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WELSH STATUTORY INSTRUMENTS

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**2023 No. 961**

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

**PART 9**

Liabilities and payment

CHAPTER 3

Reduction and waiver of liabilities

**Agreement to waive a liability owed by the scheme manager in respect of an immediate correction**

**67.**—(1) This regulation applies where the scheme manager owes a liability to pay compensation to a person (“P”) under section 16(3) of the PSPJOA 2022.

(2) The scheme manager must inform P, by notice in writing—

- (a) of P’s entitlement under section 16(3) of the PSPJOA 2022,
- (b) that if, in due course, P makes a section 10 election for 2015 scheme benefits, P will be liable to repay a sum equivalent to that which was received as compensation pursuant to section 16(3) of the PSPJOA 2022, with interest calculated in accordance with this Part, and
- (c) that P can agree with the scheme manager to waive the scheme manager’s liability.

(3) The scheme manager must agree to waive the liability if—

- (a) P makes a written request to the scheme manager to waive the liability, and
- (b) such request is made within 12 months of issuing a notice under paragraph (2).

(4) Such an agreement—

- (a) must be made in writing, and
- (b) may be rescinded with the agreement of the scheme manager and P.

(5) If no agreement is made under paragraph (4), P’s entitlement to waive the liability lapses.

(6) An agreement under paragraph (4) is rescinded or otherwise ceases to apply where—

- (a) the end of the section 10 election period in relation to P has passed, and
- (b) no deferred choice election is made, or deemed to have been made, in relation to P’s remediable service.

(7) Where no agreement is made in accordance with paragraph (4) or an agreement is rescinded or otherwise ceases to apply, the scheme manager owes P the liability mentioned in paragraph (1).