

EXPLANATORY MEMORANDUM TO
THE POLICE AND FIREFIGHTERS' PENSIONS (REMEDIABLE SERVICE)
(AMENDMENT) REGULATIONS 2024

2024 No. 59

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 The Police Pensions (Remediable Service) Regulations 2023 and the Firefighters' Pensions (Remediable Service) Regulations 2023 implement the provisions of the Public Sector Pensions and Judicial Offices Act 2022. This instrument corrects minor errors in those Regulations, which were not picked up before laying and some of which were identified by the Joint Committee on Statutory Instruments. It also adds provision, applying to a limited cohort of members in each case, that was omitted from those Regulations. As the police and firefighter pension schemes are locally administered, the minor errors need to be corrected so that the Regulations can be interpreted correctly and more smoothly by the 80+ scheme administrators.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 These Regulations contain amendments in response to the Committee's 49th report of session 2022-23, and first report of session 2023-24.
- 3.2 This Statutory Instrument has been printed to correct errors in S.I. 2023/831 and 2023/843 and is being issued free of charge to all known recipients of those Statutory Instruments.

4. Extent and Territorial Application

- 4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.
- 4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England and Wales (police provisions) and England (fire provisions).

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 The Public Service Pensions and Judicial Offices Act 2022 ("PSPJO Act") sets out the framework for remedying the unlawful age discrimination that was found to result

from the transitional protections contained in the reformed public service pension schemes introduced in 2015, conferring powers to make scheme regulations.

- 6.2 The Police Pensions (Remediable Service) Regulations 2023 (S.I. 831/2023) and the Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 843/2023) enabled the second phase of the police retrospective remedy, set out in the PSPJO Act.
- 6.3 This instrument, made under the powers in the PSPJO Act, amends the remediable service regulations.

7. Policy background

- 7.1 These regulations amend the Police Pensions (Remediable Service) Regulations 2023 and the Firefighters' Pensions (Remedial Service) Regulations 2023 by addressing omissions and minor errors. The omissions relate to circumstances peculiar to each of the police and firefighter pension schemes that do not occur in other public service schemes and so were not captured in the exemplar regulations that were produced to apply to multiple public service schemes. These circumstances also apply to a very limited cohort of members in each case.

Fire

- 7.2 In relation to firefighters, these regulations provide for special scheme members to be reassessed for ill-health retirement, and correct drafting errors noted by the JCSI.

Police

- 7.3 In relation to police, the regulations remedy an omission on contingent decisions for a transfer-in, and correct drafting errors noted by the JCSI.
- 7.4 Under the PSPJO Act, eligible scheme members are permitted to seek correction for decisions under the scheme that might have been made differently had the member been in the alternative scheme at the time. The 2023 Regulations require an addition to allow members who have certain transfers in that could have happened (in the remedy period) but for the discrimination to have a contingent decision to rectify this.
- 7.5 Further to discussions with the scheme actuary, two references to "the scheme actuary" will be removed in regulations 52 and 55 of the 2023 regulations.
- 7.6 As a point of clarification "and 4(2)(c)" will be added for a deferred choice member in regulation 55 of the 2023 Regulations to ensure that the decision in regulation 55 can be taken at the correct points.

8. European Union Withdrawal and Future Relationship

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

- 9.1 This is a free-standing instrument that makes provision to implement the remedy as set out above, so this is not considered to be a suitable opportunity to consolidate other amendments made to related instruments that govern police pensions.

10. Consultation outcome

- 10.1 A [public consultation on the Police Pension Scheme retrospective remedy](#) was carried out from 28 February to 23 May 2023 by the Home Office on these measures. During

the consultation period, the Home Office also engaged with the Police Pension Scheme Advisory Board (England and Wales). Part of the role of this board is to provide advice to the Home Secretary on the desirability of making changes to the police pension schemes.

- 10.2 A [public consultation on the Firefighters' Pension Scheme retrospective remedy](#) was carried out from 28 February to 23 May 2023 by the Home Office on these measures. During the consultation period, the Home Office also engaged with the Firefighters' Pension Scheme Advisory Board (England). Part of the role of this board is to provide advice to the Home Secretary on the desirability of making changes to the firefighters' pension schemes.
- 10.3 These regulations amending the Police Pensions (Remediable Service) Regulations 2023 and the Firefighters' Pensions (Remedial Service) Regulations 2023 achieve the policy outcomes that were decided during the consultation process.

11. Guidance

- 11.1 No Home Office guidance is to be issued on this instrument.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities, or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector, as these are minor amendments which ensure that the remediable service regulations function correctly.
- 12.3 A full Impact Assessment has not been prepared for this instrument because the police pension scheme has little or no impact on businesses or the public sector.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 There are no proposals to actively monitor or review the outcome of the changes made by this instrument. Nonetheless, if a stakeholder (for example, pensions administrators, police forces, police pension authorities, the relevant scheme advisory board, local pension boards or staff associations) raised a particular issue with the Home Office on the operation of the regulations as a result of one of the provisions, we would review this.
- 14.2 The instrument does not include a statutory review clause.

15. Contact

- 15.1 Sara Alderman (police pensions issues) at the Home Office; telephone 07909 890002 or email sara.alderman@homeoffice.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Anthony Mooney (fire pensions issues) at the Home Office; telephone 07504 737245 or email anthony.mooney@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

- 15.3 Peter Spreadbury, Deputy Director for Police Workforce and Professionalism Unit, at the Home Office can confirm that this explanatory memorandum meets the required standard.
- 15.4 Minister Chris Philp at the Home Office can confirm that this explanatory memorandum meets the required standard.