

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Section 1(3)

#### PERSONS IN PUBLIC SERVICE: DEFINITIONS

##### *Civil servants*

- 1 In this Act, “civil servants” means persons employed in the civil service of the State (not including the civil service of Northern Ireland).

##### **Commencement Information**

- II** Sch. 1 para. 1 in force at 28.2.2014 by S.I. 2014/433, art. 2(a)

##### *Judiciary*

- 2 (1) In this Act, “the judiciary” means holders of an office specified in an order made by—
- (a) the Secretary of State, in relation to an office with a jurisdiction exercised exclusively in relation to Scotland, or
  - (b) the Lord Chancellor, in any other case.
- [<sup>F1</sup>(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.
- (4) An order under sub-paragraph (1) is subject to the negative procedure.]

##### **Textual Amendments**

- F1** Sch. 1 para. 2(2)-(4) substituted for Sch. 1 para. 2(2)(3) (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), ss. 97(3), 131(1)(2)(f)

##### **Commencement Information**

- I2** Sch. 1 para. 2 in force at 28.2.2014 by S.I. 2014/433, art. 2(a)

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*Local government workers*

- 3 (1) In this Act, “local government workers” means persons employed in local government service and specified in scheme regulations.
- (2) In this paragraph, “local government service” means service specified in scheme regulations.

**Commencement Information**

**I3** Sch. 1 para. 3 in force at 28.2.2014 by S.I. 2014/433, art. 2(a)

*Teachers*

- 4 In this Act, “teachers” includes persons who are employed otherwise than as teachers—
- (a) in a capacity connected with education which to a substantial extent involves the control or supervision of teachers, or
  - (b) in employment which involves the performance of duties in connection with the provision of education or services ancillary to education, and
- who are specified in scheme regulations.

**Commencement Information**

**I4** Sch. 1 para. 4 in force at 28.2.2014 by S.I. 2014/433, art. 2(a)

*Health service workers*

- 5 (1) In this Act, “health service workers” means persons engaged in health services and specified in scheme regulations.
- (2) In this paragraph, “health services” means services specified in scheme regulations.

**Commencement Information**

**I5** Sch. 1 para. 5 in force at 28.2.2014 by S.I. 2014/433, art. 2(a)

*Fire and rescue workers*

- 6 In this Act, “fire and rescue workers” means persons employed by—
- (a) a fire and rescue authority in England or Wales,
  - [<sup>F2</sup>(aa) the chief constable of the police force for a police area having been—
    - (i) transferred to the chief constable under a scheme made under section 4I(1) of the Fire and Rescue Services Act 2004, <sup>F3</sup>...
    - (ii) appointed by the chief constable under section 4I(4) of that Act,
    - [<sup>F4</sup>(iii) transferred to the chief constable under a scheme made by virtue of section 107EC(1) of the Local Democracy, Economic Development and Construction Act 2009, or
    - (iv) appointed by the chief constable under section 107EC(2) of that Act, or]]

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(b) the Scottish Fire and Rescue Service.

#### Textual Amendments

- F2** Sch. 1 para. 6(aa) substituted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), s. 183(1)(5)(e), [Sch. 1 para. 95](#); [S.I. 2017/399](#), reg. 2, [Sch. para. 38](#)
- F3** Word in Sch. 1 para. 6(aa)(i) omitted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by virtue of [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 8\(11\)\(a\)](#), 183(1), (5)(e); [S.I. 2017/726](#), reg. 2(a)
- F4** Sch. 1 para. 6(aa)(iii)(iv) substituted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 8\(11\)\(b\)](#), 183(1), (5)(e); [S.I. 2017/726](#), reg. 2(a)

#### Commencement Information

- I6** Sch. 1 para. 6 in force at 28.2.2014 by [S.I. 2014/433](#), [art. 2\(a\)](#)

#### *Police forces*

- 7 In this Act “members of a police force”—
- (a) in relation to England and Wales, includes special constables and police cadets;
  - (b) in relation to Scotland, means members of the Police Service of Scotland and police cadets.

#### Commencement Information

- I7** [Sch. 1 para. 7](#) in force at 28.2.2014 by [S.I. 2014/433](#), [art. 2\(a\)](#)

#### *Armed forces*

- 8 In this Act, “the armed forces” means the naval, military and air forces of the Crown.

#### Commencement Information

- I8** [Sch. 1 para. 8](#) in force at 28.2.2014 by [S.I. 2014/433](#), [art. 2\(a\)](#)

#### *Transitional provision*

- 9 In relation to a time before the coming into force of section 101 of the Police and Fire Reform (Scotland) Act 2012 (asp 8), the reference in paragraph 6(b) to the Scottish Fire and Rescue Service is to be read as a reference to a relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5)).

#### Commencement Information

- I9** [Sch. 1 para. 9](#) in force at 28.2.2014 by [S.I. 2014/433](#), [art. 2\(a\)](#)

- 10 In relation to a time before the coming into force of section 6 of the Police and Fire Reform (Scotland) Act 2012, the reference in paragraph 7(b) to the Police Service

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of Scotland is to be read as a reference to a police force within the meaning of the Police (Scotland) Act 1967.

**Commencement Information**

**I10** Sch. 1 para. 10 in force at 28.2.2014 by S.I. 2014/433, art. 2(a)

SCHEDULE 2

Section 2(1)

RESPONSIBLE AUTHORITIES

*Civil servants and judiciary*

- 1 Scheme regulations for civil servants may be made by the Minister for the Civil Service.

**Commencement Information**

**I11** Sch. 2 para. 1 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

- 2 (1) Scheme regulations for the judiciary may be made by the Lord Chancellor.  
(2) Before making scheme regulations in relation to an office with a jurisdiction exercised exclusively in relation to Scotland, the Lord Chancellor must consult the Secretary of State.

**Commencement Information**

**I12** Sch. 2 para. 2 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

*Local government workers*

- 3 Scheme regulations for local government workers may be made by—  
(a) the Secretary of State, in or as regards England and Wales;  
(b) the Scottish Ministers, in or as regards Scotland.

**Commencement Information**

**I13** Sch. 2 para. 3 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

*Teachers*

- 4 Scheme regulations for teachers may be made by—  
(a) the Secretary of State, in or as regards England and Wales;  
(b) the Scottish Ministers, in or as regards Scotland.

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**Commencement Information**

**I14** Sch. 2 para. 4 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

*Health service workers*

- 5 Scheme regulations for health service workers may be made by—
- (a) the Secretary of State, in or as regards England and Wales;
  - (b) the Scottish Ministers, in or as regards Scotland.

**Commencement Information**

**I15** Sch. 2 para. 5 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

*Fire and rescue workers*

- 6 Scheme regulations for fire and rescue workers may be made by—
- (a) the Secretary of State, in or as regards England;
  - (b) the Welsh Ministers, in or as regards Wales;
  - (c) the Scottish Ministers, in or as regards Scotland.

**Commencement Information**

**I16** Sch. 2 para. 6 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

*Police forces*

- 7 Scheme regulations for members of a police force may be made by—
- (a) the Secretary of State, in or as regards England and Wales;
  - (b) the Scottish Ministers, in or as regards Scotland.

**Commencement Information**

**I17** Sch. 2 para. 7 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

*Armed forces*

- 8 Scheme regulations for the armed forces may be made by the Secretary of State.

**Commencement Information**

**I18** Sch. 2 para. 8 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

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## SCHEDULE 3

Section 3(2)(a)

### SCOPE OF SCHEME REGULATIONS: SUPPLEMENTARY MATTERS

1 Eligibility and admission to membership.

This includes—

- (a) specifying who, of the persons in relation to whom the scheme regulations may be made, is eligible for membership;
- (b) conditions of eligibility.

**Commencement Information**

**I19** Sch. 3 para. 1 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

2 The benefits which must or may be paid under the scheme.

Those benefits may include—

- (a) pensions and other benefits on leaving service to which the scheme relates (whether before, at or after normal pension age);
- (b) benefits payable on death (in service or otherwise);
- (c) compensation payments (including for death, injury or redundancy);
- (d) discretionary payments and concessions.

**Commencement Information**

**I20** Sch. 3 para. 2 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

3 The persons to whom benefits under the scheme are payable.

Those persons may include—

- (a) active, deferred and pensioner members of the scheme;
- (b) pension credit members of the scheme;
- (c) widows, widowers, surviving civil partners and surviving dependants.

