

Public Service Pensions and Judicial Offices Bill [HL]

AMENDMENTS TO BE MOVED ON REPORT

Clause 1

VISCOUNT YOUNGER OF LECKIE

Page 1, line 7, leave out “a person’s service” and insert “any continuous period of service of a person”

Member’s explanatory statement

This amendment clarifies that the definition of “remediable service” applies separately in relation to service of a person that takes place at different times (so that a person may have some service that is “remediable service” and some that is not, and may have more than one period of remediable service).

Page 2, line 3, after “that” insert “all of”

Member’s explanatory statement

This amendment clarifies that the second condition (which is concerned with whether service is pensionable) must be met in relation to all of the service in question.

Page 2, line 8, after “normal pension age” insert “or another specified age”

Member’s explanatory statement

This amendment recognises that some legacy schemes offered transitional protection to people who met conditions relating to a lower age than normal pension age.

Page 2, line 9, leave out subsections (5) and (6) and insert –

“(5) The third condition is that the person –

- (a) was, on 31 March 2012 or any earlier day, in service in any employment or office that is pensionable service under –
 - (i) a Chapter 1 legacy scheme,
 - (ii) a judicial legacy scheme (within the meaning of Chapter 2), or
 - (iii) a local government legacy scheme (within the meaning of Chapter 3), or

Clause 1 - continued

- (b) is not within paragraph (a) and was, on 31 March 2012, in service as a firefighter which entitled the person to be an active member of a relevant firefighters' legacy scheme.
- (6) The fourth condition is that there is no disqualifying gap in service falling within the period –
 - (a) beginning with –
 - (i) in a case in which the third condition is met by virtue of subsection (5)(a), the day after the most recent day in relation to which that condition is met;
 - (ii) in a case in which the third condition is met by virtue of subsection (5)(b), 1 April 2012, and
 - (b) ending with the day before the first day of the service in question.”

Member's explanatory statement

This amendment adjusts the third condition in this clause to cater for the fact that certain schemes for firefighters gave transitional protection to those who on 31 March 2012 were in active service but were not active members of the scheme. The fourth condition is amended consequentially.

Page 2, line 21, leave out from “which” to end of line 24 and insert –

- “(a) is pensionable service under –
 - (i) a Chapter 1 scheme,
 - (ii) a judicial scheme (within the meaning of Chapter 2), or
 - (iii) a local government scheme (within the meaning of Chapter 3), or
- (b) is, as a result of a Fair Deal transfer, pensionable service under a Fair Deal scheme.”

Member's explanatory statement

This amendment ensures that service in a private sector scheme under Fair Deal arrangements (which, before 2013, governed the pension arrangements that had to be offered to those in public service who were compulsorily transferred to the private sector) does not count as part of a “disqualifying gap in service” for the purposes of the fourth condition.

Clause 4

VISCOUNT YOUNGER OF LECKIE

Page 4, line 12, leave out from “person” to “the” in line 16 and insert “from becoming an active member of”

Member's explanatory statement

This amendment simplifies the condition in subsection (2)(b).

Page 4, line 24, leave out paragraphs (a) to (c) and insert –

- “(a) at any time after the closing date, the person –
 - (i) opted that their service in the employment or office in question should no longer be pensionable service under a Chapter 1 scheme, or
 - (ii) ceased to be in service in the employment or office in question,

Clause 4 - continued

- (b) at any later time before 1 April 2022, the person—
 - (i) opted that their service in the employment or office in question should again be pensionable service under a Chapter 1 scheme, or
 - (ii) resumed service in the employment or office in question,
- (c) at that time, the rules of the Chapter 1 legacy scheme mentioned in subsection (1) prohibited a person from becoming an active member of the scheme, and”

Member’s explanatory statement

This amendment expands the special case dealt with in subsection (3) in two ways. First, so that it covers those who remained in legacy schemes after the closing date, subsequently opted out, and then decided to opt back in to a Chapter 1 scheme; and second so that it covers those who left service in the employment or office in question after the closing date and subsequently resumed service.

Clause 5

VISCOUNT YOUNGER OF LECKIE

Page 5, line 42, leave out from “which” to “or” in line 43 and insert “a remediable service statement is first provided in respect of the member”

Member’s explanatory statement

This amendment ensures that the definition is apt for a case in which the member to whom a remediable service statement relates has died.

Page 6, line 26, at end insert—

- “(c) in cases in which any assets and liabilities that are referable to pension contributions made by or on behalf of the person have been transferred out of a partnership pension account, a condition requiring the payment to the scheme of an amount in respect of the transfer.”

Member’s explanatory statement

This amendment makes clear that scheme regulations may require that, in a case in which an amount has in the past been transferred out of a partnership pension account, an election under this clause can be made only if a payment in respect of the transfer is made to the Chapter 1 legacy scheme.

Page 6, line 29, leave out “(1)”

Member’s explanatory statement

This amendment clarifies the reference in subsection (7) of this Clause to the definition of “the relevant Chapter 1 legacy scheme” in Clause 4.

Page 6, line 30, leave out “the” and insert “any”

Member's explanatory statement

This amendment clarifies the reference in subsection (7) of this Clause to the definition of "the relevant Chapter 1 legacy scheme" in Clause 4.

Clause 7

VISCOUNT YOUNGER OF LECKIE

Page 7, line 38, leave out from "which" to "or" in line 39 and insert "a remediable service statement is first provided in respect of the member"

Member's explanatory statement

This amendment ensures that the definition is apt for a case in which the member to whom a remediable service statement relates has died.

After Clause 8

VISCOUNT YOUNGER OF LECKIE

Insert the following new Clause—

"Persons with remediable service in more than one Chapter 1 legacy scheme"

- (1) This section applies where—
 - (a) an election is made by virtue of section 6 (immediate choice to receive new scheme benefits) in relation to the remediable service in an employment or office of a member ("M") of a Chapter 1 legacy scheme that is pensionable service under the scheme, and
 - (b) M has any remediable service in that employment or office that is pensionable service under another Chapter 1 legacy scheme.
- (2) If M is a relevant member within the meaning of section 6 in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 6 in relation to M's remediable service that is pensionable service under that scheme (as well as having effect as such an election in relation to M's remediable service that is pensionable service under the scheme mentioned in subsection (1)(a)).
- (3) If M is a relevant member within the meaning of section 9 (deferred choice to receive new scheme benefits) in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 9 in relation to M's remediable service that is pensionable service under that scheme (as well as having effect as an election by virtue of section 6 in relation to M's remediable service that is pensionable service under the scheme mentioned in subsection (1)(a))."

Member's explanatory statement

This amendment ensures that where a person has remediable service in an employment or office that is pensionable under more than one legacy scheme, the person can opt for new scheme benefits in respect of service in that employment or office in all of those schemes, but cannot opt for new scheme benefits in only some of those schemes.

Clause 10

VISCOUNT YOUNGER OF LECKIE

Page 9, line 5, leave out from “which” to end of line 6 and insert “it is reasonably expected that, if an election were made, new scheme benefits would become payable under the scheme to or in respect of the member.”

Member’s explanatory statement

This amendment adjusts the rule in subsection (2) so that it operates by reference to the time that benefits would become payable in accordance with an election (which may be a different time to the time at which benefits would become payable if no election were made).

Page 9, line 24, leave out “relevant”

Member’s explanatory statement

This amendment removes a redundant word from subsection (6).

