

## SCHEDULE 1

Regulation 70

### Immediate detriment remedy

#### **Application of this Schedule**

1. This Schedule applies to an immediate detriment remedy member.

#### **Application of provisions within sections 2 to 30 of PSPJOA 2022 in relation to an immediate detriment remedy member**

2. The following sections of PSPJOA 2022 and, where stated, provisions of these Regulations made under them, apply in respect of an immediate detriment remedy member—

- (a) section 2 (remediable service treated as pensionable under Chapter 1 legacy schemes);
- (b) section 3 (benefits already paid);
- (c) section 4(1) and (9) (meaning of “the relevant Chapter 1 legacy scheme” etc);
- (d) section 5 (election for retrospective provision to apply to opted-out service) and regulation 8 (election for retrospective provision to apply to opted-out service);
- (e) section 18 (powers to reduce or waive liabilities) and regulation 69 (power to reduce or waive amounts owed by a person to the legacy scheme);
- (f) section 22(1), (2)(j) and (6) (further powers to make provision about special cases) and Parts 7 (taxation) and 11 (revocation of election to convert pensionable service under the legacy scheme) of these Regulations;
- (g) section 23 (power to pay compensation) and regulation 61 (applications for compensation or indirect compensation);
- (h) section 24 and regulation 62 (indirect compensation);
- (i) section 25 (remedial arrangements to pay voluntary contributions to legacy schemes) and regulation 23 (remedial arrangements to pay voluntary contributions to secure legacy scheme additional pension);
- (j) section 26 (interest and process) and—
  - (i) regulation 63 (application and interpretation of Part 9);
  - (ii) regulation 64 (interest and process);
  - (iii) regulation 65 (interest not payable under the 1995 Regulations or the 2008 Regulations);
  - (iv) regulation 66 (netting off of liabilities);
  - (v) regulation 67 (payments of amounts owed to the scheme);
  - (vi) regulation 68 (payments of amounts owed to a person);
- (k) section 27(1), (2)(a), (e), (f) and (h) to (j) and (3) to (5) (Treasury directions);
- (l) section 28 (scheme rules that prohibit unauthorised payments);
- (m) section 30 (section 61 of the Equality Act 2010 etc).

#### **Pension contributions of medical practitioners and non-GP providers: immediate detriment remedy members**

3.—(1) This paragraph applies in relation to a relevant member (“M”) who has remediable service under the legacy scheme that is pensionable service under that scheme by virtue of section 2(1) of

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PSPJOA 2022 (remediable service treated as pensionable under Chapter 1 legacy schemes) (“M’s remediable service”) in the circumstances described in paragraph (2).

(2) The circumstances are that on 1st October 2023—

- (a) the paid contributions amount in relation to M exceeds
- (b) the adjusted contributions amount in relation to M.

(3) In these circumstances, the scheme manager must, as soon as reasonably practicable after 1st October 2023, pay an amount of compensation equal to the difference to the appropriate person adjusted in accordance with paragraph (4).

(4) The amount of compensation paid to the appropriate person must be reduced by tax relief amounts calculated in accordance with paragraphs (5) to (8) and, if relevant, (11) and (12) of direction 4 of the 2022 Directions (powers to reduce or waive liabilities).

(5) In this paragraph—

“adjusted contributions amount” means the aggregate of the contributions M would have paid in respect of M’s remediable service in the relevant scheme years if M had been required to pay legacy scheme contributions;

“appropriate person” means M, or if M is deceased, M’s personal representatives;

“paid contributions amount” means the 2015 scheme contributions paid by M in the relevant scheme years in respect of M’s remediable service;

“relevant member” means a member who—

- (a) is an immediate detriment remedy member, and
- (b) is or was a medical practitioner or non-GP provider who paid contributions in respect of their certified or final pensionable earnings uprated according to the formula in regulation 38(3)(a) of the 2015 Regulations in respect of any scheme year falling within the period of their remediable service.

#### **Pension benefits and lump sum benefits: immediate detriment remedy member**

4.—(1) This paragraph applies in relation to an immediate detriment remedy member (“M”) (whether or not deceased on 1st October 2023) who has remediable service under the legacy scheme that is pensionable service under that scheme (whether or not by virtue of section 2(1) of PSPJOA 2022 (“M’s remediable service”)).

(2) Where on 1st October 2023—

- (a) the aggregate of the pension benefits that, after taking into account the effect, if any, of section 3(2) of PSPJOA 2022 (benefits already paid), have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service is less than
- (b) the aggregate of the pension benefits to which, after taking into account the effect, if any, of section 2(1) of PSPJOA 2022 in relation to the service, the beneficiary is entitled under the scheme in respect of the service,

the scheme manager must, subject to sub-paragraph (4), pay an amount equal to the difference to the beneficiary.

(3) Where on 1st October 2023—

- (a) the aggregate of the lump sum benefits that, after taking into account the effect, if any, of section 3(2) of PSPJOA 2022 have been paid under the scheme to any person (“the beneficiary”) in respect of, or associated with, M’s remediable service is less than
- (b) the aggregate of the lump sum benefits to which, after taking into account the effect, if any, of section 2(1) of PSPJOA 2022 in relation to the service, the beneficiary is entitled under the scheme in respect of the service,

the scheme manager must, subject to sub-paragraph (4), pay an amount equal to the difference to the beneficiary.

(4) The aggregate of the amounts payable to the beneficiary under sub-paragraphs (2) and (3) must be reduced by the amount paid to the beneficiary under section 32(1) of PSPJOA 2022 (whether an “immediate detriment remedy” has been obtained).

### **Remediable service statement in respect of an immediate detriment remedy member**

5.—(1) The scheme manager must provide a remediable service statement to each immediate detriment remedy member before 1st April 2025.

(2) The remediable service statement must include—

- (a) a description of the benefits currently available under the legacy scheme in respect of the member’s remediable service;
- (b) a description of—
  - (i) the remedial arrangement that may be entered into under regulation 23 (remedial arrangements to pay voluntary contributions to secure legacy scheme additional pension), and
  - (ii) the circumstances in which, and the process by which, such an arrangement may be entered into; and
- (c) so far as applicable to the member, the information mentioned in the following provisions of direction 20(1) of the 2022 Directions (remediable service statements)—
  - (i) sub-paragraph (a);
  - (ii) sub-paragraph (c)(i), (ii), (v) and (vi) (disregarding the words “section 20(1) of” in the opening of that sub-paragraph);
  - (iii) sub-paragraph (f) (disregarding the words “and as a result of any election under section 5, 6 or 10 of PSPJOA 2022” in that sub-paragraph);
  - (iv) sub-paragraph (g);
  - (v) sub-paragraph (h);
  - (vi) sub-paragraph (i) (disregarding the words “where the condition in section 29(3) of PSPJOA 2022 is satisfied” in the opening text of that sub-paragraph); and
  - (vii) sub-paragraph (k).

### **Reimbursement of the NHS Business Services Authority**

6. The scheme manager must reimburse the scheme administrator the amount paid to an immediate detriment remedy member under section 32(1) of PSPJOA 2022 (whether an “immediate detriment remedy” has been obtained).