

PUBLIC SERVICE PENSIONS ACT 2013

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Procedure for scheme regulations

Section 23: Procedure for retrospective provision

146. **Section 23** provides a procedure to be followed when retrospective provisions are included within scheme regulations proposed by the relevant authority.
147. **Subsection (1)** provides that where such retrospective provisions appear to the responsible authority to have significant adverse effects in relation to the pension payable to or in respect of members of the scheme, the authority must first obtain the consent of those who appear likely to be affected, either directly or through their representatives (**subsection (3)**).
148. **Subsection (2)** provides that where the retrospective provisions appear to the responsible authority to have significant adverse effects in any way not covered by subsection (1) in relation to the members of the scheme (for example, a serious adverse effect on injury benefits as opposed to pension benefits), the authority must first consult those who appear likely to be affected, either directly or through their representatives, with a view to reaching agreement.
149. **Subsection (4)** requires that where subsection (1) or (2) applies the responsible authority must lay a report before the appropriate legislature (as defined in section 22(5)).
150. **Subsection (5)** provides that where this section applies, there is no requirement to consult under section 21 (this is to prevent duplication of the requirement to consult). The requirement for consent and to consult with a view to reaching agreement is a higher standard than applies under section 21.