



# Public Service Pensions and Judicial Offices Act 2022

## 2022 CHAPTER 7

### PART 1

#### PUBLIC SERVICE PENSION SCHEMES

### CHAPTER 4

#### GENERAL

#### *Miscellaneous*

#### **105 Section 91 of Pensions Act 1995 and section 356 of Armed Forces Act 2006**

- (1) Subsection (2) applies in relation to any reference in section 91 of PA 1995 or Article 89 of P(NI)O 1995 (inalienability of occupational pension) to—
- (a) assigning, commuting or surrendering an entitlement to a pension or a right to a future pension, or
  - (b) the exercise of a set-off in respect of such an entitlement or right.
- (2) The reference does not include—
- (a) anything done under or by virtue of this Part of this Act, or
  - (b) the surrender of an entitlement or right under a pension scheme—
    - (i) for the purpose of meeting a condition by virtue of section 5(5)(b) (Chapter 1: surrender of rights required as condition for inclusion of opted-out service in remedy), or
    - (ii) in the course of taking the steps mentioned in section 41(3) or (6) (Chapter 2: partnership pension account: requirement to transfer assets and surrender rights).

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*Status: This is the original version (as it was originally enacted).*

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- (3) Subsection (4) applies in relation to any reference in section 356 of the Armed Forces Act 2006 (avoidance of assignment of, or charge on, pay and pensions etc) to an assignment (or, in Scotland, assignation) of, or an agreement to assign, any relevant pay or pension (within the meaning of that section).
- (4) The reference does not include anything done under or by virtue of this Part of this Act.