
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 4

Lifetime allowance charge

Public service scheme to be liable where private sector scheme discharged

36.—(1) Paragraph (3) applies where—

- (a) before the relevant time, a benefit crystallisation event has taken place in relation to an individual (“the individual”) in connection with the individual’s entitlement under a Chapter 1 scheme or a judicial scheme to any remediable service benefits,
- (b) a later benefit crystallisation event (“the later BCE”) takes place in relation to the individual in connection with the individual’s entitlement to any benefits under a pension scheme that is not a public service pension scheme (“the private sector scheme”),
- (c) a lifetime allowance charge, or any part of such a charge, that is charged in connection with the later BCE is attributable to a relevant rectification provision, and
- (d) the scheme administrator of the private sector scheme makes a successful application under section 267 of FA 2004 (application for discharge of scheme administrator’s liability for lifetime allowance charge) in respect of their liability for the lifetime allowance charge, or part of such a charge, mentioned in sub-paragraph (c).

(2) In paragraph (1) “the relevant time” means—

- (a) in relation to an individual’s entitlement under a Chapter 1 scheme, the time at which section 2(1) of PSPJOA 2022 comes into force;
- (b) in relation to an individual’s entitlement under a judicial scheme, the time at which a 2015 scheme election is made in respect of the individual.

(3) The scheme administrator of the pension scheme under which the remediable service benefits are payable is liable (jointly and severally with the individual) for the lifetime allowance charge, or part of such charge, mentioned in paragraph (1)(c).

(4) The Registered Pension Schemes (Accounting and Assessment) Regulations 2005(1) have effect subject to the following modifications.

(5) Regulation 3 (particulars required to be included in returns under section 254 of FA 2004 of income tax to which a scheme administrator is liable)(2) has effect as if, in Table 1, in the entry

(1) [S.I. 2005/3454](#).

(2) Regulation 3 was amended by section 10 of, and paragraph 21(1) of Schedule 4 to, FA 2017 (c. 10), [S.I. 2011/302](#), [S.I. 2011/1751](#) and [S.I. 2013/1111](#).

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 36. (See end of Document for details)

for section 214 of FA 2004 (lifetime allowance charge) at the end there were inserted “(other than a charge to which the scheme administrator is liable under regulation 36(3) of the Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023.”.

(6) Regulation 4 (the making of assessments)(3) has effect as if, in Table 2, at the end there were inserted—

“Case 9: a charge to tax arises under regulation 36(3) of the Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023. The person who is liable to the charge.”.

(7) Regulation 5 (interest)(4) has effect as if, in Table 3, at the end there were inserted—

“Tax assessed under case 9.

The day after the date on which the tax charged in connection with the later BCE became due from the individual. For this purpose “the later BCE” and “the individual” have the same meaning as in regulation 36 of the Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023.”.

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Commencement Information

II [Reg. 36](#) in force at 6.4.2023, see [reg. 1\(2\)](#)

(3) Regulation 4 was amended by [S.I. 2014/1928](#).

(4) Regulation 5 was amended by [S.I. 2014/1928](#).

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 36.