

Public Service Pensions and Judicial Offices Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 16

LORD PONSONBY OF SHULBREDE
BARONESS JANKE

1 Page 14, line 2, leave out “may” and insert “must”

Member’s explanatory statement

This would require, rather than allow, pension scheme regulations to make provision for circumstances in which a liability owed by a person to a scheme will be reduced or waived. This is to probe further details on what circumstances will be provided for and how the schemes will be designed.

2 Page 14, line 5, leave out “may” and insert “must”

Member’s explanatory statement

This would require, rather than allow, pension scheme regulations to make provision for circumstances in which a liability owed by a person to a scheme will be reduced or waived. This is to probe further details on what circumstances will be provided for and how the schemes will be designed.

3 Page 14, line 10, leave out “may” and insert “must”

Member’s explanatory statement

This would require, rather than allow, pension scheme regulations to make provision for circumstances in which a liability owed by a person to a scheme will be reduced or waived. This is to probe further details on what circumstances will be provided for and how the schemes will be designed.

Clause 18

LORD DAVIES OF BRIXTON

4★ Page 15, line 31, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require, rather than enable, scheme regulations to make provision about cases where a member has paid voluntary contributions.

- 5★ Page 15, line 38, leave out “may” and insert “must”

Member's explanatory statement

This amendment reflects the amendment made at page 15, line 31 above.

- 6★ Page 15, line 43, at end insert –

“(3A) It also includes provision for those –

- (a) who have not made voluntary contributions to the Chapter 1 new scheme; and
- (b) who can demonstrate that they would have made voluntary contributions had they been a member of the relevant legacy scheme for some or all of the remedy period.”

Member's explanatory statement

This amendment requires regulations to be made to enable members to make voluntary payments retrospectively into Chapter 1 legacy schemes in cases where they have not made such payments into the new scheme.

- 7★ Page 15, line 44, leave out “may” and insert “must”

Member's explanatory statement

This amendment reflects the amendments made at page 15, line 31 and 38 above.

- 8★ Page 16, line 8, leave out “include provision under which” and insert “allow the member in question to select one of the following”

Member's explanatory statement

This amendment allows the member to retain the benefit of voluntary contributions they made if they wish to do so.

- 9★ Page 16, line 16, after “paid” insert “and interest”

Member's explanatory statement

This amendment allows members to receive interest on any voluntary contributions that are reimbursed to them.

Clause 19

LORD DAVIES OF BRIXTON

- 10★ Page 16, line 21, leave out “may” and insert “must”

Member's explanatory statement

This amendment would require, rather than enable, scheme regulations to make provision about cases where members transfer in or out of pension schemes in respect of remediable service.

- 11★ Page 16, line 40, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require, rather than enable, scheme regulations to make provision that the rights to benefits in a legacy scheme arising from a transfer are varied where a member selects a new scheme for the period of remediable service.

- 12★ Page 16, line 45, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require, rather than enable, scheme regulations to make provision that the rights to benefits arising from a transfer are varied so that they are of equivalent value to the rights in a new scheme for the period of remediable service.

Clause 21

LORD DAVIES OF BRIXTON

- 13★ Page 17, line 41, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require, rather than enable, scheme managers to pay compensation in respect of compensatable losses.

- 14★ Page 18, line 4, leave out paragraph (b)

Member’s explanatory statement

This amendment would remove the requirement for Treasury Directions to allow the recoverability of the loss, leaving the three conditions to set the parameters for recoverability.

- 15★ Page 18, line 13, at end insert –

“(6A) In subsection (5), a “loss attributable to the application of any provision of, or made under, this Chapter” includes –

- (a) a loss incurred by a member with remediable service due to decisions made on the basis they were in either the new scheme or in both the legacy and new schemes in the period 1 April 2015 to 31 March 2022;
- (b) a loss incurred by a member with remediable service as a result of the closure of their legacy scheme before they can retire with full benefits, despite commitments in the Reform Design Framework for the Public Service Pensions Act 2013 and in Home Office Circular 014/2013 that they could remain in their legacy scheme until they retired;
- (c) a loss incurred by a member with remediable service who is transferred to the new scheme and reaches the required number of years of pensionable service to retire with full benefits under the legacy scheme but must continue working in order to retire with full benefits under the new scheme.”

Member’s explanatory statement

This amendment ensures that certain losses incurred as a result of the Bill will be compensated.

Clause 23

LORD DAVIES OF BRIXTON

- 16★ Page 19, line 16, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require, rather than enable, scheme regulations to be made about interest on payments made by or to members and the process by which payments are to be made.

- 17★ Page 19, line 21, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would require, rather than enable, scheme regulations to make the provisions described at paragraphs (a) to (d).

- 18★ Page 19, line 26, leave out “only on the making of an application”

Member’s explanatory statement

This amendment would not require members to make an application in order to receive relevant amounts and any interest on them owed to them by the scheme.

- 19★ Page 19, line 31, at end insert –

“(2A) Regulations made under subsection (2)(a) must provide that amounts by way of compensation payable under section 21 are paid within 28 days of approval or following the determination of any appeal.”

Member’s explanatory statement

This amendment ensures that compensation payable to members under clause 21 is paid promptly.

Clause 24

LORD PONSONBY OF SHULBREDE
BARONESS JANKE

- 20★ Page 20, line 31, at end insert –

“(4A) Before issuing Treasury directions under this section the Treasury must consult such persons, or representatives of such persons, as the Treasury considers likely to be affected by the directions or by any scheme regulations made in relation to the directions.”

