
WELSH STATUTORY INSTRUMENTS

2023 No. 961

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

PART 3

Decisions in relation to remediable service

CHAPTER 1

Opted-out service elections

Application and interpretation of Chapter 1

5.—(1) This Chapter applies to and in respect of a member (“M”) with opted-out service in an employment in relation to a legacy scheme⁽¹⁾.

(2) In this Chapter—

“opted-out service decision-maker” (*“penderfynwr gwasanaeth a otiwyd allan”*) means the person who may make an opted-out service election in accordance with regulation 6(2);

“relevant opted-out service” (*“gwasanaeth a otiwyd allan perthnasol”*) means the service referred to in paragraph (1).

Election in relation to opted-out service

6.—(1) An election (an “opted-out service election”) may be made in relation to M’s relevant opted-out service in accordance with this Chapter and section 5 of the PSPJOA 2022.

(2) An opted-out service election 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 decide not to make an opted-out service election.

(4) See section 5(2) to (4) of the PSPJOA 2022 about the effect, timing and irrevocability of an opted-out service election.

Opted-out service election: additional requirements

7.—(1) An opted-out service election must not be made unless a remediable service statement has been provided in accordance with regulation 4.

(2) An opted-out service election must be made—

(1) See sections 5(7) (read with section 4) and 36 of the PSPJOA 2022 for the meaning of relevant opted-out service in relation to a Chapter 1 legacy scheme (such as the 1992 and the 2007 schemes).

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- (a) in writing to the scheme manager;
- (b) by the end of 12 months beginning with the date of receiving a remedial service statement in accordance with regulation 4(2)(a), or within such longer period as the scheme manager considers reasonable in all the circumstances.

Opted-out service election: lapse

8. Where—

- (a) the end of the election period in relation to M has passed, and
- (b) no opted-out service election has been communicated to the scheme manager in accordance with regulation 7(2),

the entitlement to make an opted-out service election under regulation 6 lapses.