After Clause 11

VISCOUNT YOUNGER OF LECKIE

Insert the following new Clause –

“Persons with remediable service in more than one Chapter 1 legacy scheme

- (1) This section applies where –
 - (a) an election is made by virtue of section 9 (deferred choice to receive new scheme benefits) in relation to the remediable service in an employment or office of a member (“M”) of a Chapter 1 legacy scheme that is pensionable service under the scheme, and
 - (b) M has any remediable service in that employment or office that is pensionable service under another Chapter 1 legacy scheme.
- (2) If M is a relevant member within the meaning of section 9 in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 9 in relation to M’s remediable service that is pensionable service under that scheme (as well as having effect as such an election in relation to M’s remediable service that is pensionable service under the scheme mentioned in subsection (1)(a)).
- (3) If M is a relevant member within the meaning of section 6 (immediate choice to receive new scheme benefits) in relation to the scheme mentioned in subsection (1)(b), the election has effect as an election by virtue of section 6 in relation to M’s remediable service that is pensionable service under that scheme (as well as having effect as an election by virtue of section 9 in relation to M’s remediable service that is pensionable service under the scheme mentioned in subsection (1)(a)).”

Member’s explanatory statement

This amendment ensures that where a person has remediable service in an employment or office that is pensionable under more than one legacy scheme, the person can opt for new scheme benefits in respect of service in that employment or office in all of those schemes, but cannot opt for new scheme benefits in only some of those schemes.

Clause 13

VISCOUNT YOUNGER OF LECKIE

Page 11, line 42, at end insert –

“(6A) A reference in subsection (6) to pension contributions paid by M includes, in relation to any pension contributions paid under a partnership pension account, such sums as are deducted by M under section 192 of FA 2004 (relief at source).”

Member’s explanatory statement

This amendment clarifies that “the paid contributions amount” defined in subsection (6) includes tax relief deducted at source.

Clause 14

VISCOUNT YOUNGER OF LECKIE

Page 12, line 29, leave out “M” and insert “the appropriate person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 12, line 33, leave out “M” and insert “the appropriate person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 12, line 39, at end insert –

“(5A) A reference in subsection (5) to pension contributions paid by M includes, in relation to any pension contributions paid under a partnership pension account, such sums as are deducted by M under section 192 of FA 2004 (relief at source).”

Member’s explanatory statement

This amendment clarifies that “the paid contributions amount” defined in subsection (5) includes tax relief deducted at source.

Page 12, line 41, at end insert –

“(6A) In this section “the appropriate person” means –
 (a) M, or
 (b) if M is deceased, M’s personal representatives.”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 15

VISCOUNT YOUNGER OF LECKIE

Page 13, line 22, leave out “M” and insert “the appropriate person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 13, line 26, leave out “M” and insert “the appropriate person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 13, line 32, at end insert –

“(5A) A reference in subsection (5) to pension contributions paid by M includes, in relation to any pension contributions paid under a partnership pension account, such sums as are deducted by M under section 192 of FA 2004 (relief at source).”

Member’s explanatory statement

This amendment clarifies that “the paid contributions amount” defined in subsection (5) includes tax relief deducted at source.

Page 13, line 40, at end insert –

“(7A) In this section “the appropriate person” means –
(a) M, or
(b) if M is deceased, M’s personal representatives.”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 18

VISCOUNT YOUNGER OF LECKIE

Page 15, line 34, leave out subsection (2)

Member’s explanatory statement

This amendment is in consequence of the government amendment of clause 92 which applies the definition of “voluntary contributions” to the whole of Part 1.

Page 16, line 9, leave out “member in question” and insert “person whose rights are extinguished”

Member's explanatory statement

This amendment recognises that persons other than the member who pays voluntary contributions (for example their spouse) may obtain rights in consequence of the contributions.

Page 16, line 11, leave out from beginning to “secured” in line 12 and insert “rights are conferred under a Chapter 1 scheme that would have been”

Member's explanatory statement

This amendment recognises that persons other than the member who pays voluntary contributions (for example their spouse) may obtain rights in consequence of the contributions.

Page 16, line 14, after “scheme” insert “manager”

Member's explanatory statement

This amendment is to clarify that a payment of compensation under regulations under subsection (6)(c) of this Clause would, like other payments of compensation by virtue of Part 1 (such as those under Clause 21), be paid by the relevant scheme manager.

Page 16, line 14, leave out “in question” and insert “who paid the contributions or, if that member is deceased, that member’s personal representatives”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 20

VISCOUNT YOUNGER OF LECKIE

Page 17, line 17, at end insert –

- “(aa) provision about the benefits payable to or in respect of a member who has remediable service in an employment or office where –
- (i) there is another Chapter 1 scheme that provides benefits for persons in that employment or office, and
 - (ii) the two schemes provide (or in any circumstances might provide) benefits to or in respect of a person in relation to the same period of service;”

Member's explanatory statement

This amendment is to enable provision to be made where service may entitle a person to benefits under more than one scheme (for example, some service in the armed forces entitles a person both to early departure payments under one scheme and (when they are older) to pension payments under another scheme).

Page 17, line 29, leave out paragraph (d) and insert –

- “(d) provision about cases in which the scheme administrator of a Chapter 1 scheme pays a liability under section 217 or 237B of FA 2004 (joint liability of scheme administrator to lifetime allowance charge or annual allowance charge);”

Member's explanatory statement

This amendment generalises the power in subsection (2)(d) of this Clause so that it confers power to make provision about any case in which a member's liability to a lifetime allowance charge, or an annual allowance charge, is paid under the "scheme pays" facility (under which the liability is paid by the scheme administrator and the member's benefits are reduced in consequence).

Page 17, line 32, at end insert –

- “(e) provision about cases in which remuneration is or was payable to a person on the satisfaction of a condition relating to whether any remediable service of the person is or was, or is or was eligible to be, pensionable service under a particular Chapter 1 scheme (including provision requiring any such remuneration that has been paid to be repaid).”

Member's explanatory statement

This amendment is to enable provision to be made under this Clause about employments etc (such as the armed forces) in which a person's pay may be determined by reference to whether their service is (or is eligible to be) pensionable service under a particular scheme.

Page 17, line 32, at end insert –

- “(f) provision about cases in which a former member of the armed forces –
- (i) is, disregarding section 2 (1), entitled under regulation 19 of AFEDP 2014 (lump sum awards: incapacity for armed forces service) to a payment determined (to any extent) by reference to the person's remediable service in an employment or office, or
 - (ii) would be entitled under that regulation to such a payment if the benefits payable to the person, so far as determined by reference to the person's remediable service in the employment or office, were new scheme benefits.”

Member's explanatory statement

This amendment is to enable provision to be made under this clause to ensure that the Chapter works fairly for members of the armed forces who would be entitled to an incapacity lump sum under the new armed forces scheme, even if they would not have been entitled to such a payment under the rules of the legacy scheme.

Page 17, line 32, at end insert –

- “(2A) Scheme regulations for a Chapter 1 new scheme may make provision about injury and compensation benefits payable under a relevant injury and compensation scheme to or in respect of a member who has remediable service in an employment or office.
- (2B) Provision made under subsection (2A) may in particular be made by amending the relevant injury and compensation scheme.
- (2C) In subsections (2A) and (2B) and this subsection –
- (a) “injury and compensation scheme” means a pension scheme that is listed in Schedule 6 to PSPA 2013 or Schedule 6 to PSPA(NI) 2014 (existing injury and compensation schemes);

Clause 20 - continued

- (b) an injury and compensation scheme is “relevant”, in relation to a Chapter 1 new scheme, if it is connected with the Chapter 1 new scheme;
- (c) a reference to “injury and compensation benefits” payable under an injury and compensation scheme is a reference to –
 - (i) in the case of an injury and compensation scheme in relation to which Schedule 6 to PSPA 2013 or Schedule 6 to PSPA(NI) 2014 specifies particular benefits, those benefits;
 - (ii) in the case of any other injury and compensation scheme, any benefits payable under the scheme.”

