

Status: Point in time view as at 01/11/2013.

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)

SCHEDULES

VALID FROM 28/02/2014

SCHEDULE 1

Section 1(3)

PERSONS IN PUBLIC SERVICE: DEFINITIONS

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VALID FROM 28/02/2014

SCHEDULE 2

Section 2(1)

RESPONSIBLE AUTHORITIES

Civil servants and judiciary

- 1 Scheme regulations for civil servants may be made by the Minister for the Civil Service.
- 2 (1) Scheme regulations for the judiciary may be made by the Lord Chancellor.
(2) Before making scheme regulations in relation to an office with a jurisdiction exercised exclusively in relation to Scotland, the Lord Chancellor must consult the Secretary of State.

Local government workers

- 3 Scheme regulations for local government workers may be made by—
 - (a) the Secretary of State, in or as regards England and Wales;
 - (b) the Scottish Ministers, in or as regards Scotland.

Teachers

- 4 Scheme regulations for teachers may be made by—
 - (a) the Secretary of State, in or as regards England and Wales;
 - (b) the Scottish Ministers, in or as regards Scotland.

Health service workers

- 5 Scheme regulations for health service workers may be made by—
 - (a) the Secretary of State, in or as regards England and Wales;
 - (b) the Scottish Ministers, in or as regards Scotland.

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Fire and rescue workers

- 6 Scheme regulations for fire and rescue workers may be made by—
 - (a) the Secretary of State, in or as regards England;
 - (b) the Welsh Ministers, in or as regards Wales;
 - (c) the Scottish Ministers, in or as regards Scotland.

Police forces

- 7 Scheme regulations for members of a police force may be made by—
 - (a) the Secretary of State, in or as regards England and Wales;
 - (b) the Scottish Ministers, in or as regards Scotland.

Armed forces

- 8 Scheme regulations for the armed forces may be made by the Secretary of State.

VALID FROM 28/02/2014

SCHEDULE 3

Section 3(2)(a)

SCOPE OF SCHEME REGULATIONS: SUPPLEMENTARY MATTERS

SCHEDULE 4

Section 17(1)

REGULATORY OVERSIGHT

- 1 The Pensions Act 2004 is amended as follows.

Commencement Information

II Sch. 4 para. 1 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

VALID FROM 01/04/2015

- 2 In section 11 (annual reports), in subsection (3), at the end there is inserted—
 - “(d) the exercise of the Regulator’s functions in relation to public service pension schemes.”

VALID FROM 01/04/2015

- 3 (1) Section 13 (improvement notices) is amended as follows.

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- (2) In subsection (3)(a), after “90” there is inserted “ or 90A ”.
- (3) In subsection (7)—
 - (a) in paragraph (c), the final “or” is repealed;
 - (b) at the end there is inserted “or
 - (e) section 5(4) (pension board: conflicts of interest and representation), 6 (pension board: information), 14 (information about benefits) or 16 (records) of the Public Service Pensions Act 2013.”

VALID FROM 01/04/2015

4 After section 14 there is inserted—

“14A Appointment of skilled person to assist public service pension scheme

- (1) The Regulator may, if it considers it desirable for the purpose of ensuring compliance with pensions legislation, appoint a person to assist the pension board of a public service pension scheme in the discharge of its functions.
- (2) A person appointed under this section may be any person appearing to the Regulator to have the necessary skills.
- (3) The pension board of a public service pension scheme must have regard to the advice of a person appointed under this section.
- (4) The costs of a person appointed under this section are to be met by the scheme manager of the scheme.
- (5) In subsection (1) “pensions legislation” has the same meaning as in section 13.”

VALID FROM 01/04/2015

5 (1) In section 17 (power of the Regulator to recover unpaid contributions), subsection (3) is amended as follows.

