



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*Status: This is the original version (as it was originally enacted).*

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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).