**Commencement Information**

**I21** Sch. 3 para. 3 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

4 The conditions subject to which benefits are payable.

**Commencement Information**

**I22** Sch. 3 para. 4 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

5 The assignment of benefits, including restrictions on assignment.

**Commencement Information**

**I23** Sch. 3 para. 5 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

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6 The forfeiture or suspension of benefits.

**Commencement Information**

**I24** Sch. 3 para. 6 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

7 The recovery of overpaid benefits.

**Commencement Information**

**I25** Sch. 3 para. 7 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

8 The exclusion of double recovery of compensation or damages.

This includes—

- (a) exclusion or modification of rights to compensation or damages in respect of any matter in a case where benefits are paid under the scheme in respect of the same matter;
- (b) exclusion or modification of rights to benefits under the scheme where compensation or damages are received in respect of the same matter from another source.

**Commencement Information**

**I26** Sch. 3 para. 8 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

9 Contributions, including—

- (a) the making of contributions by employers and members;
- (b) contribution rates;
- (c) interest on late payment of contributions;
- (d) the return of contributions (with or without interest).

**Commencement Information**

**I27** Sch. 3 para. 9 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

10 The payment or receipt of transfer values or other lump sum payments for the purpose of creating or restoring rights to benefits (under the scheme or otherwise).

**Commencement Information**

**I28** Sch. 3 para. 10 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

11 Pension funds (for schemes which have them).

This includes the administration, management and winding-up of any pension funds.

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**Commencement Information**

**I29** Sch. 3 para. 11 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

- 12 The administration and management of the scheme, including—
- (a) the giving of guidance or directions by the responsible authority to the scheme manager (where those persons are different) [<sup>F5</sup>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];
  - (b) the person by whom benefits under the scheme are to be provided;
  - (c) the provision or publication of information about the scheme.

**Textual Amendments**

**F5** Words in Sch. 3 para. 12(a) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), ss. 100(2), 131(1)(2)(f)

**Commencement Information**

**I30** Sch. 3 para. 12 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

- 13 The delegation of functions under scheme regulations, including—
- (a) delegation of functions by the scheme manager or responsible authority;
  - (b) further delegation of functions by any delegatee.

**Commencement Information**

**I31** Sch. 3 para. 13 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

- 14 The payment by an employer of—
- (a) any costs relating to the administration of the scheme;
  - (b) any costs incurred because of a failure by the employer to comply with the employer's obligations under the scheme;
  - (c) interest relating to payments to be made by virtue of this paragraph.

**Commencement Information**

**I32** Sch. 3 para. 14 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)

- 15 The resolution of disputes and appeals (including the referral to a court of law of questions of law which under the scheme fall to be determined by the responsible authority).

**Commencement Information**

**I33** Sch. 3 para. 15 in force at 28.2.2014 by S.I. 2014/433, art. 2(c)



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## SCHEDULE 4

Section 17(1)

### REGULATORY OVERSIGHT

1 The Pensions Act 2004 is amended as follows.

#### Commencement Information

**I34** Sch. 4 para. 1 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

2 In section 11 (annual reports), in subsection (3), at the end there is inserted—  
“(d) the exercise of the Regulator's functions in relation to public service pension schemes.”

#### Commencement Information

**I35** Sch. 4 para. 2 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

3 (1) Section 13 (improvement notices) is amended as follows.  
(2) In subsection (3)(a), after “90” there is inserted “ or 90A ”.  
(3) In subsection (7)—  
(a) in paragraph (c), the final “or” is repealed;  
(b) at the end there is inserted “or  
(e) section 5(4) (pension board: conflicts of interest and representation), 6 (pension board: information), 14 (information about benefits) or 16 (records) of the Public Service Pensions Act 2013.”

#### Commencement Information

**I36** Sch. 4 para. 3 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

4 After section 14 there is inserted—

#### “14A Appointment of skilled person to assist public service pension scheme

- (1) The Regulator may, if it considers it desirable for the purpose of ensuring compliance with pensions legislation, appoint a person to assist the pension board of a public service pension scheme in the discharge of its functions.
- (2) A person appointed under this section may be any person appearing to the Regulator to have the necessary skills.
- (3) The pension board of a public service pension scheme must have regard to the advice of a person appointed under this section.
- (4) The costs of a person appointed under this section are to be met by the scheme manager of the scheme.
- (5) In subsection (1) “pensions legislation” has the same meaning as in section 13.”

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**Commencement Information**

**I37** Sch. 4 para. 4 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 5 (1) In section 17 (power of the Regulator to recover unpaid contributions), subsection (3) is amended as follows.
- (2) In the definition of “due date”—
- (a) in paragraph (b), the final “and” is repealed;
  - (b) after paragraph (c) there is inserted “and
  - (d) in relation to employer contributions payable under a public service pension scheme, the date on which the contributions are due under the scheme;”.
- (3) In the definition of “employer contribution”—
- (a) in paragraph (a)—
    - (i) after “occupational pension scheme” there is inserted “ other than a public service pension scheme ”;
    - (ii) the final “and” is repealed;
  - (b) after paragraph (b) there is inserted “and
  - (c) in relation to a public service pension scheme, means any contributions payable under the scheme by the employer.”

**Commencement Information**

**I38** Sch. 4 para. 5 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 6 In section 70 (duty to report breaches of the law), in subsection (1)—
- (a) after paragraph (a) there is inserted—
    - “(aa) a member of the pension board of a public service pension scheme;”;
  - (b) in paragraph (b), for “such a scheme” there is substituted “ an occupational or personal pension scheme ”.

**Commencement Information**

**I39** Sch. 4 para. 6 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 7 After section 70 there is inserted—

*“Reporting late payment of employer contributions*

**70A Duty to report late payment of employer contributions**

- (1) Where—
- (a) any amount payable under a public service pension scheme by or on behalf of an employer in relation to the scheme by way of contributions is not paid on or before the date on which it is due under the scheme, and

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- (b) the scheme manager has reasonable cause to believe that the failure is likely to be of material significance to the Regulator in the exercise of any of its functions,  
the scheme manager must give a written report of the matter to the Regulator as soon as reasonably practicable.
- (2) No duty to which a person is subject is to be regarded as contravened merely because of any information or opinion contained in a written report under this section.
- This is subject to section 311 (protected items).
- (3) Section 10 of the Pensions Act 1995 (civil penalties) applies to any person who, without reasonable excuse, fails to comply with an obligation imposed on him by this section.”

**Commencement Information**

**I40** Sch. 4 para. 7 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 8 (1) Section 71 (reports by skilled persons) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b), the final “or” is repealed;
- (b) after paragraph (b) there is inserted—
- “(ba) in the case of a work-based scheme which is a public service pension scheme, a member of the pension board of the scheme, or”;
- (c) in paragraph (c), for “such a scheme” there is substituted “ a work-based pension scheme ”.

**Commencement Information**

**I41** Sch. 4 para. 8 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 9 In section 72 (provision of information), in subsection (2), after paragraph (a) there is inserted—
- “(aa) a member of the pension board of a public service pension scheme,”.

**Commencement Information**

**I42** Sch. 4 para. 9 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 10 In section 73 (inspection of premises), in subsection (2)—
- (a) after paragraph (d) there is inserted—
- “(da) section 16 of the Public Service Pensions Act 2013;”;
- (b) in paragraph (e), for “(d)” there is substituted “ (da) ”.

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**Commencement Information**

**I43** Sch. 4 para. 10 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

11 In section 89 (reports), at the end there is inserted—

“(4) Before making a report under this section which relates to a public service pension scheme, the Regulator must notify the scheme manager.”

**Commencement Information**

**I44** Sch. 4 para. 11 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

12 After section 89 there is inserted—

**“89A Reports about misappropriation etc in public service pension schemes**

(1) If the Regulator has reasonable grounds to suspect or believe that a member of the pension board of a public service pension scheme—

- (a) has misappropriated any assets of the scheme or is likely to do so, or
- (b) has a conflict of interest in relation to investment of assets of the scheme,

the Regulator must report the matter to the scheme manager.

(2) For the purposes of the law of defamation, the reporting of any matter by the Regulator under subsection (1) is privileged unless the reporting is shown to be made with malice.

(3) For the purposes of subsection (1)(b) a person does not have a conflict of interest in relation to investment of assets merely by virtue of membership of the scheme.”

**Commencement Information**

**I45** Sch. 4 para. 12 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

13 (1) Section 90 (codes of practice) is amended as follows.

(2) In subsection (4), after “code of practice” (where first occurring) there is inserted “issued under this section”.

