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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 242**

**The Firefighters’ Pensions (Remediable Service) (Scotland) Regulations 2023**

**PART 1**

**Introductory Provisions**

**Citation and commencement**

1. These Regulations—
  - (a) may be cited as the Firefighters’ Pensions (Remediable Service) (Scotland) Regulations 2023; and
  - (b) come into force on 1 October 2023.

**Interpretation**

- 2.—(1) In these Regulations—
  - “PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;
  - “the 1992 Order” means the Firemen’s Pension Scheme Order 1992(1) and the scheme created by the 1992 Order is “the 1992 scheme”;
  - “the 2007 Order” means the Firefighters’ Pension Scheme (Scotland) Order 2007(2) and the scheme created by the 2007 Order is “the 2007 scheme”;
  - “the 2015 Regulations” means the Firefighters’ Pension Scheme (Scotland) Regulations 2015(3);
  - “the PSP Directions 2022” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(4);
  - “deferred choice decision” has the meaning given in regulation 12(1);
  - “deferred choice decision-maker” means the person who may make a deferred choice decision under regulation 12(2);
  - “deferred choice member” means a member with remediable service as a firefighter who, immediately before 1 October 2023, was—
    - (a) an active or deferred member in relation to that service, and
    - (b) is not a pensioner member(5) in relation to that service;

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(1) S.I. 1992/129.

(2) S.S.I. 2007/199.

(3) S.S.I. 2015/19.

(4) Published on 15 December 2022 and accessible online at <https://www.gov.uk/government/publications/public-service-pensions-and-judicial-offices-act-2022-treasury-directions>. A hard copy is available on written request to His Majesty’s Treasury, 1 Horse Guards Road, London, SW1A 2HQ.

(5) See section 109(3) of PSPJOA 2022 for the meaning of “pensioner member”.

“eligible child” means, in relation to—

- (a) the 1992 scheme, the meaning given in Part 1 of schedule 2 of the 1992 Order;
- (b) the 2007 scheme, the meaning given in schedule 1 of the 2007 Order;
- (c) the 2015 scheme, the meaning given in regulation 85 of the 2015 Regulations;

“end of the section 10 election period”, in relation to a deferred choice member, means the time determined in accordance with—

- (a) where the member is the deferred choice decision-maker, regulation 13(3)(b);
- (b) where a person other than the member is the deferred choice decision-maker, regulation 14(2)(b);

“firefighters’ pension scheme” means the 1992 scheme, the 2007 scheme or the reformed scheme;

“immediate choice decision” has the meaning given in regulation 8(1);

“immediate choice decision-maker” means the person who may make an immediate choice decision under regulation 8(2);

“immediate choice member” means a member with remedial service as a firefighter who, immediately before 1 October 2023, was—

- (a) a pensioner member in relation to that service, or
- (b) a deceased member;

“the legacy scheme”, in relation to a member, means whichever of the 1992 scheme or the 2007 scheme is the relevant Chapter 1 legacy scheme<sup>(6)</sup> for the member, and “legacy scheme benefits” means benefits calculated in accordance with that scheme;

“member” means an active, deferred, deceased or pensioner member of a firefighters’ pension scheme;

“opted out service election” has the meaning given in regulation 6(1);

“the reformed scheme” means the pension scheme established by the 2015 Regulations, and “reformed scheme benefits” means the new scheme<sup>(7)</sup> benefits under the reformed scheme;

“remediable service as a firefighter” means, in relation to a member, the member’s remediable service<sup>(8)</sup> in an employment or office that is pensionable service under a firefighters’ pension scheme;

“remedy member” means a deferred choice member or an immediate choice member;

“section 6 election” has the meaning given in regulation 8(1)(a);

“section 10 election” has the meaning given in regulation 12(1)(a).

(2) For the purposes of these Regulations, a reference in PSPJOA 2022 to section 2(1) of that Act coming into force is to be understood as a reference to that section coming into force in relation to members of a firefighters’ pension scheme.

(3) A term used in these Regulations which—

- (a) is defined in, or for the purposes of, a provision in Chapter 1 of Part 1 of PSPJOA 2022, and
- (b) is not defined differently in these Regulations,

has the meaning given in, or for the purposes of, that provision.

(4) A term used in these Regulations which—

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<sup>(6)</sup> See section 4 of PSPJOA 2022 for the meaning of “relevant Chapter 1 legacy scheme”.

<sup>(7)</sup> See section 34 of PSPJOA 2022 for the meaning of “new scheme benefits”.

<sup>(8)</sup> See section 1 of PSPJOA 2022 for the meaning of “remediable service”.

(a) is defined in the 1992 Order, the 2007 Order or the 2015 Regulations (“the relevant Regulations”), and

(b) is not defined differently—

(i) in these Regulations, or

(ii) in, or for the purposes of, a provision in Chapter 1 of Part 1 to PSPJOA 2022,

has, in relation to the scheme established by the relevant Regulations, the meaning given in those Regulations.

(5) In these Regulations, a reference to a provision of the PSP Directions 2022 is a reference to that provision as amended from time to time.

### **Delegation**

3. The scheme manager may delegate any functions of the scheme manager under these Regulations, including this power to delegate.