- (2) In the definition of “due date”—
 - (a) in paragraph (b), the final “and” is repealed;
 - (b) after paragraph (c) there is inserted “and
 - (d) in relation to employer contributions payable under a public service pension scheme, the date on which the contributions are due under the scheme;”.
- (3) In the definition of “employer contribution”—
 - (a) in paragraph (a)—
 - (i) after “occupational pension scheme” there is inserted “ other than a public service pension scheme ”;
 - (ii) the final “and” is repealed;

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- (b) after paragraph (b) there is inserted “and
(c) in relation to a public service pension scheme, means any contributions payable under the scheme by the employer.”

VALID FROM 01/04/2015

- 6 In section 70 (duty to report breaches of the law), in subsection (1)—
(a) after paragraph (a) there is inserted—
“(aa) a member of the pension board of a public service pension scheme;”;
(b) in paragraph (b), for “such a scheme” there is substituted “ an occupational or personal pension scheme ”.

VALID FROM 01/04/2015

- 7 After section 70 there is inserted—

“Reporting late payment of employer contributions

70A Duty to report late payment of employer contributions
(1) Where—
(a) any amount payable under a public service pension scheme by or on behalf of an employer in relation to the scheme by way of contributions is not paid on or before the date on which it is due under the scheme, and
(b) the scheme manager has reasonable cause to believe that the failure is likely to be of material significance to the Regulator in the exercise of any of its functions,
the scheme manager must give a written report of the matter to the Regulator as soon as reasonably practicable.
(2) No duty to which a person is subject is to be regarded as contravened merely because of any information or opinion contained in a written report under this section.
This is subject to section 311 (protected items).
(3) Section 10 of the Pensions Act 1995 (civil penalties) applies to any person who, without reasonable excuse, fails to comply with an obligation imposed on him by this section.”

VALID FROM 01/04/2015

- 8 (1) Section 71 (reports by skilled persons) is amended as follows.
(2) In subsection (1)—
(a) in paragraph (b), the final “or” is repealed;

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- (b) after paragraph (b) there is inserted—
- “(ba) in the case of a work-based scheme which is a public service pension scheme, a member of the pension board of the scheme, or”;
- (c) in paragraph (c), for “such a scheme” there is substituted “ a work-based pension scheme ”.

VALID FROM 01/04/2015

- 9 In section 72 (provision of information), in subsection (2), after paragraph (a) there is inserted—
- “(aa) a member of the pension board of a public service pension scheme,”.

VALID FROM 01/04/2015

- 10 In section 73 (inspection of premises), in subsection (2)—
- (a) after paragraph (d) there is inserted—
- “(da) section 16 of the Public Service Pensions Act 2013;”;
- (b) in paragraph (e), for “(d)” there is substituted “ (da) ”.

VALID FROM 01/04/2015

- 11 In section 89 (reports), at the end there is inserted—
- “(4) Before making a report under this section which relates to a public service pension scheme, the Regulator must notify the scheme manager.”

VALID FROM 01/04/2015

- 12 After section 89 there is inserted—
- “89A Reports about misappropriation etc in public service pension schemes**
- (1) If the Regulator has reasonable grounds to suspect or believe that a member of the pension board of a public service pension scheme—
- (a) has misappropriated any assets of the scheme or is likely to do so, or
- (b) has a conflict of interest in relation to investment of assets of the scheme,
- the Regulator must report the matter to the scheme manager.
- (2) For the purposes of the law of defamation, the reporting of any matter by the Regulator under subsection (1) is privileged unless the reporting is shown to be made with malice.

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- (3) For the purposes of subsection (1)(b) a person does not have a conflict of interest in relation to investment of assets merely by virtue of membership of the scheme.”

VALID FROM 01/04/2015

- 13 (1) Section 90 (codes of practice) is amended as follows.
- (2) In subsection (4), after “code of practice” (where first occurring) there is inserted “ issued under this section ”.
- (3) In subsection (7), at the end there is inserted “under this section”.
- (4) At the end of the section there is inserted—
- “(8) The Regulator may not issue codes of practice under this section in relation to a public service pension scheme (but see section 90A).”

