



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 1

SCHEMES OTHER THAN JUDICIAL SCHEMES AND LOCAL GOVERNMENT SCHEMES

Active and deferred members: deferred choice of new scheme benefits

10 Deferred choice to receive new scheme benefits

- (1) Scheme regulations for a Chapter 1 legacy scheme must make provision so as to secure that an election for new scheme benefits may be made in relation to the remediable service in an employment or office of a relevant member of the scheme that is pensionable service under the scheme (whether or not by virtue of section 2(1)).
- (2) In this section “relevant member”, in relation to a Chapter 1 legacy scheme, means a member of the scheme who, immediately before the coming into force of section 2(1)—
 - (a) is an active or deferred member of the scheme, or of a Chapter 1 new scheme, in relation to the employment or office, and
 - (b) is not a pensioner member of a Chapter 1 scheme in relation to the employment or office.
- (3) Where a member has remediable service in multiple employments or offices that is pensionable service under the scheme, provision made under subsection (1) must make provision for separate elections in relation to the member’s remediable service in each of them.

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Active and deferred members: deferred choice of new scheme benefits. (See end of Document for details)

- (4) Where an election by virtue of this section is made in relation to a member's remediable service in an employment or office, the benefits payable under the scheme to or in respect of the member, so far as they are determined by reference to the member's remediable service in that employment or office are new scheme benefits.
- (5) An election by virtue of this section has effect in relation to all of the member's remediable service in the employment or office in question that is pensionable service under the scheme.

Modifications etc. (not altering text)

- C1** Pt. 1 Ch. 1 applied (1.10.2023) by S.I. 2005/438, **Sch. 3 para. 40(4)** (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C2** Pt. 1 Ch. 1 applied (E.W.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) Regulations 2023 (S.I. 2023/985), regs. 1(2), **76(5)**
- C3** Pt. 1 Ch. 1 applied (N.I.) (1.10.2023) by The Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/132), regs. 1, **74(5)**
- C4** Pt. 1 Ch. 1 applied (S.) (1.10.2023) by The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **63**
- C5** Pt. 1 Ch. 1 applied (E.W.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **63(7)**
- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **56(2)**
- C8** Ss. 2-30 applied (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **63(2)**
- C9** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **57(2)**
- C10** Ss. 2-30 applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **56(2)**
- C11** Ss. 2-30 applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **63(2)**
- C12** Ss. 2-30 applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **55(2)**
- C13** S. 10(5) applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **12(7)**
- C14** S. 10(5) applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **14(8)**
- C15** S. 10(5) applied (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **12(7)(a)**
- C16** S. 10(5) applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **12(7)(a)**
- C17** S. 10(5) applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **12(7)**
- C18** S. 10(5) applied (S.) (1.10.2023) by The Police Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/239), regs. 1(2), **12(7)(a)**
- C19** S. 10(5) applied (1.10.2023) by S.I. 2005/437, Sch. para. 10(7)(a) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 3**)
- C20** S. 10(5) applied (S.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/242), regs. 1(b), **12(7)(a)**

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Active and deferred members: deferred choice of new scheme benefits. (See end of Document for details)

- C21** S. 10(5) applied (S.) (1.10.2023) by The Teachers’ Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **12(7)(a)**
- C22** S. 10(5) applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **12(7)(a)**
- C23** S. 10(5) applied (N.I.) (1.10.2023) by The Teachers’ Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **12(7)(a)**
- C24** S. 10(5) applied (E.W.) (1.10.2023) by The Teachers’ Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **12(7)**
- C25** S. 10(5) applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **12(7)(a)**

Commencement Information

- I1** S. 10 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 10 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see **s. 131(2)(a)(b)**

11 Elections by virtue of section 10: timing and procedure

- (1) Scheme regulations made by virtue of section 10(1) must specify a time (“the end of the section 10 election period”) in relation to a member.
- (2) The end of the section 10 election period must not be more than one year before the day on which it is reasonably expected that, if an election were made, new scheme benefits would become payable under the scheme to or in respect of the member.
- (3) An election—
 - (a) must be made before the end of the section 10 election period, and
 - (b) (subject to subsection (4)) takes effect immediately before the member becomes a pensioner member of the scheme in relation to the employment or office.
- (4) Where an election is made on behalf of a deceased member, the election is treated as having taken effect immediately before the member’s death.
- (5) Scheme regulations made by virtue of section 10(1) may, in particular, include provision—
 - (a) requiring information to be provided before an election is made;
 - (b) about the form and manner in which an election is to be made;
 - (c) about who may make an election in relation to the remediable service of a deceased member;
 - (d) subject to subsection (6), about how and when an election lapses or may be revoked.
- (6) Scheme regulations made by virtue of section 10(1) may not provide for an election made in relation to a member’s remediable service in an employment or office to lapse or be revoked after any benefits have become payable to or in respect of the member after the end of the section 10 election period.
- (7) Where an election lapses or is revoked, the election is treated as never having had effect.
- (8) References in this section to “an election” are to an election by virtue of section 10.

