



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 4

GENERAL

Restriction of schemes from 31 March 2022

88 Restriction of existing schemes

(1) PSPA 2013 is amended in accordance with subsections (2) and (3).

(2) In section 18 (restriction of existing pension schemes)—

- (a) in subsection (4), omit the words after paragraph (b);
- (b) after subsection (4) insert—

“(4A) Subsection (1) does not apply, and is treated as never having applied, in relation to a person’s service that is pensionable service under an existing scheme by virtue of—

- (a) section 2(1) of PSPJOA 2022 (remediable service treated as pensionable service under Chapter 1 legacy scheme), or
- (b) section 42(2) of that Act (remediable service treated as pensionable service under judicial legacy scheme).

For further provision affecting the application of subsection (1), see section 89(1) of that Act.”;

- (c) omit subsections (5) to (8).

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- (3) In section 31 (restriction of certain existing public body pension schemes) in subsection (4) omit the words from “, and section 18(6) and (7)” to the end.
- (4) PSPA(NI) 2014 is amended in accordance with subsections (5) and (6).
- (5) In section 18 (restriction of existing pension schemes)—
- (a) in subsection (4), omit “This is subject to subsection (8).”;
 - (b) after subsection (4) insert—

“(4A) Subsection (1) does not apply, and is treated as never having applied, in relation to a person’s service that is pensionable service under an existing scheme by virtue of—

 - (a) section 2(1) of PSPJOA 2022 (remediable service treated as pensionable service under Chapter 1 legacy scheme), or
 - (b) section 42(2) of that Act (remediable service treated as pensionable service under judicial legacy scheme).

For further provision affecting the application of subsection (1), see section 89(4) of that Act.”;
 - (c) omit subsections (5) to (9).
- (6) In section 32 (restriction of certain existing public body pension schemes), in subsection (4) omit the words from “and section 18(7) and (8)” to the end.
- (7) In consequence of the amendments made by the preceding provisions of this section, in JUPRA 1993, in section 18A (pension scheme for fee-paid judges), omit subsections (4) and (5).

Commencement Information

- I1** S. 88 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
- I2** S. 88 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

89 Restriction of existing schemes: savings and transitional provision

- (1) The repeal made by section 88(2)(c) of section 18(5) to (8) of PSPA 2013 (which removes the power to provide for exceptions to section 18(1) of that Act and which, accordingly, has the effect that any exceptions previously provided for under the power lapse) is subject to the following savings and transitional provision.
- (2) The repeal does not affect—
- (a) the continued operation of any scheme regulations made before the coming into force of the repeal so far as they provide for benefits to be provided under an existing scheme to or in respect of a person in relation to the person’s service before 1 April 2022;
 - (b) any power to make scheme regulations under which benefits are provided to or in respect of a person in relation to service on or after 1 April 2022 which is transferred in from a pension scheme which is not a scheme under section 1 of PSPA 2013 or section 1 of PSPA(NI) 2014;
 - (c) any power to make scheme regulations under which benefits are provided to or in respect of a person in relation to service before 1 April 2022 where

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the accrual rate is affected by the length of the person's period of service (including a period after that date).

(3) In subsection (2)—

“existing scheme” has the same meaning as in PSPA 2013 (see section 18(2) of that Act);

“scheme regulations” has the same meaning as in PSPA 2013 (see section 1(4) of that Act).

(4) The repeal made by section 88(5)(c) of section 18(5) to (9) of PSPA(NI) 2014 (which removes the power to provide for exceptions to section 18(1) of that Act and which, accordingly, has the effect that any exceptions previously provided for under the power lapse) is subject to the following savings and transitional provision.

(5) The repeal does not affect—

- (a) the continued operation of any scheme regulations made before the coming into force of the repeal so far as they provide for benefits to be provided under an existing scheme to or in respect of a person in relation to the person's service before 1 April 2022;
- (b) any power to make scheme regulations under which benefits are provided to or in respect of a person in relation to service on or after 1 April 2022 which is transferred in from a pension scheme which is not a scheme under section 1 of PSPA(NI) 2014 or section 1 of PSPA 2013;
- (c) any power to make scheme regulations under which benefits are provided to or in respect of a person in relation to service before 1 April 2022 where the accrual rate is affected by the length of the person's period of service (including a period after that date).

(6) In subsection (5)—

“existing scheme” has the same meaning as in PSPA(NI) 2014 (see section 18(2) of that Act);

“scheme regulations” has the same meaning as in PSPA(NI) 2014 (see section 1(4) of that Act).

Commencement Information

I3 S. 89 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I4 S. 89 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

90 Restriction of other schemes

(1) No benefits are to be provided under a relevant scheme to or in respect of a person in relation to the person's service after 31 March 2022.

(2) In subsection (1), “relevant scheme” means—

- (a) the Judicial Pensions Regulations 2015 ([S.I. 2015/182](#)),
- (b) the Judicial Pensions Regulations (Northern Ireland) 2015 ([S.R. \(N.I.\) 2015 No. 76](#)),
- (c) the scheme constituted by Parts 1 to 11 of the Judicial Pensions (Fee-Paid Judges) Regulations 2017 ([S.I. 2017/522](#)), or

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- (d) the pension scheme established for certain employees of the Secret Intelligence Service which came into operation on 1 January 1946 and was amended on 1 September 1957 and 1 July 1964.
- (3) In subsection (1), the reference to benefits in relation to a person's service includes benefits relating to the person's death in service.

Commencement Information

- I5** S. 90 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
- I6** S. 90 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

91 Prohibition of new arrangements to pay voluntary contributions

- (1) No arrangements are to be entered into after 31 March 2022 under which voluntary contributions are payable by a member of a relevant scheme to the scheme.
- (2) In subsection (1) “relevant scheme” means—
- a Chapter 1 legacy scheme (within the meaning of Chapter 1),
 - a judicial legacy salaried scheme (within the meaning of Chapter 2),
 - a local government legacy scheme (within the meaning of Chapter 3),
 - the Judicial Pensions Regulations 2015 ([S.I. 2015/182](#)),
 - the Judicial Pensions Regulations (Northern Ireland) 2015 ([S.R. \(N.I.\) 2015 No. 76](#)), or
 - the pension scheme established for certain employees of the Secret Intelligence Service which came into operation on 1 January 1946 and was amended on 1 September 1957 and 1 July 1964.
- (3) Subsection (1)—
- does not affect the continued operation after 31 March 2022 of any arrangements entered into on or before that date;
 - does not apply to arrangements entered into by virtue of section 25 or 60 (remedial arrangements to pay voluntary contributions).

Commencement Information

- I7** S. 91 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
- I8** S. 91 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

Employer cost cap

92 Amendments relating to employer cost cap

- (1) Section 12 of PSPA 2013 (employer cost cap) is amended in accordance with subsections (2) to (9).
- (2) After subsection (1) insert—

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“(1A) Subsection (1) must be complied with before the end of the period of one year beginning with the day on which the scheme’s first valuation under section 11 is completed.”

