



## 2014 CHAPTER 2

### *Public body pension schemes*

#### **New public body pension schemes**

**31.**—(1) The following provisions of this Act apply in relation to a new public body pension scheme (and any statutory pension scheme that is connected with it) as to a scheme under section 1 (and any connected scheme)—

- (a) section 3(1) and (2) and Schedule 3 (scheme regulations);
- (b) section 4 (scheme manager);
- (c) sections 5 and 6 (pension board), if the scheme has more than one member;
- (d) sections 8 to 10 (scheme design);
- (e) sections 11 and 12 (cost control);
- (f) sections 14 to 16 (information and records).

(2) For the purposes of subsection (1), the provisions referred to in that subsection are to be read with the following modifications—

- (a) references to scheme regulations are to be read as references to the rules of the scheme;
- (b) references to the responsible authority are to be read as references to the public authority which established the scheme.

(3) A new public body pension scheme, and any variation to the rules of the scheme, requires the consent of the Department of Finance and Personnel.

(4) In this Act—

“public body pension scheme” means a scheme (other than an existing scheme) established by a public authority for the payment of pensions and other benefits

to or in respect of members or staff of a statutory body or the holder of a statutory office;

“new public body pension scheme” means a public body pension scheme established after the coming into force of this section.

### **Power to restrict other existing public body pension schemes**

**32.—**(1) This section applies to any public body pension scheme specified in an order made by the Department of Finance and Personnel and which relates to members or staff of a body, or the holder of an office, so specified (by name or description).

(2) The public authority responsible for the scheme must make provision to secure that no benefits are provided under the scheme to or in respect of a person in relation to the person’s service after a date determined by the authority.

(3) An order under subsection (1)—

(a) must not specify a public body pension scheme which is a defined contributions scheme, and

(b) must except injury or compensation benefits provided under a scheme which is specified.

(4) The public authority responsible for a scheme to which subsection (2) applies may provide for other exceptions to the provision made under subsection (2) and section 18 (7) and (8) apply in relation to any such exceptions (reading references to scheme regulations as references to rules of the scheme).

(5) Provision made under subsection (2) or (4) may in particular be made by amending the public body pension scheme.

(6) In subsection (2), the reference to benefits in relation to a person’s service includes benefits relating to the person’s death in service.

(7) If—

(a) subsection (2) applies to a scheme, and

(b) any of the persons to whom the scheme relates are not eligible for membership of a scheme under section 1,

the public authority responsible for the scheme may establish a new scheme for the payment of pensions or other benefits to or in respect of those persons (and see section 31).

(8) Where a scheme to which subsection (2) applies was established in exercise of a statutory function or other power, the function or power may not be exercised again so as to establish a new defined benefits scheme in relation to the body or office.

(9) In the case of a scheme established by deed of trust, subsections (2) and (4) apply irrespective of the provisions of the deed or the law relating to trusts.

(10) An order under subsection (1) may make consequential or supplementary provision, including in particular provision made by amending any legislation.

(11) An order under subsection (1) is subject to negative resolution.

(12) It is immaterial for the purposes of subsection (1) whether a scheme is made before or after the coming into force of this section.

(13) Schedule 7 contains provision for a “final salary link” in relation to schemes to which subsection (2) applies.

### **Existing public body pension schemes: pension age**

**33.—**(1) A public body pension scheme established before the coming into force of this section may include—

- (a) provision securing that the normal and deferred pension age of a person under the scheme is—
  - (i) the same as the person’s state pension age, or
  - (ii) 65, if that is higher, and
- (b) provision securing that changes in the person’s normal or deferred pension age occurring in consequence of provision under paragraph (a) apply in relation to relevant accrued benefits (as well as other benefits).

(2) In subsection (1)(b) “relevant accrued benefits”, in relation to a person and a scheme, means benefits accrued after the coming into force of the provision under subsection (1) which may be paid to or in respect of the person under the scheme and to which the normal or deferred pension age is relevant.