



# 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

##### *Retrospective provision about remediable service*

## **2 Remediable service treated as pensionable under Chapter 1 legacy schemes**

- (1) A person's remediable service in an employment or office that would, apart from this subsection, be pensionable service under a Chapter 1 new scheme—
- (a) is not, and is treated as never having been, pensionable service under that scheme, and
  - (b) is treated as being, and as always having been, pensionable service under the relevant Chapter 1 legacy scheme.

For the meaning of “the relevant Chapter 1 legacy scheme”, see section 4.

- (2) Where a person has remediable service in multiple employments or offices, subsection (1) applies separately in relation to the person's remediable service in each of them.
- (3) Subsection (1) has effect—
- (a) for the purposes of determining which Chapter 1 scheme is (or at any time was) required to pay benefits to or in respect of a member,

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- (b) for the purposes of determining the amount of any benefits that are (or at any time were) payable under a Chapter 1 scheme to or in respect of a member, and
  - (c) subject to subsection (4), and to any other provision of this Chapter to the contrary, for all other purposes.
- (4) Subsection (1) does not have effect for the purposes of determining the existence or amount of any liability that any member of a Chapter 1 scheme, or any employer in relation to such a scheme, has (or at any time had) to pay pension contributions in respect of a person's remediable service.
- (5) Subsection (1) does not affect—
- (a) any arrangements under a Chapter 1 scheme under which a member pays contributions to the scheme on a voluntary basis so as to secure additional benefits, or the earlier payment of benefits, under the scheme, or
  - (b) any rights under a Chapter 1 scheme in respect of a transfer in to the scheme of an amount in respect of rights accrued under another pension scheme.
- (6) For provision disapplying subsection (3)(b), or affecting the time at which that provision applies, in relation to pensioner and deceased members, see section 6 (immediate choice to receive new scheme benefits).
- (7) For further provision under which benefits determined by reference to a member's remediable service may be new scheme benefits, see section 10 (deferred choice to receive new scheme benefits).

**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**)
- 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** S. 2 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**
- C7** 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)**
- C8** 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)**

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- C14** S. 2(1) excluded (6.4.2023) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023 (S.I. 2023/113), regs. 1(2), **3** (with reg. 1(3))
- C15** S. 2(1) applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **8(8)**
- C16** S. 2(1) applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **8(8)**, 32(4)(b)
- C17** S. 2(1) applied (1.10.2023) by S.I. 2005/438, Sch. 3 para. 9(7) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C18** S. 2(1) 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), **8(8)**
- C19** S. 2(1) applied (S.) (1.10.2023) by The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **8(8)**
- C20** S. 2(1) applied (S.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/242), regs. 1(b), **8(7)**
- C21** S. 2(1) excluded (1.10.2023) by S.I. 2005/438, Sch. 3 paras. 25(7)(b), 27(3)(b), 40(3) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C22** S. 2(1) applied (N.I.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **8(8)**
- C23** S. 2(1) applied (N.I.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **8(8)**
- C24** S. 2(1) applied (S.) (1.10.2023) by The Police Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/239), regs. 1(2), **8(8)**
- C25** S. 2(1) excluded (S.) (1.10.2023) by The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **66(2)**
- C26** S. 2(1) applied (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **10(8)**
- C27** S. 2(1) applied (E.W.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **8(8)**
- C28** S. 2(1) applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **8(8)**
- C29** S. 2(1) applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **8(8)**
- C30** S. 2(1) applied (1.10.2023) by S.I. 2005/437, Sch. para. 7(7) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 3**)
- C31** S. 2(5)(a) excluded (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **30(10)**
- C32** S. 2(5)(a) excluded (N.I.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **35(2)(b)**
- C33** S. 2(5)(a) excluded (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **32(4)(b)**
- C34** S. 2(5)(a) excluded (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), **32(4)(b)**
- C35** S. 2(5)(a) excluded (E.W.) (1.10.2023) by The Teachers' Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **35(2)(b)**

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### Commencement Information

- I1** S. 2 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 2 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, Section 2.