(3) For subsection (2) substitute—

“(2) A reference in this section to “the employer cost cap” of a scheme under section 1 is a reference to the rate set by virtue of subsection (1) in relation to the scheme.”

(4) In subsection (3)—

- (a) after “cap” insert “of a scheme under section 1”;
- (b) after “set” insert “, and the changes in the cost of such a scheme are to be measured,”.

(5) In subsection (4)—

- (a) in paragraph (a), for “the cap” substitute “the employer cost cap of the scheme”;
- (b) in paragraph (b)—
 - (i) for “subsequent valuations” insert “the second or any subsequent valuation”;
 - (ii) for “the cap” substitute “the employer cost cap of the scheme”;
- (c) in paragraph (c)—
 - (i) for “the extent to which” substitute “whether and if so to what extent”;
 - (ii) for “of this section” substitute “mentioned in paragraph (b)”;
- (d) after paragraph (c) insert—
 - “(d) that the data, methodologies and assumptions that are to be used for the purposes mentioned in paragraph (b) are to relate, to any extent, to—
 - (i) the growth in the economy, or any sector of the economy, of the United Kingdom or any part of the United Kingdom,
 - (ii) the growth in earnings of any group of persons over any period, or
 - (iii) the rate of inflation (however measured) over any period.”

(6) After subsection (4) insert—

“(4A) The power to give directions by virtue of subsection (4)(d) is not affected by any statement made before 27 May 2021 by the Treasury, or any Minister of the Crown, relating to the data, methodologies and assumptions that are, or are not, to be used for the purposes mentioned in subsection (4)(b).”

(7) In subsection (5)(a) for “(and any connected scheme)” substitute “(determined, if and so far as provided for by virtue of subsection (4)(c), taking into account the costs of any connected scheme)”.

(8) In subsection (6), in the opening words—

- (a) for “the scheme” substitute “a scheme under section 1”;
- (b) for “the margins” substitute “either of the margins specified under subsection (5)(a)”.

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(9) After subsection (7) insert—

“(7A) Treasury directions may specify the time at which any increase or decrease of members’ benefits or contributions that is provided for under subsection (6) is to take effect.

(7B) Treasury directions may require that provision contained in scheme regulations under subsection (6) permits steps to be—

(a) agreed by virtue of paragraph (a) of that subsection, or

(b) determined by virtue of paragraph (b) of that subsection,

only after the scheme actuary has certified that the steps would, if taken, achieve the target cost for the scheme.

(7C) Treasury directions under subsection (7B) may specify—

(a) the costs or changes in costs that are to be taken into account, or

(b) the data, methodologies and assumptions that are to be used,

for the purposes of determining whether any steps would, if taken, achieve the target cost for the scheme.

(7D) In subsection (7B) “the scheme actuary”, in relation to a scheme under section 1, means the actuary who carried out, or is for the time being exercising actuarial functions in relation to, the valuation under section 11 by reference to which it has been determined that the costs of the scheme have gone, or may go, beyond either of the margins specified under subsection (5)(a).”

(10) Section 12 of PSPA(NI) 2014 (employer cost cap) is amended in accordance with subsections (11) to (19).

(11) After subsection (1) insert—

“(1A) Subsection (1) must be complied with before the end of the period of one year beginning with the day on which the scheme’s first valuation under section 11 is completed.”

(12) For subsection (2) substitute—

“(2) A reference in this section to “the employer cost cap” of a scheme under section 1 is a reference to the rate set by virtue of subsection (1) in relation to the scheme.”

(13) In subsection (3)—

(a) after “cap” insert “of a scheme under section 1”;

(b) after “set” insert “, and the changes in the cost of such a scheme are to be measured,”.

(14) In subsection (4)—

(a) in paragraph (a), for “the cap” substitute “the employer cost cap of the scheme”;

(b) in paragraph (b)—

(i) for “subsequent valuations” insert “the second or any subsequent valuation”;

(ii) for “the cap” substitute “the employer cost cap of the scheme”;

(c) in paragraph (c)—

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- (i) for “the extent to which” substitute “whether and if so to what extent”;
 - (ii) for “of this section” substitute “mentioned in paragraph (b)”;
- (d) after paragraph (c) insert—
 - “(d) that the data, methodologies and assumptions that are to be used for the purposes mentioned in paragraph (b) are to relate, to any extent, to—
 - (i) the growth in the economy, or any sector of the economy, of the United Kingdom or any part of the United Kingdom,
 - (ii) the growth in earnings of any group of persons over any period, or
 - (iii) the rate of inflation (however measured) over any period.”
- (15) After subsection (4) insert—

“(4A) The power to give directions by virtue of subsection (4)(d) is not affected by any statement made before 27 May 2021 by the Department of Finance, or any other department, relating to the data, methodologies and assumptions that are, or are not, to be used for the purposes mentioned in subsection (4)(b).”
- (16) In subsection (5)(a), for “(and any connected scheme)” substitute “(determined, if and so far as provided for by virtue of subsection (4)(c), taking into account the costs of any connected scheme)”.
- (17) In subsection (6), in the opening words—
 - (a) for “the scheme” substitute “a scheme under section 1”;
 - (b) for “the margins” substitute “either of the margins specified under subsection (5)(a)”.
- (18) After subsection (7) insert—

“(7A) Directions given by the Department of Finance may specify the time at which any increase or decrease of members’ benefits or contributions that is provided for under subsection (6) is to take effect.

(7B) Directions given by the Department of Finance may require that provision contained in scheme regulations under subsection (6) permits steps to be—

 - (a) agreed by virtue of paragraph (a) of that subsection, or
 - (b) determined by virtue of paragraph (b) of that subsection,

only after the scheme actuary has certified that the steps would, if taken, achieve the target cost for the scheme.

(7C) Directions under subsection (7B) may specify—

 - (a) the costs or changes in costs that are to be taken into account, or
 - (b) the data, methodologies and assumptions that are to be used,

for the purposes of determining whether any steps would, if taken, achieve the target cost for the scheme.

(7D) In subsection (7B) “the scheme actuary”, in relation to a scheme under section 1, means the actuary who carried out, or is for the time being exercising actuarial functions in relation to, the valuation under section 11 by reference

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to which it has been determined that the costs of the scheme have gone, or may go, beyond either of the margins specified under subsection (5)(a).”

(19) In subsections (3), (4), (5), (8), (9) and (10) omit “and Personnel”.

