

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2023 No. 246**

**The National Health Service Pension Schemes  
(Remediable Service) (Scotland) Regulations 2023**

**PART 5**

**Divorce or the dissolution of a civil partnership**

**Pension credits: pensioner and deceased relevant pension credit members**

**35.**—(1) This regulation applies where the relevant pension credit member (“CM”) is—

- (a) a pensioner pension credit member before—
  - (i) the adjustment is made under regulation 33(4) or 33(7), or
  - (ii) receiving the notice sent by the scheme manager under regulation 34(6), or
- (b) a deceased member, where the personal representatives of CM make an election under regulation 34(10).

(2) Where this regulation applies, subsections (3) to (8) of section 14 of PSPJOA 2022 apply in relation to CM as they apply in relation to a relevant member (“M”) described in subsection (1) of that section with the following modifications—

- (a) the references to “M’s remediable service in the employment or office” in subsections (3) (a) and (5)(a) are to be read as references to CM’s pension credit;
- (b) the references to “the effect, if any, of sections 2(1) and 6(4) and (5)” in subsections (3) (b) and (5)(b) are to be read as references to the effect, if any, of this regulation; and
- (c) the term “operative time” is to be read as meaning the time at which—
  - (i) the adjustment mentioned in regulation 33(4) or regulation 33(7) has effect, or
  - (ii) the pension credit mentioned in regulation 34(8)(a) has effect.