

---

STATUTORY INSTRUMENTS

---

**2023 No. 985**

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

**PART 1**

General provisions

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the National Health Service Pension Schemes (Remediable Service) Regulations 2023.

(2) These Regulations come into force on 1st October 2023.

(3) These Regulations extend to England and Wales.

**Interpretation**

2.—(1) In these Regulations—

“PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022(1);

“the 1995 Regulations” means the National Health Service Pension Scheme Regulations 1995(2);

“the 1995 Section” means the section of the legacy scheme set out in the 1995 Regulations;

“the 2008 Regulations” means the National Health Service Pension Scheme Regulations 2008(3);

“the 2008 Section” means the section of the legacy scheme set out in the 2008 Regulations;

“the 2015 Regulations” means the National Health Service Pension Scheme Regulations 2015(4);

“2015 scheme” means the National Health Service Pension Scheme for England and Wales set out in the 2015 Regulations;

“2015 scheme contributions” means contributions under regulation 38(5) of the 2015 Regulations (members’ contributions: supplementary: medical practitioners and non-GP providers);

“the 2015 Transitional Regulations” means the National Health Service Pension Scheme (Transitional and Consequential Provisions) Regulations 2015(6);

---

(1) 2022 c. 7.

(2) S.I. 1995/300.

(3) S.I. 2008/653.

(4) S.I. 2015/94.

(5) Regulation 38 was amended by S.I. 2019/418, 2022/273, 2023/301.

(6) S.I. 2015/95.

“the 2022 Directions” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(7);

“deferred choice member” has the meaning given in paragraph (4);

“designated person” has the meaning given in regulation 7(2);

“end of the deferred choice election period” means—

- (a) the end of the period of three months beginning with the day on which a remediable service statement is provided to the deferred choice member or, as the case may be, the designated person in accordance with regulation 6, or
- (b) such earlier or later time as the scheme manager considers reasonable in all the circumstances of the case,

which also meets the requirements of regulation 12(8);

“end of the immediate choice election period” means—

- (a) the end of the period of one year beginning with the day on which a remediable service statement is provided to the immediate choice member or, as the case may be, the designated person in accordance with regulation 6, or
- (b) such—
  - (i) later time as the scheme manager considers reasonable in all the circumstances of the case, or
  - (ii) earlier time as agreed by the scheme manager with the immediate choice member or the designated person;

“immediate choice member” has the meaning given in paragraph (2);

“immediate detriment remedy member” means a remedy member who has obtained an immediate detriment remedy in relation to the member’s remediable service(8);

“legacy scheme” means the National Health Service Pension Scheme for England and Wales set out in the 1995 Regulations and the 2008 Regulations;

“legacy scheme contributions” means contributions under paragraph 10 of Schedule 2 to the 1995 Regulations(9) (practitioners and non-GP providers: contributions to the 1995 Section) or regulation 3.C.2 of the 2008 Regulations(10) (members’ contribution rate) (whichever is relevant);

“lump sum benefit” means any benefit payable under the legacy scheme or the 2015 scheme by way of a lump sum;

“medical practitioner” has the same meaning as in regulation 166 of the 2015 Regulations(11);

“non-GP provider” has the same meaning as in Schedule 15 to the 2015 Regulations;

“pension benefit” means any benefit payable under the legacy scheme or the 2015 scheme otherwise than by way of a lump sum;

“relevant scheme year” means any of the seven scheme years beginning with 1st April 2015 to 31st March 2016 and ending with 1st April 2021 to 31st March 2022;

---

(7) A copy may be obtained from the hyperlink <https://www.gov.uk/government/publications/public-service-pensions-and-judicial-offices-act-2022-treasury-directions>. A hard copy is available on written request to His Majesty’s Treasury, 1 Horse Guards Road, London SW1A 2HQ.

(8) Section 32 of PSPJOA 2022 sets out the circumstances in which an “immediate detriment remedy” has been obtained for the purposes of section 31 of that Act.

(9) Paragraph 10 was substituted by S.I. 2005/661 and subsequently amended by S.I. 2006/600, 2008/654 and 2263, 2009/381 and 2446, 2010/492 and 1634, 2012/413, 2014/570, 2015/96, 2017/275, 2019/418.

(10) Regulation 3.C.2 was substituted by S.I. 2009/381 and amended by S.I. 2010/1634, 2013/413, 2014/570, 2015/96, 2019/418.

(11) Regulation 166 was amended by S.I. 2017/274, 2023/301.

“remedy member” means a member who has pensionable service under the legacy scheme or the 2015 scheme that is remediable service;

“scheme administrator” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG)(**12**);

“scheme manager” means—

- (a) the Secretary of State, or
- (b) where the Secretary of State has made arrangements for any of the functions and responsibilities as scheme manager under the 2015 Regulations to be performed on the Secretary of State’s behalf by another person pursuant to regulation 3(2) of those Regulations, that other person.

(2) In these Regulations, “immediate choice member” means a remedy member who, immediately before 1st October 2023, was entitled to the present payment of a pension which—

- (a) is a pension under the legacy scheme or the 2015 scheme, and
- (b) is not a deferred choice pension.

(3) In paragraph (2)(b), “deferred choice pension” means a pension the rate of which—

- (a) is not determined (to any extent) by reference to the member’s remediable service, and
- (b) is not affected by the coming into force of section 2(1) of PSPJOA 2022.

(4) In these Regulations, “deferred choice member” means a remedy member who is not—

- (a) an immediate choice member, or
- (b) a deceased member.

(5) In these Regulations, “in writing” includes by electronic communication where such communication is approved by the scheme manager from time to time and “electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(**13**).

(6) For the purposes of these Regulations, a reference in PSPJOA 2022 to section 2(1) of that Act coming into force is to be understood as a reference to that section coming into force in relation to members of the legacy scheme and the 2015 scheme.

(7) A term used in these Regulations which—

- (a) is defined in, or for the purposes of, a provision in Chapter 1 of Part 1 of PSPJOA 2022, and
- (b) is not defined differently in these Regulations,

has the meaning given in, or for the purposes of, that provision.

---

(12) This Authority was established by [S.I. 2005/2414](#).

(13) [2000 c. 7](#). That definition was amended by paragraph 158 of Schedule 17 to the Communications Act [2003 \(c. 21\)](#).