



# 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

##### *Powers to make provision in relation to special cases*

### **22 Further powers to make provision about special cases**

- (1) Scheme regulations for a Chapter 1 scheme may make further provision relating to a member who has remediable service in an employment or office.
- (2) The provision that may be made under subsection (1) includes, in particular—
  - (a) provision about the benefits payable to or in respect of a member who has remediable service in an employment or office that is mixed service;
  - (b) provision about the benefits payable to or in respect of a member who has remediable service in an employment or office where—
    - (i) there is another Chapter 1 scheme that provides benefits for persons in that employment or office, and
    - (ii) the two schemes provide (or in any circumstances might provide) benefits to or in respect of a person in relation to the same period of service;
  - (c) provision about the benefits payable to or in respect of a member where, disregarding section 2(1), the member—

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- (i) has remediable service in an employment or office that is pensionable service under a Chapter 1 new scheme, and
  - (ii) has a right under that scheme, if they retire before normal pension age, on the making of a payment to the scheme, to the reduction or elimination of the actuarial reduction that would otherwise have been made to the benefits payable to or in respect of the member in respect of that remediable service;
  - (d) provision about the benefits payable to or in respect of a person who has partially retired;
  - (e) provision about the benefits payable in respect of a child of a deceased member where—
    - (i) the member has remediable service in an employment or office, and
    - (ii) the child is not living in the same household as an adult survivor of the member;
  - (f) provision about cases in which a person has remediable service in an employment or office any of which is excess teacher service;
  - (g) provision about cases in which a person has remediable service in an employment or office and also has service in an employment or office as a teacher which—
    - (i) takes place in the period beginning with the day after the closing date and ending with 31 March 2022,
    - (ii) is pensionable service under a Chapter 1 new scheme, and
    - (iii) is not remediable service;
  - (h) provision about cases in which a person has a partnership pension account;
  - (i) provision about cases in which a person is made redundant;
  - (j) provision about cases in which the scheme administrator of a Chapter 1 scheme pays a liability under section 217 or 237B of FA 2004 (joint liability of scheme administrator to lifetime allowance charge or annual allowance charge);
  - (k) provision about cases in which remuneration is or was payable to a person on the satisfaction of a condition relating to whether any remediable service of the person is or was, or is or was eligible to be, pensionable service under a particular Chapter 1 scheme (including provision requiring any such remuneration that has been paid to be repaid);
  - (l) provision about cases in which a former member of the armed forces—
    - (i) is, disregarding section 2(1), entitled under regulation 19 of AFEDP 2014 (lump sum awards: incapacity for armed forces service) to a payment determined (to any extent) by reference to the person's remediable service in an employment or office, or
    - (ii) would be entitled under that regulation to such a payment if the benefits payable to the person, so far as determined by reference the person's remediable service in the employment or office, were new scheme benefits.
- (3) Scheme regulations for a Chapter 1 new scheme may make provision about injury and compensation benefits payable under a relevant injury and compensation scheme to or in respect of a member who has remediable service in an employment or office.
- (4) Provision made under subsection (3) may in particular be made by amending the relevant injury and compensation scheme.

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- (5) In subsections (3) and (4) and this subsection—
- (a) “injury and compensation scheme” means a pension scheme that is listed in Schedule 6 to PSPA 2013 or Schedule 6 to PSPA(NI) 2014 (existing injury and compensation schemes);
  - (b) an injury and compensation scheme is “relevant”, in relation to a Chapter 1 new scheme, if it is connected with the Chapter 1 new scheme;
  - (c) a reference to “injury and compensation benefits” payable under an injury and compensation scheme is a reference to—
    - (i) in the case of an injury and compensation scheme in relation to which Schedule 6 to PSPA 2013 or Schedule 6 to PSPA(NI) 2014 specifies particular benefits, those benefits;
    - (ii) in the case of any other injury and compensation scheme, any benefits payable under the scheme.
- (6) The provision that may be made by scheme regulations under this section, or under section 19, 20 or 21, includes, in particular—
- (a) provision modifying any provision of this Chapter in its application to persons of a description specified in the regulations;
  - (b) provision corresponding to, or applying, any provision of this Chapter, with or without modifications.
- (7) In this section—
- “adult survivor”, in relation to a member of a Chapter 1 scheme who has remediable service, means a surviving spouse, civil partner or other adult who is entitled under the scheme to a pension determined (to any extent) by reference to the member’s remediable service;
- “AFEDP 2014” means the Armed Forces Early Departure Payments Scheme Regulations 2014 ([S.I. 2014/2328](#));
- “child”, in relation to a member of a Chapter 1 scheme, means any individual who—
- (a) is entitled to receive benefits under the scheme in their capacity as a child of the member, or
  - (b) would have been entitled to receive benefits under the scheme in that capacity on the assumption that any election under this Chapter was, or was not, made in respect of the member;
- “made redundant”: a reference to a person being “made redundant” includes, in relation to a member of the armed forces, a person becoming entitled to a redundancy payment under—
- (a) Part 2 of the Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No 2) Order 2010 ([S.I. 2010/832](#)),
  - (b) the Armed Forces Redundancy Scheme Order 2006 ([S.I. 2006/55](#)), or
  - (c) the Armed Forces Redundancy Scheme Order 2020 ([S.I. 2020/1298](#));
- “modifying” includes disapplying or supplementing (and cognate expressions are to be construed accordingly);
- “scheme administrator” has the same meaning as in Part 4 of FA 2004 (see section 270 of that Act);
- “the armed forces” has the same meaning as in PSPA 2013 (see paragraph 8 of Schedule 1 to that Act).

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#### 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)**
- 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** 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)**
- C9** 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)**
- C10** 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)**
- C11** 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)**
- C12** 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)**
- C13** S. 22(1)(2)(6) applied (E.W.) (1.10.2023) by The National Health Service Pension Schemes (Remediable Service) Regulations 2023 (S.I. 2023/985), reg. 1(2), **Sch. 1 para. 2**

#### Commencement Information

- I1** S. 22 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 22 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:**

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 22.