amended by section 94(2) of PSPJOA 2022, and section 3(2)(c) was inserted by section 94(3) of that Act.
(**b**) 2022 c. 7.
(**c**) Section 3(3)(b) of the 2013 Act provides that regulations may have retrospective effect.
(**d**) S.S.I. 2023/239.

Regulation 10 (immediate choice decision: deemed section 6 election)

3. In regulation 10(c) and paragraph 1(1) of the schedule of the 2023 Regulations omit "an immediate choice election" and insert "a section 6 election".

Regulation 12 (deferred choice decision for reformed scheme or legacy scheme benefits: general)

4. In regulation 12(7)(b) of the 2023 Regulations omit "take" and insert "takes".

Regulations 13 and 16 (deferred choice decisions)

5. In regulations 13(4) and 16(b) and paragraph 1(1) of the schedule of the 2023 Regulations omit "deferred choice election decision" and insert "deferred choice decision".

Regulation 17 (application and interpretation of Chapter 1)

6. In regulation 17(2) of the 2023 Regulations in the definition "remediable shareable rights" omit "date" and insert "day".

Regulation 18 (application and interpretation of section 2)

7. In regulation 18(2) of the 2023 Regulations omit "regulation 22(3) and (4)" and insert "regulations 25(3) and 22(4)".

Regulation 24 (information provided on or after 1st October 2023: calculation of pension credits and debits)

8. In regulation 24(1)(b)(i) of the 2023 Regulations omit "end section of the section" and insert "end of the section".

Regulation 33 (transfers out before 1st October 2023)

9. In regulation 33(7)(b) of the 2023 Regulations omit "a mount" and insert "amount".

Transfers on a non-club basis

10. After regulation 43 (variation of the club transfer application period) of the 2023 Regulations insert—

"Chapter 3A

Transfers on a non-club basis

Non-club transfers in

43A.—(1) This regulation applies in relation to a remedy member ("M") to whom—

(a) regulation F6 of the 1987 Regulations (previous service reckonable under current interchange arrangements)**(a)** would have applied, had M been a member of the 1987 scheme during period from 1st April 2015 to 31st March 2022 ("the remedy period"), or

(**a**) S.I. 1987/257.

(b) regulation 15 of the 2007 Regulations (service reckonable by reason of transfer value)(**a**) would have applied, had M been a member of the 2006 scheme during the remedy period.

(2) A scheme manager may decide to accept, in respect of M's former service, a transfer value in accordance with, as the case may be—

(a) regulation F6 of the 1987 Regulations, or

(b) regulation 15 of the 2007 Regulations.

(3) A decision under paragraph (2) may only be made—

(a) if the scheme manager is satisfied that it is more likely than not that, but for a relevant breach of the non-discrimination rule, the same or a similar decision would, during the period of M's remediable police service, have been made by the scheme manager;

(b) before—

(i) the end of the period of one year beginning with the day on which a remediable service statement is first provided in respect of M, or

(ii) such later time as the scheme manager considers reasonable in all the circumstances; and

(c) after an application in accordance with paragraph (4) is approved by the scheme manager.

(4) An application is made in accordance with this paragraph where—

(a) it is in writing in a form and manner determined by the scheme manager;

(b) it is accompanied by any information the scheme manager reasonably requires to be provided for the purposes of—

(i) making a decision under paragraph (2);

(ii) determining the matters mentioned in paragraph (3)(a); and

(c) it is received by the scheme manager—

(i) before the end of the period of six months beginning with the later of—

(aa) the day on which a remediable service statement is first provided in respect of M,

(bb) the day on which this regulation comes into force, or

(ii) such later time as the scheme manager considers reasonable in all the circumstances.".

Regulation 45 (remediable value treated as being in the legacy scheme)

11. In regulation 45 of the 2023 Regulations omit sub paragraph 1(a)(ii) and paragraph (4).

Regulation 52 (determining the value of M's remediable ill-health benefits)

12. In regulation 52 of the 2023 Regulations omit "and having consulted the scheme actuary".

Regulation 59 (netting off)

13. In regulation 59(3)(a) of the 2023 Regulations omit "information" and insert "an explanation".

Schedule

143.—(1) In paragraph 1 of the schedule of the 2023 Regulations—

(**a**) S.S.I. 2007/201.

(a) in sub-paragraph (a) omit "5(2) b)" and insert "6(2)(b)",

(b) in sub-paragraph (b) omit "7(2)(b)" and insert "8(2)(b)",

(c) in sub-paragraph (c) omit "11(2)(b)" and insert "12(2)(b)".

(2) In paragraph 3 of the schedule of the2023 Regulations after "the eligible decision-maker is C's" insert "parent or".

IVAN McKEE
Authorised to sign by the Scottish Ministers

St Andrew's House
Edinburgh
22nd April 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Police Pensions (Remediable Service) (Scotland) Regulations 2023 ("the 2023 Regulations"). They correct minor errors in the 2023 Regulations. Regulation 10 makes new provision for a member who would have been able to transfer in service to the scheme established by the Police Pensions Regulations 1987 or the Police Pensions (Scotland) Regulations 2007 during the relevant period. Such service may now be transferred in provided certain conditions are met.

The 2023 Regulations relate to provisions set out in the Public Service Pensions and Judicial Offices Act 2022 (c. 7) to remedy the unlawful discrimination on the basis of age that was found to result from the transitional protections afforded to certain cohorts of members of legacy pension schemes (the schemes established by the Police Pensions Regulations 1987 and the Police Pensions (Scotland) Regulations 2007 .

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