- 14 After section 90 there is inserted—

“90A Codes of practice: public service pension schemes

- (1) The Regulator may, in relation to public service pension schemes, issue codes of practice—
- (a) containing practical guidance in relation to the exercise of functions under relevant pensions legislation, and
 - (b) regarding the standards of conduct and practice expected from those who exercise such functions.
- (2) The Regulator must issue one or more such codes of practice relating to the following matters—
- (a) the discharge of the duties imposed by sections 70 and 70A (duties to report breaches of the law and late payment of employer contributions);
 - (b) the obligations imposed by section 248A (requirements for knowledge and understanding: pension boards of public service pension schemes);
 - (c) the discharge of the duty imposed by section 249B (internal controls);
 - (d) the discharge of duties imposed under section 113 of the Pension Schemes Act 1993 (disclosure of information to members);
 - (e) the discharge of the duty imposed by section 49(9)(b) of the Pensions Act 1995 (duty of trustees or managers of occupational pension schemes to report material failures by employers to pay contributions deducted from employee's earnings timeously);
 - (f) the discharge of the duty imposed by section 50 of the Pensions Act 1995 (internal dispute resolution);
 - (g) the discharge of duties imposed by virtue of section 5(4) of the Public Service Pensions Act 2013 (pensions board: conflicts of interest and representation) and other duties relating to conflicts of interest;

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- (h) the discharge of duties imposed under section 6 (pension board: information) of that Act and other duties relating to the publication of information about governance and administration;
 - (i) the discharge of duties imposed under section 14 of that Act (information about benefits);
 - (j) the discharge of duties imposed under section 16 (records) of that Act and other duties relating to record-keeping;
 - (k) such other matters as are prescribed for the purposes of this section.
- (3) The Regulator may from time to time revise the whole or any part of a code of practice issued under this section and issue that revised code.
- (4) A failure on the part of any person to observe any provision of a code of practice issued under this section does not of itself render that person liable to any legal proceedings.
- This is subject to section 13(3)(a) and (8) (power for improvement notice to direct that person complies with code of practice and civil penalties for failure to comply).
- (5) A code of practice issued under this section is admissible in evidence in any legal proceedings (within the meaning of section 90) and, if any provision of such a code appears to the court or tribunal concerned to be relevant to any question arising in the proceedings, it must be taken into account in determining that question.
- (6) A code of practice issued under this section may be—
- (a) combined with a code of practice issued under section 90;
 - (b) combined with one or more other codes of practice issued under this section.
- (7) A code of practice issued under this section may relate to all public service pension schemes or any one or more of them.
- (8) In this section, “relevant pensions legislation” means—
- (a) the enactments constituting “pensions legislation” within the meaning of section 90, and
 - (b) sections 5(4) (pension board: conflicts of interest and representation), 6 (pension board: information), 14 (information about benefits) and 16 (records) of the Public Service Pensions Act 2013.
- (9) Sections 91 and 92 make provision about the procedure to be followed when a code of practice is issued or revoked under this section.”

Commencement Information

I2 Sch. 4 para. 14 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 15 (1) Section 91 (procedure for codes) is amended as follows.
- (2) In subsection (1), after “code of practice” there is inserted “ under section 90 or 90A ”.
- (3) In subsections (4)(a) and (10), after “90” there is inserted “ or 90A ”.

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Commencement Information

I3 Sch. 4 para. 15 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 16 In section 92 (revocation of codes), in subsection (1), after “code of practice” there is inserted “ under section 90 or 90A ”.

Commencement Information

I4 Sch. 4 para. 16 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 17 In section 93 (procedure for regulatory functions), in subsection (2), after paragraph (b) there is inserted—
“(ba) the power to appoint a skilled person in relation to a public service pension scheme under section 14A,”.

- 18 In section 154 (requirement to wind up schemes with sufficient assets), in subsection (14), after “public service pension scheme” there is inserted “ (within the meaning of the Pension Schemes Act 1993) ”.