(3) In subsection (7), at the end there is inserted “under this section”.

(4) At the end of the section there is inserted—

“(8) The Regulator may not issue codes of practice under this section in relation to a public service pension scheme (but see section 90A).”

**Commencement Information**

**I46** Sch. 4 para. 13 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b) (with art. 4(2))

14 After section 90 there is inserted—

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### **“90A Codes of practice: public service pension schemes**

- (1) The Regulator may, in relation to public service pension schemes, issue codes of practice—
  - (a) containing practical guidance in relation to the exercise of functions under relevant pensions legislation, and
  - (b) regarding the standards of conduct and practice expected from those who exercise such functions.
- (2) The Regulator must issue one or more such codes of practice relating to the following matters—
  - (a) the discharge of the duties imposed by sections 70 and 70A (duties to report breaches of the law and late payment of employer contributions);
  - (b) the obligations imposed by section 248A (requirements for knowledge and understanding: pension boards of public service pension schemes);
  - (c) the discharge of the duty imposed by section 249B (internal controls);
  - (d) the discharge of duties imposed under section 113 of the Pension Schemes Act 1993 (disclosure of information to members);
  - (e) the discharge of the duty imposed by section 49(9)(b) of the Pensions Act 1995 (duty of trustees or managers of occupational pension schemes to report material failures by employers to pay contributions deducted from employee's earnings timeously);
  - (f) the discharge of the duty imposed by section 50 of the Pensions Act 1995 (internal dispute resolution);
  - (g) the discharge of duties imposed by virtue of section 5(4) of the Public Service Pensions Act 2013 (pensions board: conflicts of interest and representation) and other duties relating to conflicts of interest;
  - (h) the discharge of duties imposed under section 6 (pension board: information) of that Act and other duties relating to the publication of information about governance and administration;
  - (i) the discharge of duties imposed under section 14 of that Act (information about benefits);
  - (j) the discharge of duties imposed under section 16 (records) of that Act and other duties relating to record-keeping;
  - (k) such other matters as are prescribed for the purposes of this section.
- (3) The Regulator may from time to time revise the whole or any part of a code of practice issued under this section and issue that revised code.
- (4) A failure on the part of any person to observe any provision of a code of practice issued under this section does not of itself render that person liable to any legal proceedings.

This is subject to section 13(3)(a) and (8) (power for improvement notice to direct that person complies with code of practice and civil penalties for failure to comply).

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- (5) A code of practice issued under this section is admissible in evidence in any legal proceedings (within the meaning of section 90) and, if any provision of such a code appears to the court or tribunal concerned to be relevant to any question arising in the proceedings, it must be taken into account in determining that question.
- (6) A code of practice issued under this section may be—
- (a) combined with a code of practice issued under section 90;
  - (b) combined with one or more other codes of practice issued under this section.
- (7) A code of practice issued under this section may relate to all public service pension schemes or any one or more of them.
- (8) In this section, “relevant pensions legislation” means—
- (a) the enactments constituting “pensions legislation” within the meaning of section 90, and
  - (b) sections 5(4) (pension board: conflicts of interest and representation), 6 (pension board: information), 14 (information about benefits) and 16 (records) of the Public Service Pensions Act 2013.
- (9) Sections 91 and 92 make provision about the procedure to be followed when a code of practice is issued or revoked under this section.”

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**Commencement Information**

**I47** Sch. 4 para. 14 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 15 (1) Section 91 (procedure for codes) is amended as follows.
- (2) In subsection (1), after “code of practice” there is inserted “ under section 90 or 90A ”.
- (3) In subsections (4)(a) and (10), after “90” there is inserted “ or 90A ”.

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**Commencement Information**

**I48** Sch. 4 para. 15 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 16 In section 92 (revocation of codes), in subsection (1), after “code of practice” there is inserted “ under section 90 or 90A ”.

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**Commencement Information**

**I49** Sch. 4 para. 16 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 17 In section 93 (procedure for regulatory functions), in subsection (2), after paragraph (b) there is inserted—
- “(ba) the power to appoint a skilled person in relation to a public service pension scheme under section 14A,”.

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**Commencement Information**

**I50** Sch. 4 para. 17 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 18 In section 154 (requirement to wind up schemes with sufficient assets), in subsection (14), after “public service pension scheme” there is inserted “ (within the meaning of the Pension Schemes Act 1993) ”.

**Commencement Information**

**I51** Sch. 4 para. 18 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 19 After section 248 there is inserted—

**“248A Requirement for knowledge and understanding: pension boards of public service pension schemes**

- (1) This section applies to every individual who is a member of the pension board of a public service pension scheme.
- (2) An individual to whom this section applies must be conversant with—
  - (a) the rules of the scheme, and
  - (b) any document recording policy about the administration of the scheme which is for the time being adopted in relation to the scheme.
- (3) An individual to whom this section applies must have knowledge and understanding of—
  - (a) the law relating to pensions, and
  - (b) such other matters as may be prescribed.
- (4) The degree of knowledge and understanding required by subsection (3) is that appropriate for the purposes of enabling the individual properly to exercise the functions of a member of the pension board.”

**Commencement Information**

**I52** Sch. 4 para. 19 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 20 In section 249A (requirement for internal controls), in subsection (3)—
- (a) before paragraph (a) there is inserted—

“(za) a public service pension scheme;”;
  - (b) in paragraph (a) for “a scheme” there is substituted “ any other scheme ”.

**Commencement Information**

**I53** Sch. 4 para. 20 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 21 After section 249A there is inserted—

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

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### **“249B Requirement for internal controls: public service pension schemes**

- (1) The scheme manager of a public service pension scheme must establish and operate internal controls which are adequate for the purpose of securing that the scheme is administered and managed—
  - (a) in accordance with the scheme rules, and
  - (b) in accordance with the requirements of the law.
- (2) Nothing in this section affects any other obligations of the scheme manager to establish or operate internal controls, whether imposed by or by virtue of any enactment, the scheme rules or otherwise.
- (3) In this section, “enactment” and “internal controls” have the same meanings as in section 249A.”

#### **Commencement Information**

**I54** Sch. 4 para. 21 in force at 1.4.2015 by S.I. 2015/4, art. 4(1)(b)

- 22 (1) Section 318 (interpretation) is amended as follows.
- (2) In subsection (1), after the definition of “occupational pension scheme” there is inserted—
- ““pension board” has the same meaning as in the Public Service Pensions Act 2013 (see section 5 of that Act);”.
- (3) After the definition of “professional adviser” in that subsection there is inserted—
- ““public service pension scheme” means, subject to subsection (6)—
- (a) a scheme under section 1 of the Public Service Pensions Act 2013 (new public service schemes);
  - (b) a new public body pension scheme (within the meaning of that Act);
  - (c) any statutory pension scheme which is connected with a scheme referred to in paragraph (a) or (b) (and for this purpose “statutory pension scheme” and “connected” have the meanings given in that Act);”.
- (4) After the definition of “the Regulator” in that subsection there is inserted—
- ““scheme manager”, in relation to a public service pension scheme, has the same meaning as in the Public Service Pensions Act 2013 (see section 4 of that Act);”.
- (5) After subsection (5) there is inserted—
- “(6) A scheme which would otherwise fall within the definition of “public service pension scheme” in subsection (1) does not fall within that definition if—
- (a) it is an injury or compensation scheme (within the meaning of the Public Service Pensions Act 2013), or
  - (b) it is specified in an order made by the Secretary of State after consulting the Treasury.”



*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

**Commencement Information**

**I55** Sch. 4 para. 22 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

SCHEDULE 5

Section 18

EXISTING PENSION SCHEMES

*Civil servants*

1 A scheme under section 1 of the Superannuation Act 1972 <sup>F6</sup>....

*Exception: injury benefits and compensation benefits*

**Textual Amendments**

**F6** Words in Sch. 5 para. 1 omitted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), ss. 96(3), 131(1)(2)(f)

**Commencement Information**

**I56** Sch. 5 para. 1 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I57** Sch. 5 para. 1 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

*Judiciary*

2 A scheme constituted by section 20 of the Sheriff Courts (Scotland) Act 1907.

**Commencement Information**

**I58** Sch. 5 para. 2 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I59** Sch. 5 para. 2 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

3 A scheme constituted by paragraph 23 of Schedule 9 to the Agriculture Act 1947, so far as relating to payment of pension benefits.