Member’s explanatory statement

Where Chapter 1 of Part 1 retrospectively alters pension benefits payable to or in respect of a person, this may require retrospective changes also to be made to injury and compensation benefits to which the person is entitled (for example where their amount is calculated in a way that takes account of the amount of pension benefits payable). This amendment provides a power to ensure that appropriate provision can be made in such cases.

Page 17, leave out lines 35 to 38 and insert –

- “(a) provision modifying any provision of this Chapter in its application to persons of a description specified in the regulations;
- (b) provision corresponding to, or applying, any provision of this Chapter, with or without modifications.”

Member’s explanatory statement

This amendment clarifies the way in which special cases may be dealt with in regulations.

Page 17, line 38, at end insert –

- “(4) In this section –
 - “AFEDP 2014” means the Armed Forces Early Departure Payments Scheme Regulations 2014 (S.I. 2014/2328);
 - “modifying” includes disapplying or supplementing (and cognate expressions are to be construed accordingly);
 - “scheme administrator” has the same meaning as in Part 4 of FA 2004 (see section 270 of that Act);
 - “the armed forces” has the same meaning as in PSPA 2013 (see paragraph 8 of Schedule 1 to that Act).”

Member’s explanatory statement

This amendment inserts definitions required for other government amendments of this Clause.

Clause 21

VISCOUNT YOUNGER OF LECKIE

Page 17, line 42, at end insert “or, in the case of deceased members, their personal representatives.”

Member's explanatory statement

This amendment ensures that, where a member has died, compensation can be paid to the member's personal representatives if they incur a compensatable loss.

Page 18, line 1, after “member” insert “, or by a member's personal representatives,”

Member's explanatory statement

This amendment ensures that, where a member has died, compensation can be paid to the member's personal representatives if they incur a compensatable loss.

Page 18, line 44, leave out “the member” and insert “any person”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 19, line 1, leave out “the member” and insert “any person”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

After Clause 22

VISCOUNT YOUNGER OF LECKIE

Insert the following new Clause—

“Remedial arrangements to pay voluntary contributions to legacy schemes

- (1) Scheme regulations for a Chapter 1 legacy scheme may make provision so as to secure that a relevant member may enter into remedial voluntary contributions arrangements.
- (2) In subsection (1)—
 - “relevant member”, in relation to a Chapter 1 legacy scheme, means a member (other than a deceased member) who has remediable service in an employment or office which, after the coming into force of section 2 (1) in relation to the scheme, is pensionable service under the scheme (whether or not by virtue of that provision);
 - “remedial voluntary contributions arrangements” means arrangements—
 - (a) which are entered into by a member after the coming into force of section 2 (1) in relation to the scheme, and
 - (b) under which the member pays voluntary contributions to the scheme.
- (3) Provision by virtue of subsection (1) may permit a member (“M”) to enter into arrangements only if the scheme manager is satisfied that it is more likely than not that, but for a relevant breach of a non-discrimination rule, M would, during the period of M's remediable service in the employment or office, have entered into the same or similar arrangements.

After Clause 22 - continued

- (4) The provision that may be made by virtue of subsection (1) includes, in particular, provision under which liabilities to pay voluntary contributions that would otherwise arise under the arrangements are reduced by tax relief amounts.
- (5) In subsection (4) “tax relief amounts” means amounts determined by reference to the tax relief under section 188 of FA 2004 (relief for members’ contributions) that would have been available in respect of the amounts owed if they were paid in a different tax year.
- (6) Provision by virtue of subsection (1) may not permit a member (“M”) to enter into arrangements after –
 - (a) the end of the period of one year beginning with the day on which a remediable service statement is first provided in respect of M, or
 - (b) such later time as the scheme manager considers reasonable in all the circumstances.
- (7) Subsection (6) does not affect the continued operation after the time mentioned in that subsection of any remedial arrangements entered into before that time.
- (8) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a Chapter 1 scheme by virtue of –
 - (a) section 61 of EA 2010, or
 - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.
- (9) For the purposes of this section a breach of a non-discrimination rule is “relevant” if it arises from the application of –
 - (a) an exception to section 18(1) of PSPA 2013 made under section 18(5) to (7) of that Act, or
 - (b) an exception to section 18(1) of PSPA(NI) 2014 made under section 18(5) to (8) of that Act.”

Member’s explanatory statement

This Clause makes it possible for a Chapter 1 legacy scheme to make provision giving members with remediable service the facility to enter into new arrangements to pay voluntary contributions. The facility may only be made available to members who show that they would have entered into similar arrangements but for unlawful discrimination, and may be made available only for a limited period.

Clause 23

VISCOUNT YOUNGER OF LECKIE

Page 19, line 33, leave out first “member” and insert “person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 19, line 33, leave out second “member” and insert “person”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 24

VISCOUNT YOUNGER OF LECKIE

Page 20, line 19, at end insert –

“(ha) the power to make scheme regulations by virtue of section (*Remedial arrangements to pay voluntary contributions to legacy schemes*) (*remedial arrangements to pay voluntary contributions to legacy schemes*) and any powers exercisable by virtue of such regulations;”

Member's explanatory statement

This amendment ensures that Treasury directions can be used in relation to remedial voluntary contributions arrangements.

Page 20, line 23, leave out from “paid” to “or any” and insert “by or to a scheme in relation to a member”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 20, line 25, after “member” insert “and (if different) the person to whom or by whom the amount is to be paid or the liability is owed”

Member's explanatory statement

This amendment ensures subsection (3) of this Clause operates as intended in a case in which an amount is payable to or by a person who is not the member who has remediable service (for example a surviving adult or personal representatives).

Page 20, line 27, leave out “the member” and insert “that person or those persons”

Member's explanatory statement

This amendment ensures subsection (3) of this Clause operates as intended in a case in which an amount is payable to or by a person who is not the member who has remediable service (for example a surviving adult or personal representatives).

Clause 26

VISCOUNT YOUNGER OF LECKIE

Page 21, line 27, at end insert “, and

(d) a description of–

- (i) the arrangements (if any) that, by virtue of section (*Remedial arrangements to pay voluntary contributions to legacy schemes*) (*remedial arrangements to pay voluntary contributions to legacy schemes*), may be entered into under the scheme, and
- (ii) the circumstances in which, and the process by which, such arrangements may be entered into.”

Member's explanatory statement

The amendment ensures that a statement under this clause includes information to enable the recipient to decide whether they are entitled to enter into new arrangements to pay voluntary contributions, and if so how to go about doing it.

