



# Public Service Pensions and Judicial Offices Act 2022

## 2022 CHAPTER 7

### PART 1

#### PUBLIC SERVICE PENSION SCHEMES

### CHAPTER 4

#### GENERAL

#### *Other amendments of PSPA 2013 and PSPA(NI) 2014*

#### **95 Amendments relating to the establishment or restriction of schemes**

(1) PSPA 2013 is amended in accordance with subsections (2) to (7).

(2) In section 4 (scheme manager)—

(a) after subsection (3) insert—

“(3A) Subsection (1) does not apply to a scheme under section 1 if—

(a) the scheme is connected with another scheme under section 1,  
and

(b) a scheme manager is provided for under subsection (1) in  
scheme regulations for that other scheme.”;

(b) after subsection (6) insert—

“(6A) The reference in subsection (6) to a statutory pension scheme includes  
a statutory pension scheme established (under section 1 or otherwise)  
after the establishment of the scheme under section 1 mentioned in  
that subsection.”

(3) In section 5 (pension board), after subsection (2) insert—

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*Status: Point in time view as at 10/03/2022. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 95. (See end of Document for details)*

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“(2A) Subsection (1) does not apply to a scheme under section 1 if—

- (a) the scheme is connected with another scheme under section 1, and
- (b) a pension board is provided for under subsection (1) in scheme regulations for that other scheme.”

(4) In section 7 (scheme advisory board)—

- (a) in subsection (1), for “on the desirability of changes to the scheme” substitute “on—
  - (a) the desirability of changes to the scheme, or
  - (b) the desirability of changes to any other scheme under section 1 which—
    - (i) is connected with it, and
    - (ii) is not an injury or compensation scheme.”;
- (b) after subsection (1) insert—

“(1A) Subsection (1) does not apply to a scheme under section 1 if—

- (a) the scheme is connected with another scheme under section 1 which is not an injury or compensation scheme, and
- (b) a scheme advisory board is provided for under subsection (1) in scheme regulations for that other scheme.”

(5) In section 11 (valuations), after subsection (1) insert—

“(1A) Subsection (1) does not apply to a scheme under section 1 if—

- (a) the scheme is connected with another scheme under section 1, and
- (b) actuarial valuations are provided for under subsection (1) in scheme regulations for that other scheme.”

(6) After section 12 insert—

**“12A Sections 11 and 12: restricted schemes**

- (1) Section 11(1) (valuations) does not require scheme regulations to provide for actuarial valuations to be made of a scheme to which this section applies.
- (2) Section 12(1) (employer cost cap) does not apply to a scheme to which this section applies.
- (3) This section applies to a scheme under section 1 which—
  - (a) is a restricted scheme, and
  - (b) is specified for the purposes of this section in Treasury regulations.
- (4) For the purposes of this section a scheme under section 1 is a “restricted scheme” at any time if any enactment restricts the provision of benefits under the scheme to or in respect of a person in relation to the person’s service after that time.
- (5) Treasury regulations under this section may include consequential or supplementary provision.
- (6) Treasury regulations under this section are subject to the negative Commons procedure.”

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- (7) In section 30 (new public body pension schemes), in subsection (1)(e), for “and 12” substitute “to 12A”.
- (8) PSPA(NI) 2014 is amended in accordance with subsections (9) to (15).
- (9) In section 4 (scheme manager)—
- (a) after subsection (3) insert—
    - “(3A) Subsection (1) does not apply to a scheme under section 1 if—
    - (a) the scheme is connected with another scheme under section 1, and
    - (b) a scheme manager is provided for under subsection (1) in scheme regulations for that other scheme.”;
  - (b) after subsection (6) insert—
    - “(6A) The reference in subsection (6) to a statutory pension scheme includes a statutory pension scheme established (under section 1 or otherwise) after the establishment of the scheme under section 1 mentioned in that subsection.”
- (10) In section 5 (pension board)—
- (a) in subsection (1), for “subsection (2)” substitute “subsections (2) and (2A)”;
  - (b) after subsection (2) insert—
    - “(2A) Subsection (1) does not apply to a scheme under section 1 if—
    - (a) the scheme is connected with another scheme under section 1, and
    - (b) a pension board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (11) In section 7 (scheme advisory board)—
- (a) in subsection (1), for “on the desirability of changes to the scheme” substitute “on—
  - (a) the desirability of changes to the scheme, or
  - (b) the desirability of changes to any other scheme under section 1 which—
  - (i) is connected with it, and
  - (ii) is not an injury or compensation scheme.”;
- (b) after subsection (1) insert—
  - “(1A) Subsection (1) does not apply to a scheme under section 1 if—
  - (a) the scheme is connected with another scheme under section 1 which is not an injury or compensation scheme, and
  - (b) a scheme advisory board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (12) In section 11 (valuations), after subsection (1) insert—
- “(1A) Subsection (1) does not apply to a scheme under section 1 if—
  - (a) the scheme is connected with another scheme under section 1, and
  - (b) actuarial valuations are provided for under subsection (1) in scheme regulations for that other scheme.”

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 95. (See end of Document for details)*

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(13) After section 12 insert—

**“12A Sections 11 and 12: restricted schemes**

- (1) Section 11(1) (valuations) does not require scheme regulations to provide for actuarial valuations to be made of a scheme to which this section applies.
  - (2) Section 12(1) (employer cost cap) does not apply to a scheme to which this section applies.
  - (3) This section applies to a scheme under section 1 which—
    - (a) is a restricted scheme, and
    - (b) is specified for the purposes of this section in regulations made by the Department of Finance.
  - (4) For the purposes of this section a scheme under section 1 is a “restricted scheme” at any time if any statutory provision restricts the provision of benefits under the scheme to or in respect of a person in relation to the person’s service after that time.
  - (5) Regulations made by the Department of Finance under this section may include consequential or supplementary provision.
  - (6) Regulations made by the Department of Finance under this section are subject to negative resolution.”
- (14) In section 31 (new public body pension schemes), in subsection (1)(e), for “and 12” substitute “to 12A”.
- (15) In section 34 (general interpretation), at the appropriate place insert—  
 ““statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;”.

**Commencement Information**

- I1** S. 95 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 95 in force at 1.4.2022 in so far as not already in force, see **s. 131(2)(f)**

**Status:**

Point in time view as at 10/03/2022. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 95.