



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

Pension benefits and contributions: corrections

14 Pension benefits and lump sum benefits: pensioner and deceased members

- (1) This section applies in relation to a relevant member (“M”) 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) In this section “relevant member”, in relation to a Chapter 1 legacy scheme, means a member of the scheme who, immediately before the coming into force of section 2(1)—
 - (a) is a pensioner member of the scheme, or of a Chapter 1 new scheme, in relation to the employment or office, or
 - (b) is deceased.
- (3) Where, at the operative time—
 - (a) the aggregate of the pension benefits that (after taking into account the effect, if any, of section 3(2)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the employment or office, exceeds

Status: This is the original version (as it was originally enacted).

- (b) the aggregate of the pension benefits to which (after taking into account the effect, if any, of sections 2(1) and 6(4) and (5) in relation to the service) the beneficiary is entitled under the scheme in respect of the service,
the beneficiary must pay an amount equal to the difference to the scheme.
- (4) Where, at the operative time—
 - (a) the amount mentioned in subsection (3)(a), is less than
 - (b) the amount mentioned in subsection (3)(b),
 the scheme manager must pay an amount equal to the difference to the beneficiary.
- (5) Where, at the operative time—
 - (a) the aggregate of the lump sum benefits that (after taking into account the effect, if any of section 3(2)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the employment or office, exceeds
 - (b) the aggregate of the lump sum benefits to which (after taking into account the effect, if any, of sections 2(1) and 6(4) and (5) in relation to the service) the beneficiary is entitled under the scheme in respect of the service,
 the beneficiary must pay an amount equal to the difference to the scheme.
- (6) Where, at the operative time—
 - (a) the amount mentioned in subsection (5)(a), is less than
 - (b) the amount mentioned in subsection (5)(b),
 the scheme manager must pay an amount equal to the difference to the beneficiary.
- (7) In this section “the operative time” means—
 - (a) if an election by virtue of section 6 (immediate choice to receive new scheme benefits) is made in relation to M’s remediable service—
 - (i) the time the election is made, or
 - (ii) if later, the coming into force of section 2(1);
 - (b) otherwise, the end of the section 6 election period in relation to M.
- (8) In this section—
 - “lump sum benefit” means any benefit payable under a pension scheme by way of a lump sum;
 - “pension benefit” means any benefit payable under a pension scheme otherwise than by way of a lump sum.

15 Pension contributions: pensioner and deceased members

- (1) This section applies in relation to a relevant member (“M”) 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) In this section “relevant member”, in relation to a Chapter 1 legacy scheme, means a member of the scheme who, immediately before the coming into force of section 2(1)—
 - (a) is a pensioner member of the scheme, or of a Chapter 1 new scheme, in relation to the employment or office, or
 - (b) is deceased.

- (3) Where, at the operative time—
- (a) the paid contributions amount in relation to M, exceeds
 - (b) the adjusted contributions amount in relation to M,
- the scheme manager must pay an amount of compensation equal to the difference to the appropriate person.
- (4) Where, at the operative time—
- (a) the paid contributions amount in relation to M, is less than
 - (b) the adjusted contributions amount in relation to M,
- the appropriate person must pay pension contributions equal to the difference to the scheme.
- (5) In this section “the operative time” means—
- (a) if an election by virtue of section 6 (immediate choice to receive new scheme benefits) is made in relation to M’s remediable service—
 - (i) the time the election is made, or
 - (ii) if later, the coming into force of section 2(1);
 - (b) otherwise, the end of the section 6 election period in relation to M.
- (6) In this section “the paid contributions amount” means the aggregate of the pension contributions paid by M in the relevant tax years in respect of M’s remediable service in the employment or office under—
- (a) any Chapter 1 scheme, and
 - (b) where M has made an election by virtue of section 5 (election for retrospective provision to apply: opted-out service), any partnership pension account.
- (7) A reference in subsection (6) to pension contributions paid by M includes, in relation to any pension contributions paid under a partnership pension account, such sums as are deducted by M under section 192 of FA 2004 (relief at source).
- (8) In this section “the adjusted contributions amount” means—
- (a) if an election by virtue of section 6 (immediate choice to receive new scheme benefits) has been made in relation to the remediable service, the aggregate of M’s new scheme contributions for the relevant tax years;
 - (b) otherwise, the aggregate of M’s legacy scheme contributions for the relevant tax years.
- (9) In this section “the relevant tax years” means—
- (a) in relation to pensionable service under a Chapter 1 legacy scheme that is not an Agency scheme, the tax years from 2015-16 to 2021-22 inclusive;
 - (b) in relation to pensionable service under a Chapter 1 legacy scheme that is an Agency scheme, the tax years from 2016-17 to 2021-22 inclusive.
- (10) In this section “the appropriate person” means—
- (a) M, or
 - (b) if M is deceased, M’s personal representatives.