Commencement Information

I9 S. 92 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I10 S. 92 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

93 Operation of employer cost cap in relation to 2016/17 valuation

- (1) The requirement in provision made under section 12(5)(a) of PSPA 2013 that the cost of a section 1 scheme must remain within a margin above the employer cost cap of the scheme does not apply, and is treated as never having applied, in relation to the cost of the scheme that is calculated by reference to the scheme’s 2016/17 valuation.
- (2) Accordingly, provision made under section 12(6) of that Act does not apply, and is treated as never having applied, in relation to a case in which the cost of a section 1 scheme that is calculated by reference to the scheme’s 2016/17 valuation goes beyond a margin above the employer cost cap of the scheme.
- (3) In subsections (1) and (2) and this subsection—
 - (a) “section 1 scheme” means a scheme under section 1 of PSPA 2013;
 - (b) “the employer cost cap”, in relation to a section 1 scheme, has the same meaning as in section 12 of PSPA 2013;
 - (c) a reference to a section 1 scheme’s “2016/17 valuation” is to the scheme’s valuation under section 11 of PSPA 2013 the effective date of which is a date in 2016 or 2017.
- (4) The requirement in provision made under section 12(5)(a) of PSPA(NI) 2014 that the cost of a section 1 scheme must remain within a margin above the employer cost cap of the scheme does not apply, and is treated as never having applied, in relation to the cost of the scheme that is calculated by reference to the scheme’s 2016/17 valuation.
- (5) Accordingly, provision made under section 12(6) of that Act does not apply, and is treated as never having applied, in relation to a case in which the cost of a section 1 scheme that is calculated by reference to the scheme’s 2016/17 valuation goes beyond a margin above the employer cost cap of the scheme.
- (6) In subsections (4) and (5) and this subsection—
 - (a) “section 1 scheme” means a scheme under section 1 of PSPA(NI) 2014;
 - (b) “the employer cost cap”, in relation to a section 1 scheme, has the same meaning as in section 12 of PSPA(NI) 2014;
 - (c) a reference to a section 1 scheme’s “2016/17 valuation” is to the scheme’s valuation under section 11 of PSPA(NI) 2014 the effective date of which is a date in 2016 or 2017.
- (7) The actuarial valuation with an effective date of 31 March 2016 that was signed on 18 December 2018 under regulation 123 of the Local Government Pension Scheme Regulations (Northern Ireland) 2014 ([S.R. \(N.I.\) 2014 No. 188](#)) is of no effect.

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Commencement Information

- I11** S. 93 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
I12 S. 93 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

Other amendments of PSPA 2013 and PSPA(NI) 2014

94 Amendments relating to scheme regulations

- (1) Section 3 of PSPA 2013 (scheme regulations) is amended in accordance with subsections [\(2\)](#) to [\(6\)](#).
- (2) In subsection (1) after “this Act” insert “and Part 1 of PSPJOA 2022”.
- (3) In subsection (2), after paragraph (b) insert—
 - “(c) consequential, supplementary, incidental or transitional provision in relation to any provision of Part 1 of PSPJOA 2022.”
- (4) After subsection (4) insert—
 - “(4A) In subsection (2)(c)—
 - (a) the reference to consequential provision includes consequential provision amending any primary legislation passed before or in the same session as PSPJOA 2022 (as well as consequential provision amending any secondary legislation);
 - (b) the reference to supplementary, incidental or transitional provision includes supplementary, incidental or transitional provision amending an existing scheme contained in primary legislation (as well as supplementary, incidental or transitional provision amending any secondary legislation).
 - (4B) See sections 37 and 74 of PSPJOA 2022 for provision under which certain powers to make provision under Part 1 of that Act by means of scheme regulations may be exercised by amending existing schemes.”
- (5) In subsection (6) omit paragraph (b).
- (6) After subsection (6) insert—
 - “(7) A Treasury order may amend this section so as to add, remove or vary exceptions to the requirement in subsection (5).
 - (8) A Treasury order under subsection (7) is subject to the negative procedure.”
- (7) In section 8 of PSPA 2013 (types of scheme), after subsection (4) insert—
 - “(4A) The extent to which a scheme under section 1 is a career average revalued earnings scheme is not affected by provision contained in scheme regulations that is made under section 78 of PSPJOA 2022 (local government schemes: power to pay final salary benefits).”
- (8) In section 21 of PSPA 2013 (consultation), after subsection (3) insert—
 - “(4) Subsection (1) may, in relation to provision contained in scheme regulations—
 - (a) under any provision contained in Part 1 of PSPJOA 2022, or

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- (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022),

be satisfied by consultation before, as well as after, the coming into force of the provision mentioned in paragraph (a) or (b).”
- (9) In section 23 of PSPA 2013 (procedure for retrospective provision), after subsection (5) insert—
 - “(6) This section does not apply in relation to provision contained in scheme regulations that is made—
 - (a) under any provision contained in Part 1 of PSPJOA 2022, or
 - (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022).”
- (10) In section 37 of PSPA 2013 (general interpretation), at the appropriate place insert—

““PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;”.
- (11) Section 3 of PSPA(NI) 2014 (scheme regulations) is amended in accordance with subsections (12) to (14).
- (12) In subsection (1), after “this Act” insert “and Part 1 of PSPJOA 2022”.
- (13) In subsection (2), after paragraph (b) insert—
 - “(c) consequential, supplementary, incidental or transitional provision in relation to any provision of Part 1 of PSPJOA 2022.”
- (14) After subsection (4) insert—
 - “(4A) In subsection (2)(c)—
 - (a) the reference to consequential provision includes consequential provision amending any primary legislation made or passed before or within the period of 12 months from the date on which PSPJOA 2022 receives Royal Assent (as well as consequential provision amending any secondary legislation);
 - (b) the reference to supplementary, incidental or transitional provision includes supplementary, incidental or transitional provision amending an existing scheme contained in primary legislation (as well as supplementary, incidental or transitional provision amending any secondary legislation).
 - (4B) See sections 37 and 74 of PSPJOA 2022 for provision under which certain powers to make provision under Part 1 of that Act by means of scheme regulations may be exercised by amending existing schemes.”
- (15) In section 8 of PSPA(NI) 2014 (types of scheme), after subsection (4) insert—
 - “(4A) The extent to which a scheme under section 1 is a career average revalued earnings scheme is not affected by provision contained in scheme regulations that is made under section 78 of PSPJOA 2022 (local government schemes: power to pay final salary benefits).”
- (16) In section 21 of PSPA(NI) 2014 (consultation), after subsection (3) insert—
 - “(4) Subsection (1) may, in relation to provision contained in scheme regulations—
 - (a) under any provision contained in Part 1 of PSPJOA 2022, or

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- (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022),
- be satisfied by consultation before, as well as after, the coming into force of the provision mentioned in paragraph (a) or (b).”
- (17) In section 23 of PSPA(NI) 2014 (procedure for retrospective provision), after subsection (5) insert—
- “(6) This section does not apply in relation to provision contained in scheme regulations that is made—
- (a) under any provision contained in Part 1 of PSPJOA 2022, or
- (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022).”
- (18) In section 34 of PSPA(NI) 2014 (general interpretation), at the appropriate place insert—
- ““PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;”.

