

SCHEDULE 2

Regulation 182

Transitional provisions

PART 1

General

Interpretation - general

1. In this Schedule—

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the PCSPS, the tapered protection closing date for that member; or
- (b) if the member is not a protected member of that scheme, the scheme closing date;

“existing public body pension scheme” means a public body pension scheme specified on a list published by the Minister for the purpose of this Schedule;

“full protection member”, in relation to the PCSPS, has the meaning given in paragraph 9;

“protected member”, in relation to the PCSPS, means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of the PCSPS, has the meaning given in paragraph 10;
- (b) for a tapered protection member of the PCSPS, has the meaning given in paragraph 20;

“section 1(4A) eligible person” means a person who is eligible to be an active member of the PCSPS by virtue of being a person who is in service in an office or employment specified in a list produced for the purposes of section 1(4A) (superannuation schemes as respects civil servants, etc) of SA 1972(1);

“tapered protection closing date”, in relation to a tapered protection member of the PCSPS, has the meaning given in paragraph 3;

“tapered protection member”, in relation to the PCSPS, has the meaning given in paragraph 19;

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of the PCSPS, the day after the tapered protection closing date for that member;
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date or, if later, the day the person ceased to be a protected member of the scheme;

“transition member” means a person—

- (a) who is a member of the PCSPS by virtue of the person’s pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of the person’s pensionable service under this scheme.

(1) Section 1(4A) was inserted by the Public Service Pensions Act 2013 (c.25) Schedule 9 paragraphs 1 and 2.

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Meaning of “continuity of service”

2.—(1) For the purposes of this Schedule, a transition member (T) has continuity of service between pensionable service in the PCSPS and pensionable service in this scheme (“continuity of service”) unless T has a gap in service exceeding 5 years which—

- (a) begins on or before T’s closing date; and
- (b) ends on the day on which T becomes an active member of this scheme.

(2) For the purpose of sub-paragraph (1), after the scheme closing date T is not on a gap in service while T is in service which is pensionable under an existing scheme, an existing public body pension scheme, a scheme under section 1 of the Act or a new public body pension scheme.

Meaning of “tapered protection closing date”

3.—(1) The tapered protection closing date for a tapered protection member of the PCSPS other than a member to whom paragraph 9(5) or 27 applies is—

- (a) if the member exercises the option under Part 4 of this Schedule, the scheme closing date; or
- (b) if the member does not exercise that option, a date between 31st May 2015 and 31st January 2022 (inclusive) determined by the scheme manager by reference to a table published for that purpose.

(2) A tapered protection closing date determined under sub-paragraph (1)(b) must fall on the last day of a month.

(3) The tapered protection closing date for a tapered protection member of the PCSPS to whom paragraph 9(5) or 27 applies is a date determined by the scheme manager.

Meaning of “active member of the PCSPS”

4.—(1) This paragraph applies to a person (P) who is an active member of the PCSPS other than as a section 1(4A) eligible person.

(2) For the purpose of Parts 2 and 3 of this Schedule, P is an active member of the PCSPS on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) if P is on a gap in service not exceeding 5 years.

(3) For the purpose of sub-paragraph (2)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Meaning of “active member of an existing scheme”

5.—(1) For the purpose of Parts 2 and 3 of this Schedule, a person (P) is an active member of an existing scheme (other than the PCSPS) on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing scheme P is not on a gap in service while P is in pensionable public service.

(3) In sub-paragraph (2), “the closing date for the existing scheme” means the date referred to in section 18(4)(a) or (b) of the Act, as applicable.

Meaning of “active member of an existing public body pension scheme”

6.—(1) For the purpose of Parts 2 and 3 of this Schedule, a person (P) is an active member of an existing public body pension scheme on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for the existing public body pension scheme, P is not on a gap in service while P is in pensionable public service.

(3) In sub-paragraph (2), “the closing date for the existing public body pension scheme” means the date determined under section 31(2) of the Act by the public authority responsible for that scheme.

Commencement of active membership of this scheme

7.—(1) A person who is a transition member on entering pensionable service under this scheme who does not have continuity of service becomes an active member of this scheme on the day the person begins pensionable service in a scheme employment.

(2) A person who is a transition member on entering pensionable service under this scheme who has continuity of service (T) becomes an active member of this scheme—

- (a) if T is in pensionable service in a scheme employment on the transition date, on that date; or
- (b) if T is not in pensionable service in a scheme employment on the transition date, on the day T enters pensionable service in a scheme employment after that date.

PART 2

Exceptions to section 18(1) of the Act: full protection members of the PCSPS

Interpretation of Part

8. In this Part—

“active member of an existing public body pension scheme” has the meaning given in paragraph 6;

“active member of an existing scheme” has the meaning given in paragraph 5; and

“active member of the PCSPS” has the meaning given in paragraph 4.

Full protection members of the PCSPS

9.—(1) A person (P) to whom any of paragraphs 12 to 17 applies is a full protection member of the PCSPS.

