



2014 CHAPTER 2

Procedure for scheme regulations

Procedure for protected elements

22.—(1) This section applies where, after the coming into force of scheme regulations establishing a scheme under section 1, the responsible authority proposes to make further scheme regulations containing provision changing the protected elements of the scheme within the protected period.

(2) The responsible authority must—

- (a) consult the persons specified in subsection (3) with a view to reaching agreement with them, and
- (b) lay a report before the Assembly.

(3) The persons referred to in subsection (2)(a) are the persons (or representatives of the persons) who appear to the responsible authority to be likely to be affected by the regulations if they were made.

(4) The report under subsection (2)(b) must set out why the responsible authority proposes to make the regulations, having regard to the desirability of not making a change to the protected elements of a scheme under section 1 within the protected period.

(5) In this section—

“protected period” means the period beginning with the coming into force of this section and ending with 31 March 2040;

“protected elements”, in relation to a scheme under section 1, means—

- (a) the extent to which the scheme is a career average revalued earnings scheme;
- (b) members’ contribution rates under the scheme;

(c) benefit accrual rates under the scheme.

(6) In this section, references to a change to the protected elements do not include a change appearing to the responsible authority to be required by or consequential upon section 12 (employer cost cap).

(7) In a case where this section applies, there is no requirement to consult under section 21(1).