Commencement Information

I5 Sch. 4 para. 18 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

- 19 After section 248 there is inserted—

“248A Requirement for knowledge and understanding: pension boards of public service pension schemes

- (1) This section applies to every individual who is a member of the pension board of a public service pension scheme.
- (2) An individual to whom this section applies must be conversant with—
 - (a) the rules of the scheme, and
 - (b) any document recording policy about the administration of the scheme which is for the time being adopted in relation to the scheme.
- (3) An individual to whom this section applies must have knowledge and understanding of—
 - (a) the law relating to pensions, and
 - (b) such other matters as may be prescribed.

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(4) The degree of knowledge and understanding required by subsection (3) is that appropriate for the purposes of enabling the individual properly to exercise the functions of a member of the pension board.”

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20 In section 249A (requirement for internal controls), in subsection (3)—
(a) before paragraph (a) there is inserted—
“(za) a public service pension scheme;”;
(b) in paragraph (a) for “a scheme” there is substituted “any other scheme”.

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21 After section 249A there is inserted—

“249B Requirement for internal controls: public service pension schemes
(1) The scheme manager of a public service pension scheme must establish and operate internal controls which are adequate for the purpose of securing that the scheme is administered and managed—
(a) in accordance with the scheme rules, and
(b) in accordance with the requirements of the law.
(2) Nothing in this section affects any other obligations of the scheme manager to establish or operate internal controls, whether imposed by or by virtue of any enactment, the scheme rules or otherwise.
(3) In this section, “enactment” and “internal controls” have the same meanings as in section 249A.”

22 (1) Section 318 (interpretation) is amended as follows.
(2) In subsection (1), after the definition of “occupational pension scheme” there is inserted—
““pension board” has the same meaning as in the Public Service Pensions Act 2013 (see section 5 of that Act);”.
(3) After the definition of “professional adviser” in that subsection there is inserted—
““public service pension scheme” means, subject to subsection (6)—
(a) a scheme under section 1 of the Public Service Pensions Act 2013 (new public service schemes);
(b) a new public body pension scheme (within the meaning of that Act);
(c) any statutory pension scheme which is connected with a scheme referred to in paragraph (a) or (b) (and for this purpose “statutory pension scheme” and “connected” have the meanings given in that Act);”.
(4) After the definition of “the Regulator” in that subsection there is inserted—

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““scheme manager”, in relation to a public service pension scheme, has the same meaning as in the Public Service Pensions Act 2013 (see section 4 of that Act);”.

(5) After subsection (5) there is inserted—

“(6) A scheme which would otherwise fall within the definition of “public service pension scheme” in subsection (1) does not fall within that definition if—

- (a) it is an injury or compensation scheme (within the meaning of the Public Service Pensions Act 2013), or
- (b) it is specified in an order made by the Secretary of State after consulting the Treasury.”

Commencement Information

I6 Sch. 4 para. 22 in force at 1.11.2013 by S.I. 2013/2818, art. 3(d)

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SCHEDULE 5

Section 18

EXISTING PENSION SCHEMES

VALID FROM 28/02/2014

SCHEDULE 6

Section 19

EXISTING INJURY AND COMPENSATION SCHEMES

Civil servants

- 1 A scheme under section 1 of the Superannuation Act 1972.
Specified benefits: injury benefits and compensation benefits

Judiciary

- 2 A scheme under paragraph 7A of Schedule 10 to the Rent Act 1977.
Specified benefits: injury benefits and compensation benefits
- 3 A scheme constituted by or made under Part 3 of Schedule 1 to the Judicial Pensions Act 1981.
- 4 A scheme constituted by section 11(b) of the Judicial Pensions Act 1981.