(2) P ceases to be a full protection member of the PCSPS when P ceases to be in pensionable service under that scheme unless sub-paragraph (3) or (4) applies.

(3) This sub-paragraph applies if—

- (a) P returns to service which is pensionable under the PCSPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and
- (b) P would have been a fully protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the PCSPS.

(4) This sub-paragraph applies if—

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- (a) P returns to service which is pensionable under the PCSPS otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and
 - (b) P returns to service which is pensionable under the PCSPS after a gap in service not exceeding 5 years.
- (5) If P returns to service which is pensionable under the PCSPS in circumstances where sub-paragraph (6) applies, P is a tapered protection member of the PCSPS when P returns to that service.
- (6) This sub-paragraph applies if—
- (a) P returns to service which is pensionable under the PCSPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and
 - (b) P would have been a protected member of the existing scheme or existing public body pension scheme by virtue of an exception to which section 18(7)(a) and (b) of the Act (or that section as applied by section 31(4)) applies had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the PCSPS.
- (7) In this paragraph—
- “exception” means—
- (a) in relation to an existing scheme, an exception under section 18(5) of the Act provided for in the scheme regulations for that scheme;
 - (b) in relation to an existing public body pension scheme, an exception under section 31(4) of the Act provided for by the public authority responsible for that scheme;
- “fully protected member” of an existing scheme or an existing public body scheme means a person in respect of whom an exception applies, which exception is one to which section 18(6) of the Act (or that section as applied by section 31(4)) applies for the purposes of that scheme.
- (8) For the purpose of paragraph (4)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Exception for full protection members during protection period

- 10.**—(1) The protection period for a person (P) who is a full protection member of the PCSPS is the period which—
- (a) begins on the day after the scheme closing date (or if paragraph 15(3) applies, the day after the existing public body pension scheme closed to all members); and
 - (b) ends when P ceases to be a full protection member of the PCSPS (unless P is a tapered protection member by virtue of paragraph 9(5)).
- (2) During the protection period—
- (a) P is eligible to be in pensionable service under the PCSPS;
 - (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
 - (c) benefits are to be provided under the PCSPS to or in respect of P in relation to that pensionable service.

Full protection member not eligible to join this scheme

- 11.** While a person (P) is a full protection member of the PCSPS, P is not eligible to be an active member of this scheme.

Members of the PCSPS on scheme closing date

- 12.**—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.
- (2) This sub-paragraph applies if—
- (a) P was an active member of the PCSPS on the scheme closing date and on 31st March 2012; and
 - (b) P would, unless P dies, reach normal pension age under that scheme on or before 1st April 2022.
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (b) P was an active member of the PCSPS on the scheme closing date; and
 - (c) P would, unless P dies, reach normal pension age under the PCSPS and P’s transitional scheme on or before 1st April 2022.

Pre-fresh start prison officers

- 13.**—(1) This paragraph applies if P was in service as a pre-fresh start prison officer under Section II of the PCSPS on—
- (a) 31st March 2012;
 - (b) the scheme closing date; and
 - (c) 1st April 2015.
- (2) For the purposes of this paragraph, P is in service as a pre-fresh start prison officer if P is in service as a prison officer to whom rule 2.27 of Section II of the PCSPS applies.
- (3) In sub-paragraph (2), “in service as a prison officer” has the meaning given in rule 2.26 of Section II of the PCSPS.

Members of an existing scheme

- 14.**—(1) This paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS not more than 5 years after leaving pensionable service under an existing scheme other than the PCSPS;
 - (d) P would have been a fully protected member of the existing scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS; and
 - (e) P would, unless P dies, reach normal pension age under the PCSPS and P’s transitional scheme on or before 1st April 2022.
- (2) For the purposes of this paragraph—
- (a) the closing date for an existing scheme is the date referred to in section 18(4)(a) or (b) of the Act, as applicable;
 - (b) the closing date for an existing public body pension scheme is the date determined under section 31(2) of the Act by the public authority responsible for that scheme;

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- (c) “exception”, in relation to an existing scheme, means an exception under section 18(5) of the Act provided for in the scheme regulations for that scheme; and
- (d) “fully protected member” of an existing scheme means a person in respect of whom an exception applies, which exception is one to which section 18(6) of the Act applies for the purposes of that scheme.

Members of an existing public body pension scheme

15.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of an existing scheme other than the PCSPS or an existing public body pension scheme on the closing date for that scheme;
- (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (c) P begins service which is pensionable under the PCSPS not more than 5 years after leaving pensionable service under an existing public body pension scheme;
- (d) P would have been a fully protected member of the existing public body pension scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS; and
- (e) P would, unless P dies, reach normal pension age under the PCSPS and P’s transitional scheme on or before 1st April 2022.

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing public body pension scheme on a date that the scheme closed to any further accrual by members of benefits under the scheme, whether under section 31 of the Act or otherwise;
- (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
- (c) P begins service which is pensionable under the PCSPS not more than 5 years after leaving pensionable service under the existing public body pension scheme referred to in paragraph (a); and
- (d) P would, unless P dies, reach normal pension age under the PCSPS and P’s transitional scheme on or before 1st April 2022.