Commencement Information

I13 S. 94 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I14 S. 94 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

95 Amendments relating to the establishment or restriction of schemes

- (1) PSPA 2013 is amended in accordance with subsections (2) to (7).
- (2) In section 4 (scheme manager)—
- (a) after subsection (3) insert—
- “(3A) Subsection (1) does not apply to a scheme under section 1 if—
- (a) the scheme is connected with another scheme under section 1, and
- (b) a scheme manager is provided for under subsection (1) in scheme regulations for that other scheme.”;
- (b) after subsection (6) insert—
- “(6A) The reference in subsection (6) to a statutory pension scheme includes a statutory pension scheme established (under section 1 or otherwise) after the establishment of the scheme under section 1 mentioned in that subsection.”
- (3) In section 5 (pension board), after subsection (2) insert—
- “(2A) Subsection (1) does not apply to a scheme under section 1 if—
- (a) the scheme is connected with another scheme under section 1, and
- (b) a pension board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (4) In section 7 (scheme advisory board)—
- (a) in subsection (1), for “on the desirability of changes to the scheme” substitute “on—

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- (a) the desirability of changes to the scheme, or
 - (b) the desirability of changes to any other scheme under section 1 which—
 - (i) is connected with it, and
 - (ii) is not an injury or compensation scheme.”;
 - (b) after subsection (1) insert—
 - “(1A) Subsection (1) does not apply to a scheme under section 1 if—
 - (a) the scheme is connected with another scheme under section 1 which is not an injury or compensation scheme, and
 - (b) a scheme advisory board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (5) In section 11 (valuations), after subsection (1) insert—
- “(1A) Subsection (1) does not apply to a scheme under section 1 if—
 - (a) the scheme is connected with another scheme under section 1, and
 - (b) actuarial valuations are provided for under subsection (1) in scheme regulations for that other scheme.”
- (6) After section 12 insert—
- “12A Sections 11 and 12: restricted schemes**
- (1) Section 11(1) (valuations) does not require scheme regulations to provide for actuarial valuations to be made of a scheme to which this section applies.
 - (2) Section 12(1) (employer cost cap) does not apply to a scheme to which this section applies.
 - (3) This section applies to a scheme under section 1 which—
 - (a) is a restricted scheme, and
 - (b) is specified for the purposes of this section in Treasury regulations.
 - (4) For the purposes of this section a scheme under section 1 is a “restricted scheme” at any time if any enactment restricts the provision of benefits under the scheme to or in respect of a person in relation to the person’s service after that time.
 - (5) Treasury regulations under this section may include consequential or supplementary provision.
 - (6) Treasury regulations under this section are subject to the negative Commons procedure.”
- (7) In section 30 (new public body pension schemes), in subsection (1)(e), for “and 12” substitute “to 12A”.
- (8) PSPA(NI) 2014 is amended in accordance with subsections (9) to (15).
- (9) In section 4 (scheme manager)—
- (a) after subsection (3) insert—
 - “(3A) Subsection (1) does not apply to a scheme under section 1 if—

- (1) Section 11(1) (valuations) does not require scheme regulations to provide for actuarial valuations to be made of a scheme to which this section applies.
- (2) Section 12(1) (employer cost cap) does not apply to a scheme to which this section applies.

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- (3) This section applies to a scheme under section 1 which—
 - (a) is a restricted scheme, and
 - (b) is specified for the purposes of this section in regulations made by the Department of Finance.
- (4) For the purposes of this section a scheme under section 1 is a “restricted scheme” at any time if any statutory provision restricts the provision of benefits under the scheme to or in respect of a person in relation to the person’s service after that time.
- (5) Regulations made by the Department of Finance under this section may include consequential or supplementary provision.
- (6) Regulations made by the Department of Finance under this section are subject to negative resolution.”
- (14) In section 31 (new public body pension schemes), in subsection (1)(e), for “and 12” substitute “to 12A”.
- (15) In section 34 (general interpretation), at the appropriate place insert—

““statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;”.

Commencement Information

I15 S. 95 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I16 S. 95 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

96 Amendments relating to the Secret Intelligence Service etc

- (1) PSPA 2013 is amended in accordance with subsections (2) to (4).
- (2) In section 18 (restriction of existing pension schemes)—
 - (a) in subsection (4), after paragraph (a) insert—

“(aa) 31 March 2016 for an existing scheme which is a relevant Agency scheme, and”;
 - (b) in subsection (10) after “subsection (4)” insert “—

“relevant Agency scheme” means regulations under section 1 of the Superannuation Act 1972 which relate to staff of the Secret Intelligence Service or Security Service;”.
- (3) In Schedule 5 (existing schemes), in paragraph 1 omit “other than a scheme which relates to staff of the Secret Intelligence Service or Security Service”.
- (4) In Schedule 10 (public bodies whose pension schemes must be restricted) omit paragraphs 10 and 11.
- (5) In consequence of the amendment made by subsection (3), in PSA 2015 omit section 80 (public service pension schemes).
- (6) Any provision of subordinate legislation that—
 - (a) was, at any time before the coming into force of this section, made (or purportedly made) in relation to a relevant Agency scheme under—

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- (i) section 18 of PSPA 2013 (restriction of existing pension schemes), or
 - (ii) section 31 of that Act (restriction of certain existing public body pension schemes), and
 - (b) could have been made under section 18 of that Act if the amendments made by subsections (1) to (4) had been in force at that time,
- is treated as having been made under section 18 of that Act.
- (7) In subsection (6) “relevant Agency scheme” means regulations under section 1 of SA 1972 which relate to staff of the Secret Intelligence Service or Security Service.

Commencement Information

I17 S. 96 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I18 S. 96 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

97 Amendments relating to the judiciary

- (1) PSPA 2013 is amended in accordance with subsections (2) and (3).
- (2) After section 25 (extension of schemes) insert—

“25A Extension of schemes where definition of “the judiciary” expanded

- (1) Subsection (2) applies where—
 - (a) scheme regulations come into force establishing a scheme under section 1 for the judiciary, and
 - (b) subsequently, an order is made under paragraph 2(1) of Schedule 1 (order specifying judicial offices for the purposes of the definition of “the judiciary”).
- (2) Scheme regulations for the scheme mentioned in subsection (1)(a) may make provision under which any right or obligation of a member holding an office specified in the order mentioned in subsection (1)(b) is determined by reference to service which takes place before (as well as after) the order comes into force.
- (3) This section is without prejudice to the generality of section 3(3)(b) (power to make retrospective provision in scheme regulations).”
- (3) In Schedule 1 (persons in public service: definitions), in paragraph 2 (judiciary), for sub-paragraphs (2) and (3) substitute—
 - “(2) An order under sub-paragraph (1) that specifies a devolved office in or as regards Scotland or Northern Ireland may only be made at the request of the relevant national authority.
 - (3) In sub-paragraph (2), “relevant national authority” means—
 - (a) in relation to a devolved office within paragraph (a) of the definition of “devolved office” in section 37, the Department of Justice in Northern Ireland;
 - (b) in relation to a devolved office within paragraph (b) of the definition of “devolved office” in section 37, the Scottish Ministers.