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Local government workers

- 5 Regulations under section 7 of the Superannuation Act 1972.
Specified benefits: injury benefits

Teachers

- 6 Regulations under section 9 of the Superannuation Act 1972.
Specified benefits: injury benefits

Health service workers

- 7 Regulations under section 10 of the Superannuation Act 1972.
Specified benefits: injury benefits

Fire and rescue workers

- 8 A scheme under section 34 of the Fire and Rescue Services Act 2004.
Specified benefits: injury benefits and compensation benefits

Members of police forces

- 9 Regulations under section 1 of the Police Pensions Act 1976.
Specified benefits: injury benefits
- 10 A scheme under section 48 of the Police and Fire Reform (Scotland) Act 2012 (asp 8).
Specified benefits: injury benefits and compensation benefits

Armed forces

- 11 The scheme constituted by the Royal Warrant of 19 December 1949 (see Army Order 151 of 1949).
Specified benefits: injury benefits
- 12 An Order in Council under section 3 of the Naval and Marine Pay and Pensions Act 1865.
Specified benefits: injury benefits
- 13 An order under section 2 of the Pensions and Yeomanry Pay Act 1884.
Specified benefits: injury benefits
- 14 An order under section 2 of the Air Force (Constitution) Act 1917.
Specified benefits: injury benefits
- 15 An order or regulations under section 4 of the Reserve Forces Act 1996 containing provision made under section 8 of that Act.
Specified benefits: injury benefits and compensation benefits

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| 16 | (1) A scheme under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004. <i>Specified benefits:</i> injury benefits and compensation benefits |
| 17 | (2) For the purposes of sub-paragraph (1), “compensation benefits” includes benefits by way of payments for resettlement or retraining. A scheme under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004. <i>Compensation schemes for loss of office etc</i> |
| 18 | Regulations under section 24 of the Superannuation Act 1972. |

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SCHEDULE 7 Sections 20 and 31

FINAL SALARY LINK

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VALID FROM 01/02/2014

SCHEDULE 8 Section 27

CONSEQUENTIAL AND MINOR AMENDMENTS

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SCHEDULE 9 Section 29

EXISTING SCHEMES FOR CIVIL SERVANTS: EXTENSION OF ACCESS

- 1 The Superannuation Act 1972 is amended as follows.
- 2 In section 1 (superannuation schemes as respects civil servants, etc), after subsection (4) there is inserted—
 - “(4A) This section also applies to persons serving in employment or in an office, not being service in employment or in an office of a kind mentioned in subsection (4), where the employment or office is specified in a list produced for the purposes of this subsection (see section 1A).”
- 3 After section 1 there is inserted—

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Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013. (See end of Document for details)

“1A List of employments and offices for purposes of section 1(4A)

- (1) The Minister may specify an employment or office in a list produced for the purposes of section 1(4A) if subsection (2), (3) or (4) applies in relation to the employment or office.
- (2) This subsection applies to an employment or office if—
 - (a) at any time on or after the commencement of this section, the employment or office ceases to be of a kind mentioned in section 1(4), and
 - (b) immediately before that time, persons serving in the employment or office are, or are eligible to be, members of a scheme under section 1 by virtue of section 1(4).
- (3) This subsection applies to an employment or office if—
 - (a) at any time before the commencement of this section, the employment or office ceased to be of a kind mentioned in section 1(4), and
 - (b) at that time, persons serving in the employment or office ceased to be members of a scheme under section 1 or to be eligible for membership of such a scheme.
- (4) This subsection applies to an employment or office if—
 - (a) it is of a description prescribed by regulations, and
 - (b) the Minister determines that it is appropriate for it to be specified for the purposes of section 1(4A).
- (5) The power to specify an employment or office in reliance on subsection (4) may be exercised so as to have retrospective effect.
- (6) The Minister—
 - (a) may at any time amend a list produced under this section, and
 - (b) must publish the list (and any amendments to it).
- (7) The published list must comply with such requirements, and contain such information, as may be prescribed by regulations.
- (8) Regulations made under this section must be made by the Minister by statutory instrument; and an instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.”