(4) For the purposes of this paragraph—

- (a) the closing date for an existing scheme is the date referred to in section 18(4)(a) or (b) of the Act, as applicable;
- (b) the closing date for an existing public body pension scheme is the date determined under section 31(2) of the Act by the public authority responsible for that scheme;
- (c) “exception”, in relation to an existing public body pension scheme, means an exception under section 31(4) of the Act provided for by the public authority responsible for that scheme; and
- (d) “fully protected member” of an existing public body pension scheme means a person in respect of whom an exception applies, which exception is one to which section 18(6) of the Act, as applied by section 31(4), applies for the purposes of that scheme.

Fair Deal eligible persons transferred out on or before 31st March 2012

16.—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.

- (2) This sub-paragraph applies if—
- (a) P ceased to be an active member of the PCSPS on a date (P’s transfer date) on or before 31st March 2012;
 - (b) P begins service which is pensionable under the PCSPS as a section 1(4A) eligible person on a date (P’s re-joining date) after 31st March 2012; and
 - (c) Between P’s transfer date and P’s re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS; or
 - (ii) P was only eligible to be in pensionable service under the PCSPS as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS as a result of the transfer P was—
 - (aa) an active member of the PCSPS; and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be in pensionable service under the PCSPS.
- (3) This sub-paragraph applies if P is an active member of the PCSPS as a section 1(4A) eligible person continuously after P’s re-joining date.
- (4) This sub-paragraph applies if P is a Fair Deal eligible person.
- (5) This sub-paragraph applies if P would, unless P dies, reach normal pension age under the PCSPS before 2nd April 2022.
- (6) In this paragraph, “continuously” means without a gap of any period.

Fair Deal eligible persons transferred out after 31st March 2012

- 17.—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.
- (2) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (b) P ceased to be an active member of the PCSPS or of this scheme on a date (P’s transfer date) after 31st March 2012;
 - (c) P was an active member of an existing scheme or an existing public body pension scheme throughout the period between 31st March 2012 and P’s transfer date;
 - (d) P begins service which is pensionable under the PCSPS as a section 1(4A) eligible person on a date (P’s re-joining date) after P’s transfer date; and
 - (e) Between P’s transfer date and P’s re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS; or
 - (ii) P was only eligible to be in pensionable service under the PCSPS as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS as a result of the transfer P was—
 - (aa) an active member of the PCSPS; and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be an active member of the PCSPS.
- (3) This sub-paragraph applies if P is an active member of the PCSPS as a section 1(4A) eligible person continuously after P’s re-joining date.
- (4) This sub-paragraph applies if P is a Fair Deal eligible person.

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(5) This sub-paragraph applies if P would, unless P dies, reach normal pension age under the PCSPS and P’s transitional scheme before 2nd April 2022.

(6) In this paragraph, “continuously” means without a gap of any period.

PART 3

Exceptions to section 18(1) of the Act: tapered protection members of the PCSPS

Interpretation of Part

18. In this Part—

“active member of an existing public body pension scheme” has the meaning given in paragraph 6;

“active member of an existing scheme” has the meaning given in paragraph 5; and

“active member of the PCSPS” has the meaning given in paragraph 4.

Tapered protection members of the PCSPS

19.—(1) A person (P) to whom any of paragraphs 22 to 27 applies is a tapered protection member of the PCSPS.

(2) P ceases to be a tapered protection member of the PCSPS on whichever of the following days occurs first—

(a) P’s tapered protection closing date; or

(b) the day on which P ceases to be in pensionable service under the PCSPS, unless sub-paragraph (3) or sub-paragraph (4) applies.

(3) This sub-paragraph applies if—

(a) Before P’s transition date P returns to service which is pensionable under the PCSPS from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) P would have been a protected member of that existing scheme or existing public body pension scheme had P re-entered service which is pensionable under that scheme on the date P returns to service which is pensionable under the PCSPS.

(4) This sub-paragraph applies if—

(a) Before P’s transition date P returns to service which is pensionable under the PCSPS otherwise than from service which is pensionable under an existing scheme or an existing public body pension scheme; and

(b) P returns to service which is pensionable under the PCSPS after a gap in service not exceeding 5 years.

(5) In this paragraph—

“exception” means—

(a) in relation to an existing scheme, an exception under section 18(5) of the Act provided for in the scheme regulations for that scheme;

(b) in relation to an existing public body pension scheme, an exception under section 31(4) of the Act provided for by the public authority responsible for that scheme; and

(6) “protected member” of an existing scheme or an existing public body scheme means a person in respect of whom an exception applies for the purposes of that scheme.

(7) For the purpose of paragraph (4)(b), after the scheme closing date P is not on a gap in service while P is in pensionable public service.