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Active and deferred members: deferred choice of new scheme benefits. (See end of Document for details)

Modifications etc. (not altering text)

- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **56(2)**
- C8** Ss. 2-30 applied (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **63(2)**
- C9** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **57(2)**
- C10** Ss. 2-30 applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **56(2)**
- C11** Ss. 2-30 applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **63(2)**
- C12** Ss. 2-30 applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **55(2)**
- C26** S. 11 applied in part (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **12(7)(b)**
- C27** S. 11 applied in part (S.) (1.10.2023) by The Police Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/239), regs. 1(2), **12(7)(b)**
- C28** S. 11 applied in part (E.W.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **12(7)**
- C29** S. 11 applied in part (1.10.2023) by S.I. 2005/438, Sch. 3 para. 13(7)(b) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C30** S. 11 applied in part (S.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/242), regs. 1(b), **12(7)(b)**
- C31** S. 11 applied in part (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **12(7)**
- C32** S. 11 applied in part (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **12(7)(b)**
- C33** S. 11 applied in part (1.10.2023) by S.I. 2005/437, Sch. para. 10(7)(b) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 3**)
- C34** S. 11 applied in part (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **14(8)**
- C35** S. 11 applied in part (S.) (1.10.2023) by The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **12(7)(b)**
- C36** S. 11 applied in part (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **12(7)**
- C37** S. 11 applied in part (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **12(7)(b)**
- C38** S. 11(3)(b) applied (N.I.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **12(7)(b)**
- C39** S. 11(3)(b) applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **12(7)(b)**
- C40** S. 11(4) applied (N.I.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **12(7)(b)**
- C41** S. 11(4) applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **12(7)(b)**
- C42** S. 11(7) applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **12(7)(b)**
- C43** S. 11(7) applied (N.I.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **12(7)(b)**

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Commencement Information

- I3** S. 11 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I4** S. 11 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see **s. 131(2)(a)(b)**

12 Power to deem election by virtue of section 10 to have been made

- (1) Scheme regulations made by virtue of section 10(1) may include provision under which an election by virtue of section 10 is treated as having been made immediately before the end of the section 10 election period.
- (2) Provision by virtue of subsection (1) may be made only in relation to cases in which—
- the end of the section 10 election period in relation to a member has passed, and
 - no decision as to whether an election is to be made in relation to the member's remediable service has been communicated to the scheme.
- (3) Provision by virtue of subsection (1) may, in particular, include provision specifying conditions that are to be met if an election is to be treated as having been made, including conditions relating to the value of benefits payable under the scheme if an election is or is not made.

Modifications etc. (not altering text)

- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/133\)](#), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/843\)](#), regs. 1(b), **56(2)**
- C8** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Public Service \(Civil Servants and Others\) Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/141\)](#), regs. 1(b), **63(2)**
- C9** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) \(Wales\) Regulations 2023 \(S.I. 2023/961\)](#), regs. 1(3), **57(2)**
- C10** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Police Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/831\)](#), regs. 1(b), **56(2)**
- C11** Ss. 2-30 applied (1.10.2023) by [The Public Service \(Civil Servants and Others\) Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/942\)](#), regs. 1(b), **63(2)**
- C12** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Police Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/122\)](#), regs. 1(b), **55(2)**

Commencement Information

- I5** S. 12 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I6** S. 12 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see **s. 131(2)(a)(b)**

13 Persons with remediable service in more than one Chapter 1 legacy scheme

- (1) This section applies where—
- an election is made by virtue of section 10 (deferred choice to receive new scheme benefits) in relation to the remediable service in an employment or office of a member ("M") of a Chapter 1 legacy scheme that is pensionable service under the scheme, and

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- (b) M has any remediable service in that employment or office that is pensionable service under another Chapter 1 legacy scheme.
- (2) If M is a relevant member within the meaning of section 10 in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 10 in relation to M's remediable service that is pensionable service under that scheme (as well as having effect as such an election in relation to M's remediable service that is pensionable service under the scheme mentioned in subsection (1)(a)).
- (3) If M is a relevant member within the meaning of section 6 (immediate choice to receive new scheme benefits) in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 6 in relation to M's remediable service that is pensionable service under that scheme (as well as having effect as an election by virtue of section 10 in relation to M's remediable service that is pensionable service under the scheme mentioned in subsection (1)(a)).

Modifications etc. (not altering text)

- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **56(2)**
- C8** Ss. 2-30 applied (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **63(2)**
- C9** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **57(2)**
- C10** Ss. 2-30 applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **56(2)**
- C11** Ss. 2-30 applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **63(2)**
- C12** Ss. 2-30 applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **55(2)**
- C44** S. 13 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **14(8)**
- C45** S. 13 applied (E.W.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **12(7)**
- C46** S. 13 applied (1.10.2023) by S.I. 2005/437, Sch. para. 10(7)(c) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 3**)
- C47** S. 13 applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **12(7)(c)**
- C48** S. 13 applied (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **12(7)(c)**
- C49** S. 13 applied (S.) (1.10.2023) by The Police Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/239), regs. 1(2), **12(7)(c)**
- C50** S. 13 applied (S.) (1.10.2023) by The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **12(7)(c)**
- C51** S. 13 applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **12(7)(c)**
- C52** S. 13 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **12(7)**
- C53** S. 13 applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **12(7)**

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- C54** S. 13 applied (S.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/242), regs. 1(b), **12(7)(c)**
- C55** S. 13 applied (N.I.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **12(7)(c)**
- C56** S. 13 applied (1.10.2023) by S.I. 2005/438, Sch. 3 para. 13(7)(c) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C57** S. 13 applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **12(7)(c)**

Commencement Information

- I7** S. 13 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I8** S. 13 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see **s. 131(2)(a)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Active and deferred members: deferred choice of new scheme benefits.