**Commencement Information**

**I60** Sch. 5 para. 3 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I61** Sch. 5 para. 3 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

4 A scheme constituted by or made under any provision of Part XIII of the County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.)).

**Commencement Information**

**I62** Sch. 5 para. 4 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I63** Sch. 5 para. 4 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

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- 5 A scheme constituted by or made under any provision of the District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.)).

**Commencement Information**

- I64** Sch. 5 para. 5 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)  
**I65** Sch. 5 para. 5 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

- 6 A scheme constituted by or made under any provision of the Sheriffs' Pensions (Scotland) Act 1961.

**Commencement Information**

- I66** Sch. 5 para. 6 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)  
**I67** Sch. 5 para. 6 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

- 7 A scheme under paragraph 7A of Schedule 10 to the Rent Act 1977.

*Exception:* injury benefits and compensation benefits

**Commencement Information**

- I68** Sch. 5 para. 7 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)  
**I69** Sch. 5 para. 7 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

- 8 A scheme constituted by or made under any provision of the Judicial Pensions Act 1981.

*Exception:* injury benefits under a scheme constituted by or made under Part 3 of Schedule 1 to that Act

**Commencement Information**

- I70** Sch. 5 para. 8 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)  
**I71** Sch. 5 para. 8 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

- 9 A scheme constituted by paragraph 9 of Schedule 4 to the Rent (Scotland) Act 1984.

**Commencement Information**

- I72** Sch. 5 para. 9 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)  
**I73** Sch. 5 para. 9 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

- 10 A scheme constituted by or made under any provision of Part 1 or section 19 of the Judicial Pensions and Retirement Act 1993.

*Exception:* benefits payable to or in respect of a holder of a devolved office

**Commencement Information**

- I74** Sch. 5 para. 10 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

**I75** Sch. 5 para. 10 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

11 A scheme constituted by paragraph 4(1) of Schedule 1 to the Scottish Land Court Act 1993.

**Commencement Information**

**I76** Sch. 5 para. 11 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I77** Sch. 5 para. 11 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

12 A scheme constituted by or made under paragraph 6 of Schedule 2 to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13).

**Commencement Information**

**I78** Sch. 5 para. 12 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I79** Sch. 5 para. 12 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

13 A scheme constituted by or made under paragraph 9 of Schedule 1 to the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4).

**Commencement Information**

**I80** Sch. 5 para. 13 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I81** Sch. 5 para. 13 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

14 A scheme constituted by paragraph 2(1)(b) of Schedule 2 to the Charities and Trustee Investment (Scotland) Act 2005 (asp 10), so far as relating to payment of pension benefits.

**Commencement Information**

**I82** Sch. 5 para. 14 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I83** Sch. 5 para. 14 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

15 A scheme constituted by paragraph 6(3) of Schedule 11 to the Welsh Language (Wales) Measure 2011 (nawm 1).

**Commencement Information**

**I84** Sch. 5 para. 15 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I85** Sch. 5 para. 15 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

*Local government workers*

16 A scheme constituted by paragraph 2 of Schedule 1 to the Coroners Act 1988.

**Commencement Information**

**I86** Sch. 5 para. 16 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

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**I87** Sch. 5 para. 16 in force at 1.4.2014 for specified purposes by S.I. 2014/839, **art. 3(2)(b)(3)**

17 Regulations under section 7 of the Superannuation Act 1972.

*Exception: injury benefits*

**Commencement Information**

**I88** Sch. 5 para. 17 in force at 28.2.2014 for specified purposes by S.I. 2014/433, **art. 3(2)(f)**

**I89** Sch. 5 para. 17 in force at 1.4.2014 for specified purposes by S.I. 2014/839, **art. 3(2)(b)(3)**

*Teachers*

18 Regulations under section 9 of the Superannuation Act 1972.

*Exception: injury benefits*

**Commencement Information**

**I90** Sch. 5 para. 18 in force at 28.2.2014 for specified purposes by S.I. 2014/433, **art. 3(2)(f)**

**I91** Sch. 5 para. 18 in force at 1.4.2014 for specified purposes by S.I. 2014/839, **art. 3(2)(b)(3)**

*Health service workers*

19 Regulations under section 10 of the Superannuation Act 1972.

*Exception: injury benefits*

**Commencement Information**

**I92** Sch. 5 para. 19 in force at 28.2.2014 for specified purposes by S.I. 2014/433, **art. 3(2)(f)**

**I93** Sch. 5 para. 19 in force at 1.4.2014 for specified purposes by S.I. 2014/839, **art. 3(2)(b)(3)**

*Fire and rescue workers*

20 A scheme under section 26 of the Fire Services Act 1947.

**Commencement Information**

**I94** Sch. 5 para. 20 in force at 28.2.2014 for specified purposes by S.I. 2014/433, **art. 3(2)(f)**

**I95** Sch. 5 para. 20 in force at 1.4.2014 for specified purposes by S.I. 2014/839, **art. 3(2)(b)(3)**

21 A scheme under section 34 of the Fire and Rescue Services Act 2004.

*Exception: injury benefits and compensation benefits*

**Commencement Information**

**I96** Sch. 5 para. 21 in force at 28.2.2014 for specified purposes by S.I. 2014/433, **art. 3(2)(f)**

**I97** Sch. 5 para. 21 in force at 1.4.2014 for specified purposes by S.I. 2014/839, **art. 3(2)(b)(3)**

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

*Members of police forces*

22 Regulations under section 1 of the Police Pensions Act 1976.

*Exception: injury benefits*

**Commencement Information**

**I98** Sch. 5 para. 22 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I99** Sch. 5 para. 22 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

23 A scheme under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

*Exception: injury benefits and compensation benefits*

**Commencement Information**

**I100** Sch. 5 para. 23 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I101** Sch. 5 para. 23 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

*Armed forces*

24 The scheme constituted by the Royal Warrant of 19 December 1949 (see Army Order 151 of 1949).

*Exception: injury benefits*

**Commencement Information**

**I102** Sch. 5 para. 24 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I103** Sch. 5 para. 24 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

25 An Order in Council under section 3 of the Naval and Marine Pay and Pensions Act 1865.

*Exception: injury benefits*

**Commencement Information**

**I104** Sch. 5 para. 25 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I105** Sch. 5 para. 25 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

26 An order under section 2 of the Pensions and Yeomanry Pay Act 1884.

*Exception: injury benefits*

**Commencement Information**

**I106** Sch. 5 para. 26 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I107** Sch. 5 para. 26 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

27 An order under section 2 of the Air Force (Constitution) Act 1917.

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

*Exception: injury benefits*

**Commencement Information**

**I108** Sch. 5 para. 27 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I109** Sch. 5 para. 27 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

- 28 Orders or regulations under section 4 of the Reserve Forces Act 1996 containing provision made under section 8 of that Act.

*Exception: injury benefits and compensation benefits*

**Commencement Information**

**I110** Sch. 5 para. 28 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I111** Sch. 5 para. 28 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

- 29 (1) A scheme under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004.

*Exception: injury benefits and compensation benefits*

- (2) For the purposes of sub-paragraph (1), “compensation benefits” includes benefits by way of payments for resettlement or retraining.

**Commencement Information**

**I112** Sch. 5 para. 29 in force at 28.2.2014 for specified purposes by S.I. 2014/433, art. 3(2)(f)

**I113** Sch. 5 para. 29 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 3(2)(b)(3)

SCHEDULE 6

Section 19

EXISTING INJURY AND COMPENSATION SCHEMES

*Civil servants*

- 1 A scheme under section 1 of the Superannuation Act 1972.

*Specified benefits: injury benefits and compensation benefits*

**Commencement Information**

**I114** Sch. 6 para. 1 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

*Judiciary*

- 2 A scheme under paragraph 7A of Schedule 10 to the Rent Act 1977.

*Specified benefits: injury benefits and compensation benefits*

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

**Commencement Information**

**I115** Sch. 6 para. 2 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 3 A scheme constituted by or made under Part 3 of Schedule 1 to the Judicial Pensions Act 1981.

**Commencement Information**

**I116** Sch. 6 para. 3 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 4 A scheme constituted by section 11(b) of the Judicial Pensions Act 1981.

