



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*Status: This is the original version (as it was originally enacted).*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