
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 242

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

PART 3

Decisions about the treatment of remediable service as a firefighter

CHAPTER 3

Deferred choice decision for reformed scheme or legacy scheme benefits

Deferred choice decision to be made by M

- 13.**—(1) This regulation applies where M is the deferred choice decision-maker.
- (2) M must notify the scheme manager in a form and manner determined by the scheme manager that M intends to claim benefits in relation to M's remediable service as a firefighter—
- (a) during the period between 12 and 6 months before the date M intends such benefits to become payable, or
 - (b) during such other period that the scheme manager considers reasonable in all the circumstances.
- (3) A deferred choice decision may only be made during the period—
- (a) beginning on the date a remediable service statement is issued under regulation 4(2)(c) (i), and
 - (b) ending—
 - (i) at the end of the day 12 weeks after that date;
 - (ii) subject to paragraph (5), at the end of such other day as the scheme manager considers reasonable in all the circumstances;
 - (iii) if earlier than the time which applies by virtue of paragraph (i) or (ii), at the end of the day before benefits become payable in relation to M's remediable service as a firefighter.
- (4) The end of the period during which a deferred choice election decision may be made must not be more than one year before the day on which it is reasonably expected that, if a section 10 election were made, reformed scheme benefits would become payable to or in respect of M.
- (5) A deferred choice decision made by M may be revoked—
- (a) up to 10 working days before benefits become payable in relation to M's remediable service as a firefighter, and
 - (b) by M communicating to the scheme manager notice of the revocation in a form and manner determined by the scheme manager.
- (6) Where the scheme manager receives notice that M has died before any benefits have become payable in relation to M's remediable service as a firefighter—

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- (a) any deferred choice decision made by M lapses, and
- (b) any period that has begun (whether or not it has also ended) in accordance with paragraph (3) is to be treated as never having begun (or ended).