16 Pension contributions: active and deferred members (immediate correction)

- (1) This section applies in relation to a relevant member (“M”) 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) In this section “relevant member”, in relation to a Chapter 1 legacy scheme, means a member of the scheme who, immediately before the coming into force of section 2(1)—
 - (a) is an active or deferred member of the scheme, or of a Chapter 1 new scheme, in relation to the employment or office, and
 - (b) is not a pensioner member of a Chapter 1 scheme in relation to the employment or office.
- (3) Where, on the coming into force of section 2(1)—
 - (a) the paid contributions amount in relation to M, exceeds
 - (b) the adjusted contributions amount in relation to M,the scheme manager must pay an amount of compensation equal to the difference to the appropriate person.
- (4) Where, on the coming into force of section 2(1)—
 - (a) the paid contributions amount in relation to M, is less than
 - (b) the adjusted contributions amount in relation to M,the appropriate person must pay pension contributions equal to the difference to the scheme.
- (5) In this section “the paid contributions amount” means the aggregate of the pension contributions paid by M in the relevant tax years in respect of M’s remediable service in the employment or office under—
 - (a) any Chapter 1 scheme, and
 - (b) where M has made an election by virtue of section 5 (opting in: persons with opted-out service), any partnership pension account.
- (6) A reference in subsection (5) to pension contributions paid by M includes, in relation to any pension contributions paid under a partnership pension account, such sums as are deducted by M under section 192 of FA 2004 (relief at source).
- (7) In this section “the adjusted contributions amount” means the aggregate of M’s legacy scheme contributions for the relevant tax years.
- (8) In this section “the appropriate person” means—
 - (a) M, or
 - (b) if M is deceased, M’s personal representatives.
- (9) In this section “the relevant tax years” means—
 - (a) in relation to pensionable service under a Chapter 1 legacy scheme that is not an Agency scheme, the tax years from 2015-16 to 2021-22 inclusive;
 - (b) in relation to pensionable service under a Chapter 1 legacy scheme that is an Agency scheme, the tax years from 2016-17 to 2021-22 inclusive.

17 Pension contributions: active and deferred members (deferred correction)

- (1) This section applies in relation to a relevant member (“M”) of a Chapter 1 legacy scheme—
- (a) 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)), and
 - (b) in respect of whom an election by virtue of section 10 (deferred choice to receive new scheme benefits) has been made.
- (2) In this section “relevant member”, in relation to a Chapter 1 legacy scheme, means a member of the scheme who, immediately before the coming into force of section 2(1)—
- (a) is an active or deferred member of the scheme, or of a Chapter 1 new scheme, in relation to the employment or office, and
 - (b) is not a pensioner member of a Chapter 1 scheme in relation to the employment or office.
- (3) Where—
- (a) the paid contributions amount in relation to M, exceeds
 - (b) the adjusted contributions amount in relation to M,
- the scheme manager must pay an amount of compensation equal to the difference to the appropriate person.
- (4) Where—
- (a) the paid contributions amount in relation to M, is less than
 - (b) the adjusted contributions amount in relation to M,
- the appropriate person must pay pension contributions equal to the difference to the scheme.
- (5) In this section “the paid contributions amount” means (subject to subsection (7)) the aggregate of the pension contributions paid by M in the relevant tax years in respect of M’s remediable service in the employment or office under—
- (a) any Chapter 1 scheme, and
 - (b) where M has made an election by virtue of section 5 (opting in: persons with opted-out service), any partnership pension account.
- (6) A reference in subsection (5) to pension contributions paid by M includes, in relation to any pension contributions paid under a partnership pension account, such sums as are deducted by M under section 192 of FA 2004 (relief at source).
- (7) The “paid contributions amount” determined under subsection (5) is to be adjusted by—
- (a) deducting any amounts of compensation paid to M in respect of the remediable service in question under section 16(3), and
 - (b) adding any pension contributions paid by M in respect the remediable service in question under section 16(4).
- (8) In this section “the adjusted contributions amount” means the aggregate of M’s new scheme contributions for the relevant tax years.
- (9) In this section “the appropriate person” means—
- (a) M, or
 - (b) if M is deceased, M’s personal representatives.

(10) In this section “the relevant tax years” means—

- (a) in relation to pensionable service under a Chapter 1 legacy scheme that is not an Agency scheme, the tax years from 2015-16 to 2021-22 inclusive;
- (b) in relation to pensionable service under a Chapter 1 legacy scheme that is an Agency scheme, the tax years from 2016-17 to 2021-22 inclusive.

18 Powers to reduce or waive liabilities

- (1) Scheme regulations for a Chapter 1 legacy scheme may make provision under which a liability owed by a person to the scheme under section 14 (corrections for pension benefits and lump sum benefits) is reduced or waived.
- (2) Scheme regulations for a Chapter 1 legacy scheme may make provision under which a liability to pay pension contributions owed by a member to the scheme under section 15, 16 or 17 (corrections for pension contributions) in relation to the member’s remediable service in an employment or office is reduced or waived.
- (3) The provision that may be made under subsection (2) includes, in particular, provision under which a liability to pay pension contributions is reduced by tax relief amounts.
- (4) In subsection (3) “tax relief amounts” means amounts determined by reference to the tax relief under section 188 of FA 2004 (relief for members’ contributions) that would have been available in respect of the amounts owed if they were paid in a different tax year.
- (5) Scheme regulations for a Chapter 1 legacy scheme may make provision under which a liability to pay compensation owed by the scheme to a member under section 15, 16 or 17 (corrections for pension contributions) in relation to the member’s remediable service in an employment or office is reduced or waived.
- (6) The provision that may be made under subsection (5) includes, in particular, provision under which a liability is reduced by tax relief amounts.
- (7) In subsection (6) “tax relief amounts” means amounts determined by reference to the tax relief under section 188 of FA 2004 (relief for members’ contributions) that was received by the member in respect of pension contributions paid in a tax year in respect of the member’s remediable service in the employment or office.
- (8) Scheme regulations for a Chapter 1 legacy scheme may make provision under which a liability owed by the scheme to a person under section 16 (pension contributions: active and deferred members (immediate correction)) may, by agreement, be reduced or waived.