



Public Service Pensions Act 2013

2013 CHAPTER 25

Public body pension schemes

31 Restriction of certain existing public body pension schemes

- (1) This section applies to a public body pension scheme which relates to members or staff of a body, or the holder of an office, listed in Schedule 10.
- (2) The public authority responsible for the scheme must make provision to secure that no benefits are provided under the scheme to or in respect of a person in relation to the person's service after a date determined by the authority.
- (3) Subsection (2) does not apply—
 - (a) in relation to a public body pension scheme which is a defined contributions scheme, or
 - (b) to injury or compensation benefits.
- (4) The public authority responsible for a scheme to which subsection (2) applies may provide for exceptions to the provision made under subsection (2), and section 18(6) and (7) apply in relation to any such exceptions (reading references to scheme regulations as references to rules of the scheme).
- (5) Provision made under subsection (2) or (4) may in particular be made by amending the public body pension scheme.
- (6) In subsection (2), the reference to benefits in relation to a person's service includes benefits relating to the person's death in service.
- (7) If any of the persons to whom a scheme to which subsection (2) applies relates are not eligible for membership of a scheme under section 1, the public authority responsible for the scheme may establish a new scheme for the payment of pensions or other benefits to or in respect of those persons (and see section 30).
- (8) Where a scheme to which subsection (2) applies was established in exercise of a statutory function or other power, the function or power may not be exercised again so as to establish a new defined benefits scheme in relation to the body or office.

- (9) In the case of a scheme established by deed of trust, subsections (2) and (4) apply irrespective of the provisions of the deed or the law relating to trusts.
- (10) A Treasury order may amend Schedule 10 so as to—
- (a) remove any body or office specified there;
 - (b) add any body or office to it (by name or description),
- but may not add a devolved body or office.
- (11) A Treasury order under subsection (10) may make consequential or supplementary provision, including in particular provision made by amending any legislation.
- (12) A Treasury order under subsection (10) is subject to the negative procedure.
- (13) It is immaterial for the purposes of subsection (1) whether a scheme is made before or after the coming into force of this section.
- (14) Schedule 7 contains provision for a “final salary link” in relation to schemes to which subsection (2) applies.