



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

Retrospective provision about remediable service

5 Election for retrospective provision to apply to opted-out service

- (1) Scheme regulations for a Chapter 1 legacy scheme must make provision so as to secure that an election may be made in relation to relevant opted-out service in an employment or office.
- (2) Where an election by virtue of this section is made in relation to relevant opted-out service in an employment or office—
 - (a) the second condition in section 1 is treated as met in relation to the service (so that the service becomes “remediable service”), and
 - (b) section 2(1)(b) applies to the service (so that the service is treated as pensionable service under the relevant Chapter 1 legacy scheme).
- (3) An election by virtue of this section—
 - (a) must be made before the end of the election period,
 - (b) takes effect when it is made, and
 - (c) is irrevocable.
- (4) In subsection (3) “the end of the election period” means—

Status: Point in time view as at 10/03/2022. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 5. (See end of Document for details)

- (a) the end of the period of one year beginning with the day on which a remediable service statement is first provided in respect of the member, or
 - (b) such later time as the scheme manager considers reasonable in all the circumstances.
- (5) Scheme regulations made by virtue of subsection (1) may, in particular, include provision—
- (a) under which an election may be made in relation to a person’s relevant opted-out service only on the making of an application by or on behalf of the person;
 - (b) under which an application by virtue of paragraph (a) may be refused unless a condition specified in the regulations is met;
 - (c) requiring information to be provided before an election is made;
 - (d) about the form and manner in which an election is to be made;
 - (e) about who may make an election in relation to the service of a deceased member.
- (6) The conditions that may be specified by virtue of subsection (5)(b) include in particular—
- (a) a condition relating to the reason why the person opted that the service to which the application relates should not be pensionable service (or did not opt that it should be pensionable service) under a Chapter 1 scheme;
 - (b) a condition requiring—
 - (i) the transfer to the scheme of any assets and liabilities held for the purposes of a partnership pension account that are referable to pension contributions made by or on behalf of the person in respect of the person’s relevant opted-out service, and
 - (ii) the surrender of any entitlement to a pension under the scheme, and any right to a future pension under the scheme, that would otherwise arise under the rules of the scheme in respect of the value of the assets and liabilities transferred;
 - (c) in cases in which any assets and liabilities that are referable to pension contributions made by or on behalf of the person have been transferred out of a partnership pension account, a condition requiring the payment to the scheme of an amount in respect of the transfer.
- (7) For the purposes of this section a person’s opted-out service is “relevant” in relation to a Chapter 1 legacy scheme if the scheme is the relevant Chapter 1 legacy scheme (within the meaning given by section 4) in relation to that service (reading any reference in that provision to remediable service as a reference to opted-out service).

Commencement Information

11 S. 5 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

12 S. 5 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\(2\)\(a\)\(b\)](#)

Status:

Point in time view as at 10/03/2022. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 5.