
WELSH STATUTORY INSTRUMENTS

2023 No. 961

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

PART 5

Voluntary contributions

Treatment of 2015 scheme added pension payments

30.—(1) This regulation applies in relation to a remediable added pension payment made by a remedy member (“M”).

(2) The scheme manager must, as soon as reasonably practicable after 30 September 2023 and having consulted the scheme actuary, determine the “compensatable amount”, being an amount by way of compensation which is equal to—

- (a) the aggregate of all of M’s remediable added pension payments, less
- (b) an amount in respect of the value of tax relief in accordance with directions 5(5) to (9) of the PSP Directions 2022.

(3) In the case of an immediate choice member, the scheme manager must set out the compensatable amount figure with the relevant remediable service statement sent in accordance with regulation 4.

(4) Where a determination is made in accordance with direction 5(8) of the PSP Directions 2022, the following apply—

- (a) direction 5(10) (provision of explanation);
- (b) direction 5(11) and (12) (appeals).

(5) The scheme manager owes to M or, where M is deceased, M’s personal representatives, the compensatable amount.

(6) The rights to benefits that would otherwise have been secured by the remediable added pension payment are extinguished.

(7) Where a person has received any pension benefits under the 2015 scheme by virtue of rights secured by a remediable added pension payment, that person owes to the scheme manager an amount equal to the aggregate of all such pension benefits.

(8) Paragraphs (5) to (7) only apply in relation to an immediate choice member—

- (a) after the section 6 election period has expired in accordance with section 7(2) of the PSPJOA 2022, or if earlier, immediately after an immediate choice decision has been made in accordance with Chapter 2 of these Regulations, and
- (b) where the immediate choice decision is for legacy scheme benefits in relation to M’s remediable service.

(9) Paragraph (10) applies where M is an immediate choice member for whom, as a result of paragraph (8), paragraphs (5) to (7) do not apply.

- (10) Where this paragraph applies—
- (a) the rights to benefits secured by virtue of the remediable added pension payment mentioned in paragraph (1) are to be treated for the purposes of these Regulations and of the PSPJOA 2022 as if those rights were secured by virtue of M’s remediable service, and
 - (b) section 2(5)(a) of the PSPJOA 2022 does not apply in relation to the arrangement by virtue of which M secured those rights (and, accordingly, section 2(1) of the PSPJOA 2022 affects that arrangement).
- (11) In this regulation, “remediable added pension payment” means—
- (a) a periodical payment for added pension made under an arrangement pursuant to Chapter 2 of Part 2 of Schedule 1 to the 2015 Regulations which commenced during the period of M’s remediable service;
 - (b) a lump sum payment for added pension made pursuant to Chapter 3 of Part 2 of Schedule 1 to the 2015 Regulations during the period of M’s remediable service.