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(4) An order under sub-paragraph (1) is subject to the negative procedure.”

(4) PSPA(NI) 2014 is amended in accordance with subsection (5).

(5) After section 25 (extension of schemes) insert—

“25A Extension of schemes where definition of “the judiciary” expanded

(1) Subsection (2) applies where—

- (a) scheme regulations come into force establishing a scheme under section 1 for holders of judicial office, and
- (b) subsequently, an order is made under paragraph 2(1) of Schedule 1 (order specifying judicial offices for the purposes of the definition of “holders of judicial office”).

(2) Scheme regulations for the scheme mentioned in subsection (1)(a) may make provision under which any right or obligation of a member holding an office specified in the order mentioned in subsection (1)(b) is determined by reference to service which takes place before (as well as after) the order comes into force.

(3) This section is without prejudice to the generality of section 3(3)(b) (power to make retrospective provision in scheme regulations).”

Commencement Information

I19 S. 97 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I20 S. 97 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

98 Amendments relating to non-scheme benefits

(1) Section 26 of PSPA 2013 (non-scheme benefits) is amended in accordance with subsections (2) and (3).

(2) In subsection (1), for paragraphs (a) and (b) substitute—

- “(a) persons to whom the scheme relates (including any to whom the scheme relates by virtue of section 25), and
- (b) persons to whom the scheme would have related but for the fact that, in accordance with the scheme, they have opted out of the scheme (or have failed to opt in to the scheme).”

(3) After subsection (2) insert—

“(3) For the purposes of subsection (1)(b), a person is treated as having opted out of a scheme if the scheme would have related to the person (or would have done so if the person had opted that it should) but for the fact that the person had a partnership pension account.

(4) In this section—

“occupational defined contributions scheme” means a defined contributions scheme (within the meaning given by section 4 of the Pension Schemes Act 2015) that is an occupational pension scheme

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within the meaning of the Pension Schemes Act 1993 (see section 1 of that Act);

“partnership pension account”, in relation to a person in service in an employment or office, means—

- (a) a stakeholder pension scheme,
- (b) a personal pension scheme, or
- (c) an occupational defined contributions scheme,

to which the person’s employer is paying contributions;

“personal pension scheme” has the same meaning as in the Pension Schemes Act 1993 (see section 1 of that Act);

“stakeholder pension scheme” means a scheme which is a stakeholder pension scheme for the purposes of Part 1 of the Welfare Reform and Pensions Act 1999 (see section 1 of that Act).”

- (4) Section 26 of PSPA(NI) 2014 (non-scheme benefits) is amended in accordance with subsections (5) and (6).

- (5) In subsection (1), for paragraphs (a) and (b) substitute—

- “(a) persons to whom the scheme relates (including any to whom the scheme relates by virtue of section 25), and
- (b) persons to whom the scheme would have related but for the fact that, in accordance with the scheme, they have opted out of the scheme (or have failed to opt in to the scheme).”

- (6) After subsection (2) insert—

- “(3) For the purposes of subsection (1)(b), a person is treated as having opted out of a scheme if the scheme would have related to the person (or would have done so if the person had opted that it should) but for the fact that the person had a partnership pension account.

- (4) In this section—

“occupational defined contributions scheme” means a defined contributions scheme (within the meaning given by section 4 of the Pension Schemes Act (Northern Ireland) 2016) that is an occupational pension scheme within the meaning of Pension Schemes (Northern Ireland) Act 1993 (see section 1 of that Act);

“partnership pension account”, in relation to a person in service in an employment or office, means—

- (a) a stakeholder pension scheme,
- (b) a personal pension scheme, or
- (c) an occupational defined contributions scheme,

to which the person’s employer is paying contributions;

“personal pension scheme” has the same meaning as in the Pension Schemes (Northern Ireland) Act 1993 (see section 1 of that Act);

“stakeholder pension scheme” means a scheme which is a stakeholder pension scheme for the purposes of Part 2 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 (see Article 3 of that Order).”

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 4. (See end of Document for details)

Commencement Information

- I21** S. 98 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
I22 S. 98 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

99 Amendments relating to pension schemes for members of the Senedd

In section 30 of PSPA 2013 (new public body pension schemes), after subsection (4) insert—

“(4A) The following provisions of this section do not apply to a new public body pension scheme which is made under section 20(3) of the Government of Wales Act 2006 (remuneration of members of the Senedd: pensions)—

- (a) subsection (1)(e) (cost control);
- (b) subsection (3) (Treasury consent).”

Commencement Information

- I23** S. 99 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
I24 S. 99 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

100 Guidance to public service pension scheme managers on investment decisions

- (1) The Public Service Pensions Act 2013 is amended in accordance with subsection (2).
- (2) In Schedule 3, in paragraph 12(a), at end insert “including guidance or directions on investment decisions which it is not proper for the scheme manager to make in light of UK foreign and defence policy”.

Commencement Information

- I25** S. 100 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
I26 S. 100 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

Miscellaneous

101 Power of Treasury to make scheme for compensation

- (1) The Treasury may by regulations make provision for a compensation scheme under which amounts are paid by way of compensation in respect of compensatable losses incurred by relevant members.
- (2) The provision that may be made under subsection (1) includes—
 - (a) provision appointing a body to administer the scheme;
 - (b) provision establishing a body for that purpose and making such provision in relation to the appointment of members, staffing, expenditure, procedure and otherwise as the Treasury consider appropriate;
 - (c) provision allowing the body administering the scheme to exercise a discretion;

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- (d) provision conferring power on the Treasury to give guidance or directions to the body administering the scheme;
- (e) any provision that could be included in—
 - (i) regulations made by virtue of section 26 (interest and process) in relation to amounts payable under section 23 (power to pay compensation), or
 - (ii) regulations made by virtue of section 61 (interest and process) in relation to amounts payable under section 59 (power to pay compensation).
- (3) In this section “compensatable loss” means—
 - (a) a compensatable loss for the purposes of section 23 (power to pay compensation under Chapter 1),
 - (b) a compensatable loss for the purposes of section 59 (power to pay compensation under Chapter 2), or
 - (c) a compensatable loss for the purposes of section 82 (power to pay compensation under Chapter 3).
- (4) In this section “relevant member” means—
 - (a) a member of a Chapter 1 legacy scheme within section 33(2)(a) or (3)(a) who has remediable service that is pensionable service under the scheme,
 - (b) a member of a judicial scheme within section 70(2)(a), (4)(a) or (5) who has remediable service that is pensionable service under the scheme, or
 - (c) a member of a local government new scheme within section 86(2)(a) who has remediable service that is pensionable service under the scheme.
- (5) In subsection (4)—
 - (a) in paragraph (a), “Chapter 1 legacy scheme” and “remediable service” have the same meaning as in Chapter 1;
 - (b) in paragraph (b), “judicial scheme” and “remediable service” have the same meaning as in Chapter 2;
 - (c) in paragraph (c), “local government new scheme” and “remediable service” have the same meaning as in Chapter 3.
- (6) Regulations under this section are subject to the negative procedure.

