



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 1

SCHEMES OTHER THAN JUDICIAL SCHEMES AND LOCAL GOVERNMENT SCHEMES

Interpretation

33 **Meaning of “Chapter 1 scheme” etc**

- (1) “A Chapter 1 scheme” means—
 - (a) a Chapter 1 new scheme, or
 - (b) a Chapter 1 legacy scheme.
- (2) “A Chapter 1 new scheme” means—
 - (a) a scheme under section 1 of PSPA 2013 (schemes for persons in public service) which—
 - (i) is a defined benefits scheme,
 - (ii) is not a scheme for holders of a judicial office, and
 - (iii) is not a scheme for local government workers (within the meaning of that Act), or
 - (b) a scheme under section 1 of PSPA(NI) 2014 (schemes for persons in public service) which—
 - (i) is a defined benefits scheme,
 - (ii) is not a scheme for holders of a judicial office, and

- (iii) is not a scheme for local government workers (within the meaning of that Act).
- (3) “A Chapter 1 legacy scheme” means—
 - (a) an existing scheme (within the meaning of PSPA 2013), other than—
 - (i) a scheme mentioned in any of paragraphs 2 to 15 of Schedule 5 to that Act (judicial schemes), or
 - (ii) a scheme mentioned in paragraph 16 or 17 of that Schedule (local government workers), or
 - (b) an existing scheme (within the meaning of PSPA(NI) 2014), other than—
 - (i) a scheme mentioned in paragraph 2 of Schedule 5 to that Act (judicial schemes), or
 - (ii) a scheme mentioned in paragraph 3 of that Schedule (local government workers).
- (4) In this section “judicial office” has the same meaning as in Chapter 2 (see section 71).
- (5) This section has effect for the purposes of this Chapter.

34 Meaning of “new scheme benefits”

- (1) Subsection (2) defines “new scheme benefits” in relation to the remediable service in an employment or office of a member of a Chapter 1 legacy scheme that is pensionable service under the scheme (whether or not by virtue of section 2(1)).
- (2) “New scheme benefits” means the benefits that would be payable to or in respect of the member if the remediable service were pensionable service under the relevant Chapter 1 new scheme.
- (3) Where—
 - (a) by virtue of section 6 or 10, the benefits payable to or in respect of a member of a Chapter 1 legacy scheme, so far as they are determined by reference to the member’s remediable service, are new scheme benefits, and
 - (b) the corresponding benefits, if payable under the relevant Chapter 1 new scheme, would have been payable only on the meeting of a condition (for example that the member attains a particular age or makes a particular election),

the new scheme benefits are payable under the Chapter 1 legacy scheme to or in respect of the member only on the meeting of that condition.
- (4) In this section “the relevant Chapter 1 new scheme”, in relation to a Chapter 1 legacy scheme, means the Chapter 1 new scheme that is connected with the Chapter 1 legacy scheme.
- (5) This section has effect for the purposes of this Chapter.

35 Meaning of “legacy scheme contributions” and “new scheme contributions”

- (1) Subsections (2) and (3) apply in relation to a member of a Chapter 1 legacy scheme who has remediable service in an employment or office that is pensionable service under the scheme (whether or not by virtue of section 2(1)).

- (2) The member’s “legacy scheme contributions” for a tax year are the pension contributions that would have been payable by the member under the scheme in the tax year in respect of the remediable service if the service had, at the time it took place, been pensionable service under the scheme.
- (3) The member’s “new scheme contributions” for a tax year are the pension contributions that would have been payable by the member under the relevant Chapter 1 new scheme in the tax year in respect of the remediable service if the service had, at the time it took place, been pensionable service under that scheme.
- (4) In this section “the relevant Chapter 1 new scheme”, in relation to a Chapter 1 legacy scheme, means the Chapter 1 new scheme that is connected with the Chapter 1 legacy scheme.
- (5) This section has effect for the purposes of this Chapter.

36 Meaning of “opted-out service”

- (1) Any continuous period of service of a person in an employment or office is “opted-out service” in that employment or office if—
 - (a) the first, third, and fourth conditions in section 1 are met in relation to the person and the service, and
 - (b) the second condition in that section is not met in relation to the service, but would have been met if the person had not opted that the service should not be (or had opted that the service should be) pensionable service under a Chapter 1 scheme.
- (2) For the purposes of subsection (1)(b) a person is treated as having opted that service should not be pensionable service under a Chapter 1 scheme if the service would have been pensionable service under that scheme (or would have been if the person had opted that it should be) but for the fact that the person had a partnership pension account.
- (3) This section has effect for the purposes of this Chapter.

