
STATUTORY INSTRUMENTS

2023 No. 942

The Public Service (Civil Servants and Others)
Pensions (Remediable Service) Regulations 2023

PART 5

Voluntary contributions

CHAPTER 3

Treatment of remediable added pension rights

Application and interpretation of Chapter 3

31.—(1) This Chapter applies in relation to “remediable added pension rights”, being added pension rights secured by a remedy member (“M”) by virtue of—

- (a) a lump sum voluntary contribution made during the period of M’s remediable service, or
- (b) a voluntary contribution under a periodic arrangement which commenced during the period of M’s remediable service.

(2) In paragraph (1), “added pension rights” and “periodic arrangement” have the meanings given in regulation 26.

Treatment of added pension rights under alpha

32.—(1) Where M’s remediable added pension rights would, apart from this regulation, be rights to benefits under alpha, the rights—

- (a) are not, and are treated as never having been, rights to benefits under alpha, and
- (b) are treated as being, and as always having been, rights to benefits under the PCSPS.

(2) Paragraph (1) has effect for the purpose of determining which civil service scheme is (or at any time was) required to pay benefits to or in respect of M’s remediable added pension rights.

(3) Paragraph (4) applies where—

- (a) section 2(1) of PSPJOA 2022 has effect in relation to the remediable service of an immediate choice member (“M”),
- (b) M secured rights to alpha added pension (within the meaning of regulation 26) by virtue of—
 - (i) an arrangement under which M paid a lump sum voluntary contribution during the period of M’s remediable service, or
 - (ii) a periodic arrangement which commenced during the period of M’s remediable service, and
- (c) immediately before 1st October 2023, M was a pensioner member in relation to alpha.

(4) Where this paragraph applies—

- (a) the rights to alpha added pension mentioned in paragraph (3)(b) are to be treated for the purposes of these Regulations and of PSPJOA 2022 as if those rights were secured by virtue of M's remediable service, and
- (b) section 2(5)(a) of PSPJOA 2022 does not apply in relation to the arrangement by virtue of which M secured the rights to alpha added pension (and, accordingly, section 2(1) of PSPJOA 2022 affects that arrangement).

Benefits already paid in relation to added pension rights

33.—(1) Paragraph (2) applies in relation to any benefits (“the paid benefits”) that alpha has at any time paid to a person (“P”) so far as—

- (a) they are calculated by reference to remediable added pension rights, and
 - (b) they are benefits that, as a result of regulation 32(1)(a), P was not entitled to receive.
- (2) The paid benefits are to be treated for all purposes—
- (a) as not having been paid to P by alpha, but
 - (b) as having been paid to P instead by the PCSPS.

Pension benefits and lump sum benefits in relation to remediable additional rights

34.—(1) This regulation applies in relation to any benefits that have been paid to or in respect of the remediable added pension rights of an immediate choice member.

- (2) Where, at the operative time—
- (a) the aggregate of benefits that (after taking into account the effect, if any, of regulation 33(2)) have been paid under the PCSPS to any person (“the beneficiary”) in respect of M's remediable additional rights, exceeds
 - (b) the aggregate of the benefits to which (after taking into account the effect, if any, of regulations 27(6), 28(4), 29(2) and 32(1)) the beneficiary is entitled under the scheme in respect of the rights,

the beneficiary must pay an amount equal to the difference to the scheme.

- (3) Where, at the operative time—
- (a) the amount mentioned in paragraph (2)(a), is less than
 - (b) the amount mentioned in paragraph (2)(b),

the scheme manager must pay an amount equal to the difference to the beneficiary.

- (4) In this regulation, “the operative time” means—
- (a) if an immediate choice decision is made in relation to M's remediable service, the time the decision is made;
 - (b) otherwise, the end of the section 6 election period in relation to M.