

*This Statutory Instrument has been made partly in consequence of a defect in S.I. 2016/326 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2019 No. 906**

**PUBLIC SERVICE PENSIONS**

**The Civil Service (Other Crown Servants)  
Pension Scheme (Amendment) Regulations 2019**

<i>Made</i>	- - - -	<i>30th April 2019</i>
<i>Laid before Parliament</i>		<i>2nd May 2019</i>
<i>Coming into force</i>	- -	<i>23rd May 2019</i>

The Minister for the Civil Service makes these Regulations in exercise of the powers conferred by sections 1(1), (2)(a), 3(1), (2) and (3) of, and Schedule 3 to, the Public Service Pensions Act 2013<sup>(1)</sup> (“the Act”).

In accordance with section 22(2)(a) of the Act, the Minister has consulted representatives of such persons as appear to him likely to be affected by these Regulations with a view to reaching agreement.

In accordance with section 22(2)(b) of the Act, the Minister has laid a report before Parliament.

The retrospective provisions contained in these Regulations do not appear to the Minister to have significant adverse effects in relation to the pension payable to or in respect of members of the scheme established by the Civil Service (Other Crown Servants) Pension Scheme Regulations 2016<sup>(2)</sup>, nor in any other way in relation to members of that scheme. Accordingly, the procedures set out in section 23 of the Act are not applicable in respect of these Regulations.

In accordance with section 3(5) of the Act, these Regulations are made with the consent of the Treasury.

**Citation and interpretation**

1.—(1) These Regulations may be cited as the Civil Service (Other Crown Servants) Pension Scheme (Amendment) Regulations 2019.

(2) These Regulations come into force on 23rd May 2019 and have effect—

- (a) in respect of regulation 6, retrospectively from 1st April 2016;
- (b) in respect of regulation 7(c), retrospectively from 1st April 2019;

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(1) 2013 c.25.  
(2) S.I. 2016/326.

(c) in all other respects from 23rd May 2019.

### **Amendments to the Civil Service (Other Crown Servants) Pension Scheme Regulations 2016**

2. The Civil Service (Other Crown Servants) Pension Scheme Regulations 2016 are amended as follows.

#### **Amendment of regulation 2**

3. In regulation 2 (interpretation), at the appropriate places insert—

““GCHQ eligible person” means a person who meets the conditions of eligibility set out in regulation 2A;”

““protected function” means one of the functions or services specified by the Minister on a protected transfer;”

““protected transfer” means a transfer of employment from one of the agencies to Government Communications Headquarters designated as such by the Minister;”

““protected transfer date” means the date on which a protected transfer takes place;”

#### **New regulation 2A**

4. In Part 2, after regulation 2, insert—

##### **“Conditions of eligibility for a GCHQ eligible person**

2A.—(1) A person (P) meets the conditions of eligibility if—

- (a) P was an active member of this scheme on the protected transfer date;
- (b) P continues to be an active member of this scheme after the protected transfer date; and
- (c) since the protected transfer date P has been continuously employed by Government Communications Headquarters to carry out a protected function.

(2) For the purpose of paragraph 1(c), P has not been continuously employed where P has had a gap in service of any period.

(3) A person who ceases to meet the conditions of eligibility ceases to be a GCHQ eligible person on the date that the person ceases to meet those conditions.”.

#### **Amendment of regulation 3**

5. For regulation 3 (establishment of scheme and eligibility), substitute—

“3. A scheme is established for the payment of pensions and other benefits to civil servants who are—

- (a) employed by the agencies; or
- (b) GCHQ eligible persons.”.

#### **Amendment of regulation 9**

6. In regulation 9(1)(a) (scheme to be by analogy to PSCOPS), for “12” substitute “2 to 2C”.

### **Amendment of regulation 10**

7. In regulation 10 (modifications to the 2014 regulations insofar as they apply in relation to this scheme)—

(a) in paragraph (2)(f), after “references to” insert “Government Communications Headquarters,”;

(b) for paragraph 5, substitute—

“(5) For regulation 13(1)(a) there were substituted—

“(a) permanent or fixed term employment as a civil servant by the Secret Intelligence Service or the Security Service; and

(aa) permanent or fixed term employment as a civil servant by Government Communications Headquarters held by a GCHQ eligible person, where the scheme relates to that person by virtue of that employment.””;

(c) in paragraph 12(d), in the heading to the table, after “31st March 2019” insert “and Scheme Year 1st April 2019 to 31st March 2020”.

30th April 2019

*Oliver Dowden*  
Minister for Implementation  
Cabinet Office

*Rebecca Harris*

*Paul Maynard*

Two of the Lords Commissioners of Her  
Majesty’s Treasury

30th April 2019

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Civil Service (Other Crown Servants) Pension Scheme Regulations 2016 (the 2016 Regulations) ([SI 2016/326](#)). The 2016 Regulations established a scheme for the payment of pensions and other benefits to civil servants employed by the Secret Intelligence Service and the Security Service.

Regulation 1 provides for regulation 6 to take effect from 1st April 2016 and for regulation 7(c) to take effect from 1st April 2019. Section 3(3)(b) of the Public Service Pensions Act 2013 (“the Act”) provides authority for the regulations to take effect as from a date earlier than the making of these Regulations. Otherwise, the Regulations come into force on 23rd May 2019.

Regulations 3, 4, 5 and 7 (except for regulation 7(c)) amend the 2016 Regulations to widen the scope of those eligible to participate in the scheme established by those regulations to facilitate staff movement across the Agencies.

Regulation 6 corrects a minor and technical issue that has been identified during the operation of the scheme.

Regulation 7(c) provides for the contribution rates applicable in the scheme year ending 31st March 2019 to also apply for the following year. Since this involves a change to a protected element of the scheme as defined by section 22 of the Act, the Minister has consulted representatives of those likely to be affected by the change with a view to reaching agreement and has laid a report before Parliament.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private voluntary or public sector is foreseen.