
STATUTORY INSTRUMENTS

2023 No. 113

**The Public Service Pension Schemes (Rectification
of Unlawful Discrimination) (Tax) Regulations 2023**

PART 2

Modifications of Part 4 of the Finance Act 2004

CHAPTER 3

Benefits

Trivial commutation lump sum: lump sum already paid

19.—(1) Paragraph (2) applies where—

- (a) an individual has been paid a lump sum which, disregarding the relevant rectification provisions, is a trivial commutation lump sum⁽¹⁾, and
- (b) as a result of the operation of a relevant rectification provision—
 - (i) the condition in paragraph 7(1)(b) of Schedule 29 to FA 2004 (commutation limit)⁽²⁾ has ceased to be met in relation to the lump sum, or
 - (ii) the condition in paragraph 7(1)(d) of that Schedule (extinguishment of rights) has ceased to be met in relation to the lump sum.

(2) The lump sum is, and is treated as always having been, a trivial commutation lump sum.

Commencement Information

II [Reg. 19](#) in force at 6.4.2023, see [reg. 1\(2\)](#)

(1) A “trivial commutation lump sum” is defined in paragraph 7 of Schedule 29 to FA 2004.

(2) Paragraph 7 of Schedule 29 was relevantly amended by paragraph 29 of Schedule 16 to FA 2011, paragraph 7 of Schedule 1 to the Taxation of Pensions Act 2014 (c. 30), paragraph 7 of Schedule 5 to FA 2016 (c. 24), paragraph 21(6) of Schedule 5 to FA 2021, and by S.I. 2006/572; there are other amendments but none are relevant.

Changes to legislation:

There are currently no known outstanding effects for the The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023, Section 19.