Exception for tapered protection members during protection period

20.—(1) The protection period for a tapered protection member of the PCSPS is the period which—

- (a) begins on the day after the scheme closing date (or if paragraph 24(3) applies, the day after the day that the existing public body pension scheme closed to any further accrual by members of benefits under the scheme); and
- (b) ends when P ceases to be a tapered protection member of the PCSPS.

(2) During the protection period—

- (a) P is eligible to be in pensionable service under the PCSPS;
- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
- (c) benefits are to be provided under the PCSPS to or in respect of P in relation to that pensionable service.

Tapered protection member not eligible to join this scheme

21. While a person (P) is a tapered protection member of the PCSPS, P is not eligible to be an active member of this scheme.

Members of the PCSPS on scheme closing date

22.—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.

(2) This sub-paragraph applies if—

- (a) P was an active member of the PCSPS on the scheme closing date and on 31st March 2012; and
- (b) P would, unless P dies, reach normal pension age under the PCSPS between 2nd April 2022 and 1st September 2025 (inclusive).

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing scheme other than the PCSPS, or of an existing public body pension scheme, (“P’s transitional scheme”) on 31st March 2012;
- (b) P was an active member of the PCSPS on the scheme closing date; and
- (c) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.

Members of an existing scheme

23.—(1) This paragraph applies if—

- (a) P was an active member of an existing scheme other than the PCSPS or an existing public body pension scheme on the closing date for that scheme;
- (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;

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- (c) P begins service which is pensionable under the PCSPS not more than 5 years after leaving pensionable service under an existing scheme other than the PCSPS;
 - (d) P would have been a protected member of the existing scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS; and
 - (e) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.
- (2) For the purposes of this paragraph—
- (a) the closing date for an existing scheme is the date referred to in section 18(4)(a) or (b) of the Act, as applicable;
 - (b) the closing date for an existing public body pension scheme is the date determined under section 31(2) of the Act by the public authority responsible for that scheme;
 - (c) “exception”, in relation to an existing scheme, means an exception under section 18(5) of the Act provided for in the scheme regulations for that scheme; and
 - (d) “protected member of the existing scheme” means a person in respect of whom an exception applies for the purposes of that scheme.

Members of an existing public body pension scheme

- 24.**—(1) This paragraph applies if sub-paragraph (2) or sub-paragraph (3) applies.
- (2) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme other than the PCSPS or an existing public body pension scheme on the closing date for that scheme;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (“P’s transitional scheme”) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS not more than 5 years after leaving pensionable service under an existing public body pension scheme;
 - (d) P would have been a protected member of the existing public body pension scheme referred to in paragraph (c) had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under the PCSPS; and
 - (e) P would, unless P dies, reach normal pension age under—
 - (i) the PCSPS during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing public body pension scheme on a date that the scheme closed to any further accrual by members of benefits under the scheme, whether under section 31 of the Act or otherwise;
 - (b) P was an active member of an existing scheme or an existing public body pension scheme (P’s transitional scheme) on 31st March 2012;
 - (c) P begins service which is pensionable under the PCSPS not more than 5 years after leaving pensionable service under the existing public body pension scheme referred to in paragraph (a); and
 - (d) P would, unless P dies, reach normal pension age under—

- (i) the PCSPS during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P's transitional scheme on or before 1st September 2025.
- (4) For the purposes of this paragraph—
- (a) the closing date for an existing scheme is the date referred to in section 18(4)(a) or (b) of the Act, as applicable;
 - (b) the closing date for an existing public body pension scheme is the date determined under section 31(2) of the Act by the public authority responsible for that scheme;
 - (c) “exception”, in relation to an existing public body pension scheme, means an exception under section 31(4) of the Act provided for by the public authority responsible for that scheme; and
 - (d) “protected member of the existing public body pension scheme” means a person in respect of whom an exception applies for the purposes of that scheme.

Fair Deal eligible persons transferred out on or before 31st March 2012

- 25.**—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.
- (2) This sub-paragraph applies if—
- (a) P ceased to be an active member of the PCSPS on a date (P's transfer date) on or before 31st March 2012;
 - (b) P begins service which is pensionable under the PCSPS as a section 1(4A) eligible person on a date (P's re-joining date) after 31st March 2012; and
 - (c) Between P's transfer date and P's re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS; or
 - (ii) P was only eligible to be in pensionable service under the PCSPS as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS as a result of the transfer P was—
 - (aa) an active member of the PCSPS; and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be in pensionable service under the PCSPS.
- (3) This sub-paragraph applies if P is an active member of the PCSPS as a section 1(4A) eligible person continuously after P's re-joining date.
- (4) This sub-paragraph applies if P is a Fair Deal eligible person.
- (5) This sub-paragraph applies if P would, unless P dies, reach normal pension age under the PCSPS during the period beginning with 2nd April 2022 and ending with 1st September 2025.
- (6) In this paragraph, “continuously” means without a gap of any period.

