



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

Pensioner and deceased members: immediate choice of new scheme benefits

6 Immediate choice to receive new scheme benefits

- (1) Scheme regulations for a Chapter 1 legacy scheme must make provision so as to secure that an election for new scheme benefits may be made in relation to the remediable service in an employment or office of a relevant member of the scheme 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 a member has remediable service in multiple employments or offices that is pensionable service under the scheme, provision made under subsection (1) must include provision for separate elections in relation to the member’s remediable service in each of them.
- (4) Section 2(1)—

Status: This is the original version (as it was originally enacted).

- (a) has effect in relation to a relevant member's remediable service in an employment or office for the purposes mentioned in section 2(3)(b) (effect of section 2(1) on amount of benefits payable) only if no election by virtue of this section is made before the end of the section 6 election period, and
 - (b) in such a case, applies for those purposes in relation to the relevant member's remediable service from the end of the section 6 election period.
- (5) Where an election by virtue of this section is made in relation to a member's remediable service in an employment or office, the benefits payable under the scheme to or in respect of the member, so far as they are determined by reference to the member's legacy scheme remediable service in the employment or office, are new scheme benefits.
- (6) For the purposes of subsection (5) a member's remediable service in an employment or office is "legacy scheme remediable service" in that employment or office if and to the extent that it is pensionable service under a Chapter 1 legacy scheme otherwise than by virtue of section 2(1).
- (7) An election by virtue of this section has effect in relation to all of the member's remediable service in the employment or office in question that is pensionable service under the scheme.

7 Elections by virtue of section 6: timing and procedure

- (1) An election—
 - (a) must be made before the end of the section 6 election period,
 - (b) is treated as having taken effect—
 - (i) immediately before the member became a pensioner member of the scheme, or (if earlier) became a pensioner member of a Chapter 1 new scheme, in relation to the employment or office, or
 - (ii) if the member died without having become a pensioner member of the scheme, or of a Chapter 1 new scheme, in relation to the employment or office, immediately before the member's death, and
 - (c) is irrevocable.
- (2) In this Chapter "the end of the section 6 election period" means—
 - (a) the end of the period of one year beginning with the day on which a remediable service statement is first provided in respect of the member, or
 - (b) such later time as the scheme manager considers reasonable in all the circumstances.
- (3) Scheme regulations made by virtue of section 6(1) may, in particular, include provision—
 - (a) requiring information to be provided before an election is made;
 - (b) about the form and manner in which an election is to be made;
 - (c) about who may make an election in relation to the remediable service of a deceased member.
- (4) References in this section to "an election" are to an election by virtue of section 6.

8 Power to deem election by virtue of section 6 to have been made

- (1) Scheme regulations made by virtue of section 6(1) may include provision under which an election by virtue of section 6 is treated as having been made immediately before the end of the section 6 election period.
- (2) Provision by virtue of subsection (1) may be made only in relation to cases in which—
 - (a) the end of the section 6 election period in relation to a member has passed, and
 - (b) no decision as to whether an election is to be made in relation to the member's remediable service has been communicated to the scheme.
- (3) Provision by virtue of subsection (1) may, in particular, include provision specifying conditions that are to be met if an election is to be treated as having been made, including conditions relating to the value of benefits payable under the scheme if an election is or is not made.

9 Persons with remediable service in more than one Chapter 1 legacy scheme

- (1) This section applies where—
 - (a) an election is made by virtue of section 6 (immediate choice to receive new scheme benefits) in relation to the remediable service in an employment or office of a member ("M") of a Chapter 1 legacy scheme that is pensionable service under the scheme, and
 - (b) M has any remediable service in that employment or office that is pensionable service under another Chapter 1 legacy scheme.
- (2) If M is a relevant member within the meaning of section 6 in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 6 in relation to M's remediable service that is pensionable service under that scheme (as well as having effect as such an election in relation to M's remediable service that is pensionable service under the scheme mentioned in subsection (1)(a)).
- (3) If M is a relevant member within the meaning of section 10 (deferred choice to receive new scheme benefits) in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 10 in relation to M's remediable service that is pensionable service under that scheme (as well as having effect as an election by virtue of section 6 in relation to M's remediable service that is pensionable service under the scheme mentioned in subsection (1)(a)).