Commencement Information

I27 S. 101 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I28 S. 101 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

102 Power of Department of Finance to make scheme for compensation

- (1) The Department of Finance in Northern Ireland may by regulations make provision for a compensation scheme under which amounts are paid by way of compensation in respect of compensatable losses incurred by relevant members.
- (2) The provision that may be made under subsection (1) includes—
 - (a) provision appointing a body to administer the scheme;
 - (b) provision establishing a body for that purpose and making such provision in relation to the appointment of members, staffing, expenditure, procedure

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and otherwise as the Department of Finance in Northern Ireland considers appropriate;

- (c) provision allowing the body administering the scheme to exercise a discretion;
- (d) provision conferring power on the Department of Finance in Northern Ireland to give guidance or directions to the body administering the scheme;
- (e) any provision that could be included in—
 - (i) regulations made by virtue of section 26 (interest and process) in relation to amounts payable under section 23 (power to pay compensation), or
 - (ii) regulations made by virtue of section 61 (interest and process) in relation to amounts payable under section 59 (power to pay compensation).

(3) In this section “compensatable loss” means—

- (a) a compensatable loss for the purposes of section 23 (power to pay compensation under Chapter 1),
- (b) a compensatable loss for the purposes of section 59 (power to pay compensation under Chapter 2), or
- (c) a compensatable loss for the purposes of section 82 (power to pay compensation under Chapter 3).

(4) In this section “relevant member” means—

- (a) a member of a Chapter 1 legacy scheme within section 33(2)(b) or (3)(b) who has remediable service that is pensionable service under the scheme,
- (b) a member of a judicial scheme within section 70(2)(b) or (4)(b) who has remediable service that is pensionable service under the scheme, or
- (c) a member of a local government new scheme within section 86(2)(b) who has remediable service that is pensionable service under the scheme.

(5) In subsection (4)—

- (a) in paragraph (a), “Chapter 1 legacy scheme” and “remediable service” have the same meaning as in Chapter 1;
- (b) in paragraph (b), “judicial scheme” and “remediable service” have the same meaning as in Chapter 2;
- (c) in paragraph (c), “local government new scheme” and “remediable service” have the same meaning as in Chapter 3.

(6) Regulations under this section are subject to the negative procedure.

Commencement Information

I29 S. 102 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I30 S. 102 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

103 Power to make provision in relation to certain fee-paid judges

- (1) Scheme regulations for a judicial scheme may make provision for the purpose of putting relevant fee-paid judges, so far as possible, in the position they would have been in if they had always been recognised as being full protection members of a judicial legacy scheme.

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- (2) The provision that may be made under subsection (1) includes in particular—
- (a) provision about the amount of benefits to which a person is or was entitled in respect of pensionable service;
 - (b) provision about pension contributions a person is or was required to pay to the scheme in respect of pensionable service;
 - (c) provision about cases in which voluntary contributions have been paid to a judicial 2015 scheme (including provision under which rights to benefits referable to the contributions are retained in the judicial 2015 scheme);
 - (d) provision about cases in which a person has transferred rights into a judicial 2015 scheme (including provision under which the rights are retained in the judicial 2015 scheme);
 - (e) provision about cases in which a person has a partnership pension account;
 - (f) provision about cases in which a person has partially retired;
 - (g) provision enabling a scheme manager to pay amounts by way of compensation, including provision requiring an employer in relation to the scheme to reimburse the scheme manager for such amounts;
 - (h) provision corresponding or similar to any provision of or made under—
 - (i) section 53 (effective pension age payments);
 - (ii) section 54 (transitional protection allowance);
 - (iii) section 55 (power to reduce benefits in lieu of paying liabilities owed to the scheme);
 - (iv) section 56 (powers to reduce or waive liabilities);
 - (v) section 57 (pension credit members);
 - (vi) section 61 (interest and process).
- (3) For the purposes of this section a person (“P”) is a “relevant fee-paid judge” if—
- (a) on 31 March 2012—
 - (i) P held a fee-paid judicial office, and
 - (ii) did not hold a salaried judicial office,
 - (b) on 1 April 2012, P was aged 55 or over,
 - (c) at any time in the period beginning with 1 April 2012 and ending with the day before the relevant date, P held a salaried judicial office, and
 - (d) either—
 - (i) on the relevant date, P did not hold a fee-paid judicial office, or
 - (ii) the condition in regulation 8(2)(a) of the judicial legacy fee-paid scheme (members) is not met in relation to P and the fee-paid judicial office mentioned in paragraph (a)(i).
- (4) In this section “full protection member”—
- (a) in relation to a judicial office within section 71(1)(a) or (b), has the same meaning as in Schedule 2 to the Judicial Pensions Regulations 2015 (S.I. 2015/182) (see paragraph 1 of that Schedule), or
 - (b) in relation to a judicial office within section 71(1)(c), has the same meaning as in Schedule 2 to the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 76) (see paragraph 1 of that Schedule).
- (5) In this section “the relevant date”—
- (a) in relation to a judicial office within section 71(1)(a) or (b), means 2 December 2012;

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(b) in relation to a judicial office within section 71(1)(c), means 1 February 2013.

(6) Expressions used in this section have the same meaning as in Chapter 2.

Commencement Information

I31 S. 103 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I32 S. 103 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

104 HMRC information-sharing and other functions relating to compensation etc

- (1) HMRC (or anyone acting on their behalf) may—
 - (a) exchange information with a relevant person for the purpose of facilitating the exercise of any compensation function, or
 - (b) do anything else which they think necessary or expedient for that purpose.
- (2) A person to whom HMRC discloses information under this section—
 - (a) may use it only for the purpose for which it was disclosed, and
 - (b) may not further disclose it without the consent of HMRC (which may be general or specific).
- (3) Where a person contravenes subsection (2)(b) by disclosing information relating to a person whose identity—
 - (a) is specified in the disclosure, or
 - (b) can be deduced from it,
 section 19 of the Commissioners for Revenue and Customs Act 2005 (offence of wrongful disclosure) applies in relation to the disclosure as it applies in relation to a disclosure in contravention of section 20(9) of that Act.
- (4) Nothing in this section authorises a disclosure of information if the disclosure would contravene the data protection legislation or would be prohibited by the investigatory powers legislation (but in determining whether a disclosure would do either of those things, the power conferred by this section is to be taken into account).
- (5) Nothing in this section limits the circumstances in which information may be disclosed under section 18(2) of the Commissioners for Revenue and Customs Act 2005 or under any other enactment or rule of law.
- (6) In this section—

“compensation function” means a function that relates to—

 - (a) the payment of compensation, contributions, benefits or other amounts to or in respect of a person by virtue of a provision made by or under this Part, or
 - (b) the reduction or waiving of a person’s liability to pay an amount by virtue of such a provision;

“the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);

“the investigatory powers legislation” means Parts 1 to 7 and Chapter 1 of Part 9 of the Investigatory Powers Act 2016;

“relevant person” means a person—

 - (a) who exercises a compensation function,

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- (b) to or in respect of whom compensation, contributions, benefits or other amounts is or are payable by virtue of a provision made by or under this Part, or
- (c) whose liability to pay an amount may be reduced or waived by virtue of such a provision.