Fair Deal eligible persons transferred out after 31st March 2012

- 26.**—(1) This paragraph applies if sub-paragraphs (2), (3), (4) and (5) apply.
- (2) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme or an existing public body pension scheme (“P's transitional scheme”) on 31st March 2012;
 - (b) P ceased to be an active member of the PCSPS or of this scheme on a date (P's transfer date) after 31st March 2012;

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- (c) P was an active member of an existing scheme or an existing public body pension scheme throughout the period between 31st March 2012 and P's transfer date;
 - (d) P begins service which is pensionable under the PCSPS as a section 1(4A) eligible person on a date (P's re-joining date) after P's transfer date; and
 - (e) Between P's transfer date and P's re-joining date—
 - (i) P was not eligible to be in pensionable service under the PCSPS; or
 - (ii) P was only eligible to be in pensionable service under the PCSPS as a result of a transfer of the transferred services, and during such period that P would have been eligible to be in pensionable service under the PCSPS as a result of the transfer P was—
 - (aa) an active member of the PCSPS; and
 - (bb) continuously employed to carry out the transferred services whilst P was eligible to be in pensionable service under the PCSPS.
- (3) This sub-paragraph applies if P is an active member of the PCSPS as a section 1(4A) eligible person continuously after P's re-joining date.
- (4) This sub-paragraph applies if P is a Fair Deal eligible person.
- (5) This sub-paragraph applies if, P would, unless P dies, reach normal pension age under—
- (i) the PCSPS during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P's transitional scheme on or before 1st September 2025.
- (6) In this paragraph, "continuously" means without a gap of any period.

Tapered protection members of an existing scheme or an existing public body pension scheme

27.—(1) This paragraph applies if—

- (a) paragraph 14 or 15 of this Schedule would have applied but for the fact that P would not have been a fully protected member of the existing scheme or existing public body pension scheme referred to in paragraph 14(1)(c) or 15(2)(c), as applicable ("the transferring scheme") on the date P begins service which is pensionable under the PCSPS; and
 - (b) P would have been a protected member of the transferring scheme by virtue of an exception to which section 18(7)(a) and (b) of the Act (or that section as applied by section 31(4)) applies had P re-entered service which is pensionable under the transferring scheme on the date P returns to service which is pensionable under the PCSPS.
- (2) In this paragraph—
- "exception" means—
- (a) in relation to an existing scheme, an exception under section 18(5) of the Act provided for in the scheme regulations for that scheme;
 - (b) in relation to an existing public body pension scheme, an exception under section 31(4) of the Act provided for by the public authority responsible for that scheme; and
- "fully protected member" of an existing scheme or an existing public body scheme means a person in respect of whom an exception applies, which exception is one to which section 18(6) of the Act (or that section as applied by section 31(4)) applies for the purposes of that scheme.

PART 4

Option for tapered protection members of the PCSPS

Option to begin pensionable service before the transition date

28.—(1) This paragraph applies in relation to a tapered protection member (P) of the PCSPS who is in pensionable service in the PCSPS at any time during—

- (a) the period beginning with 15th August 2014 and ending with 30th September 2014; or
- (b) any other period determined by the scheme manager.

(2) Not later than 31st October 2014 (or within any longer period determined by the scheme manager), the scheme manager may offer P the option to begin pensionable service under this scheme on the day after the scheme closing date.

(3) If P does not exercise the option within 2 months after the date of the offer (or within any longer period determined by the scheme manager), P begins pensionable service under this scheme on P's transition date.

PART 5

Payment of ill-health benefits to transition members with continuity of service

Transition member who has not reached normal pension age under the PCSPS

29.—(1) This paragraph applies in relation to a transition member with continuity of service who—

- (a) becomes entitled to an ill-health pension under this scheme; and
- (b) has not reached normal pension age under the PCSPS.

(2) If this paragraph applies—

- (a) an ill-health pension and lump sum are not payable under the PCSPS;
- (b) an ill-health pension is payable under this scheme in accordance with this paragraph; and
- (c) the member becomes a deferred member of the PCSPS.

(3) If the member meets the lower tier payment threshold only, the annual rate of ill-health pension payable under this scheme is the sum of—

- (a) the annual rate of a lower tier earned pension payable under this scheme;
- (b) the annual rate of full retirement earned pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS, be payable to the member at normal pension age under the PCSPS; and
- (c) an amount of pension which is equivalent to the lump sum that would, if the member was entitled to payment of the lump sum, be payable to the member under—
 - (i) rule L.10(2) of Section I of the PCSPS; or
 - (ii) rule 3.1(b) of Section II of that scheme.

