



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

Pension benefits and contributions: corrections

14 Pension benefits and lump sum benefits: pensioner and deceased members

- (1) This section applies in relation to a relevant member (“M”) of a Chapter 1 legacy scheme who has remediable service in an employment or office that is pensionable service under the scheme (whether or not by virtue of section 2(1)).
- (2) In this section “relevant member”, in relation to a Chapter 1 legacy scheme, means a member of the scheme who, immediately before the coming into force of section 2(1)—
 - (a) is a pensioner member of the scheme, or of a Chapter 1 new scheme, in relation to the employment or office, or
 - (b) is deceased.
- (3) Where, at the operative time—
 - (a) the aggregate of the pension benefits that (after taking into account the effect, if any, of section 3(2)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the employment or office, exceeds

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- (b) the aggregate of the pension benefits to which (after taking into account the effect, if any, of sections 2(1) and 6(4) and (5) in relation to the service) the beneficiary is entitled under the scheme in respect of the service,
the beneficiary must pay an amount equal to the difference to the scheme.
- (4) Where, at the operative time—
- (a) the amount mentioned in subsection (3)(a), is less than
- (b) the amount mentioned in subsection (3)(b),
the scheme manager must pay an amount equal to the difference to the beneficiary.
- (5) Where, at the operative time—
- (a) the aggregate of the lump sum benefits that (after taking into account the effect, if any, of section 3(2)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the employment or office, exceeds
- (b) the aggregate of the lump sum benefits to which (after taking into account the effect, if any, of sections 2(1) and 6(4) and (5) in relation to the service) the beneficiary is entitled under the scheme in respect of the service,
the beneficiary must pay an amount equal to the difference to the scheme.
- (6) Where, at the operative time—
- (a) the amount mentioned in subsection (5)(a), is less than
- (b) the amount mentioned in subsection (5)(b),
the scheme manager must pay an amount equal to the difference to the beneficiary.
- (7) In this section “the operative time” means—
- (a) if an election by virtue of section 6 (immediate choice to receive new scheme benefits) is made in relation to M’s remediable service—
- (i) the time the election is made, or
- (ii) if later, the coming into force of section 2(1);
- (b) otherwise, the end of the section 6 election period in relation to M.
- (8) In this section—
- “lump sum benefit” means any benefit payable under a pension scheme by way of a lump sum;
- “pension benefit” means any benefit payable under a pension scheme otherwise than by way of a lump sum.

Modifications etc. (not altering text)

- C1** Pt. 1 Ch. 1 applied (1.10.2023) by S.I. 2005/438, **Sch. 3 para. 40(4)** (as inserted by [The Armed Forces Pensions \(Remediable Service\) Regulations 2023](#) (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C2** Pt. 1 Ch. 1 applied (E.W.) (1.10.2023) by [The National Health Service Pension Schemes \(Remediable Service\) Regulations 2023](#) (S.I. 2023/985), regs. 1(2), **76(5)**
- C3** Pt. 1 Ch. 1 applied (N.I.) (1.10.2023) by [The Health and Social Care Pension Schemes \(Remediable Service\) Regulations \(Northern Ireland\) 2023](#) (S.R. 2023/132), regs. 1, **74(5)**
- C4** Pt. 1 Ch. 1 applied (S.) (1.10.2023) by [The Teachers’ Pensions \(Remediable Service\) \(Scotland\) Regulations 2023](#) (S.S.I. 2023/241), regs. 1(b), **63**
- C5** Pt. 1 Ch. 1 applied (E.W.) (1.10.2023) by [The Teachers’ Pension Scheme \(Remediable Service\) Regulations 2023](#) (S.I. 2023/871), regs. 1(b), **63(7)**

