



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

Miscellaneous

28 Scheme rules that prohibit unauthorised payments

- (1) Subsection (2) applies where—
- a payment from a Chapter 1 scheme is permitted or required to be made under or by virtue of this Chapter,
 - the payment, if made, would be an unauthorised payment, and
 - a rule of the scheme prohibits the scheme from making unauthorised payments.
- (2) The payment may be made only if it falls within a description of payments specified for the purposes of this section in Treasury directions.
- (3) In this section “unauthorised payment” means a payment that is an unauthorised payment for the purposes of Part 4 of FA 2004 (see section 160(5) of that Act).

Modifications etc. (not altering text)

- C1** Pt. 1 Ch. 1 applied (1.10.2023) by S.I. 2005/438, **Sch. 3 para. 40(4)** (as inserted by [The Armed Forces Pensions \(Remediable Service\) Regulations 2023](#) (S.I. 2023/998), reg. 1(b), **Sch. 2**)

Changes to legislation: *There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Miscellaneous. (See end of Document for details)*

- C2** Pt. 1 Ch. 1 applied (E.W.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) Regulations 2023 (S.I. 2023/985), regs. 1(2), **76(5)**
- C3** Pt. 1 Ch. 1 applied (N.I.) (1.10.2023) by The Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/132), regs. 1, **74(5)**
- C4** Pt. 1 Ch. 1 applied (S.) (1.10.2023) by The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **63**
- C5** Pt. 1 Ch. 1 applied (E.W.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **63(7)**
- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **56(2)**
- C8** S. 28 applied (E.W.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) Regulations 2023 (S.I. 2023/985), reg. 1(2), **Sch. 1 para. 2**
- C9** Ss. 2-30 applied (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **63(2)**
- C10** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **57(2)**
- C11** Ss. 2-30 applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **56(2)**
- C12** Ss. 2-30 applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **63(2)**
- C13** Ss. 2-30 applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **55(2)**

Commencement Information

- I1** S. 28 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 28 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see **s. 131(2)(a)(b)**

29 Remediable service statements

- (1) Scheme regulations for a Chapter 1 legacy scheme must make provision requiring the scheme manager to provide a statement (a “remediable service statement”) in respect of each member of the scheme who has relevant service in an employment or office.
- (2) For the purposes of this section, service in an employment or office of a member of a Chapter 1 legacy scheme is “relevant service” if either of the following conditions is met in relation to the service.
- (3) The first condition is that the service—
 - (a) is opted-out service, and
 - (b) is service in respect of which—
 - (i) an application by virtue of subsection (5)(a) of section 5 (election for retrospective provision to apply) has been made, but
 - (ii) no election by virtue of that section has been made.
- (4) The second condition is that the service is remediable service—
 - (a) that is pensionable service under the scheme (whether by virtue of section 2(1) or otherwise), and
 - (b) in relation to which an election by virtue of section 6 or 10 (election for new scheme benefits) has not been made.