Commencement Information

I33 S. 104 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I34 S. 104 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

105 Section 91 of Pensions Act 1995 and section 356 of Armed Forces Act 2006

- (1) Subsection (2) applies in relation to any reference in section 91 of PA 1995 or Article 89 of P(NI)O 1995 (inalienability of occupational pension) to—
 - (a) assigning, commuting or surrendering an entitlement to a pension or a right to a future pension, or
 - (b) the exercise of a set-off in respect of such an entitlement or right.
- (2) The reference does not include—
 - (a) anything done under or by virtue of this Part of this Act, or
 - (b) the surrender of an entitlement or right under a pension scheme—
 - (i) for the purpose of meeting a condition by virtue of section 5(5)(b) (Chapter 1: surrender of rights required as condition for inclusion of opted-out service in remedy), or
 - (ii) in the course of taking the steps mentioned in section 41(3) or (6) (Chapter 2: partnership pension account: requirement to transfer assets and surrender rights).
- (3) Subsection (4) applies in relation to any reference in section 356 of the Armed Forces Act 2006 (avoidance of assignment of, or charge on, pay and pensions etc) to an assignment (or, in Scotland, assignation) of, or an agreement to assign, any relevant pay or pension (within the meaning of that section).
- (4) The reference does not include anything done under or by virtue of this Part of this Act.

Commencement Information

I35 S. 105 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I36 S. 105 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

106 Minor amendment

In JUPRA 1993, in section 2 (judicial officer's entitlement to a pension), in subsection (7A), for “(2)(c)” substitute “(7)(c)”.

Commencement Information

I37 S. 106 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I38 S. 106 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

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107 Parliamentary procedure for judicial schemes: transitory provision

- (1) This section applies to scheme regulations for a scheme relating to the judiciary that are made at any time within the period of one month beginning with the day on which this Act is passed.
- (2) A statutory instrument containing scheme regulations to which this section applies must be laid before Parliament after being made.
- (3) Regulations contained in a statutory instrument laid before Parliament under subsection (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (4) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (5) If regulations cease to have effect as a result of subsection (3), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (6) If regulations otherwise subject to the negative procedure are combined with scheme regulations to which this section applies, the combined regulations are subject to the procedure set out in this section.
- (7) Section 24 of PSPA 2013 (other procedure) does not apply to scheme regulations to which this section applies.
- (8) In this section, the following expressions have the same meaning as in PSPA 2013—
 - “the judiciary” (see paragraph 2 of Schedule 1 to that Act);
 - “negative procedure” (see section 38(3) of that Act);
 - “scheme” (see section 37 of that Act);
 - “scheme regulations” (see section 1(4) of that Act).

Commencement Information

I39 S. 107 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I40 S. 107 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

108 Power to make consequential provision

- (1) The Treasury may by regulations make provision that is consequential on this Part.
- (2) Regulations under this section may make retrospective provision.
- (3) Regulations under this section may amend, repeal, revoke or otherwise modify provision made by an enactment.
- (4) Regulations under this section that amend, repeal or revoke primary legislation are subject to the affirmative procedure.
- (5) Any other regulations under this section are subject to the negative procedure.

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(6) In this section “primary legislation” means—

- (a) an Act;
- ^{F1}(b)
- (c) an Act of the Scottish Parliament;
- (d) a Measure or Act of Senedd Cymru;
- (e) Northern Ireland legislation.

Textual Amendments

F1 S. 108(6)(b) omitted (29.6.2023) by virtue of [Retained EU Law \(Revocation and Reform\) Act 2023](#) (c. 28), s. 22(1)(d), [Sch. 3 para. 8\(2\)](#)

Commencement Information

I41 S. 108 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I42 S. 108 in force at 1.4.2022 in so far as not already in force, see [s. 131\(2\)\(f\)](#)

Interpretation of Part

109 Meaning of “member” etc

- (1) In this Part “member”, in relation to a pension scheme, means a member of the scheme of any description (whether or not in pensionable service or in receipt of a pension) and includes a deceased member.
- (2) For the purposes of this Part a person is an “active member” of a pension scheme in relation to their service in an employment or office if—
 - (a) there are presently arrangements made under the pension scheme for the accrual of benefits to or in respect of the person that are calculated by reference to the person’s service in that employment or office, and
 - (b) the person is not a pensioner member of the scheme in relation to that employment or office.
- (3) For the purposes of this Part a person is a “pensioner member” of a pension scheme in relation to their service in an employment or office if the person is entitled to the present payment of benefits under the scheme that are calculated by reference to the person’s service in that employment or office.
- (4) For the purposes of this Part a person is a “deferred member” of a pension scheme in relation to their service in an employment or office if—
 - (a) the person has accrued rights under the pension scheme, and
 - (b) the person is neither an active member of the scheme, nor a pensioner member of the scheme, in relation to that employment or office.

Commencement Information

I43 S. 109 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I44 S. 109 in force at 1.4.2022 for specified purposes, see [s. 131\(2\)\(f\)](#)

I45 [S. 109](#) 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

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I46 S. 109 in force at 4.7.2023 for specified purposes by [S.I. 2023/746](#), [reg. 2\(b\)](#)

110 Interpretation of Part

(1) In this Part—

“accrual rate”, in relation to a pension scheme, means the rate at which rights to benefits accrue over time by reference to periods of pensionable service;

“active member” has the meaning given by section 109;

“connected” means—

- (a) connected within the meaning of PSPA 2013 (see section 4(6) and (7) of that Act), or
- (b) connected within the meaning of PSPA(NI) 2014 (see section 4(6) and (7) of that Act);

“continuous period of service”, in relation to an employment or office, means a period of service in that employment or office that does not include a gap in service;

“deferred member” has the meaning given by section 109;

“EA 2010” means the Equality Act 2010;

“EEAR(NI) 2006” means the Employment Equality (Age) Regulations (Northern Ireland) 2006 ([S.R. \(N.I.\) 2006 No. 261](#));

“employer”, in relation to a pension scheme, means—

- (a) any employer of persons to whom the scheme relates,
- (b) the person responsible for the remuneration of an office-holder to whom the scheme relates, or
- (c) such other persons (in addition to, or instead of, any person falling within paragraph (a) or (b)) as scheme regulations or (in the case of a public body pension scheme) the rules of the scheme may provide;

“employment”: references to a person’s service in an employment include, in relation to a health service worker, any service of the person that, if the person were in pensionable service under a scheme under section 1 of PSPA 2013, or section 1 of PSPA(NI) 2014, for health service workers, would be pensionable service under the scheme;