**Commencement Information**

**I117** Sch. 6 para. 4 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 5 *Local government workers*  
Regulations under section 7 of the Superannuation Act 1972.  
*Specified benefits: injury benefits*

**Commencement Information**

**I118** Sch. 6 para. 5 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 6 *Teachers*  
Regulations under section 9 of the Superannuation Act 1972.  
*Specified benefits: injury benefits*

**Commencement Information**

**I119** Sch. 6 para. 6 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 7 *Health service workers*  
Regulations under section 10 of the Superannuation Act 1972.  
*Specified benefits: injury benefits*

**Commencement Information**

**I120** Sch. 6 para. 7 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

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*Fire and rescue workers*

8 A scheme under section 34 of the Fire and Rescue Services Act 2004.

*Specified benefits:* injury benefits and compensation benefits

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**Commencement Information**

**I121** Sch. 6 para. 8 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

*Members of police forces*

9 Regulations under section 1 of the Police Pensions Act 1976.

*Specified benefits:* injury benefits

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**Commencement Information**

**I122** Sch. 6 para. 9 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

10 A scheme under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).

*Specified benefits:* injury benefits and compensation benefits

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**Commencement Information**

**I123** Sch. 6 para. 10 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

*Armed forces*

11 The scheme constituted by the Royal Warrant of 19 December 1949 (see Army Order 151 of 1949).

*Specified benefits:* injury benefits

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**Commencement Information**

**I124** Sch. 6 para. 11 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

12 An Order in Council under section 3 of the Naval and Marine Pay and Pensions Act 1865.

*Specified benefits:* injury benefits

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**Commencement Information**

**I125** Sch. 6 para. 12 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

13 An order under section 2 of the Pensions and Yeomanry Pay Act 1884.

*Specified benefits:* injury benefits



*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

**Commencement Information**

**I126** Sch. 6 para. 13 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 14 An order under section 2 of the Air Force (Constitution) Act 1917.  
*Specified benefits: injury benefits*

**Commencement Information**

**I127** Sch. 6 para. 14 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 15 An order or regulations under section 4 of the Reserve Forces Act 1996 containing provision made under section 8 of that Act.  
*Specified benefits: injury benefits and compensation benefits*

**Commencement Information**

**I128** Sch. 6 para. 15 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 16 (1) A scheme under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004.  
*Specified benefits: injury benefits and compensation benefits*  
(2) For the purposes of sub-paragraph (1), “compensation benefits” includes benefits by way of payments for resettlement or retraining.

**Commencement Information**

**I129** Sch. 6 para. 16 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- 17 A scheme under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004.

**Commencement Information**

**I130** Sch. 6 para. 17 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

- Compensation schemes for loss of office etc*  
18 Regulations under section 24 of the Superannuation Act 1972.

**Commencement Information**

**I131** Sch. 6 para. 18 in force at 28.2.2014 by S.I. 2014/433, art. 2(f)

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

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## SCHEDULE 7

Sections 20 and 31

## FINAL SALARY LINK

**Modifications etc. (not altering text)**

- C1** Sch. 7 applied by S.I. 2006/3432, Sch. 1 Pt. 11 rule 1(7) (as inserted (E.W.S.) (1.4.2015) by [The Firefighters Pension Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015](#) (S.I. 2015/589), reg. 1(2), **Sch. 2 para. 5(a)(ii)**)
- C2** Sch. 7 modified by S.I. 2014/2848, Sch. 2 para. 42 43 (as inserted (E.W.S.) (1.4.2015) by [The Firefighters Pension Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015](#) (S.I. 2015/589), reg. 1(2), **Sch. 1 para. 7(d)**)
- C3** Sch. 7 applied (S.) (1.4.2015) by [The Teachers' Pension Scheme \(Scotland\) Regulations 2014](#) (S.S.I. 2014/217), reg. 1(2)(b), **Sch. 3 para. 21** (with reg. 177)
- C4** Sch. 7 applied by S.I. 1992/129, Sch. 2 rule G1(10) (as inserted (E.W.S.) (1.4.2015) by [The Firefighters Pension Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015](#) (S.I. 2015/589), reg. 1(2), **Sch. 3 para. 7(a)(ii)**)
- C5** Sch. 7 restricted (E.W.) (1.4.2015) by [The National Health Service Pension Scheme \(Transitional and Consequential Provisions\) Regulations 2015](#) (S.I. 2015/95), regs. 1(b), **16**

*Persons who remain in an old scheme for past service*

- 1 (1) This paragraph applies in a case where—
  - (a) a person is a member of an existing scheme to which section 18(1) applies or a scheme to which section 31(2) applies (“the old scheme”) by virtue of his or her pensionable service for that scheme (“the old scheme service”), and
  - (b) the person is also a member of a scheme under section 1 or a new public body pension scheme (“the new scheme”) by virtue of his or her pensionable service for that scheme (“the new scheme service”).
- (2) If, in a case where this paragraph applies—
  - (a) the old scheme service and the new scheme service are continuous, and
  - (b) the person's employer in relation to the old scheme service is the person's employer in relation to the new scheme service (or any other employer in relation to the new scheme),
 then, in determining the person's final salary for any purpose of the old scheme—
  - (i) the old scheme service is to be regarded as having ended when the new scheme service ended, and
  - (ii) such earnings as scheme regulations for the new scheme may specify, being earnings derived by the person from the new scheme service, are to be regarded as derived from the old scheme service (subject to subparagraph (3)).
- (3) The amount of the earnings that are to be regarded as derived from the old scheme service must not be materially less than the amount of the earnings that would have been the person's pensionable earnings derived from that service had the new scheme service been old scheme service.

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C6** Sch. 7 para. 1 applied (with modifications) by S.S.I. 2015/19, regs. 32, 33 (as inserted (S.) (1.4.2015) by [The Firefighters' Pension Schemes \(Amendment\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/141\)](#), regs. 1(2), **22(d)**)
- C7** Sch. 7 paras. 1 2 applied (with modifications) by SI 2014/2848 Sch. 2 para. 32 (as inserted (E.W.S.) (1.4.2015) by [The Firefighters Pension Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015 \(S.I. 2015/589\)](#), reg. 1(2), **Sch. 1 para. 7(d)**)
- C8** Sch. 7 para. 1 applied (with modifications) by SI 2014/2848 Sch. 2 para. 33 (as inserted (E.W.S.) (1.4.2015) by [The Firefighters Pension Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015 \(S.I. 2015/589\)](#), reg. 1(2), **Sch. 1 para. 7(d)**)

**Commencement Information**

- I132** Sch. 7 para. 1 in force at 28.2.2014 by [S.I. 2014/433](#), **art. 2(g)**

*Persons whose benefits under an old scheme are transferred to another closed scheme*

- 2 (1) This paragraph applies in a case where—
- (a) a person has been a member of an existing scheme to which section 18(1) applies or a scheme to which section 31(2) applies (“the old scheme”) by virtue of his or her pensionable service for that scheme (“the old scheme service”),
  - (b) the person is also a member of a scheme under section 1 or a new public body pension scheme (“the new scheme”) by virtue of his or her pensionable service for that scheme (“the new scheme service”),
  - (c) the person's rights to benefit under the old scheme have been transferred after the date referred to in section 18(1) or 31(2) to an existing scheme to which section 18(1) applies or a scheme to which section 31(2) applies (“the transfer scheme”), and
  - (d) the old scheme service is treated, by virtue of that transfer, as pensionable service of the person for the transfer scheme (“the deemed transfer scheme service”).
- (2) If, in a case where this paragraph applies—
- (a) the deemed transfer scheme service and the new scheme service are continuous, and
  - (b) the person's employer in relation to the new scheme service is an employer in relation to the transfer scheme,
- then, in determining the person's final salary for any purpose of the transfer scheme—
- (i) the deemed transfer scheme service is to be regarded as having ended when the new scheme service ended, and
  - (ii) such earnings as scheme regulations for the new scheme may specify, being earnings derived by the person from the new scheme service, are to be regarded as derived from the deemed transfer scheme service (subject to subparagraph (3)).
- (3) The amount of the earnings that are to be regarded as derived from the deemed transfer scheme service must not be materially less than the amount of the earnings that would have been the person's pensionable earnings derived from that service had the new scheme service been deemed transfer scheme service.

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

- (4) In sub-paragraph (1)(c), the reference to a transfer of rights to benefit includes the making of a transfer payment in respect of such rights.

