



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 4

GENERAL

Other amendments of PSPA 2013 and PSPA(NI) 2014

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—

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 98. (See end of Document for details)

“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 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

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 98. (See end of Document for details)

Reform and Pensions (Northern Ireland) Order 1999 (see Article 3 of that Order).”

Commencement Information

- I1** S. 98 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 98 in force at 1.4.2022 in so far as not already in force, see **s. 131(2)(f)**

Changes to legislation:

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 98.