

SCHEDULES

SCHEDULE 8

CONSEQUENTIAL AND MINOR AMENDMENTS

Pensions (Increase) Act 1971 (c. 56)

4 After section 8 of the Pensions (Increase) Act 1971 there is inserted—

“8A Section 8(2): references to “service”

(1) In a case where—

- (a) paragraph 1 or 2 of Schedule 7 to the 2013 Act (final salary link for persons who remain in or are transferred to closed scheme for past service) applies in relation to a person, and
- (b) the person's final salary falls to be determined by reference to that paragraph,

references in section 8(2) above to the service in respect of which a pension is payable include the person's new scheme service (within the meaning of Schedule 7 to the 2013 Act).

(2) In a case where—

- (a) a person is a member of a relevant old scheme by virtue of pensionable service for that scheme (“the relevant old scheme service”),
- (b) the person is also a member of a scheme under section 1 of the 2013 Act or a new public body pension scheme (“the new scheme”) by virtue of pensionable service for that scheme (“the new scheme service”),
- (c) the relevant old scheme service and the new scheme service are continuous, and
- (d) the person's employer in relation to the relevant old scheme service is the person's employer in relation to the new scheme service (or any other employer in relation to the new scheme),

references in section 8(2) above to the service in respect of which a pension is payable include the person's new scheme service.

(3) In this section—

- (a) “relevant old scheme” means a career average revalued earnings scheme (within the meaning of the 2013 Act) to which section 18(1) or 31(2) of that Act applies (restriction of benefits under existing schemes);
- (b) “employer”, “new public body pension scheme” and “pensionable service” have the same meanings as in that Act.

(4) For the purposes of subsection (2)—

Status: This is the original version (as it was originally enacted).

- (a) paragraphs 3 and 4 of Schedule 7 to the 2013 Act (continuity of employment etc) apply as they apply for the purposes of paragraphs 1(2) and 2(2) of that Schedule;
 - (b) regulations under section 1 of the 2013 Act (in the case of a new scheme under that section) or rules (in the case of a new public body pension scheme) may provide that where a pension is in payment under a relevant old scheme, references in section 8(2) above to the service in respect of which a pension is payable do not include any subsequent period of pensionable service in relation to a scheme under section 1 of the 2013 Act or a new public body pension scheme.
- (5) Provision made under subsection (4)(b) may in particular be made by amending the relevant old scheme.
- (6) In this section, “the 2013 Act” means the Public Service Pensions Act 2013.”