
STATUTORY INSTRUMENTS

2023 No. 113

**The Public Service Pension Schemes (Rectification
of Unlawful Discrimination) (Tax) Regulations 2023**

PART 2

Modifications of Part 4 of the Finance Act 2004

CHAPTER 3

Benefits

Serious ill-health lump sum: additional lump sum paid to member

22.—(1) Paragraphs (2) and (3) apply where—

- (a) an individual has been paid a serious ill-health lump sum in respect of an arrangement⁽¹⁾,
- (b) as a result of a relevant rectification provision, the individual has acquired rights under the arrangement (“the retrospective entitlement”),
- (c) the individual is paid a lump sum (“the top-up SIHLS”) in respect of that arrangement which, disregarding paragraph 4(1)(ca) of Schedule 29 to FA 2004 (requirement that lump sum extinguish uncrystallised rights), would be a serious ill-health lump sum in respect of that arrangement, and
- (d) the top-up SIHLS extinguishes the retrospective entitlement.

(2) The top-up SIHLS is to be treated as a serious ill-health lump sum.

(3) Regulation 3 of RPS(AP)R 2009 (commutation payments) does not apply in relation to the payment.

Commencement Information

II [Reg. 22](#) in force at 6.4.2023, see [reg. 1\(2\)](#)

⁽¹⁾ For the purposes of Part 4 of FA 2004, “arrangement” is defined in section 152(1) of that Act.

Changes to legislation:

There are currently no known outstanding effects for the The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023, Section 22.