Clause 28

VISCOUNT YOUNGER OF LECKIE

Page 22, line 36, leave out from “if” to “in” in line 37 and insert “an immediate detriment remedy has been obtained”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 22, line 39, leave out from “have” to “so” in line 40 and insert “rights in respect of remediable service in relation to which an immediate detriment remedy has been obtained”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 29

VISCOUNT YOUNGER OF LECKIE

Page 23, line 15, leave out from “of” to “person’s” in line 16 and insert “section 28 an “immediate detriment remedy” has been obtained in relation to a”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 23, line 20, leave out “the” and insert “any”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 23, line 28, leave out second “the” and insert “any”

Member's explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 23, line 30, leave out first “the” and insert “a Chapter 1”

Member's explanatory statement

This amendment is to ensure that the definition in this Clause catches all cases in which a scheme makes arrangements outside the mechanism of the Chapter to give a person a remedy for discrimination of the kind the Chapter deals with, including in particular a case in which the discrimination occurred under a different scheme.

Clause 33

VISCOUNT YOUNGER OF LECKIE

Page 25, line 25, leave out “A person’s service” and insert “Any continuous period of service of a person”

Member's explanatory statement

This amendment clarifies that the definition of “opted-out service” applies separately in relation to service that takes place at different times (so that some service may be “opted-out service” and some may not and a person may have more than one period of opted-out service).

Clause 35

VISCOUNT YOUNGER OF LECKIE

Page 26, leave out lines 22 and 23

Member's explanatory statement

This amendment is in consequence of the government amendment of Clause 29(1).

Page 26, line 45, at end insert –

““Fair Deal scheme” means –

- (a) a pension scheme that, in accordance with the Fair Deal Statement of Practice, has been certified by the Government Actuary’s Department as offering, to persons who have been subject to a Fair Deal transfer, pension arrangements that are broadly comparable with those offered to them before the transfer, or
- (b) a pension scheme in relation to which the obligation to give such a certificate has been waived in accordance with that statement of practice;

“Fair Deal Statement of Practice” means the statement of practice entitled “Staff Transfers in the Public Sector” issued by the Cabinet Office in January 2000, as supplemented and modified from time to time;

“Fair Deal transfer” means a transfer of a person’s employment from a public sector employer to a private sector employer in accordance with the Fair Deal Statement of Practice;”

Member's explanatory statement

This amendment adds definitions that are required for one of the government amendments of clause 1.

Page 27, line 10, at end insert –

““a relevant firefighters’ legacy scheme” means –

- (a) Schedule 1 to the Firefighters’ Pension Scheme (England) Order 2006 (S.I. 2006/3432) (new firefighters’ scheme),
- (b) Schedule 1 to the Firefighters’ Pension Scheme (Wales) Order 2007 (S.I. 2007/1072) (new firefighters’ scheme),
- (c) Schedule 1 to the Firefighters’ Pension Scheme (Scotland) Order 2007 (S.S.I. 2007/199) (new firefighters’ scheme), or
- (d) the Annex to the New Firefighters’ Pension Scheme Order (Northern Ireland) 2007 (S.R.(N.I.) 2007 No. 215) (new firefighters’ scheme);”

Member’s explanatory statement

This amendment adds a definition that is required for one of the government amendments of Clause 1.

Clause 36

VISCOUNT YOUNGER OF LECKIE

Page 27, line 32, leave out “a person’s service” and insert “any continuous period of service of a person”

Member’s explanatory statement

This amendment clarifies that the definition of “remediable service” applies separately in relation to service of a person that takes place at different times (so that a person may have some service that is “remediable service” and some that is not, and may have more than one period of remediable service).

Page 27, line 38, after “that” insert “all of”

Member’s explanatory statement

This amendment clarifies that the second condition (which is concerned with whether service is pensionable) must be met in relation to all of the service in question.

Page 28, line 8, after “with” insert “the day after”

Member’s explanatory statement

This amendment ensures that 31 March 2012 (or, where the person left pensionable service before then, the final day of pensionable service) is not counted towards a disqualifying gap in service.

Clause 38

VISCOUNT YOUNGER OF LECKIE

Leave out Clause 38 and insert the following new Clause –

“Partnership pension account: requirement to transfer and surrender rights

(1) Subsection (2) applies where –

- (a) a person (“P”) has remediable service in a salaried judicial office, and
- (b) any of the remediable service is PPA opted-out service.

Clause 38 - *continued*

- (2) A legacy scheme election in respect of P may not be made unless –
 - (a) the relevant authority is satisfied that the steps mentioned in subsection (3) have been taken, or
 - (b) the appropriate person has notified the relevant authority that they intend to instigate and facilitate the taking of those steps.
- (3) The steps are –
 - (a) the transfer of any relevant assets and liabilities to the relevant judicial legacy salaried scheme,
 - (b) the surrender of any entitlement to a pension under the relevant judicial legacy salaried scheme, and any right to a future pension under that scheme, that would otherwise arise under the rules of the scheme in respect of the value of the assets and liabilities transferred, and
 - (c) if at any time any relevant assets and liabilities were transferred out of the partnership pension account (otherwise than in the course of a transfer to the relevant judicial legacy salaried scheme), the payment by the appropriate person to the relevant judicial legacy salaried scheme of an amount, determined by the relevant authority after consulting the Government Actuary, in respect of the value of the relevant assets transferred.
- (4) Subsection (5) applies where –
 - (a) a person (“P”) has remediable service in a fee-paid judicial office, and
 - (b) any of the remediable service is PPA opted-out service.
- (5) A legacy scheme election in respect of P may not be made unless –
 - (a) the relevant authority is satisfied that the steps mentioned in subsection (6) have been taken, or
 - (b) the appropriate person has notified the relevant authority that they intend to instigate and facilitate the taking of those steps.
- (6) The steps are –
 - (a) the transfer of any relevant assets and liabilities to the judicial legacy fee-paid scheme,
 - (b) the surrender of any entitlement to a pension under the judicial legacy fee-paid scheme, and any right to a future pension under that scheme, that would otherwise arise under the rules of the scheme in respect of the value of the assets and liabilities transferred, and
 - (c) if at any time any relevant assets and liabilities were transferred out of the partnership pension account (otherwise than in the course of a transfer to the judicial legacy fee-paid scheme), the payment by the appropriate person to the judicial legacy fee-paid scheme of an amount, determined by the relevant authority after consulting the Government Actuary, in respect of the value of the relevant assets transferred.
- (7) In this section “the appropriate person”, in relation to a person (“P”) who has PPA opted-out service, means the person by whom a legacy scheme election in respect of P may be made (see section 43).
- (8) For the purposes of this section assets and liabilities are “relevant” in relation to any PPA opted-out service of a person (“P”) if –

Clause 38 - continued

- (a) they are referable to pension contributions or voluntary contributions that were made by or on behalf of P in respect of the service, and
- (b) they are held for the purposes of a partnership pension account.

This is subject to subsection (9).

(9) Where—

- (a) the total of the pension contributions, together with any voluntary contributions, that were paid by P in respect of the PPA opted-out service, exceeds
- (b) the total of the pension contributions that would have been payable by P in respect of that service if the service had been pensionable service under the judicial legacy scheme to which the relevant assets and liabilities are to be transferred,

the assets and liabilities that the relevant authority, after consulting the Government Actuary, determines are referable to the excess are not “relevant” in relation to the PPA opted-out service.

- (10) A reference in subsection (9) to pension contributions or voluntary contributions paid by P in respect of PPA opted-out service is a reference to the amount of the contributions paid, net of any tax relief under section 188 of FA 2004 (relief for contributions) to which P was entitled in respect of them.”

Member’s explanatory statement

This amendment substitutes Clause 38. The replacement Clause is updated in a number of respects, and now caters in particular for cases in which the member has died, and cases in which transfers have been made from the partnership pension account.