VALID FROM 01/04/2015

SCHEDULE 10

Section 31(1)

PUBLIC BODIES WHOSE PENSION SCHEMES MUST BE RESTRICTED

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SCHEDULE 11

Section 33

PRIME MINISTER, LORD CHANCELLOR AND COMMONS SPEAKER

Extension of MPs' and Ministerial pension schemes

- 1 (1) Schedule 6 to the Constitutional Reform and Governance Act 2010 (parliamentary and other pensions) is amended as follows.
- (2) Paragraph 12(2) to (5) (exclusion from MPs' scheme of persons with service as Lord Chancellor, Prime Minister or Commons Speaker) is repealed.
- (3) In paragraph 16 (Ministers' etc pension scheme)—
- (a) in sub-paragraph (2), after paragraph (b) there is inserted—
- “(ba) Lord Chancellor,
 (bb) Speaker of the House of Commons,”;
- (b) sub-paragraph (3) (exclusion from scheme of persons with service as Lord Chancellor, Prime Minister or Commons Speaker) is repealed.
- 2 In section 4 of the Ministerial and other Pensions and Salaries Act 1991 (grants to persons ceasing to hold ministerial and other offices), in subsection (6)—
- (a) in paragraph (a), “, other than that of Prime Minister and First Lord of the Treasury,” is repealed;
- (b) after paragraph (ba) there is inserted—
- “(bb) the office of Lord Chancellor;
 (bc) the office of Speaker of the House of Commons;”.

Lord Chancellor's salary

- 3 (1) The Ministerial and other Salaries Act 1975 is amended as follows.
- (2) In section 1 (salaries), in subsection (2), for the words from “at such rate” to the end there is substituted “of—
- (a) £68,827, where the Lord Chancellor is a member of the House of Commons;
- (b) otherwise, £101,038.”
- (3) In that section, after subsection (5) there is inserted—
- “(6) Where a person who holds office as Lord Chancellor (and to whom a salary is accordingly payable under subsection (2)) is also the holder of one or more other offices in respect of which a salary is payable under this section, he shall only be entitled to one of those salaries.
- (7) If, in the case of a person mentioned in subsection (6), there is a difference between the salaries payable in respect of the offices held by him, the office in respect of which a salary is payable to him shall be that in respect of which the highest salary is payable.”
- (4) In section 1A (alteration of salaries), in subsection (1), after “section 1(1),” insert “ (2)(a) or (b), ”.

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Closure of existing arrangements

- 4 The Lord Chancellor's Pension Act 1832 is repealed.
- 5 Sections 26 to 28 of the Parliamentary and other Pensions Act 1972 (pensions of Prime Minister, Commons Speaker and Lord Chancellor etc) are repealed.
- 6 In the Judicial Pensions Act 1981—
- (a) in section 16 (application and interpretation of Part 2 of Act), in the Table, the entry relating to the office of Lord Chancellor is repealed;
 - (b) section 26 (references to retirement, in relation to Lord Chancellor, to be read as resignation from office) is repealed.
- 7 The provisions listed in the following table (which includes spent provisions) are repealed—

| <i>Act</i> | <i>Extent of repeal</i> |
|---|--------------------------------------|
| Pensions (Increase) Act 1971 (c. 56) | In Schedule 2, paragraphs 1 to 3. |
| Parliamentary and other Pensions Act 1972 (c. 48) | Sections 31, 36 and 37. |
| Ministerial and other Pensions and Salaries Act 1991 (c. 5) | Sections 1 and 3(1). |
| Parliamentary and other Pensions Act 1987 (c. 45) | In Schedule 3, paragraph 4. |
| Pensions Act 1995 (c. 26) | Section 170. |
| Civil Partnership Act 2004 (c. 33) | In Schedule 25, paragraph 3. |
| Constitutional Reform and Governance Act 2010 (c. 25) | In Schedule 6, paragraphs 36 and 37. |

Saving and transitional

- 8 (1) Subject to sub-paragraph (2), this Schedule does not have effect in relation to any term of service as Prime Minister and First Lord of the Treasury, Lord Chancellor, or Speaker of the House of Commons beginning before the day on which section 33 comes into force.
- (2) In relation to a term of service as Lord Chancellor beginning on or after 4 September 2012 (but before the day on which section 33 comes into force), the amendments made by paragraph 1 have effect from—
- (a) the day on which section 33 comes into force, or
 - (b) if later, the day after that on which the term of service ceases.

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