



# Public Service Pensions and Judicial Offices Act 2022

## 2022 CHAPTER 7

### PART 1

#### PUBLIC SERVICE PENSION SCHEMES

### CHAPTER 4

#### GENERAL

*Other amendments of PSPA 2013 and PSPA(NI) 2014*

#### **94 Amendments relating to scheme regulations**

- (1) Section 3 of PSPA 2013 (scheme regulations) is amended in accordance with subsections (2) to (6).
- (2) In subsection (1) after “this Act” insert “and Part 1 of PSPJOA 2022”.
- (3) In subsection (2), after paragraph (b) insert—
  - “(c) consequential, supplementary, incidental or transitional provision in relation to any provision of Part 1 of PSPJOA 2022.”
- (4) After subsection (4) insert—
  - “(4A) In subsection (2)(c)—
    - (a) the reference to consequential provision includes consequential provision amending any primary legislation passed before or in the same session as PSPJOA 2022 (as well as consequential provision amending any secondary legislation);
    - (b) the reference to supplementary, incidental or transitional provision includes supplementary, incidental or transitional provision amending

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*Status: This is the original version (as it was originally enacted).*

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an existing scheme contained in primary legislation (as well as supplementary, incidental or transitional provision amending any secondary legislation).

(4B) See sections 37 and 74 of PSPJOA 2022 for provision under which certain powers to make provision under Part 1 of that Act by means of scheme regulations may be exercised by amending existing schemes.”

(5) In subsection (6) omit paragraph (b).

(6) After subsection (6) insert—

“(7) A Treasury order may amend this section so as to add, remove or vary exceptions to the requirement in subsection (5).

(8) A Treasury order under subsection (7) is subject to the negative procedure.”

(7) In section 8 of PSPA 2013 (types of scheme), after subsection (4) insert—

“(4A) The extent to which a scheme under section 1 is a career average revalued earnings scheme is not affected by provision contained in scheme regulations that is made under section 78 of PSPJOA 2022 (local government schemes: power to pay final salary benefits).”

(8) In section 21 of PSPA 2013 (consultation), after subsection (3) insert—

“(4) Subsection (1) may, in relation to provision contained in scheme regulations—  
 (a) under any provision contained in Part 1 of PSPJOA 2022, or  
 (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022),  
 be satisfied by consultation before, as well as after, the coming into force of the provision mentioned in paragraph (a) or (b).”

(9) In section 23 of PSPA 2013 (procedure for retrospective provision), after subsection (5) insert—

“(6) This section does not apply in relation to provision contained in scheme regulations that is made—  
 (a) under any provision contained in Part 1 of PSPJOA 2022, or  
 (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022).”

(10) In section 37 of PSPA 2013 (general interpretation), at the appropriate place insert—  
 ““PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;”.

(11) Section 3 of PSPA(NI) 2014 (scheme regulations) is amended in accordance with subsections (12) to (14).

(12) In subsection (1), after “this Act” insert “and Part 1 of PSPJOA 2022”.

(13) In subsection (2), after paragraph (b) insert—

“(c) consequential, supplementary, incidental or transitional provision in relation to any provision of Part 1 of PSPJOA 2022.”

(14) After subsection (4) insert—

“(4A) In subsection (2)(c)—

- (a) the reference to consequential provision includes consequential provision amending any primary legislation made or passed before or within the period of 12 months from the date on which PSPJOA 2022 receives Royal Assent (as well as consequential provision amending any secondary legislation);
- (b) the reference to supplementary, incidental or transitional provision includes supplementary, incidental or transitional provision amending an existing scheme contained in primary legislation (as well as supplementary, incidental or transitional provision amending any secondary legislation).

(4B) See sections 37 and 74 of PSPJOA 2022 for provision under which certain powers to make provision under Part 1 of that Act by means of scheme regulations may be exercised by amending existing schemes.”

(15) In section 8 of PSPA(NI) 2014 (types of scheme), after subsection (4) insert—

“(4A) The extent to which a scheme under section 1 is a career average revalued earnings scheme is not affected by provision contained in scheme regulations that is made under section 78 of PSPJOA 2022 (local government schemes: power to pay final salary benefits).”

(16) In section 21 of PSPA(NI) 2014 (consultation), after subsection (3) insert—

“(4) Subsection (1) may, in relation to provision contained in scheme regulations—

- (a) under any provision contained in Part 1 of PSPJOA 2022, or
- (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022),

be satisfied by consultation before, as well as after, the coming into force of the provision mentioned in paragraph (a) or (b).”

(17) In section 23 of PSPA(NI) 2014 (procedure for retrospective provision), after subsection (5) insert—

“(6) This section does not apply in relation to provision contained in scheme regulations that is made—

- (a) under any provision contained in Part 1 of PSPJOA 2022, or
- (b) under section 3(2)(c) of this Act (consequential etc provision in relation to Part 1 of PSPJOA 2022).”

(18) In section 34 of PSPA(NI) 2014 (general interpretation), at the appropriate place insert—

““PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;”.