Clause 45

VISCOUNT YOUNGER OF LECKIE

Page 34, line 10, leave out “, civil partner or other adult” and insert “or civil partner”

Member’s explanatory statement

In the judicial legacy schemes, the only adult who may be entitled to benefits on a member’s death is a surviving spouse or civil partner. This amendment therefore removes the redundant reference to other adults.

Clause 48

VISCOUNT YOUNGER OF LECKIE

Page 37, line 8, at end insert—

“(5A) If—

- (a) M is deceased,
- (b) a PPA lump sum death benefit has been paid on the death of M, and
- (c) a legacy scheme election has been made in respect of M,

the PPA lump sum death benefit is to be treated for the purposes of subsection (4)(a) as a lump sum benefit paid under the scheme in respect of M’s remediable service in the judicial office.”

Member's explanatory statement

Where a person has opted out of the public service pension scheme available to them and instead has a partnership pension account, and the person dies, a lump sum may be paid by the department to the person's nominated beneficiary (or, in the absence of a nomination, to the person's personal representatives). Where a legacy scheme election is made in respect of the person, the arrangements for lump sum death benefits under the legacy scheme will apply. This amendment ensures that a correction is made for the lump sum already paid.

Page 37, line 23, at end insert –

““PPA lump sum death benefit” means an amount paid by the relevant authority, on the death of a person who has a partnership pension account, to a person nominated by the deceased or to the person's personal representatives.”

Member's explanatory statement

Where a person has opted out of the public service pension scheme available to them and instead has a partnership pension account, and the person dies, a lump sum may be paid by the department to the person's nominated beneficiary (or, in the absence of a nomination, to the person's personal representatives). Where a legacy scheme election is made in respect of the person, the arrangements for lump sum death benefits under the legacy scheme will apply. This amendment ensures that a correction is made for the lump sum already paid.

Clause 49

VISCOUNT YOUNGER OF LECKIE

Page 37, line 28, leave out subsections (2) to (4) and insert –

“(2) Where –

- (a) the paid contributions amount for an in-scope tax year in respect of M's remediable service in the judicial office, exceeds
- (b) the payable contributions amount for that tax year in respect of that service,

the scheme manager must (directly or indirectly) pay an amount in respect of the difference to the appropriate person.

(3) Where –

- (a) the paid contributions amount for an out-of-scope tax year in respect of M's remediable service in the judicial office, exceeds
- (b) the payable contributions amount for that tax year in respect of that service,

no amount is to be paid by the scheme manager in respect of the difference to the appropriate person.

(4) Where –

- (a) the paid contributions amount for an in-scope or out-of-scope tax year in respect of M's remediable service in the judicial office, is less than
- (b) the payable contributions amount for that tax year in respect of that service,

the appropriate person must pay pension contributions in respect of the difference to the scheme.

Clause 49 - continued

- (4A) A reference in this section to “the paid contributions amount” for a tax year in respect of M’s remediable service in a judicial office is a reference to the sum of—
- (a) the aggregate of the pension contributions that (after taking into account the effect, if any, of section 47 (2), (4) and (6)) have been paid under the scheme by M in the tax year in respect of so much of the service as was not PPA opted-out service, and
 - (b) where any of the remediable service was PPA opted-out service—
 - (i) the aggregate of the pension contributions and any voluntary contributions that have been paid by M under the partnership pension account in the tax year in respect of the PPA opted-out service, or
 - (ii) if lower, the aggregate of the pension contributions that (after taking into account the effect, if any, of section 39 (2) to (5) or 42 (2)) were payable under the scheme by M for that tax year in respect of the PPA opted-out service.
- (4B) A reference in this section to “the payable contributions amount” for a tax year in respect of M’s remediable service in a judicial office means the aggregate of the pension contributions that (after taking into account the effect, if any, of section 39 (2) to (5) or 42 (2)) were payable under the scheme by M for that tax year in respect of the service.
- (4C) In this section “the appropriate person” means—
- (a) M, or
 - (b) if M is deceased, M’s personal representatives.”

Member’s explanatory statement

This amendment ensures that the treatment of contributions paid to a partnership pension account is properly accounted for; it is also one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 38, line 19, after “contributions” insert “or voluntary contributions”

Member’s explanatory statement

This amendment ensures that voluntary contributions paid to a partnership pension account are accounted for net of tax relief.

Clause 50**VISCOUNT YOUNGER OF LECKIE**

Page 38, line 24, leave out “Subsection (2) applies” and insert “Subsections (1A) and (2) apply”

Member’s explanatory statement

This amendment clarifies the treatment of effective pension age payments under this clause.

Page 38, line 28, at end insert –

“(1A) The rights that would otherwise have been secured by the effective pension age payments are extinguished.”

Member’s explanatory statement

This amendment clarifies the treatment of effective pension age payments under this Clause.

Page 38, line 29, leave out “P an amount” and insert “the appropriate person an amount by way of compensation”

Member’s explanatory statement

This amendment clarifies the treatment of effective pension age payments under this clause, and is also one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 38, line 34, at end insert –

“(2A) In subsection (2) “the appropriate person” means –
(a) P, or
(b) if P is deceased, P’s personal representatives.”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 51

VISCOUNT YOUNGER OF LECKIE

Page 39, line 1, leave out “P” and insert “The appropriate person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 39, line 4, at end insert –

“(2A) In subsection (2) “the appropriate person” means –
(a) P, or
(b) if P is deceased, P’s personal representatives.”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 52

VISCOUNT YOUNGER OF LECKIE

Page 39, line 17, at end insert –

“(1A) Scheme regulations for a judicial scheme may make provision under which, in a case in which a person is (by virtue of provision made under subsection (1)) not required to pay an amount to the person’s employer, the scheme manager is required to reimburse the employer.”

Member’s explanatory statement

This amendment ensures that, where a person has an obligation to pay an amount to the person’s employer as a result of this Chapter (for example a requirement to repay transitional protection allowance under clause 51) and regulations under subsection (1) of this clause mean that, instead of paying the full amount immediately, the person receives reduced benefits from the scheme in retirement, the scheme is require to reimburse the employer for the amount owed.

Clause 54

VISCOUNT YOUNGER OF LECKIE

Page 39, line 41, leave out “member of the scheme” and insert “person”

Member’s explanatory statement

This amendment is to ensure that the power under Clause 54 is available in relation to the benefits payable to or in respect of any person who has a pension credit or debit under a scheme, whether or not they are regarded as a member of the scheme under its rules.

Page 40, line 4, leave out “member” and insert “person”

Member’s explanatory statement

This amendment is to ensure that the power under clause 54 is available in relation to the benefits payable to or in respect of any person who has a pension credit or debit under a scheme, whether or not they are regarded as a member of the scheme under its rules.

Page 40, line 6, leave out “member” and insert “person”

Member’s explanatory statement

This amendment is to ensure that the power under Clause 54 is available in relation to the benefits payable to or in respect of any person who has a pension credit or debit under a scheme, whether or not they are regarded as a member of the scheme under its rules.

Clause 55

VISCOUNT YOUNGER OF LECKIE

Page 41, line 13, leave out paragraph (g) and insert –

“(g) provision about cases in which the scheme administrator of a judicial scheme pays a liability under section 217 or 237B of FA 2004 (joint liability of scheme administrator to lifetime allowance charge or annual allowance charge);”

Member's explanatory statement

This amendment generalises the power in subsection (2)(g) of this clause so that it confers power to make provision about any case in which a member's liability to a lifetime allowance charge, or an annual allowance charge, is paid under the "scheme pays" facility (under which the liability is paid by the scheme administrator and the member's benefits from the scheme are reduced in consequence).

