



# Public Service Pensions Act 2013

## 2013 CHAPTER 25

### *Establishment of new schemes*

#### **1 Schemes for persons in public service**

- (1) Regulations may establish schemes for the payment of pensions and other benefits to or in respect of persons specified in subsection (2).
- (2) Those persons are—
  - (a) civil servants;
  - (b) the judiciary;
  - (c) local government workers for England, Wales and Scotland;
  - (d) teachers for England, Wales and Scotland;
  - (e) health service workers for England, Wales and Scotland;
  - (f) fire and rescue workers for England, Wales and Scotland;
  - (g) members of police forces for England, Wales and Scotland;
  - (h) the armed forces.
- (3) These terms are defined in Schedule 1.
- (4) In this Act, regulations under this section are called “scheme regulations”.

#### **Commencement Information**

- II** [S. 1](#) in force at 28.2.2014 by [S.I. 2014/433](#), [art. 2\(a\)](#)

#### **2 Responsible authority for schemes**

- (1) The persons who may make scheme regulations are set out in Schedule 2.
- (2) In this Act, the person who may make scheme regulations for any description of persons specified in section 1(2) is called the “responsible authority” for the scheme for those persons.

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*Changes to legislation:* There are currently no known outstanding effects for the Public Service Pensions Act 2013, Cross Heading: Establishment of new schemes. (See end of Document for details)

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### Commencement Information

**I2** S. 2 in force at 28.2.2014 by S.I. 2014/433, art. 2(b)

## 3 Scheme regulations

- (1) Scheme regulations may, subject to this Act [<sup>F1</sup>and Part 1 of PSPJOA 2022], make such provision in relation to a scheme under section 1 as the responsible authority considers appropriate.
- (2) That includes in particular—
  - (a) provision as to any of the matters specified in Schedule 3;
  - (b) consequential, supplementary, incidental or transitional provision in relation to the scheme or any provision of this Act.
  - [<sup>F2</sup>(c) consequential, supplementary, incidental or transitional provision in relation to any provision of Part 1 of PSPJOA 2022.]
- (3) Scheme regulations may—
  - (a) make different provision for different purposes or cases (including different provision for different descriptions of persons);
  - (b) make retrospective provision (but see section 23);
  - (c) allow any person to exercise a discretion.
- (4) The consequential provision referred to in subsection (2)(b) includes consequential provision amending any primary legislation passed before or in the same session as this Act (as well as consequential provision amending any secondary legislation).
- [<sup>F3</sup>(4A) In subsection (2)(c)—
  - (a) the reference to consequential provision includes consequential provision amending any primary legislation passed before or in the same session as PSPJOA 2022 (as well as consequential provision amending any secondary legislation);
  - (b) the reference to supplementary, incidental or transitional provision includes supplementary, incidental or transitional provision amending an existing scheme contained in primary legislation (as well as supplementary, incidental or transitional provision amending any secondary legislation).
- (4B) See sections 37 and 74 of PSPJOA 2022 for provision under which certain powers to make provision under Part 1 of that Act by means of scheme regulations may be exercised by amending existing schemes.]
- (5) Scheme regulations require the consent of the Treasury before being made, unless one of the following exceptions applies.
- (6) The exceptions are—
  - (a) scheme regulations of the Scottish Ministers relating to local government workers, fire and rescue workers and members of a police force;
  - [<sup>F4</sup>(b) .....
- [<sup>F5</sup>(7) A Treasury order may amend this section so as to add, remove or vary exceptions to the requirement in subsection (5).
- (8) A Treasury order under subsection (7) is subject to the negative procedure.]

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**Changes to legislation:** There are currently no known outstanding effects for the Public Service Pensions Act 2013, Cross Heading: Establishment of new schemes. (See end of Document for details)

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#### Textual Amendments

- F1** Words in s. 3(1) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 94\(2\), 131\(1\)\(2\)\(f\)](#)
- F2** [S. 3\(2\)\(c\)](#) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 94\(3\), 131\(1\)\(2\)\(f\)](#)
- F3** [S. 3\(4A\)\(4B\)](#) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 94\(4\), 131\(1\)\(2\)\(f\)](#)
- F4** [S. 3\(6\)\(b\)](#) omitted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by virtue of [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 94\(5\), 131\(1\)\(2\)\(f\)](#)
- F5** [S. 3\(7\)\(8\)](#) inserted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), ss. 94\(6\), 131\(1\)\(2\)\(f\)](#)
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#### Commencement Information

- I3** [S. 3](#) in force at 28.2.2014 by [S.I. 2014/433, art. 2\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Public Service Pensions Act 2013,  
Cross Heading: Establishment of new schemes.