**Modifications etc. (not altering text)**

- C7** Sch. 7 paras. 1 2 applied (with modifications) by SI 2014/2848 Sch. 2 para. 32 (as inserted (E.W.S.) (1.4.2015) by [The Firefighters Pension Scheme \(England\) \(Transitional and Consequential Provisions\) Regulations 2015 \(S.I. 2015/589\)](#), reg. 1(2), **Sch. 1 para. 7(d)**)
- C9** Sch. 7 para. 2 applied (with modifications) by S.S.I. 2015/19, reg. 32 (as inserted (S.) (1.4.2015) by [The Firefighters' Pension Schemes \(Amendment\) \(Scotland\) Regulations 2015 \(S.S.I. 2015/141\)](#), regs. 1(2), **22(d)**)

**Commencement Information**

- I133** Sch. 7 para. 2 in force at 28.2.2014 by [S.I. 2014/433](#), **art. 2(g)**

*Continuity of employment*

- 3 (1) For the purposes of paragraphs 1(2)(a) and 2(2)(a), there are to be disregarded—
- (a) any gap in service where the person was in pensionable public service;
  - (b) a single gap of service where the person was not in pensionable public service, if that gap does not exceed five years;
  - (c) two or more gaps in service where the person was not in pensionable public service, if none of the gaps exceeds five years.
- (2) In this paragraph, “pensionable public service” means service which is pensionable service in relation to—
- (a) a scheme under section 1, or
  - (b) a new public body pension scheme.

**Modifications etc. (not altering text)**

- C10** Sch. 7 para. 3 applied (1.4.2015) by [The National Health Service Pension Scheme \(Consequential Provisions\) Regulations 2015 \(S.I. 2015/432\)](#), regs. 1(2), **5(2)(a)**

**Commencement Information**

- I134** Sch. 7 para. 3 in force at 28.2.2014 by [S.I. 2014/433](#), **art. 2(g)**

*Movement between new schemes*

- 4 Where the condition in sub-paragraph (1)(b) of paragraph 1 or 2 applies by virtue of periods of pensionable service for two or more different schemes—
- (a) identify the last period of pensionable service by virtue of which that paragraph applies and the scheme to which that service relates, and
  - (b) disregard, for the purposes of that sub-paragraph, periods of pensionable service relating to other schemes.

**Commencement Information**

- I135** Sch. 7 para. 4 in force at 28.2.2014 by [S.I. 2014/433](#), **art. 2(g)**

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

*Final salary link not to apply again to a pension in payment*

- 5 (1) Scheme regulations may provide that where a pension in payment under a scheme to which section 18(1) or 31(2) applies has been calculated by reference to this Schedule, the pension cannot be recalculated by reference to this Schedule where there is a subsequent period of pensionable public service (within the meaning of paragraph 3).
- (2) Provision made under sub-paragraph (1) may in particular be made by amending the scheme under which the pension is in payment.

**Commencement Information**

**I136** Sch. 7 para. 5 in force at 28.2.2014 by S.I. 2014/433, art. 2(g)

SCHEDULE 8

Section 27

CONSEQUENTIAL AND MINOR AMENDMENTS

*County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))*

- 1 In section 116 of the County Courts Act (Northern Ireland) 1959 (pensions of judges), at the end there is inserted—
- “(8) This Part is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I137** Sch. 8 para. 1 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(a)

*District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))*

- 2 In section 2 of the District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960, after subsection (1A) there is inserted—
- “(1B) This Act is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I138** Sch. 8 para. 2 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(b)

*Sheriffs' Pensions (Scotland) Act 1961 (c. 2)*

- 3 In section 1 of the Sheriffs' Pensions (Scotland) Act 1961, after subsection (1) there is inserted—
- “(1A) This Act is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

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*Changes to legislation: There are currently no known outstanding effects  
for the Public Service Pensions Act 2013. (See end of Document for details)*

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**Commencement Information**

**I139** Sch. 8 para. 3 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(c)

*Pensions (Increase) Act 1971 (c. 56)*

4 After section 8 of the Pensions (Increase) Act 1971 there is inserted—

**“8A Section 8(2): references to “service”**

(1) In a case where—

- (a) paragraph 1 or 2 of Schedule 7 to the 2013 Act (final salary link for persons who remain in or are transferred to closed scheme for past service) applies in relation to a person, and
- (b) the person's final salary falls to be determined by reference to that paragraph,

references in section 8(2) above to the service in respect of which a pension is payable include the person's new scheme service (within the meaning of Schedule 7 to the 2013 Act).

(2) In a case where—

- (a) a person is a member of a relevant old scheme by virtue of pensionable service for that scheme (“the relevant old scheme service”),
- (b) the person is also a member of a scheme under section 1 of the 2013 Act or a new public body pension scheme (“the new scheme”) by virtue of pensionable service for that scheme (“the new scheme service”),
- (c) the relevant old scheme service and the new scheme service are continuous, and
- (d) the person's employer in relation to the relevant old scheme service is the person's employer in relation to the new scheme service (or any other employer in relation to the new scheme),

references in section 8(2) above to the service in respect of which a pension is payable include the person's new scheme service.

(3) In this section—

- (a) “relevant old scheme” means a career average revalued earnings scheme (within the meaning of the 2013 Act) to which section 18(1) or 31(2) of that Act applies (restriction of benefits under existing schemes);
- (b) “employer”, “new public body pension scheme” and “pensionable service” have the same meanings as in that Act.

(4) For the purposes of subsection (2)—

- (a) paragraphs 3 and 4 of Schedule 7 to the 2013 Act (continuity of employment etc) apply as they apply for the purposes of paragraphs 1(2) and 2(2) of that Schedule;
- (b) regulations under section 1 of the 2013 Act (in the case of a new scheme under that section) or rules (in the case of a new public body

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

pension scheme) may provide that where a pension is in payment under a relevant old scheme, references in section 8(2) above to the service in respect of which a pension is payable do not include any subsequent period of pensionable service in relation to a scheme under section 1 of the 2013 Act or a new public body pension scheme.

(5) Provision made under subsection (4)(b) may in particular be made by amending the relevant old scheme.

(6) In this section, “the 2013 Act” means the Public Service Pensions Act 2013.”

#### Commencement Information

**I140** Sch. 8 para. 4 in force at 28.2.2014 by S.I. 2014/433, art. 5(b)

- 5 (1) Schedule 2 to the Pensions (Increase) Act 1971 (official pensions) is amended as follows.
- (2) After paragraph 4 there is inserted—
- “4ZA A pension payable under a scheme made by the Minister for the Civil Service under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(a) of that Act (civil servants).”
- (3) After paragraph 4A there is inserted—
- “4B A pension payable under a scheme made by the Lord Chancellor under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(b) of that Act (judiciary).”
- (4) After paragraph 15A there is inserted—
- “15B A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(g) of that Act (members of police forces) to or in respect of such a person as is referred to in paragraph 15 above.”
- (5) After paragraph 16A there is inserted—
- “16B A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(f) of that Act (fire and rescue workers).”
- (6) After paragraph 20A there is inserted—
- “20B A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(d) of that Act (teachers).
- 20C A pension payable under a scheme made by the Scottish Ministers under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(d) of that Act (teachers).”
- (7) After paragraph 22 there is inserted—
- “22A A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(e) of that Act (health service workers).

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*Changes to legislation: There are currently no known outstanding effects  
for the Public Service Pensions Act 2013. (See end of Document for details)*

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22B A pension payable under a scheme made by the Scottish Ministers under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(e) of that Act (health service workers).”

(8) After paragraph 29 there is inserted—

*“Armed forces*

29A A pension payable under a scheme made under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(h) of that Act (armed forces).”

(9) After paragraph 39 there is inserted—

“39A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State or the Scottish Ministers under section 1 of that Act by virtue of section 1(2)(c) of that Act (local government workers).”

(10) After paragraph 43 there is inserted—

“43A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State or the Scottish Ministers under section 1 of that Act by virtue of section 1(2)(g) of that Act (police).

In the case of a scheme made by the Secretary of State, this paragraph does not include a pension referred to in paragraph 15B above.”

(11) After paragraph 44 there is inserted—

“44A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State, the Scottish Ministers or the Welsh Ministers under section 1 of that Act by virtue of section 1(2)(f) of that Act (fire and rescue workers).

In the case of a scheme made by the Secretary of State, this paragraph does not include a pension referred to in paragraph 16B above.”