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- C6** Ss. 2-30 applied (N.I.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **55(1)**
- C7** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **56(2)**
- C8** S. 14 applied (with modifications) (1.10.2023) by S.I. 2005/437, Sch. para. 4 (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 3**)
- C9** S. 14 modified (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **63(3)**
- C10** Ss. 2-30 applied (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **63(2)**
- C11** S. 14 modified (N.I.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **55(2)**
- C12** S. 14 excluded (S.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/246), regs. 1(2), **10(9)**
- C13** S. 14 excluded (N.I.) (1.10.2023) by The Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/132), regs. 1, **10(8)**
- C14** S. 14 excluded (E.W.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) Regulations 2023 (S.I. 2023/985), regs. 1(2), **10(8)**
- C15** S. 14 modified (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **55(3)**
- C16** Ss. 2-30 applied (E.W.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **57(2)**
- C17** S. 14 modified (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **63(3)**
- C18** S. 14 modified (E.W.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **57(3)**
- C19** Ss. 2-30 applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **56(2)**
- C20** S. 14 applied (with modifications) (1.10.2023) by S.I. 2014/2336, Sch. para. 3 (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 7**)
- C21** S. 14 modified (E.W.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **56(3)**
- C22** S. 14 modified (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **56(3)**
- C23** Ss. 2-30 applied (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **63(2)**
- C24** S. 14 applied (with modifications) (1.10.2023) by S.I. 2005/438, Sch. 3 para. 4 (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C25** Ss. 2-30 applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **55(2)**
- C26** S. 14(3)-(6) applied (with modifications) (E.W.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) (Wales) Regulations 2023 (S.I. 2023/961), regs. 1(3), **24(7)**
- C27** S. 14(3)-(6) applied (with modifications) (E.W.) (1.10.2023) by The Teachers’ Pension Scheme (Remediable Service) Regulations 2023 (S.I. 2023/871), regs. 1(b), **21(7)**
- C28** S. 14(3)-(6) applied (with modifications) (N.I.) (1.10.2023) by The Firefighters’ Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/133), regs. 1, **21(7)**
- C29** S. 14(3)-(6) applied (with modifications) (N.I.) (1.10.2023) by The Teachers’ Pension Scheme (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/131), regs. 1, **21(7)**
- C30** S. 14(3)-(6) applied (with modifications) (N.I.) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/141), regs. 1(b), **20(7)**
- C31** S. 14(3)-(6) applied (with modifications) (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **21(7)**

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- C32** S. 14(3)-(6) applied (with modifications) (1.10.2023) by S.I. 2014/2336, Sch. para. 12(4) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 7**)
- C33** S. 14(3)-(6) applied (with modifications) (S.) (1.10.2023) by The Police Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/239), regs. 1(2), **21(7)**
- C34** S. 14(3)-(6) applied (with modifications) (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **21(7)**
- C35** S. 14(3)-(6) applied (with modifications) (S.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/242), regs. 1(b), **21(7)**
- C36** S. 14(3)-(6) applied (with modifications) (1.10.2023) by S.I. 2005/438, Sch. 3 para. 26(7)(a) (as inserted by The Armed Forces Pensions (Remediable Service) Regulations 2023 (S.I. 2023/998), reg. 1(b), **Sch. 2**)
- C37** S. 14(3)-(6) applied (with modifications) (S.) (1.10.2023) by The Teachers' Pensions (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/241), regs. 1(b), **21(7)**
- C38** S. 14(3)-(6) applied (E.W.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations 2023 (S.I. 2023/831), regs. 1(b), **55(5)(b)**
- C39** S. 14(3)-(6) applied (N.I.) (1.10.2023) by The Police Pensions (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/122), regs. 1(b), **54(5)(b)(i)**
- C40** S. 14(3)-(6) applied (with modifications) (1.10.2023) by The Public Service (Civil Servants and Others) Pensions (Remediable Service) Regulations 2023 (S.I. 2023/942), regs. 1(b), **20(7)**
- C41** S. 14(3)-(8) applied (with modifications) (E.W.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) Regulations 2023 (S.I. 2023/985), regs. 1(2), **35(2)**
- C42** S. 14(3)-(8) applied (with modifications) (N.I.) (1.10.2023) by The Health and Social Care Pension Schemes (Remediable Service) Regulations (Northern Ireland) 2023 (S.R. 2023/132), regs. 1, **35(2)**
- C43** S. 14(3)-(6) applied (with modifications) (E.W.) (1.10.2023) by The Firefighters' Pensions (Remediable Service) Regulations 2023 (S.I. 2023/843), regs. 1(b), **21(7)**
- C44** S. 14(3)-(8) applied (with modifications) (S.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) (Scotland) Regulations 2023 (S.S.I. 2023/246), regs. 1(2), **35(2)**

Commencement Information

- I1** S. 14 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 14 in force at 1.10.2023 in force in so far as not already in force (or on such earlier day as may be appointed), see **s. 131(2)(a)(b)**

Changes to legislation:

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