

PUBLIC SERVICE PENSIONS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

General

Section 36: Defence Fire and Rescue Service and Ministry of Defence Police: review

211. *Section 36* requires the Secretary of State to carry out a review of how the provisions of section 10 are likely to affect members of the Ministry of Defence Police and the Defence Fire and Rescue Service.
212. *Subsection (1)* provides that the Secretary of State must carry out a review of the likely effect of section 10 on members of the Ministry of Defence Police and the Defence Fire and Rescue Service (the latter being defined in *subsection (3)*). These workforces come within the definition of “civil servants” and so will be affected by the link to state pension age in section 10(1). This review must be carried out within six months of the commencement of section 10.
213. *Subsection (2)* sets out three elements that must be covered in the review. They are the likely effect of section 10 on the health and well-being of members of these workforces, the likely effect of section 10 on their ability to continue to meet Ministry of Defence operational requirements, and the extent to which they are likely to take early retirement in consequence of the section 10 provisions (and on the consequences of early retirement to early retirees and the taxpayer).

Section 38: Regulations, orders and directions

214. *Subsection (1)* provides that scheme regulations made by the Lord Chancellor, Minister for the Civil Service, the Secretary of State, the Treasury and the Welsh Ministers must be made by statutory instrument.
215. The section also sets out the meaning of “affirmative procedure”, “negative procedure”, “affirmative Commons procedure” and “negative Commons procedure” in the relevant legislatures.
216. *Subsection (7)* provides that Treasury directions made under the Act may be varied or revoked.