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**Commencement Information**

**I141** Sch. 8 para. 5 in force at 28.2.2014 by S.I. 2014/433, art. 5(b)

*Superannuation Act 1972 (c. 11)*

6 The Superannuation Act 1972 is amended as follows.

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**Commencement Information**

**I142** Sch. 8 para. 6 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(d)

7 In section 1 (superannuation schemes as respects civil servants, etc), after subsection (1) there is inserted—



*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I143** Sch. 8 para. 7 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(d)

8 In section 7 (superannuation of persons employed in local government service, etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I144** Sch. 8 para. 8 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(d)

9 In section 9 (superannuation of teachers), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I145** Sch. 8 para. 9 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(d)

10 In section 10 (superannuation of persons engaged in health services, etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I146** Sch. 8 para. 10 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(d)

11 In section 24 (compensation for loss of office, etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to section 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I147** Sch. 8 para. 11 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(d)

*Police Pensions Act 1976 (c. 35)*

12 In section 1 of the Police Pensions Act 1976 (police pensions regulations), after subsection (1) there is inserted—

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I148** Sch. 8 para. 12 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(e)

*House of Commons (Administration) Act 1978 (c. 36)*

- 13 In section 2 of the House of Commons (Administration) Act 1978 (functions of House of Commons Commission), in subsection (3), after “kept in line with the provisions of” there is inserted “ , or provided under, ”.

**Commencement Information**

**I149** Sch. 8 para. 13 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(f)

*Judicial Pensions Act 1981 (c. 20)*

- 14 In the Judicial Pensions Act 1981, before section 29A there is inserted—

**Restriction of schemes under this Act**

“29ZA This Act is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I150** Sch. 8 para. 14 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(g)

*Local Government and Housing Act 1989 (c. 42)*

- 15 In section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees), in subsection (4), after paragraph (fa) there is inserted—

“(fb) a committee of a relevant authority which is the scheme manager (or scheme manager and pension board) of a scheme under section 1 of the Public Service Pensions Act 2013;”.

**Commencement Information**

**I151** Sch. 8 para. 15 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(h)

*Judicial Pensions and Retirement Act 1993 (c. 8)*

- 16 In section 1 of the Judicial Pensions and Retirement Act 1993, after subsection (1) there is inserted—

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

“(1A) This Part is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I152** Sch. 8 para. 16 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(i)

17 In section 11 of that Act (provision against pensions under two or more judicial pension schemes), at the end there is inserted—

“(5) This section does not prevent a scheme under section 1 of the Public Service Pensions Act 2013 having effect in relation to a person.”

**Commencement Information**

**I153** Sch. 8 para. 17 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(i)

*Pension Schemes Act 1993 (c. 48)*

18 The Pension Schemes Act 1993 is amended as follows.

**Commencement Information**

**I154** Sch. 8 para. 18 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 4(3)

19 (1) Section 71 (short service benefit) is amended as follows.

(2) In subsection (3), for “subsection (4)” there is substituted “subsections (4) and (5A)”.

(3) After subsection (5) there is inserted—

“(5A) Subsection (3) does not apply in relation to a scheme under section 1 of the Public Service Pensions Act 2013.”

**Commencement Information**

**I155** Sch. 8 para. 19 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 4(3)

20 In section 83 (scope of Chapter 2: revaluation of accrued benefits), after subsection (1A) there is inserted—

“(1B) The reference in subsection (1)(a)(iii) to normal pension age is to be read, in relation to a person who is an active or deferred member of a scheme under section 1 or 31(7) of the Public Service Pensions Act 2013, as—

- (a) the member's normal pension age within the meaning of that Act, or
- (b) the member's deferred pension age within the meaning of that Act, if that is later.

In this subsection “active member” and “deferred member”, in relation to such a scheme, have the meanings given by section 124(1) of the Pensions Act 1995.”

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

**Commencement Information**

**I156** Sch. 8 para. 20 in force at 1.4.2014 for specified purposes by S.I. 2014/839, art. 4(3)

*Merchant Shipping Act 1995 (c. 21)*

- 21 (1) Section 214 of the Merchant Shipping Act 1995 (pension rights of persons whose salaries are paid out of the General Lighthouse Fund) is amended as follows.
- (2) The existing provision is numbered as subsection (1).
- (3) After that subsection there is inserted—
- “(2) Where pensions, allowances and gratuities to or in respect of persons whose salaries are paid out of the General Lighthouse Fund are payable otherwise than under subsection (1), sums in respect of those benefits may with the approval of the Secretary of State be paid out of that Fund.”

**Commencement Information**

**I157** Sch. 8 para. 21 in force at 1.2.2014 by S.I. 2013/2818, art. 5(b)

*Police Act 1996 (c. 16)*

- 22 The Police Act 1996 is amended as follows.

**Commencement Information**

**I158** Sch. 8 para. 22 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(j)

- 23 In section 50 (regulations for police forces), after subsection (2) there is inserted—
- “(2ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to members of police forces.”

**Commencement Information**

**I159** Sch. 8 para. 23 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(j)

- 24 (1) Section 51 (regulations for special constables) is amended as follows.
- (2) In subsection (2)—
- (a) at the end of paragraph (c) there is inserted “and”;
- (b) paragraph (e) is repealed.
- (3) After subsection (2) there is inserted—
- “(2ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to special constables.”

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

(4) Subsection (3) is repealed.

**Commencement Information**

**I160** Sch. 8 para. 24 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(j)

25 In section 52 (regulations for police cadets), after subsection (1) there is inserted—  
“(1ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to police cadets.”

**Commencement Information**

**I161** Sch. 8 para. 25 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(j)

*Human Rights Act 1998 (c. 42)*

26 In Schedule 4 to the Human Rights Act 1998 (judicial pensions), in the definition of “pensions Act” in paragraph 4, after paragraph (d) (but before the final “and”) there is inserted—  
“(e) the Public Service Pensions Act 2013;”.

**Commencement Information**

**I162** Sch. 8 para. 26 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(k)

*Fire and Rescue Services Act 2004 (c. 21)*

27 In section 34 of the Fire and Rescue Services Act 2004 (pensions etc), after subsection (1) there is inserted—  
“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

**Commencement Information**

**I163** Sch. 8 para. 27 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(l)

*Armed Forces (Pensions and Compensation) Act 2004 (c. 32)*

28 In section 1 of the Armed Forces (Pensions and Compensation) Act 2004 (pension and compensation schemes for the armed and reserve forces), after subsection (2) there is inserted—  
“(2A) Subsections (1) and (2) are subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

*Changes to legislation: There are currently no known outstanding effects  
for the Public Service Pensions Act 2013. (See end of Document for details)*

**Commencement Information**

**I164** Sch. 8 para. 28 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(m)

*Constitutional Reform Act 2005 (c. 4)*

- 29 In Schedule 7 to the Constitutional Reform Act 2005 (protected functions of the Lord Chancellor), in Part A of paragraph 4, at the end there is inserted—

*“Public Service Pensions Act 2013*  
*Schedule 1, paragraph 2(1).*  
*Schedule 2, paragraph 2”.*

**Commencement Information**

**I165** Sch. 8 para. 29 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(n)

*Parliament (Joint Departments) Act 2007 (c. 16)*

- 30 In section 3 of the Parliament (Joint Departments) Act 2007 (staff), in subsection (2) (c), after “kept in line with the provisions of” there is inserted “, or provided under,”

**Commencement Information**

**I166** Sch. 8 para. 30 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(f)

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

- 31 In Schedule 4 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (transfer of employees etc of Legal Services Commission), in paragraph 4 (pension schemes), after sub-paragraph (11) there is inserted—

“(11A) Where an individual—

- (a) was a member of a relevant LSC scheme immediately before the transfer day,
- (b) had been a member of that scheme immediately before 1 April 2012, and
- (c) becomes, on or after the transfer day, a member of a civil service scheme by virtue of employment in the civil service of the State,

the individual is to be regarded, for the purposes of section 18(5) of the Public Service Pensions Act 2013 (transitional protection under existing schemes), as having been a member of the civil service scheme immediately before 1 April 2012.

(11B) In sub-paragraph (11A)—

- (a) “relevant LSC scheme” means a scheme made or treated as made under paragraph 10(1) of Schedule 1 to the Access to Justice Act 1999;

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

- (b) “civil service scheme” means a scheme under section 1 of the Superannuation Act 1972.”