Page 41, line 16, at end insert –

“(2A) The provision that may be made by virtue of subsection (2)(a) includes, in particular, provision under which –

- (a) the rights that would otherwise have been secured by the payment of any voluntary contributions are extinguished, and
- (b) the scheme manager is required to pay the member or, if the member is deceased, the member's personal representatives an amount by way of compensation equal to –
 - (i) the aggregate of the voluntary contributions paid, less
 - (ii) an amount in respect of the tax relief under section 188 of FA 2004 (member contributions) to which the member was entitled in respect of those payments.”

Member's explanatory statement

This amendment clarifies the nature of the provision that it is envisaged will be made under subsection (2)(a) for the refund of voluntary contributions.

Page 41, leave out lines 19 to 22 and insert –

- “(a) provision modifying any provision of this Chapter in its application to persons of a description specified in the regulations;
- (b) provision corresponding to, or applying, any provision of this Chapter, with or without modifications.”

Member's explanatory statement

This amendment clarifies the way in which special cases may be dealt with in regulations.

Page 41, line 23, leave out subsection (4)

Member's explanatory statement

This amendment is in consequence of the government amendment of Clause 92 which applies the definition of "voluntary contributions" to the whole of Part 1.

Page 41, line 34, at end insert –

“(6) In this section –

“modifying” includes disapplying or supplementing (and cognate expressions are to be construed accordingly);

“scheme administrator” has the same meaning as in Part 4 of FA 2004 (see section 270 of that Act).”

Member's explanatory statement

This amendment inserts definitions required for other government amendments of this Clause.

Clause 56

VISCOUNT YOUNGER OF LECKIE

Page 41, line 38, at end insert “or, in the case of deceased members, their personal representatives.”

Member’s explanatory statement

This amendment ensures that, where a member has died, compensation can be paid to the member’s personal representatives if they incur a compensatable loss.

Page 41, line 42, after “member” insert “, or by a member’s personal representatives,”

Member’s explanatory statement

This amendment ensures that, where a member has died, compensation can be paid to the member’s personal representatives if they incur a compensatable loss.

Page 42, line 27, leave out “the member” and insert “any person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 42, line 29, leave out “the member” and insert “any person”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

After Clause 56

VISCOUNT YOUNGER OF LECKIE

Insert the following new Clause –

“Remedial arrangements to pay voluntary contributions to judicial schemes

- (1) Scheme regulations for a judicial scheme may make provision so as to secure that a relevant member may enter into remedial voluntary contributions arrangements.
- (2) In subsection (1) –
 - “relevant member”, in relation to a judicial scheme, means a member (other than a deceased member) who has remediable service in a judicial office which, after the end of the election period, is pensionable service under the scheme;
 - “remedial voluntary contributions arrangements” means arrangements –
 - (a) which are entered into by a member after the end of the election period, and
 - (b) under which the member pays voluntary contributions to the scheme.

After Clause 56 - continued

- (3) Provision by virtue of subsection (1) may permit a member (“M”) to enter into arrangements only if the scheme manager is satisfied that it is more likely than not that, but for a relevant breach of a non-discrimination rule, M would, during the period of M’s remediable service in the judicial office, have entered into the same or similar arrangements.
- (4) The provision that may be made by virtue of subsection (1) includes, in particular, provision under which liabilities to pay voluntary contributions that would otherwise arise under the arrangements are reduced by tax relief amounts.
- (5) In subsection (4) “tax relief amounts” means amounts determined by reference to the tax relief under section 188 of FA 2004 (relief for members’ contributions) that would have been available in respect of the amounts owed if they were paid in a different tax year.
- (6) Provision by virtue of subsection (1) may not permit a member (“M”) to enter into arrangements after –
 - (a) the end of the period of one year beginning with the day on which a statement under section 60 (information statements) is sent in respect of M, or
 - (b) such later time as the scheme manager considers reasonable in all the circumstances.
- (7) Subsection (6) does not affect the continued operation after the time mentioned in that subsection of any arrangements entered into before that time.
- (8) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a judicial scheme by virtue of –
 - (a) section 61 of EA 2010, or
 - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.
- (9) For the purposes of this section a breach of a non-discrimination rule is “relevant” if it arises from the application of –
 - (a) an exception to section 18(1) of PSPA 2013 made under section 18(5) to (7) of that Act, or
 - (b) an exception to section 18(1) of PSPA(NI) 2014 made under section 18(5) to (8) of that Act.”

Member’s explanatory statement

This Clause makes it possible for a judicial scheme to make provision giving members with remediable service the facility to enter into new arrangements to pay voluntary contributions. The facility may only be made available for members who would have entered into similar arrangements but for unlawful discrimination, and may be made available only for a limited period.

Clause 57**VISCOUNT YOUNGER OF LECKIE**

Page 43, line 6, leave out subsection (3) and insert –

- “(3) In this section “relevant amounts” mean any amounts that are payable under or by virtue of this Chapter –

Clause 57 - continued

- (a) by a person to the scheme or to an employer in relation to the scheme, or
- (b) by the scheme to a person.”

Member’s explanatory statement

This amendment broadens the definition of “relevant amounts” so that it covers payments to a member’s employer. It is also one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 58

VISCOUNT YOUNGER OF LECKIE

Page 43, line 29, at end insert –

- “(fa) the power to make scheme regulations by virtue of section (*Remedial arrangements to pay voluntary contributions to judicial schemes*) (*remedial arrangements to pay voluntary contributions to judicial schemes*) and any powers exercisable by virtue of such regulations;”

Member’s explanatory statement

This amendment ensures that Treasury directions can be used in relation to remedial voluntary contributions arrangements.

Page 43, line 33, leave out from “paid” to “or any” and insert “by or to a scheme in relation to a member”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 43, line 35, after “member” insert “and (if different) the person to whom or by whom the amount is to be paid or the liability is owed”

Member’s explanatory statement

This amendment ensures subsection (3) of this clause operates as intended in a case in which an amount is payable to or by a person who is not the member who has remediable service (for example a surviving adult or personal representatives).

Page 43, line 37, leave out “the member” and insert “that person or those persons”

Member’s explanatory statement

This amendment ensures subsection (3) of this Clause operates as intended in a case in which an amount is payable to or by a person who is not the member who has remediable service (for example a surviving adult or personal representatives).

Clause 60

VISCOUNT YOUNGER OF LECKIE

Page 44, line 24, leave out subsection (1) and insert –

- “(1) The relevant authority must –
- (a) prepare a statement in relation to any person (“P”) in respect of whom a legacy scheme election or a 2015 election may be made, and
 - (b) send it to the person who may make the election (see section 43).
- (1A) Subsection (1) must be complied with before the beginning of the election period in relation to P.”

Member’s explanatory statement

This amendment is consequential on the government amendments of Clause 65.

Page 44, line 40, after “available),” insert –

- “(ca) a description of –
- (i) the arrangements (if any) that, by virtue of section (*Remedial arrangements to pay voluntary contributions to judicial schemes*) (remedial arrangements to pay voluntary contributions to judicial schemes), may be entered into under judicial schemes, and
 - (ii) the circumstances in which, and the process by which, such arrangements may be entered into,”

Member’s explanatory statement

The amendment ensures that a statement under this clause includes information to enable the recipient to decide whether they are entitled to enter into new arrangements to pay voluntary contributions, and if so how to go about doing it.

