



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

Immediate detriment cases

31 Application of Chapter to immediate detriment cases

- (1) Subject as follows, nothing in sections 2 to 30 applies in relation to a person's remediable service in an employment or office if an immediate detriment remedy has been obtained in relation to the service.
- (2) Scheme regulations for a Chapter 1 scheme may make provision for the purpose of putting persons who have rights in respect of remediable service in relation to which an immediate detriment remedy has been obtained, so far as possible, in the position that they would have been in if there had been no relevant breach of a non-discrimination rule in relation to the service.
- (3) The provision that may be made under subsection (2) includes, in particular—
 - (a) provision corresponding to any provision of sections 2 to 30, or
 - (b) provision applying any provision of this Chapter in its application to persons of a description specified in the regulations,with or without modifications.

Status: This is the original version (as it was originally enacted).

- (4) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a Chapter 1 scheme by virtue of—
- (a) section 61 of EA 2010, or
 - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.
- (5) For the purposes of this section a breach of a non-discrimination rule is “relevant” if it arises from the application of—
- (a) an exception to section 18(1) of PSPA 2013 made under section 18(5) to (7) of that Act, or
 - (b) an exception to section 18(1) of PSPA(NI) 2014 made under section 18(5) to (8) of that Act.