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- (5) A remediable service statement must include—
- (a) a description of the benefits currently available under the scheme in respect of the relevant service (if any),
 - (b) a description of the benefits that would be available under the scheme in respect of the relevant service if any election under section 5, 6 or 10 that could be made in relation to the service were made,
 - (c) a description of when and how any election that could be made in relation to the service may be made, and
 - (d) a description of—
 - (i) the arrangements (if any) that, by virtue of section 25 (remedial arrangements to pay voluntary contributions to legacy schemes), may be entered into under the scheme, and
 - (ii) the circumstances in which, and the process by which, such arrangements may be entered into.
- (6) Treasury directions may require—
- (a) specified information (in addition to that specified in subsection (5)) to be included in a remediable service statement;
 - (b) information that is included in a remediable service statement to be in a specified form;
 - (c) a remediable service statement to be provided to a specified person or in a specified manner;
 - (d) that a remediable service statement should accompany, or be combined with, a benefit information statement provided under section 14 of PSPA 2013 or section 14 of PSPA(NI) 2014 (benefit information statements).
- In this subsection “specified” means specified in Treasury directions.
- (7) Provision made under subsection (1) must require a remediable service statement in respect of a member of the scheme to be provided on or before the relevant date.
- (8) Provision made under subsection (1) must also—
- (a) in the case of a member of the scheme who has remediable service in an employment or office in relation to which the member is for the time being an active member, require a remediable service statement in respect of the member to be provided at least once in each year ending with the anniversary of the relevant date;
 - (b) in the case of a member of the scheme who has remediable service in an employment or office in relation to which the member is for the time being a deferred member, require a remediable service statement in respect of the member to be provided on request.
- (9) Only one request under subsection (8)(b) may be made during any period of 12 months.
- (10) In this section “the relevant date” means—
- (a) the day after the final day of the period of 18 months beginning with the day on which section 2(1) comes into force in relation to the Chapter 1 legacy scheme, or
 - (b) such later day as the scheme manager considers reasonable in all the circumstances in the case of a particular member or a particular class of member.

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Miscellaneous. (See end of Document for details)

- (11) A requirement by virtue of this section to provide a remediable service statement may be satisfied by providing it before this section or any other provision of this Chapter comes into force (and for the purposes of any such statement, references in this section to any provision of this Chapter are to be read as if the provision were in force).

Modifications etc. (not altering text)

- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/133\)](#), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/843\)](#), regs. 1(b), **56(2)**
- C9** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Public Service \(Civil Servants and Others\) Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/141\)](#), regs. 1(b), **63(2)**
- C10** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) \(Wales\) Regulations 2023 \(S.I. 2023/961\)](#), regs. 1(3), **57(2)**
- C11** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Police Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/831\)](#), regs. 1(b), **56(2)**
- C12** Ss. 2-30 applied (1.10.2023) by [The Public Service \(Civil Servants and Others\) Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/942\)](#), regs. 1(b), **63(2)**
- C13** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Police Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/122\)](#), regs. 1(b), **55(2)**

Commencement Information

- I3** S. 29 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
- I4** S. 29 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see [s. 131\(2\)\(a\)\(b\)](#)

30 Section 61 of the Equality Act 2010 etc

- (1) In determining for the purposes of this Chapter whether any service is pensionable service under a particular pension scheme, section 61 of EA 2010 and paragraph 2 of Schedule 1 to EEAR(NI) 2006 (non-discrimination rule) are to be disregarded.
- (2) To the extent that section 61 of EA 2010 or paragraph 2 of Schedule 1 to EEAR(NI) 2006 has the effect (apart from this subsection) that any remediable service of a person—
- (a) is not pensionable service under a Chapter 1 new scheme, or
 - (b) is pensionable service under a Chapter 1 legacy scheme,
- it ceases to have effect (to that extent) immediately before the coming into force of section 2(1).

Modifications etc. (not altering text)

- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/133\)](#), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) Regulations 2023 \(S.I. 2023/843\)](#), regs. 1(b), **56(2)**
- C9** Ss. 2-30 applied (N.I.) (1.10.2023) by [The Public Service \(Civil Servants and Others\) Pensions \(Remediable Service\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/141\)](#), regs. 1(b), **63(2)**
- C10** Ss. 2-30 applied (E.W.) (1.10.2023) by [The Firefighters' Pensions \(Remediable Service\) \(Wales\) Regulations 2023 \(S.I. 2023/961\)](#), regs. 1(3), **57(2)**

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Miscellaneous. (See end of Document for details)

- C11** Ss. 2-30 applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **56(2)**
- C12** Ss. 2-30 applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **63(2)**
- C13** Ss. 2-30 applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **55(2)**
- C14** S. 30 applied (E.W.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) Regulations 2023 (S.I. 2023/985), reg. 1(2), **Sch. 1 para. 2**

Commencement Information

- I5** S. 30 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I6** S. 30 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see **s. 131(2)(a)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Cross Heading: Miscellaneous.