**Commencement Information**

**I167** Sch. 8 para. 31 in force at 1.4.2014 by S.I. 2014/839, art. 4(2)(o)

SCHEDULE 9

Section 29

EXISTING SCHEMES FOR CIVIL SERVANTS: EXTENSION OF ACCESS

- 1 The Superannuation Act 1972 is amended as follows.
- 2 In section 1 (superannuation schemes as respects civil servants, etc), after subsection (4) there is inserted—
- “(4A) This section also applies to persons serving in employment or in an office, not being service in employment or in an office of a kind mentioned in subsection (4), where the employment or office is specified in a list produced for the purposes of this subsection (see section 1A).”
- 3 After section 1 there is inserted—

**“1A List of employments and offices for purposes of section 1(4A)**

- (1) The Minister may specify an employment or office in a list produced for the purposes of section 1(4A) if subsection (2), (3) or (4) applies in relation to the employment or office.
- (2) This subsection applies to an employment or office if—
- (a) at any time on or after the commencement of this section, the employment or office ceases to be of a kind mentioned in section 1(4), and
  - (b) immediately before that time, persons serving in the employment or office are, or are eligible to be, members of a scheme under section 1 by virtue of section 1(4).
- (3) This subsection applies to an employment or office if—
- (a) at any time before the commencement of this section, the employment or office ceased to be of a kind mentioned in section 1(4), and
  - (b) at that time, persons serving in the employment or office ceased to be members of a scheme under section 1 or to be eligible for membership of such a scheme.
- (4) This subsection applies to an employment or office if—
- (a) it is of a description prescribed by regulations, and
  - (b) the Minister determines that it is appropriate for it to be specified for the purposes of section 1(4A).
- (5) The power to specify an employment or office in reliance on subsection (4) may be exercised so as to have retrospective effect.

*Changes to legislation: There are currently no known outstanding effects  
for the Public Service Pensions Act 2013. (See end of Document for details)*

- (6) The Minister—
- (a) may at any time amend a list produced under this section, and
  - (b) must publish the list (and any amendments to it).
- (7) The published list must comply with such requirements, and contain such information, as may be prescribed by regulations.
- (8) Regulations made under this section must be made by the Minister by statutory instrument; and an instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.”

## SCHEDULE 10

Section 31(1)

### PUBLIC BODIES WHOSE PENSION SCHEMES MUST BE RESTRICTED

1 Arts and Humanities Research Council.

**Commencement Information**

**I168** Sch. 10 para. 1 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

2 Biotechnology and Biological Sciences Research Council.

**Commencement Information**

**I169** Sch. 10 para. 2 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

3 Civil Nuclear Police Authority.

**Commencement Information**

**I170** Sch. 10 para. 3 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

4 Commissioners of Irish Lights.

**Commencement Information**

**I171** Sch. 10 para. 4 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

5 Economic and Social Research Council.

**Commencement Information**

**I172** Sch. 10 para. 5 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

6 Engineering and Physical Sciences Research Council.



*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

**Commencement Information**

**I173** Sch. 10 para. 6 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

7 Natural Environment Research Council.

**Commencement Information**

**I174** Sch. 10 para. 7 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

8 Commissioners of Northern Lighthouses.

**Commencement Information**

**I175** Sch. 10 para. 8 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

9 Science and Technology Facilities Council.

**Commencement Information**

**I176** Sch. 10 para. 9 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

<sup>F7</sup>10 .....

**Textual Amendments**

**F7** [Sch. 10 para. 10](#) omitted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), [ss. 96\(4\)](#), [131\(1\)\(2\)\(f\)](#)

<sup>F8</sup>11 .....

**Textual Amendments**

**F8** [Sch. 10 para. 11](#) omitted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), [ss. 96\(4\)](#), [131\(1\)\(2\)\(f\)](#)

12 Technology Strategy Board.

**Commencement Information**

**I177** Sch. 10 para. 12 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

13 Trinity House Lighthouse Service.

**Commencement Information**

**I178** Sch. 10 para. 13 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

14 United Kingdom Atomic Energy Authority.

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

#### Commencement Information

**I179** Sch. 10 para. 14 in force at 1.4.2015 by [S.I. 2015/4](#), [art. 5\(1\)\(2\)\(d\)](#)

[<sup>F9</sup>15 United Kingdom Research and Innovation.]

#### Textual Amendments

**F9** Sch. 10 para. 15 inserted (1.4.2018) by [Higher Education and Research Act 2017 \(c. 29\)](#), s. 124(5), [Sch. 12 para. 28\(2\)](#); [S.I. 2018/241](#), reg. 2(t)

## SCHEDULE 11

Section 33

### PRIME MINISTER, LORD CHANCELLOR AND COMMONS SPEAKER

#### *Extension of MPs' and Ministerial pension schemes*

- 1 (1) Schedule 6 to the Constitutional Reform and Governance Act 2010 (parliamentary and other pensions) is amended as follows.
  - (2) Paragraph 12(2) to (5) (exclusion from MPs' scheme of persons with service as Lord Chancellor, Prime Minister or Commons Speaker) is repealed.
  - (3) In paragraph 16 (Ministers' etc pension scheme)—
    - (a) in sub-paragraph (2), after paragraph (b) there is inserted—
      - “(ba) Lord Chancellor,
      - (bb) Speaker of the House of Commons,”;
    - (b) sub-paragraph (3) (exclusion from scheme of persons with service as Lord Chancellor, Prime Minister or Commons Speaker) is repealed.
- 2 In section 4 of the Ministerial and other Pensions and Salaries Act 1991 (grants to persons ceasing to hold ministerial and other offices), in subsection (6)—
  - (a) in paragraph (a), “, other than that of Prime Minister and First Lord of the Treasury,” is repealed;
  - (b) after paragraph (ba) there is inserted—
    - “(bb) the office of Lord Chancellor;
    - (bc) the office of Speaker of the House of Commons;”.

#### *Lord Chancellor's salary*

- 3 (1) The Ministerial and other Salaries Act 1975 is amended as follows.
  - (2) In section 1 (salaries), in subsection (2), for the words from “at such rate” to the end there is substituted “of—
    - (a) £68,827, where the Lord Chancellor is a member of the House of Commons;
    - (b) otherwise, £101,038.”
  - (3) In that section, after subsection (5) there is inserted—

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)*

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“(6) Where a person who holds office as Lord Chancellor (and to whom a salary is accordingly payable under subsection (2)) is also the holder of one or more other offices in respect of which a salary is payable under this section, he shall only be entitled to one of those salaries.

(7) If, in the case of a person mentioned in subsection (6), there is a difference between the salaries payable in respect of the offices held by him, the office in respect of which a salary is payable to him shall be that in respect of which the highest salary is payable.”

(4) In section 1A (alteration of salaries), in subsection (1), after “section 1(1),” insert “(2)(a) or (b),”.

*Closure of existing arrangements*

- 4 The Lord Chancellor's Pension Act 1832 is repealed.
- 5 Sections 26 to 28 of the Parliamentary and other Pensions Act 1972 (pensions of Prime Minister, Commons Speaker and Lord Chancellor etc) are repealed.
- 6 In the Judicial Pensions Act 1981—
- (a) in section 16 (application and interpretation of Part 2 of Act), in the Table, the entry relating to the office of Lord Chancellor is repealed;
  - (b) section 26 (references to retirement, in relation to Lord Chancellor, to be read as resignation from office) is repealed.
- 7 The provisions listed in the following table (which includes spent provisions) are repealed—

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<i>Act</i>	<i>Extent of repeal</i>
Pensions (Increase) Act (c. 56)	1971 In Schedule 2, paragraphs 1 to 3.
Parliamentary and other Pensions Act 1972 (c. 48)	Sections 31, 36 and 37.
Ministerial and other Pensions and Salaries Act 1991 (c. 5)	Sections 1 and 3(1).
Parliamentary and other Pensions Act 1987 (c. 45)	In Schedule 3, paragraph 4.
Pensions Act 1995 (c. 26)	Section 170.
Civil Partnership Act (c. 33)	2004 In Schedule 25, paragraph 3.
Constitutional Reform and Governance Act 2010 (c. 25)	In Schedule 6, paragraphs 36 and 37.

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*Saving and transitional*

- 8 (1) Subject to sub-paragraph (2), this Schedule does not have effect in relation to any term of service as Prime Minister and First Lord of the Treasury, Lord Chancellor, or Speaker of the House of Commons beginning before the day on which section 33 comes into force.

*Changes to legislation: There are currently no known outstanding effects  
for the Public Service Pensions Act 2013. (See end of Document for details)*

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- (2) In relation to a term of service as Lord Chancellor beginning on or after 4 September 2012 (but before the day on which section 33 comes into force), the amendments made by paragraph 1 have effect from—
- (a) the day on which section 33 comes into force, or
  - (b) if later, the day after that on which the term of service ceases.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Service Pensions Act 2013.