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SCOTTISH STATUTORY INSTRUMENTS

2025 No. 121

PUBLIC SERVICE PENSIONS

The Teachers' Pensions (Remediable Service) (Scotland) Amendment Regulations 2025

Made - - - - at 9:30 a.m. on 24th April 2025

Laid before the Scottish Parliament at 4:00 p.m. on 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) and (2)(d), 2(1) (as read with paragraph 4(b) of schedule 2) and 3 of the Public Service Pensions Act 2013(**a**)("the 2013 Act") and sections 5(1) and (5), 6(1), 7(3), 8(1) and (3), 10(1), 11(1) and (5), 12(1) and (3), 18(1) to (3), (5), (6) and (8), 20(1), (4) and (5), 21, 22(1), (2) and (6), 25(1) and (4), and 26(1) and (2) of the Public Service Pensions and Judicial Offices Act 2022 ("PSPJOA 2022")(**b**) and all other powers enabling them to do so.

In accordance with section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

In accordance with section 21(1) of the 2013 Act, the Scottish Ministers have consulted the representatives of such persons as appear 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 Teachers' 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**).

(**a**) 2013 c. 25. Section 3(1) was amended by section 94(2) of the Public Service Pensions and Judicial Offices Act 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.

Amendment of the Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023

2.—(1) The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023(**a**) are amended in accordance with this regulation.

(2) In Regulation 2 (interpretation) in the definition "deferred choice decision-maker" and in paragraph 1 of the schedule, for "deferred choice election decision" substitute "deferred choice decision".

(3) In Regulation 6 (election in relation to relevant opted-out service) in paragraph (3)(a) after "made by or" insert "on".

(4) In Regulation 13 (deferred choice decision to be made by M) in paragraph 5(b) for "paragraph (3)" substitute "paragraph (2)".

(5) In Regulation 19 (meaning of "alternative amount")—

(a) in paragraph (1)(a)(i) for "applying the relevant percentage value under that section on the valuation day if the remediable relevant benefits had been secured in the alternative scheme" substitute "had the remediable relevant benefits been secured in the alternative scheme and same percentage value been applied under section 29(2) of WRPA 1999 on the valuation day", and

(b) in paragraph (3) omit the definition "relevant percentage value".

(6) In Regulation 23 (application and interpretation of Section 3)—

(a) in paragraph (2) in the definition "legacy scheme cash equivalent" for "regulation 24(2)(b)" substitute "regulation 24(2)(a)", and

(b) in paragraph (2) in the definition "reformed scheme cash equivalent" for "regulation 24(2)(a)" substitute "regulation 24(2)(b)".

(7) In Regulation 46 (transfers out before 1 October 2023) in paragraph (7) for "compensatable" substitute "compensation".

(8) In Regulation 55 (variation of transfer application periods) in paragraph (1)(b) for "Teachers' Pensions (Transitional Protection Remedy) (Scotland) Regulations 2023" substitute "Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023".

(9) In Regulation 63 (provisions about ill-health retirement benefits following reassessment) in paragraph (1)(c) for "623" substitute "62".

(10) In Regulation 64 (ill-health retirement benefit payable in transitional cases) in paragraph (2) for "622" substitute "62".

(**a**) S.S.I. 2023/241.

(11) In the schedule in paragraph (3) after "decision-maker is C's" insert "parent or".

We consent

JEFF SMITH
ANNA TURLEY
22nd April 2025 Two of the Lords Commissioners of His Majesty's Treasury

IVAN McKEE
St Andrew's House, Authorised to sign by the Scottish Ministers
Edinburgh
At 9.30 a.m. on 24th April 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations correct minor errors in the Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241).

These Regulations are further to those in the Public Service Pensions and Judicial Offices Act 2022 ("PSPJOA 2022") 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 relevant Chapter 1 legacy scheme under section 4 of PSPJOA 2022 under the Teachers' Superannuation (Scotland) Regulations 2005 (S.S.I. 2005/393) and the Teachers' Pension Scheme (Scotland) (No.2) Regulations 2014 (S.S.I. 2014/292)).

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