(4) If the member meets the upper tier payment threshold, the annual rate of ill-health pension payable under this scheme is the sum of—

- (a) the annual rate of a lower tier earned pension payable under this scheme;
- (b) the annual rate of an upper tier top up earned pension payable under this scheme;

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- (c) the annual rate of full retirement earned pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS, be payable to the member at normal pension age under the PCSPS; and
 - (d) an amount of pension which is equivalent to the lump sum that would, if the member was entitled to payment of the lump sum, be payable under—
 - (i) rule L.10(2) of Section I of the PCSPS; or
 - (ii) rule 3.1(b) of Section II of that scheme.
- (5) If, after the ill-health pension becomes payable under this paragraph, a transfer payment is made from the PCSPS in respect of the member's rights under that scheme, the scheme manager must deduct from the amount of ill-health pension payable under this paragraph in respect of service in the PCSPS an amount which is equal to the value of the pension represented by that transfer payment.
- (6) If the full retirement account specifies an amount of full retirement added pension of any description, the following pensions are payable with the lower tier earned pension—
- (a) the annual rate of full retirement added pension of that description payable under this scheme; and
 - (b) the annual rate of full retirement added pension that would, if the member was entitled to payment of an ill-health pension under the PCSPS, be payable to the member with that pension under the PCSPS.
- (7) The amount of pension payable under this paragraph which represents the amount that would have been payable under the PCSPS is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension to which the member would have been entitled under the PCSPS in accordance with the rules of that scheme.
- (8) In this paragraph—
- (a) a reference to the annual rate of a full retirement earned pension payable under the PCSPS means the annual pension payable under the following provisions—
 - (i) if the member was an active member of Section I of the PCSPS before becoming an active member of this scheme, rule D1 of that Section;
 - (ii) if the member was an active member of Section II of the PCSPS before becoming an active member of this scheme, rules 3.1 to 3.3a of that Section;
 - (iii) if the member was an active member of Section III of the PCSPS before becoming an active member of this scheme, rule E.2 of that Section;
 - (b) a reference to full retirement added pension payable under the PCSPS means added pension payable under the following provisions—
 - (i) if the member was an active member of Section I of the PCSPS before becoming an active member of this scheme, rule C1.11 of that Section;
 - (ii) if the member was an active member of Section II of the PCSPS before becoming an active member of this scheme, rule 14.13 of that Section;
 - (iii) if the member was an active member of Section III of the PCSPS before becoming an active member of this scheme, rule E.2 of that Section; and
 - (c) a reference to an ill-health pension payable under the PCSPS means a pension payable under the following provisions—
 - (i) if the member was an active member of Section I of the PCSPS before becoming an active member of this scheme, rule D4 of that Section;
 - (ii) if the member was an active member of Section II of the PCSPS before becoming an active member of this scheme, rules 3.4 to 3.7 of that Section;

- (iii) if the member was an active member of Section III of the PCSPS before becoming an active member of this scheme, rules E.7 to E.9 of that Section.

Transition member who has reached normal pension age under the PCSPS

30.—(1) This paragraph applies in relation to a transition member with continuity of service who is receiving payment of an ill-health pension in accordance with paragraph 29.

(2) When the member reaches normal pension age under the PCSPS—

- (a) the benefits payable under paragraph 29 in respect of service in the PCSPS cease to be payable under this scheme; and
- (b) the member becomes entitled under the PCSPS to the immediate payment of a full retirement earned pension within the meaning of paragraph 29, in accordance with the rules of that scheme.

(3) In calculating the annual rate of full retirement earned pension payable under the PCSPS for the purposes of sub-paragraph (2)(b), the following are subtracted—

- (a) the commutation amount (if any);
- (b) the amount of pension which is equivalent to a lump sum, paid under paragraph 29(3)(c) or 29(4)(d); and
- (c) an amount equal to any transfer payment made to another scheme before the member reached normal pension age under the PCSPS.

(4) Before the amounts in sub-paragraph (3)(a) and (b) are subtracted they must be increased by the amount by which the annual rate of a pension of that amount would have been increased under PIA 1971 if—

- (a) that pension was eligible to be so increased; and
- (b) the beginning date for that pension was the date that ill-health pension became payable under this scheme.

PART 6

Payment of death benefits in respect of transition members with continuity of service

Annual rate of surviving adult’s pensions payable under this scheme when a transition member dies in service

31.—(1) This paragraph applies in relation to a transition member with continuity of service—

- (a) who dies as an active member of this scheme; and
- (b) whose period of service is at least 12 months.

(2) Benefits for surviving spouses, surviving civil partners or other adult dependants are not payable under the PCSPS in respect of the member.

(3) The annual rate of dependant’s earned pension payable under regulation 107(3)(a) is the sum of—

- (a) the amount calculated under regulation 110 including the additional amount under regulation 110(5)(b) for a transition member with continuity of service; and
- (b) the amount of annual pension which would have been payable under the PCSPS to the member’s surviving spouse, surviving civil partner or other adult dependant had those benefits been payable under the PCSPS in respect of the member.

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(4) The amount of pension payable in accordance with sub-paragraph (3) which represents the amount that would have been payable under the PCSPS is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension to which the member’s surviving spouse, surviving civil partner or other adult dependant would have been entitled under the PCSPS in accordance with the rules of that scheme.