Member’s explanatory statement

This probing amendment would require the Treasury to consult affected parties before issuing Treasury Directions.

Clause 26

LORD PONSONBY OF SHULBREDE
BARONESS JANKE

- 21 Page 21, line 21, after “description” insert “, provided in clear and accessible language,”

Member’s explanatory statement

This probing amendment raises the need for information in a remediable service statement to be provided in clear, easy-to-understand language.

- 22 Page 21, line 23, after “description” insert “, provided in clear and accessible language,”

Member’s explanatory statement

This probing amendment raises the need for information in a remediable service statement to be provided in clear, easy-to-understand language.

- 23 Page 21, line 26, after “description” insert “, provided in clear and accessible language,”

Member’s explanatory statement

This probing amendment raises the need for information in a remediable service statement to be provided in clear, easy-to-understand language.

- 24 Page 21, line 27, at end insert –

“(d) instruction on how a member of the scheme may access further explanatory support and assistance on any information included in the remediable service statement.”

Member’s explanatory statement

This probing amendment would require a remediable service statement to include signposting to where a scheme member could access further explanatory support and assistance on the information included in the statement.

- 25 Page 21, line 27, at end insert –

“(5A) Descriptions provided under subsection (5)(a) and (b) must include sufficient detail to allow members to complete a self-assessment for tax purposes.”

Member’s explanatory statement

This amendment requires remediable service statements to include sufficient information to allow a member to evaluate the tax implications of their membership of the legacy and new schemes respectively.

Clause 80

LORD DAVIES OF BRIXTON

- 26★ Page 56, line 3, leave out “(2) and (3)” and insert “(1A) to (3).

(1A) In subsection (3), for “directions” substitute “regulations” .

Clause 80 - continued

- (1B) In subsection (4), for “directions” substitute “regulations” and delete paragraph (c).”

Member’s explanatory statement

This amendment requires the calculation of the employer cost cap to be set in accordance with Treasury regulations, rather than Treasury directions. It also removes from the calculation the effect of changes in the cost of connected schemes.

Clause 84

LORD PONSONBY OF SHULBREDE
BARONESS JANKE

- 27 Page 60, line 37, leave out “may” and insert “must”

Member’s explanatory statement

This would require, rather than allow, the Treasury to make regulations providing details of a compensation scheme.

- 28 Page 61, line 4, at end insert –

“(da) provision conferring a right of appeal against a decision of the body;”

Member’s explanatory statement

This amendment probes whether there will be a right of appeal on compensation decisions.

- 29 Page 61, line 11, at end insert –

“(2A) A body appointed under subsection (2)(a) is to consist of –

- (a) an independent chair; and
- (b) members appointed on the recommendation of a relevant scheme’s advisory board or equivalent.”

Member’s explanatory statement

This amendment probes the intended membership of a compensation scheme body. It would require the body to be chaired by an independent person and include members recommended by, for example, the Police Scheme Advisory Board.

- 30 Page 61, line 27, at end insert –

“(5A) Before making regulations under this section the Treasury must consult –

- (a) members of relevant Chapter 1 schemes, or representatives of such persons;
- (b) any other such person as the Treasury considers appropriate.”

Member’s explanatory statement

This amendment requires the Treasury to consult with representative bodies of relevant members, before making regulations under this section.

- 31★ Page 61, line 28, leave out “negative” and insert “affirmative”

Member's explanatory statement

This probing amendment would require regulations under this section to be subject to the affirmative rather than negative procedure.

After Clause 90

BARONESS JANKE

32★ Insert the following new Clause –**“Review of the impact of this Act on fairness**

- (1) Within six months of the day on which this Act is passed the Secretary of State must lay before Parliament a review of the impact of this Act on fairness to members in receipt of pensions to which this Part applies.
- (2) The review under subsection (1) must make reference to the impact of the provisions on women in particular.
- (3) The review under subsection (1) must make recommendations as to whether further legislation should be brought forward by the Government to try and close the public service pensions gap between men and women.”

Member's explanatory statement

This amendment would require the Government to report on the impact of this Part on fairness, especially with regards to women.

BARONESS JANKE

LORD PONSONBY OF SHULBREDE

33★ Insert the following new Clause –**“Guidance**

- (1) Within six months of the day on which this Act is passed the Government must lay before Parliament a copy of draft guidance to members of pension schemes affected by this Part.
- (2) The purpose of the guidance under subsection (1) is to ensure members are able to make informed choices about their pensions.
- (3) The guidance may also outline plans by the Government to provide a free helpline or online service which members can use to receive further guidance about their pension.
- (4) Within six months of the day on which the guidance is published the Government must lay before Parliament a report on its effectiveness in achieving the purpose in subsection (2).”

Member's explanatory statement

This amendment would require the Government to publish guidance to members of pension schemes affected by this Part and allows for provision of a helpline or online service to offer further assistance.

Schedule 1

LORD PONSONBY OF SHULBREDE
LORD ETHERTON
BARONESS JANKE

34 Page 85, line 11, leave out “75” and insert “72”

Member’s explanatory statement

This would set the judicial retirement age in the Judicial Pensions Act 1959 to 72, rather than 75. This is a probing amendment to raise the issue of the appropriate retirement age for the judiciary.

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7 October 2021
