



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 4

GENERAL

129 Regulations and directions

- (1) Regulations under any provision of this Act may make—
 - (a) consequential, supplementary, incidental, transitional, or saving provision;
 - (b) different provision for different cases or purposes.
- (2) Regulations under this Act made by the Treasury or the Lord Chancellor are to be made by statutory instrument.
- (3) A power or duty of a Northern Ireland department to make regulations under this Act is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ([S.I. 1979/1573 \(N.I. 12\)](#)).
- (4) In this Act “the affirmative procedure” means—
 - (a) in the case of regulations made by the Treasury or the Lord Chancellor, that the regulations may not be made unless a draft of the instrument containing them has been laid before, and approved by resolution of, each House of Parliament;
 - (b) in the case of regulations made by the Welsh Ministers, that the regulations may not be made unless a draft of the instrument containing them has been laid before, and approved by resolution of, Senedd Cymru;
 - (c) in the case of regulations made by a Northern Ireland department, that the regulations may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (5) In this Act “the negative procedure” means—

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- (a) in the case of regulations made by the Treasury or the Lord Chancellor, that the instrument containing them is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) in the case of regulations made by the Welsh Ministers, that the instrument containing them is subject to annulment in pursuance of a resolution of Senedd Cymru;
 - (c) in the case of regulations made by a Northern Ireland department, that the regulations are subject to negative resolution (within the meaning of section 41(6) of the [Interpretation Act \(Northern Ireland\) 1954](#) (c. 33 (N.I.)).
- (6) Any provision that may be made by regulations under this Act subject to the negative procedure may be made by regulations subject to the affirmative procedure.
- (7) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (4)(c) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.
- (8) The preceding subsections do not apply in relation to—
- (a) scheme regulations for a Chapter 1 scheme (within the meaning of Chapter 1 of Part 1),
 - (b) scheme regulations for a judicial scheme (within the meaning of Chapter 2 of Part 1),
 - (c) scheme regulations for a local government scheme (within the meaning of Chapter 3 of Part 1), or
 - (d) regulations under section 131.
- (9) Directions given under this Act by the Treasury or the Department of Finance in Northern Ireland may be varied or revoked.

130 Extent

- (1) Subject as follows, this Act extends to England and Wales, Scotland and Northern Ireland.
- (2) In Schedule 3 (judicial offices)—
 - (a) Part 4 extends to Northern Ireland only;
 - (b) Part 5 extends to England and Wales only.
- (3) An amendment, repeal or revocation made by this Act has the same extent as the provision amended, repealed or revoked.

131 Commencement

- (1) Any provision of, or amendment made by, Part 1 or 3, so far as it—
 - (a) confers a power to make subordinate legislation or give directions, or
 - (b) otherwise relates to the exercise of a power to make subordinate legislation, or give directions, on or after the day on which this Act is passed,
 comes into force on the day on which this Act is passed.
- (2) Part 1 (so far as not brought into force under subsection (1)) comes into force as follows—

- (a) Chapter 1, and sections 109 and 110 so far as they apply for the purposes of that Chapter, come into force in relation to a Chapter 1 scheme within section 33(2)(a) or (3)(a) on—
 - (i) 1 October 2023, or
 - (ii) such earlier day as the Treasury may by regulations appoint;
 - (b) Chapter 1, and sections 109 and 110 so far as they apply for the purposes of that Chapter, come into force in relation to a Chapter 1 scheme within section 33(2)(b) or (3)(b) on—
 - (i) 1 October 2023, or
 - (ii) such earlier day as the Department of Finance in Northern Ireland may by order appoint;
 - (c) Chapter 2, and sections 109 and 110 so far as they apply for the purposes of that Chapter, come into force on such day as the Lord Chancellor may by regulations appoint;
 - (d) Chapter 3, and sections 109 and 110 so far as they apply for the purposes of that Chapter, come into force in relation to a local government scheme within section 86(2)(a) or (3)(a) on—
 - (i) 1 October 2023, or
 - (ii) such earlier day as the Treasury may by regulations appoint;
 - (e) Chapter 3, and sections 109 and 110 so far as they apply for the purposes of that Chapter, come into force in relation to a local government scheme within section 86(2)(b) or (3)(b) on—
 - (i) 1 October 2023, or
 - (ii) such earlier day as the Department of Finance in Northern Ireland may by order appoint;
 - (f) Chapter 4, including sections 109 and 110 so far as they apply for purposes not mentioned in paragraphs (a) to (e), comes into force on 1 April 2022.
- (3) Part 2 comes into force at the end of the period of two months beginning with the day on which this Act is passed.
- (4) Part 3 (so far as not brought into force under subsection (1)) comes into force as follows—
- (a) the following provisions come into force on the day on which this Act is passed—
 - (i) section 121, and
 - (ii) Schedule 1 apart from paragraph 25(3);
 - (b) the following provisions come into force at the end of the period of two months beginning with the day on which this Act is passed—
 - (i) paragraph 25(3) of Schedule 1, and
 - (ii) section 122 and Schedule 2;
 - (c) sections 123 to 128, and Schedules 3 and 4, come into force on such day as the Lord Chancellor may by regulations appoint.
- (5) Part 4 comes into force on the day on which this Act is passed.
- (6) Regulations and orders under subsection (2), and regulations under subsection (4), may appoint different days for different purposes.
- (7) The Treasury or the Lord Chancellor may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act (other

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than any transitional or saving provision that may be made by the Department of Finance in Northern Ireland under subsection (8)).

- (8) The Department of Finance in Northern Ireland may by order make transitional or saving provision in connection with the coming into force of any provision of—
- (a) Chapter 1, or sections 109 and 110 so far as they apply for the purposes of that Chapter, in relation to a Chapter 1 scheme within section 33(2)(b) or (3)(b), or
 - (b) Chapter 3, or sections 109 and 110 so far as they apply for the purposes of that Chapter, in relation to a local government scheme within section 86(2)(b) or (3)(b).
- (9) A power to make regulations or an order under subsection (7) or (8) includes power to make different provision for different purposes.
- (10) Regulations under this section are to be made by statutory instrument.
- (11) The power of the Department of Finance in Northern Ireland to make an order under subsection (2)(b), (2)(e) or (8) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

132 Short title

This Act may be cited as the Public Service Pensions and Judicial Offices Act 2022.