



Public Service Pensions Act 2013

2013 CHAPTER 25

Establishment of new schemes

3 Scheme regulations

- (1) Scheme regulations may, subject to this Act [^{F1}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.
 - [^{F2}(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).
- [^{F3}(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).

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions Act 2013, Section 3. (See end of Document for details)

- (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;
 - ^{F4}(b)
- [^{F5}(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.]

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

- I1** 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, Section 3.