“enactment” includes—

- (a) an enactment comprised in subordinate legislation (within the meaning given by section 21 of the Interpretation Act 1978),
- (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru,
- (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament, and
- (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;

“entitled”: section 165(3)(b) of FA 2004 (time when person becomes “entitled” to pension) applies for the purposes of this Part as it applies for the purposes of Part 4 of that Act (reading the reference to a registered pension scheme as a reference to any pension scheme);

“excess teacher service” has the meaning given by subsection (2);

“FA 2004” means the Finance Act 2004;

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“Fair Deal scheme” means—

- (a) a pension scheme that, in accordance with the Fair Deal Statement of Practice, has been certified by the Government Actuary’s Department as offering, to persons who have been subject to a Fair Deal transfer, pension arrangements that are broadly comparable with those offered to them before the transfer, or
- (b) a pension scheme in relation to which the obligation to give such a certificate has been waived in accordance with that statement of practice;

“Fair Deal Statement of Practice” means the statement of practice entitled “Staff Transfers in the Public Sector” issued by the Cabinet Office in January 2000, as supplemented and modified from time to time;

“Fair Deal transfer” means a transfer of a person’s employment from a public sector employer to a private sector employer in accordance with the Fair Deal Statement of Practice;

“health service workers” means—

- (a) health service workers within the meaning of PSPA 2013 (see paragraph 5 of Schedule 1 to that Act), or
- (b) health service workers within the meaning of PSPA(NI) 2014 (see paragraph 5 of Schedule 1 to that Act);

“HMRC” means Her Majesty’s Revenue and Customs;

“JUPRA 1993” means the Judicial Pensions and Retirement Act 1993;

“local government contracting-out transfer” means a transfer of a person’s employment that was required to be conducted—

- (a) in accordance with directions given, and having regard to guidance issued, for the purposes of section 101(1) of the Local Government Act 2003 (contracting out: staff transfer matters), or
- (b) having regard to guidance issued for the purposes of section 52 of the Local Government in Scotland Act 2003 ([asp 1](#)) (guidance on contractual matters);

“member” has the meaning given by section 109;

“normal pension age” means normal pension age within the meaning of PSPA 2013 (see section 10(5) of that Act) or PSPA(NI) 2014 (see section 10(10) of that Act);

“occupational defined contributions scheme” means—

- (a) a defined contributions scheme (within the meaning given by section 4 of PSA 2015) that is an occupational pension scheme within the meaning of PSA 1993 (see section 1 of that Act), or
- (b) a defined contributions scheme (within the meaning given by section 4 of PSA(NI) 2016) that is an occupational pension scheme within the meaning of PS(NI)A 1993 (see section 1 of that Act);

“PA 1995” means the Pensions Act 1995;

“P(NI)O 1995” means the Pensions (Northern Ireland) Order 1995 ([S.I. 1995/3213 \(N.I. 22\)](#));

“partnership pension account”, in relation to a person in service in an employment or office, means—

- (a) a stakeholder pension scheme,
 - (b) a personal pension scheme, or
 - (c) an occupational defined contributions scheme,
- to which the person’s employer is paying contributions;

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“pension contributions”, in relation to a pension scheme, means—

- (a) contributions that a member of the scheme or the employer is required under the scheme to pay to the scheme, or
- (b) amounts that a person is required under or by virtue of this Part to pay to the scheme by way of pension contributions;

“pension scheme” means a scheme for the payment of pensions or other benefits to or in respect of persons with service of a particular description;

“pensionable earnings”, in relation to a pension scheme and a member of it, means earnings by reference to which a pension or other benefits under the scheme are calculated;

“pensionable service”, in relation to a pension scheme, means service which qualifies a person to a pension or other benefits under that scheme;

“pensioner member” has the meaning given by section 109;

“personal pension scheme” means a personal pension scheme within the meaning of PSA 1993 (see section 1 of that Act) or PS(NI)A 1993 (see section 1 of that Act);

“PSA 1993” means the Pension Schemes Act 1993;

“PS(NI)A 1993” means the Pension Schemes (Northern Ireland) Act 1993;

“PSA 2015” means the Pension Schemes Act 2015;

“PSA(NI) 2016” means the [Pension Schemes Act \(Northern Ireland\) 2016 \(c.1 \(N.I.\)\)](#);

“PSPA 2013” means the Public Service Pensions Act 2013;

“PSPA(NI) 2014” means the [Public Service Pensions Act \(Northern Ireland\) 2014 \(c. 2 \(N.I.\)\)](#);

“public body pension scheme” means a scheme which is a public body pension scheme for the purposes of PSPA 2013 (see section 30(5) of that Act) or PSPA(NI) 2014 (see section 31(4) of that Act);

“SA 1972” means the Superannuation Act 1972;

“scheme manager” has the meaning given by section 4 of PSPA 2013 or section 4 of PSPA(NI) 2014;

“stakeholder pension scheme” means a scheme which is a stakeholder pension scheme for the purposes of Part 1 of WRPA 1999 (see section 1 of that Act) or Part 2 of WRP(NI)O 1999 (see Article 3 of that Order);

“teacher” means teacher within the meaning of PSPA 2013 (see paragraph 4 of Schedule 1 to that Act) or PSPA(NI) 2014 (see paragraph 4 of Schedule 1 to that Act);

“voluntary contributions” means amounts that are paid to a pension scheme by a member of the scheme on a voluntary basis, in accordance with the scheme, for the purpose of securing additional benefits, or securing the earlier payment of benefits, under the scheme;

“WRPA 1999” means the Welfare Reform and Pensions Act 1999;

“WRP(NI)O 1999” means the Welfare Reform and Pensions (Northern Ireland) Order 1999 ([S.I. 1999/3147 \(N.I. 11\)](#)).

- (2) In this Part “excess teacher service” means a person’s service in an employment or office as a teacher where (disregarding section 2(1))—

- (a) the service is pensionable service under a local government new scheme, or
- (b) the service—
 - (i) is pensionable service under a Chapter 1 new scheme for teachers, and

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- (ii) would have been pensionable service under a local government new scheme but for the person’s failure to meet a condition relating to the person’s attainment of normal pension age, or another specified age, by a specified date.

Service in an employment or office is “excess teacher service” if all of the service falls within paragraphs (a) and (b) (even if it does not all fall within only one of those paragraphs).

(3) In subsection (2)—

“Chapter 1 new scheme” has the same meaning as in Chapter 1;

“local government new scheme” has the same meaning as in Chapter 3.

Commencement Information

I47 S. 110 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

I48 S. 110 in force at 1.4.2022 for specified purposes, see [s. 131\(2\)\(f\)](#)

I49 [S. 110](#) 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

I50 [S. 110](#) in force at 4.7.2023 for specified purposes by [S.I. 2023/746](#), [reg. 2\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 4.