37 Scheme regulations

- (1) In this Chapter “scheme regulations”—
 - (a) in relation to a Chapter 1 scheme within section 33(2)(a) or (3)(a), has the same meaning as in PSPA 2013 (see section 1(4) of that Act);
 - (b) in relation to a Chapter 1 scheme within section 33(2)(b) or (3)(b), has the same meaning as in PSPA(NI) 2014 (see section 1(4) of that Act).
- (2) A power under this Chapter to make provision by means of scheme regulations for a Chapter 1 legacy scheme—
 - (a) is to be exercised by the responsible authority for the Chapter 1 new scheme that is connected with the Chapter 1 legacy scheme, and
 - (b) may be exercised by amending the Chapter 1 legacy scheme.
- (3) In subsection (2) “responsible authority”—
 - (a) in relation to a Chapter 1 scheme within section 33(2)(a) or (3)(a), has the same meaning as in PSPA 2013 (see section 2 of that Act);

- (b) in relation to a Chapter 1 scheme within section 33(2)(b) or (3)(b), has the same meaning as in PSPA(NI) 2014 (see section 2 of that Act).

38 Interpretation of Chapter

(1) In this Chapter—

“Agency scheme” means—

- (a) a scheme under section 1 of PSPA 2013 which is a defined benefits scheme for staff of the Secret Intelligence Service or Security Service, or
 (b) a scheme under section 1 of SA 1972 which is a defined benefits scheme and relates to staff of the Secret Intelligence Service or Security Service;

“Chapter 1 legacy scheme” has the meaning given by section 33(3);

“Chapter 1 new scheme” has the meaning given by section 33(2);

“Chapter 1 scheme” has the meaning given by section 33(1);

“the closing date” has the meaning given by section 1(8);

“compensation benefits” means benefits by way of compensation for loss of office or employment;

“defined benefits scheme”: a pension scheme is a “defined benefits scheme” if or to the extent that the benefits that may be provided under the scheme are not—

- (a) money purchase benefits (within the meaning of PSA 1993 or PS(NI)A 1993), or
 (b) injury and compensation benefits;

“the end of the section 6 election period”, in relation to a member of a Chapter 1 legacy scheme, has the meaning given by section 7(2);

“the end of the section 10 election period”, in relation to a member of a Chapter 1 legacy scheme, has the meaning given by section 11(1);

“injury benefits” means benefits by way of compensation for incapacity or death as a result of injury or illness;

“judicial legacy scheme” has the same meaning as in Chapter 2 (see section 70);

“legacy scheme contributions” has the meaning given by section 35;

“mixed service” has the meaning given by section 19;

“new scheme benefits” has the meaning given by section 34;

“new scheme contributions” has the meaning given by section 35;

“opted-out service” has the meaning given by section 36;

“the relevant Chapter 1 legacy scheme”, in relation to a person’s remediable service in an employment or office, has the meaning given by section 4;

“a relevant firefighters’ legacy scheme” means—

- (a) Schedule 1 to the Firefighters’ Pension Scheme (England) Order 2006 (S.I. 2006/3432) (new firefighters’ scheme),
 (b) Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007 (S.I. 2007/1072) (new firefighters’ scheme),
 (c) Schedule 1 to the Firefighters’ Pension Scheme (Scotland) Order 2007 (S.S.I. 2007/199) (new firefighters’ scheme), or
 (d) the Annex to the New Firefighters’ Pension Scheme Order (Northern Ireland) 2007 (S.R. (N.I.) 2007 No. 215) (new firefighters’ scheme);

“remediable service” has the meaning given by section 1;

“remediable service statement” has the meaning given by section 29;

“scheme regulations” has the meaning given by section 37;

“Treasury directions” means—

- (a) in relation to a Chapter 1 scheme within section 33(2)(a) or (3)(a), directions given by the Treasury;
- (b) in relation to a Chapter 1 scheme within section 33(2)(b) or (3)(b), directions given by the Department of Finance in Northern Ireland.

(2) Where—

- (a) a member of a pension scheme has service in multiple employments or offices that is pensionable service under the scheme, and
- (b) the service is aggregated for the purpose of determining the amount of any benefit under the scheme,

the service is treated for the purposes of this Chapter as service in a single employment or office (and references to the employment or office in relation to the service are to be read accordingly).