



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

Immediate detriment cases

32 Whether an “immediate detriment remedy” has been obtained

- (1) For the purposes of section 31 an “immediate detriment remedy” has been obtained in relation to a person’s remediable service in an employment or office if either of the following conditions is met.
- (2) The first condition is that—
 - (a) a court or tribunal has determined that, as a result of a non-discrimination rule, any person has any rights under a Chapter 1 scheme in respect of the remediable service, and
 - (b) the scheme manager of the scheme has—
 - (i) paid any benefits or compensation in accordance with the determination, or
 - (ii) taken any other step (for example, altering records) to implement the determination.
- (3) The second condition is that—

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 32. (See end of Document for details)

- (a) the scheme manager of a Chapter 1 scheme and any person have agreed that, as a result of a non-discrimination rule, the person has any rights under a Chapter 1 scheme in respect of the remediable service, and
 - (b) the scheme manager of the scheme has—
 - (i) paid any benefits or compensation in accordance with the agreement, or
 - (ii) taken any other step (for example, altering records) to implement the agreement.
- (4) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a Chapter 1 scheme by virtue of—
- (a) section 61 of EA 2010, or
 - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.

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)**

Commencement Information

- I1** S. 32 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 32 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, Section 32.