



# Public Service Pensions and Judicial Offices Act 2022

## 2022 CHAPTER 7

### PART 1 U.K.

#### PUBLIC SERVICE PENSION SCHEMES

### CHAPTER 1 U.K.

#### SCHEMES OTHER THAN JUDICIAL SCHEMES AND LOCAL GOVERNMENT SCHEMES

##### *Interpretation*

### 38 Interpretation of Chapter U.K.

(1) In this Chapter—

“Agency scheme” means—

- (a) a scheme under section 1 of PSPA 2013 which is a defined benefits scheme for staff of the Secret Intelligence Service or Security Service, or
- (b) a scheme under section 1 of SA 1972 which is a defined benefits scheme and relates to staff of the Secret Intelligence Service or Security Service;

“Chapter 1 legacy scheme” has the meaning given by section 33(3);

“Chapter 1 new scheme” has the meaning given by section 33(2);

“Chapter 1 scheme” has the meaning given by section 33(1);

“the closing date” has the meaning given by section 1(8);

“compensation benefits” means benefits by way of compensation for loss of office or employment;

“defined benefits scheme”: a pension scheme is a “defined benefits scheme” if or to the extent that the benefits that may be provided under the scheme are not—

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 38. (See end of Document for details)*

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(a) money purchase benefits (within the meaning of PSA 1993 or PS(NI)A 1993), or

(b) injury and compensation benefits;

“the end of the section 6 election period”, in relation to a member of a Chapter 1 legacy scheme, has the meaning given by section 7(2);

“the end of the section 10 election period”, in relation to a member of a Chapter 1 legacy scheme, has the meaning given by section 11(1);

“injury benefits” means benefits by way of compensation for incapacity or death as a result of injury or illness;

“judicial legacy scheme” has the same meaning as in Chapter 2 (see section 70);

“legacy scheme contributions” has the meaning given by section 35;

“mixed service” has the meaning given by section 19;

“new scheme benefits” has the meaning given by section 34;

“new scheme contributions” has the meaning given by section 35;

“opted-out service” has the meaning given by section 36;

“the relevant Chapter 1 legacy scheme”, in relation to a person’s remediable service in an employment or office, has the meaning given by section 4;

“a relevant firefighters’ legacy scheme” means—

(a) Schedule 1 to the Firefighters’ Pension Scheme (England) Order 2006 (S.I. 2006/3432) (new firefighters’ scheme),

(b) Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007 (S.I. 2007/1072) (new firefighters’ scheme),

(c) Schedule 1 to the Firefighters’ Pension Scheme (Scotland) Order 2007 (S.S.I. 2007/199) (new firefighters’ scheme), or

(d) the Annex to the New Firefighters’ Pension Scheme Order (Northern Ireland) 2007 (S.R. (N.I.) 2007 No. 215) (new firefighters’ scheme);

“remediable service” has the meaning given by section 1;

“remediable service statement” has the meaning given by section 29;

“scheme regulations” has the meaning given by section 37;

“Treasury directions” means—

(a) in relation to a Chapter 1 scheme within section 33(2)(a) or (3)(a), directions given by the Treasury;

(b) in relation to a Chapter 1 scheme within section 33(2)(b) or (3)(b), directions given by the Department of Finance in Northern Ireland.

(2) Where—

(a) a member of a pension scheme has service in multiple employments or offices that is pensionable service under the scheme, and

(b) the service is aggregated for the purpose of determining the amount of any benefit under the scheme,

the service is treated for the purposes of this Chapter as service in a single employment or office (and references to the employment or office in relation to the service are to be read accordingly).

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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)**

**Commencement Information**

- I1** S. 38 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 38 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 38.