

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2023 No. 241**

**The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023**

**PART 8**

**Liabilities and payment**

**CHAPTER 2**

**Interest, compensation and netting off**

**Indirect compensation**

**71.—**(1) This regulation applies where—

- (a) pursuant to an application under regulation 72, the scheme manager determines that an immediate choice member (“M”) has incurred a compensatable loss<sup>(1)</sup> that is a Part 4 tax loss<sup>(2)</sup> (a “relevant loss”), and
- (b) the relevant loss is a reduction of benefit under—
  - (i) regulation J6B of the 2005 Regulations, or
  - (ii) regulation 176 of the 2014 Regulations.

(2) M is not to be paid an amount under section 23 of PSPJOA 2022 by of compensation in respect of the relevant loss.

(3) Instead, the amount of benefit payable under a teacher pension scheme is to be increased to reflect the amount of the relevant loss in such manner as determined by the scheme manager in accordance with direction 10(2) to (4) of the PSP Directions 2022.

---

(1) See section 23 of PSPJOA 2022 and direction 11 of the PSP Directions 2022 for the meaning of “compensatable loss”.

(2) See section 23(9) of PSPJOA 2022 for the meaning of “Part 4 tax loss”.