(5) In this paragraph, “period of service” means—

- (a) the member’s continuous period of pensionable service under this scheme; and
- (b) the member’s pensionable service under the PCSPS before the closing date.

Annual rate of eligible child’s pension payable under this scheme when a transition member dies in service

32.—(1) This paragraph applies in relation to a transition member with continuity of service—

- (a) who dies as an active member of this scheme; and
 - (b) whose period of service is at least 12 months.
- (2) Benefits for eligible children are not payable under the PCSPS in respect of the member.
- (3) The annual rate of child’s earned pension payable under regulation 114(4)(a) is the sum of—
- (a) the annual rate of child’s earned pension calculated under regulation 115 (annual rate of eligible child’s pension); and
 - (b) the amount of annual pension which would have been payable under the PCSPS to any eligible children of the member had those benefits been payable under the PCSPS in respect of the member.

(4) The amount of pension payable in accordance with sub- paragraph (3) which represents the amount that would have been payable under the PCSPS is subject to the same conditions, and ceases to be payable in the same circumstances, as the pension to which the eligible child would have been entitled under the PCSPS in accordance with the rules of that scheme.

(5) In this paragraph, “period of service” means—

- (a) the member’s continuous period of pensionable service under this scheme; and
- (b) the member’s pensionable service under the PCSPS before the closing date.

Death in service lump sum

33.—(1) This paragraph applies in relation to a transition member with continuity of service who dies in service within the meaning of regulation 130 (death in service).

(2) On the death of the member—

- (a) a lump sum death benefit is payable under regulation 130; but
- (b) a death in service lump sum death benefit is not payable under the PCSPS.

(3) Where the member was an active member of Section I of the PCSPS before becoming an active member of this scheme, the member is entitled to an additional payment calculated in accordance with the table.

(4) In the table, “final pay” means the member’s final pay calculated under regulation 128 (meaning of “final pay”).

<i>Member dies in scheme year beginning on</i>	<i>Additional payment</i>
1st April 2015	1 x final pay
1st April 2016	0.9 x final pay

<i>Member dies in scheme year beginning on</i>	<i>Additional payment</i>
1st April 2017	0.8 x final pay
1st April 2018	0.7 x final pay
1st April 2019	0.6 x final pay
1st April 2020	0.5x final pay
1st April 2021	0.4 x final pay
1st April 2022	0.3 x final pay
1st April 2023	0.2 x final pay
1st April 2024	0.1 x final pay
1st April 2025 or any subsequent 1st April	0 x final pay

Death out of service lump sum

34.—(1) For the purpose of payment of death benefits, a transition member with continuity of service who dies as a deferred member or pensioner member of this scheme dies out of service under this scheme and the PCSPS.

(2) On the death of a deferred member or pensioner member of this scheme—

- (a) if regulation 131 (death out of service) applies to the member, a lump sum death benefit is payable under that regulation; and
- (b) if the member is a deferred member or pensioner member of the PCSPS and the conditions for payment of a death out of service lump sum death benefit under the rules of the PCSPS are met, a death out of service lump sum death benefit is payable under the PCSPS.

PART 7

Transitional provisions relating to the PCSPS

Pensionable service under the PCSPS

35.—(1) This paragraph applies in relation to a transition member with continuity of service (T) who is in pensionable service under this scheme.

(2) The following provisions of the PCSPS continue to apply after the closing date as if T continued in pensionable service under that scheme—

- (a) the provisions relating to payment of contributions for added pension and added years; and
- (b) if T is a member of Section III of the PCSPS, the provisions in that Section relating to the indexation of pension accounts for an active member.

(3) In determining whether T qualifies under the PCSPS for retirement benefits (other than an ill-health pension), T's pensionable service under that scheme terminates when T's pensionable service under this scheme terminates.

(4) in determining T's final salary for any purposes of the PCSPS under Schedule 7 (final salary link) to the Act, pensionable earnings derived from service under this scheme are to be regarded as derived from service under the PCSPS.

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Ill-health retirement certificate not given

36.—(1) This paragraph applies if a member of the PCSPS (or the member’s employer on behalf of the member)—

- (a) claimed payment of an ill-health pension under that scheme before the member’s transition date; and
- (b) the pension does not become payable before the member’s transition date.

(2) If the member is not entitled to immediate payment of an ill-health pension under the PCSPS, the member joins this scheme on whichever is the later of—

- (a) the member’s transition date; and
- (b) the day after all relevant appeal rights in relation to the scheme medical adviser’s decision not to give an ill-health retirement certificate are exhausted.

(3) In this paragraph—

“all relevant appeal rights” includes the member’s appeal rights under section 11.10 of the Civil Service Management Code issued under Part 1 of the Constitutional Reform and Governance Act 2010(2); and

“ill-health retirement certificate” means a certificate given by the scheme medical adviser under the PCSPS stating that, in the opinion of the scheme medical adviser, the member has suffered a permanent breakdown in health involving incapacity for employment or total incapacity for employment.