Page 44, line 42, leave out “appropriate person’s”

Member’s explanatory statement

This amendment is consequential on the government amendments of Clause 65.

Page 44, line 44, leave out subsection (3)

Member’s explanatory statement

This amendment is consequential on the government amendments of Clause 65.

Clause 63

VISCOUNT YOUNGER OF LECKIE

Page 45, line 20, leave out from “if” to “in” in line 21 and insert “an immediate detriment remedy has been obtained”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 45, line 23, leave out from “have” to “so” in line 24 and insert “rights in respect of remediable service in relation to which an immediate detriment remedy has been obtained”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 64

VISCOUNT YOUNGER OF LECKIE

Page 46, line 2, leave out from “of” to “person’s” in line 3 and insert “section 63 an “immediate detriment remedy” has been obtained in relation to a”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 46, line 7, leave out “the” and insert “any”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Page 46, line 15, leave out second “the” and insert “any”

Member’s explanatory statement

This is one of a number of amendments clarifying or adjusting the processes and powers under Part 1 of the Bill so that they operate as intended in cases in which a member dies.

Clause 65

VISCOUNT YOUNGER OF LECKIE

Page 46, line 29, after “period”” insert “, in relation to a person who has remediable service in a judicial office,”

Member’s explanatory statement

This amendment (together with the other government amendment of this Clause) makes the definition of “the election period” more flexible by enabling different periods to be specified for different descriptions of judge.

Page 46, line 31, at end insert—

“(1A) Different dates may be specified in relation to different descriptions of person.”

Member’s explanatory statement

This amendment (together with the other government amendment of this clause) makes the definition of “the election period” more flexible by enabling different periods to be specified for different descriptions of judge.

Clause 69

VISCOUNT YOUNGER OF LECKIE

Page 47, line 42, after “to” insert “pension”

Member’s explanatory statement

This amendment clarifies the reference to pension contributions in subsection (2) of this Clause.

Clause 71

VISCOUNT YOUNGER OF LECKIE

Page 48, leave out lines 21 and 22

Member’s explanatory statement

This amendment is in consequence of the government amendment of Clause 64(1).

Page 49, leave out line 9

Member’s explanatory statement

This amendment is in consequence of the government amendment of Clause 92 which applies the definition of “voluntary contributions” to the whole of Part 1.

Clause 73

VISCOUNT YOUNGER OF LECKIE

Page 49, line 38, leave out “a person’s service” and insert “any continuous period of service of a person”

Member’s explanatory statement

This amendment clarifies that the definition of “remediable service” applies separately in relation to service of a person that takes place at different times (so that a person may have some service that is “remediable service” and some that is not, and may have more than one period of remediable service).

Page 50, line 3, after “that” insert “all of”

Member’s explanatory statement

This amendment clarifies that the second condition (which is concerned with whether service is pensionable) must be met in relation to all of the service in question.

After Clause 78

VISCOUNT YOUNGER OF LECKIE

Insert the following new Clause—

“Prohibition of new arrangements to pay voluntary contributions

- (1) No arrangements are to be entered into after 31 March 2022 under which voluntary contributions are payable by a member of a relevant scheme to the scheme.
- (2) In subsection (1) “relevant scheme” means—
 - (a) a Chapter 1 legacy scheme (within the meaning of Chapter 1),
 - (b) a judicial legacy salaried scheme (within the meaning of Chapter 2),
 - (c) a local government legacy scheme (within the meaning of Chapter 3),
 - (d) the Judicial Pensions Regulations 2015 (S.I. 2015/182),
 - (e) the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R.(N.I.) 2015 No. 76), or
 - (f) the pension scheme established for certain employees of the Secret Intelligence Service which came into operation on 1 January 1946 and was amended on 1 September 1957 and 1 July 1964.
- (3) Subsection (1)—
 - (a) does not affect the continued operation after 31 March 2022 of any arrangements entered into on or before that date;
 - (b) does not apply to arrangements entered into by virtue of section (*Remedial arrangements to pay voluntary contributions to legacy schemes*) or (*Remedial arrangements to pay voluntary contributions to judicial schemes*) (remedial arrangements to pay voluntary contributions).”

Member’s explanatory statement

This Clause sets out the general rule that no arrangements to pay voluntary contributions to legacy schemes may be entered into after 31 March 2022.

After Clause 79

VISCOUNT YOUNGER OF LECKIE

Insert the following new Clause—

“Amendments relating to the establishment or restriction of schemes

- (1) PSPA 2013 is amended in accordance with subsections (2) to (7).
- (2) In section 4 (scheme manager)—
 - (a) after subsection (3) insert—
 - “(3A) Subsection (1) does not apply to a scheme under section 1 if—
 - (a) the scheme is connected with another scheme under section 1, and
 - (b) a scheme manager is provided for under subsection (1) in scheme regulations for that other scheme.”;
 - (b) after subsection (6) insert—

After Clause 79 - continued

- “(6A) The reference in subsection (6) to a statutory pension scheme includes a statutory pension scheme established (under section 1 or otherwise) after the establishment of the scheme under section 1 mentioned in that subsection.”
- (3) In section 5 (pension board), after subsection (2) insert—
- “(2A) Subsection (1) does not apply to a scheme under section 1 if—
- (a) the scheme is connected with another scheme under section 1, and
 - (b) a pension board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (4) In section 7 (scheme advisory board)—
- (a) in subsection (1), for “on the desirability of changes to the scheme” substitute “on—
 - (a) the desirability of changes to the scheme, or
 - (b) the desirability of changes to any other scheme under section 1 which—
 - (i) is connected with it, and
 - (ii) is not an injury or compensation scheme.”;
 - (b) after subsection (1) insert—
- “(1A) Subsection (1) does not apply to a scheme under section 1 if—
- (a) the scheme is connected with another scheme under section 1 which is not an injury or compensation scheme, and
 - (b) a scheme advisory board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (5) In section 11 (valuations), after subsection (1) insert—
- “(1A) Subsection (1) does not apply to a scheme under section 1 if—
- (a) the scheme is connected with another scheme under section 1, and
 - (b) actuarial valuations are provided for under subsection (1) in scheme regulations for that other scheme.”

- (6) After section 12 insert—

“12A Sections 11 and 12: restricted schemes

- (1) Section 11(1) (valuations) does not require scheme regulations to provide for actuarial valuations to be made of a scheme to which this section applies.
- (2) Section 12(1) (employer cost cap) does not apply to a scheme to which this section applies.
- (3) This section applies to a scheme under section 1 which—
 - (a) is a restricted scheme, and
 - (b) is specified for the purposes of this section in Treasury regulations.
- (4) For the purposes of this section a scheme under section 1 is a “restricted scheme” at any time if any enactment restricts the provision of benefits under the scheme to or in respect of a person in relation to the person’s service after that time.

