



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 1

SCHEMES OTHER THAN JUDICIAL SCHEMES AND LOCAL GOVERNMENT SCHEMES

Remediable service

1 Meaning of “remediable service”

- (1) For the purposes of this Chapter any continuous period of service of a person in an employment or office is “remediable service” in that employment or office if the following four conditions are met.
- (2) In this section “the service in question” means the service mentioned in subsection (1).
- (3) The first condition is that the service in question takes place in the period beginning with the day after the closing date and ending with 31 March 2022.
- (4) The second condition is that the service in question is—
 - (a) pensionable service under a Chapter 1 legacy scheme,
 - (b) pensionable service under a Chapter 1 new scheme that would have been pensionable service under a Chapter 1 legacy scheme but for the person’s failure to meet a condition relating to the person’s attainment of normal pension age, or another specified age, by a specified date, or
 - (c) excess teacher service.

Status: This is the original version (as it was originally enacted).

The second condition is met if all of the service in question falls within paragraphs (a) to (c) (even if it does not all fall within only one of those paragraphs).

- (5) The third condition is that the person—
- (a) was, on 31 March 2012 or any earlier day, in service in any employment or office that is pensionable service under—
 - (i) a Chapter 1 legacy scheme,
 - (ii) a judicial legacy scheme (within the meaning of Chapter 2), or
 - (iii) a local government legacy scheme (within the meaning of Chapter 3),
 or
 - (b) is not within paragraph (a) and was, on 31 March 2012, in service as a firefighter which entitled the person to be an active member of a relevant firefighters’ legacy scheme.
- (6) The fourth condition is that there is no disqualifying gap in service falling within the period—
- (a) beginning with—
 - (i) in a case in which the third condition is met by virtue of subsection (5) (a), the day after the most recent day in relation to which that condition is met;
 - (ii) in a case in which the third condition is met by virtue of subsection (5) (b), 1 April 2012, and
 - (b) ending with the day before the first day of the service in question.
- (7) In subsection (6) “disqualifying gap in service” means a period longer than 5 years at no time during which is the person in service in an employment or office which—
- (a) is pensionable service under—
 - (i) a Chapter 1 scheme,
 - (ii) a judicial scheme (within the meaning of Chapter 2), or
 - (iii) a local government scheme (within the meaning of Chapter 3),
 - (b) is, as a result of a Fair Deal transfer, pensionable service under a Fair Deal scheme, or
 - (c) is, as a result of a local government contracting-out transfer, pensionable service under a pension scheme that offers pension arrangements that are broadly comparable with those offered to the person before the transfer.
- (8) In this Chapter “the closing date” means—
- (a) 31 March 2015 in relation to service which is pensionable service under a Chapter 1 scheme that is not an Agency scheme;
 - (b) 31 March 2016 in relation to service which is pensionable service under an Agency scheme.
- (9) In determining for the purposes of this section whether any service is pensionable service under a particular scheme, sections 2(1), 42(2) to (5) and 45(2) (under which service may be treated as pensionable, or not pensionable, under particular schemes) are to be disregarded.
- See also section 30(1) (which requires section 61 of the Equality Act 2010 and paragraph 2 of Schedule 1 to EEAR(NI) 2006 to be disregarded).
- (10) For provision under which the second condition is treated as met in relation to a person’s service in an employment or office, despite the service not being pensionable

service under a Chapter 1 scheme or excess teacher service, see section 5(2) (opted-out service).