Deferred membership of the PCSPS

37.—(1) A transition member with continuity of service (T) does not become a deferred member of the PCSPS unless T becomes a deferred member of this scheme.

(2) If T opts out of this scheme in relation to service in a scheme employment and T has at least 2 years’ qualifying service—

- (a) T becomes a deferred member of the PCSPS in relation to that service; and
- (b) any periodical payments for added pension or added years paid under the PCSPS cease to be payable.

(3) If T re-enters pensionable service under this scheme after a gap in service not exceeding 5 years, T ceases to be a deferred member of the PCSPS.

(4) After the scheme closing date T is not on a gap in service while T is in service which is pensionable under an existing scheme, an existing public body pension scheme, a scheme under section 1 of the Act or a new public body pension scheme.

Repayment of contributions under the PCSPS

38. If a transition member with continuity of service (T) opts out of this scheme and T has less than 2 years’ qualifying service—

- (a) T must be repaid members’ contributions paid under the PCSPS; and
- (b) any periodical payments for added pension or added years paid under the PCSPS cease to be payable.

(2) 2010 c. 25.

Qualifying for retirement benefits under the PCSPS

39. In determining whether a transition member with continuity of service qualifies for retirement benefits under the PCSPS, the member’s qualifying service includes the total of—

- (a) the member’s qualifying service under the PCSPS; and
- (b) the member’s qualifying service under this scheme.

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

40. Where any element of a pension under the PCSPS which is in payment has been calculated by reference to Schedule 7 (final salary link) to the Act, that element of the pension is not recalculated by reference to Schedule 7 in consequence of a subsequent period of pensionable public service (within the meaning of paragraph 3 of Schedule 7 to the Act) unless the further period of pension is aggregated under the rules of the PCSPS applicable to the member.

PART 8

Miscellaneous transitional provisions

Declaration continues to have effect

41.—(1) This paragraph applies if a transition member with continuity of service has not made a declaration under these Regulations that another adult is the dependant of the member for the purpose of death benefits under this scheme.

(2) An existing declaration has effect as if made under these Regulations until the transition member makes a declaration under these Regulations.

(3) In this paragraph, “existing declaration” means a declaration which—

- (a) was made for the purpose of the PCSPS; and
- (b) as at the closing date, had effect under that scheme.

Nomination under the PCSPS continues to have effect

42.—(1) This paragraph applies if a transition member with continuity of service has not nominated a person under these Regulations to receive a lump sum death benefit under this scheme.

(2) An existing nomination has effect as if made under these Regulations until the transition member makes a nomination under these Regulations.

(3) In this paragraph, “existing nomination” means a nomination which—

- (a) was made for the purpose of the PCSPS; and
- (b) as at the closing date, had effect under that scheme.

PART 9

Transfer of final salary benefits

Meaning of “final salary benefit”

43.—(1) In this Part, “final salary benefit” means benefit accrued under a final salary scheme, subject to sub-paragraph (2).

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(2) Where only part of the pension entitlement payable under a final salary scheme to or in respect of a person which is based on the pensionable service of that person is or may be determined by reference to the person's final salary, "final salary benefit" means the benefit in respect of which the pension entitlement is so determined.

Acceptance of club transfer value payments and bulk transfers

44.—(1) If, in circumstances where regulation 156 applies, the special terms agreed for the acceptance of transfer payments require such part of a transfer value payment as relates to a member's final salary benefit to be paid into the PCSPS, that part of the transfer value payment must be paid into the PCSPS.

(2) Any part of a club transfer value payment from another scheme that relates to a member's final salary benefit must be paid into the PCSPS.

Member of this scheme or the PCSPS

45.—(1) This paragraph applies to a person who transfers final salary benefits into the PCSPS.

(2) Unless the person is a protected member of the PCSPS, the person—

- (a) becomes a member of this scheme; and
- (b) is taken to be a transitional member with continuity of service.

(3) If the person is a protected member of the PCSPS, the scheme manager must determine, by reference to the rules of the PCSPS, which Section of the PCSPS the person joins.

PART 10

Civil Service Compensation Scheme

Quarantine

46.—(1) This paragraph applies if—

- (a) a member (P) left service in an employment to which the Civil Service Compensation Scheme applies in circumstances where P received benefits under rule 2.2, 2A.3, 3.1, 3.2A or 7.2 of the Civil Service Compensation Scheme which were enhanced to take account of a period after P left service ("the period of prospective service");
- (b) P subsequently begins service in a scheme employment; and
- (c) the period beginning with the day after P's last day of service as referred to in paragraph (a) and ending with the day before P subsequently begins service as referred to in paragraph (b) is less than the period of prospective service.

(2) During the period of prospective service—

- (a) P does not accrue any earned pension under this scheme; and
- (b) the rules of the PCSPS apply, with the exception of rules relating to payment of contributions by the employer and the member.

(3) Despite sub-paragraph (2)—

- (a) P is treated as an active member of this scheme during the period of prospective service; and
- (b) the period of prospective service counts as qualifying service.

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