After Clause 79 - continued

- (5) Treasury regulations under this section may include consequential or supplementary provision.
- (6) Treasury regulations under this section are subject to the negative Commons procedure.”
- (7) In section 30 (new public body pension schemes), in subsection (1)(e), for “and 12” substitute “to 12A”.
- (8) PSPA(NI) 2014 is amended in accordance with subsections (9) to (15).
- (9) In section 4 (scheme manager) –
 - (a) after subsection (3) insert –
 - “(3A) Subsection (1) does not apply to a scheme under section 1 if –
 - (a) the scheme is connected with another scheme under section 1, and
 - (b) a scheme manager is provided for under subsection (1) in scheme regulations for that other scheme.”;
 - (b) after subsection (6) insert –
 - “(6A) The reference in subsection (6) to a statutory pension scheme includes a statutory pension scheme established (under section 1 or otherwise) after the establishment of the scheme under section 1 mentioned in that subsection.”
- (10) In section 5 (pension board) –
 - (a) in subsection (1), for “subsection (2)” substitute “subsections (2) and (2A)”;
 - (b) after subsection (2) insert –
 - “(2A) Subsection (1) does not apply to a scheme under section 1 if –
 - (a) the scheme is connected with another scheme under section 1, and
 - (b) a pension board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (11) In section 7 (scheme advisory board) –
 - (a) in subsection (1), for “on the desirability of changes to the scheme” substitute “on –
 - (a) the desirability of changes to the scheme, or
 - (b) the desirability of changes to any other scheme under section 1 which –
 - (i) is connected with it, and
 - (ii) is not an injury or compensation scheme.”;
 - (b) after subsection (1) insert –
 - “(1A) Subsection (1) does not apply to a scheme under section 1 if –
 - (a) the scheme is connected with another scheme under section 1 which is not an injury or compensation scheme, and
 - (b) a scheme advisory board is provided for under subsection (1) in scheme regulations for that other scheme.”
- (12) In section 11 (valuations), after subsection (1) insert –
 - “(1A) Subsection (1) does not apply to a scheme under section 1 if –

After Clause 79 - continued

- (a) the scheme is connected with another scheme under section 1, and
- (b) actuarial valuations are provided for under subsection (1) in scheme regulations for that other scheme.”

(13) After section 12 insert –

“12A Sections 11 and 12: restricted schemes

- (1) Section 11(1) (valuations) does not require scheme regulations to provide for actuarial valuations to be made of a scheme to which this section applies.
 - (2) Section 12(1) (employer cost cap) does not apply to a scheme to which this section applies.
 - (3) This section applies to a scheme under section 1 which –
 - (a) is a restricted scheme, and
 - (b) is specified for the purposes of this section in regulations made by the Department of Finance.
 - (4) For the purposes of this section a scheme under section 1 is a “restricted scheme” at any time if any statutory provision restricts the provision of benefits under the scheme to or in respect of a person in relation to the person’s service after that time.
 - (5) Regulations made by the Department of Finance under this section may include consequential or supplementary provision.
 - (6) Regulations made by the Department of Finance under this section are subject to negative resolution.”
- (14) In section 31 (new public body pension schemes), in subsection (1)(e), for “and 12” substitute “to 12A”.
- (15) In section 34 (general interpretation), at the appropriate place insert –
 ““statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954;”.

Member’s explanatory statement

This new Clause amends the Public Service Pensions Act 2013 (and its Northern Ireland equivalent) so as to clarify and adjust the way the governance of schemes, and the valuation process, work where a scheme established under the Act for a description of persons is closed, and a new scheme under the Act is established for the same description of persons.

Clause 80

VISCOUNT YOUNGER OF LECKIE

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

Member’s explanatory statement

This amendment is consequential on the new subsection inserted into this Clause after subsection (1).

Page 56, line 3, at end insert –

“(1A) After subsection (1) insert –

Clause 80 - continued

“(1A) Subsection (1) must be complied with before the end of the period of one year beginning with the day on which the scheme’s first valuation under section 11 is completed.””

Member’s explanatory statement

This amendment imposes a time limit for scheme regulations to comply with section 12(1) of the Public Service Pension Schemes Act 2013 (which requires scheme regulations to set the employer cost cap for the scheme).

Page 56, line 35, leave out “(5) and” and insert “(4A) to”

Member’s explanatory statement

This amendment is consequential on the new subsection inserted into this Clause after subsection (5).

Page 56, line 35, at end insert –

“(4A) After subsection (1) insert –

“(1A) Subsection (1) must be complied with before the end of the period of one year beginning with the day on which the scheme’s first valuation under section 11 is completed.””

Member’s explanatory statement

This amendment imposes a time limit for scheme regulations to comply with section 12(1) of the Public Service Pension Schemes Act (Northern Ireland) 2014 (which requires scheme regulations to set the employer cost cap for the scheme).

Clause 86

VISCOUNT YOUNGER OF LECKIE

Page 63, line 8, at end insert –

“(vi) section 57 (interest and process).”

Member’s explanatory statement

This amendment ensures that regulations under Clause 86 are capable of including provision about interest.

Clause 88

VISCOUNT YOUNGER OF LECKIE

Page 65, line 3, at end insert –

- “(3) Subsection (4) applies in relation to any reference in section 356 of the Armed Forces Act 2006 (avoidance of assignment of, or charge on, pay and pensions etc) to an assignment (or, in Scotland, assignation) of, or an agreement to assign, any relevant pay or pension (within the meaning of that section).
- (4) The reference does not include anything done under or by virtue of this Part of this Act.”

Member's explanatory statement

This amendment ensures that the restrictions in section 356 of the Armed Forces Act 2006 do not apply to the operation of Part 1 of the Bill.

Clause 90

VISCOUNT YOUNGER OF LECKIE

Page 65, line 9, at end insert –

“(1A) Regulations under this section may make retrospective provision.”

Member's explanatory statement

This amendment ensures that the power to make consequential provision in this clause can be used to make provision that operates in relation to times before it is made.

Clause 92

VISCOUNT YOUNGER OF LECKIE

Page 66, line 6, at end insert –

“continuous period of service”, in relation to an employment or office, means a period of service in that employment or office that does not include a gap in service;”

Member's explanatory statement

This amendment ensures that “continuous period of service”, which is an expression which, elsewhere in pensions legislation, is defined to include non-continuous periods, is not interpreted in such a way in Part 1 of the Bill.

Page 67, line 19, at end insert “, or

(b) amounts that a person is required under or by virtue of this Part to pay to the scheme by way of pension contributions;”

Member's explanatory statement

This amendment ensures that the definition of pension contributions is wide enough to cover contributions that are required to be paid under or by virtue of Part 1.

Page 67, line 49, at end insert –

““voluntary contributions” means amounts that are paid to a pension scheme by a member of the scheme on a voluntary basis, in accordance with the scheme, for the purpose of securing additional benefits, or securing the earlier payment of benefits, under the scheme;”

Member's explanatory statement

This amendment generalises the definition of “voluntary contributions” previously contained in clauses 18 and 55 so that it applies throughout Part 1.

Schedule 1

VISCOUNT YOUNGER OF LECKIE

Page 93, line 27, leave out “court” and insert “courts or the family court”

Member's explanatory statement

This amendment enables the Lord Chancellor to remove a person from the supplemental list on a temporary basis for the purpose of facilitating the disposal of business in the family court as well as in the magistrates' courts.

Page 93, line 34, leave out "court" and insert "courts or the family court"

Member's explanatory statement

This amendment enables the Lord Chancellor to extend the period during which a person is removed from the supplemental list if the Lord Chancellor is satisfied that the extension would be expedient as a temporary measure in order to facilitate the disposal of business in the family court as well as in the magistrates' courts.

Public Service Pensions and Judicial Offices Bill [HL]

AMENDMENTS
TO BE MOVED
ON REPORT

22 November 2021
