
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 242

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

PART 7

Provision about special cases

CHAPTER 1

Ill-health retirement

Assessment and reassessment of certain transitional ill-health cases

52.—(1) This regulation applies where—

- (a) a remedy member (“M”) was, immediately before 1 April 2022, not a full protection member of the 1992 scheme or a full protection member of the 2007 scheme;
- (b) an assessment (“the transitional assessment”) of M’s entitlement to an ill-health award under the reformed scheme began before 1 April 2022; and
- (c) a determination had not been made by the scheme manager in relation to the transitional assessment by the end of 31 March 2022.

(2) Where the transitional assessment has not been determined before 1 October 2023, the authority must secure that—

- (a) the transitional assessment is undertaken on the basis that M’s normal pension age is 55, and
- (b) any steps in relation to the transitional assessment the outcome of which might have been different had they been taken on the basis that M’s normal pension age is 55 are retaken.

(3) Paragraph (4) applies where—

- (a) the transitional assessment has been determined before 1 October 2023, and
- (b) it was determined that—
 - (i) M was not entitled to a lower tier award in the reformed scheme, or
 - (ii) M was entitled to a lower tier award in the reformed scheme, but not a higher tier award in that scheme.

(4) Where this paragraph applies, the authority must secure that—

- (a) M is assessed for entitlement to a relevant award under the reformed scheme on the basis that M’s normal pension age is 55, and
- (b) M is treated as if the transitional assessment had not been undertaken so far as it relates to the relevant award.

(5) In this regulation—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“full protection member of the 1992 scheme” means a full protection member of the 1992 scheme within the meaning of paragraph 9 of schedule 2 of the 2015 Regulations;

“relevant award” means—

- (a) where paragraph (3)(b)(i) applies, a lower tier award and a higher tier award; and
- (b) where paragraph (3)(b)(ii) applies, a higher tier award.