



Public Service Pensions Act 2013

2013 CHAPTER 25

Procedure for scheme regulations

22 Procedure for protected elements

- (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 appropriate legislature.
- (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—
 - “the appropriate legislature” means—
 - (a) Parliament, where the responsible authority is the Secretary of State, the Minister for the Civil Service or the Lord Chancellor;
 - (b) the Scottish Parliament, where the responsible authority is the Scottish Ministers;
 - (c) the National Assembly for Wales, where the responsible authority is the Welsh Ministers;
 - “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—

Status: This is the original version (as it was originally enacted).

- (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).