

## SCHEDULES

### SCHEDULE 8

Section 27

#### CONSEQUENTIAL AND MINOR AMENDMENTS

##### *County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))*

1 In section 116 of the County Courts Act (Northern Ireland) 1959 (pensions of judges), at the end there is inserted—

“(8) This Part is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

##### *District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))*

2 In section 2 of the District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960, after subsection (1A) there is inserted—

“(1B) This Act is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

##### *Sheriffs' Pensions (Scotland) Act 1961 (c. 2)*

3 In section 1 of the Sheriffs' Pensions (Scotland) Act 1961, after subsection (1) there is inserted—

“(1A) This Act is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

##### *Pensions (Increase) Act 1971 (c. 56)*

4 After section 8 of the Pensions (Increase) Act 1971 there is inserted—

###### **“8A Section 8(2): references to “service”**

(1) In a case where—

- (a) paragraph 1 or 2 of Schedule 7 to the 2013 Act (final salary link for persons who remain in or are transferred to closed scheme for past service) applies in relation to a person, and
- (b) the person's final salary falls to be determined by reference to that paragraph,

references in section 8(2) above to the service in respect of which a pension is payable include the person's new scheme service (within the meaning of Schedule 7 to the 2013 Act).

(2) In a case where—

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- (a) a person is a member of a relevant old scheme by virtue of pensionable service for that scheme (“the relevant old scheme service”),
- (b) the person is also a member of a scheme under section 1 of the 2013 Act or a new public body pension scheme (“the new scheme”) by virtue of pensionable service for that scheme (“the new scheme service”),
- (c) the relevant old scheme service and the new scheme service are continuous, and
- (d) the person's employer in relation to the relevant old scheme service is the person's employer in relation to the new scheme service (or any other employer in relation to the new scheme),

references in section 8(2) above to the service in respect of which a pension is payable include the person's new scheme service.

(3) In this section—

- (a) “relevant old scheme” means a career average revalued earnings scheme (within the meaning of the 2013 Act) to which section 18(1) or 31(2) of that Act applies (restriction of benefits under existing schemes);
- (b) “employer”, “new public body pension scheme” and “pensionable service” have the same meanings as in that Act.

(4) For the purposes of subsection (2)—

- (a) paragraphs 3 and 4 of Schedule 7 to the 2013 Act (continuity of employment etc) apply as they apply for the purposes of paragraphs 1(2) and 2(2) of that Schedule;
- (b) regulations under section 1 of the 2013 Act (in the case of a new scheme under that section) or rules (in the case of a new public body pension scheme) may provide that where a pension is in payment under a relevant old scheme, references in section 8(2) above to the service in respect of which a pension is payable do not include any subsequent period of pensionable service in relation to a scheme under section 1 of the 2013 Act or a new public body pension scheme.

(5) Provision made under subsection (4)(b) may in particular be made by amending the relevant old scheme.

(6) In this section, “the 2013 Act” means the Public Service Pensions Act 2013.”

5 (1) Schedule 2 to the Pensions (Increase) Act 1971 (official pensions) is amended as follows.

(2) After paragraph 4 there is inserted—

“4ZA A pension payable under a scheme made by the Minister for the Civil Service under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(a) of that Act (civil servants).”

(3) After paragraph 4A there is inserted—

“4B A pension payable under a scheme made by the the Lord Chancellor under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(b) of that Act (judiciary).”

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(4) After paragraph 15A there is inserted—

“15B A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(g) of that Act (members of police forces) to or in respect of such a person as is referred to in paragraph 15 above.”

(5) After paragraph 16A there is inserted—

“16B A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(f) of that Act (fire and rescue workers).”

(6) After paragraph 20A there is inserted—

“20B A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(d) of that Act (teachers).

20C A pension payable under a scheme made by the Scottish Ministers under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(d) of that Act (teachers).”

(7) After paragraph 22 there is inserted—

“22A A pension payable by the Secretary of State under a scheme made by the Secretary of State under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(e) of that Act (health service workers).

22B A pension payable under a scheme made by the Scottish Ministers under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(e) of that Act (health service workers).”

(8) After paragraph 29 there is inserted—

*“Armed forces*

A pension payable under a scheme made under section 1 of the Public Service Pensions Act 2013 by virtue of section 1(2)(h) of that Act (armed forces).”

(9) After paragraph 39 there is inserted—

“39A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State or the Scottish Ministers under section 1 of that Act by virtue of section 1(2)(c) of that Act (local government workers).”

(10) After paragraph 43 there is inserted—

“43A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State or the Scottish Ministers under section 1 of that Act by virtue of section 1(2)(g) of that Act (police).

In the case of a scheme made by the Secretary of State, this paragraph does not include a pension referred to in paragraph 15B above.”

(11) After paragraph 44 there is inserted—

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“44A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State, the Scottish Ministers or the Welsh Ministers under section 1 of that Act by virtue of section 1(2)(f) of that Act (fire and rescue workers).

In the case of a scheme made by the Secretary of State, this paragraph does not include a pension referred to in paragraph 16B above.”

*Superannuation Act 1972 (c. 11)*

6 The Superannuation Act 1972 is amended as follows.

7 In section 1 (superannuation schemes as respects civil servants, etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

8 In section 7 (superannuation of persons employed in local government service, etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

9 In section 9 (superannuation of teachers), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

10 In section 10 (superannuation of persons engaged in health services, etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

11 In section 24 (compensation for loss of office, etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to section 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

*Police Pensions Act 1976 (c. 35)*

12 In section 1 of the Police Pensions Act 1976 (police pensions regulations), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

*House of Commons (Administration) Act 1978 (c. 36)*

13 In section 2 of the House of Commons (Administration) Act 1978 (functions of House of Commons Commission), in subsection (3), after “kept in line with the provisions of” there is inserted “, or provided under,”.

*Judicial Pensions Act 1981 (c. 20)*

14 In the Judicial Pensions Act 1981, before section 29A there is inserted—

**“29ZA Restriction of schemes under this Act**

This Act is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

*Local Government and Housing Act 1989 (c. 42)*

15 In section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees), in subsection (4), after paragraph (fa) there is inserted—

“(fb) a committee of a relevant authority which is the scheme manager (or scheme manager and pension board) of a scheme under section 1 of the Public Service Pensions Act 2013;”.

*Judicial Pensions and Retirement Act 1993 (c. 8)*

16 In section 1 of the Judicial Pensions and Retirement Act 1993, after subsection (1) there is inserted—

“(1A) This Part is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

17 In section 11 of that Act (provision against pensions under two or more judicial pension schemes), at the end there is inserted—

“(5) This section does not prevent a scheme under section 1 of the Public Service Pensions Act 2013 having effect in relation to a person.”

*Pension Schemes Act 1993 (c. 48)*

18 The Pension Schemes Act 1993 is amended as follows.

19 (1) Section 71 (short service benefit) is amended as follows.

(2) In subsection (3), for “subsection (4)” there is substituted “subsections (4) and (5A)”.

(3) After subsection (5) there is inserted—

“(5A) Subsection (3) does not apply in relation to a scheme under section 1 of the Public Service Pensions Act 2013.”

20 In section 83 (scope of Chapter 2: revaluation of accrued benefits), after subsection (1A) there is inserted—

“(1B) The reference in subsection (1)(a)(iii) to normal pension age is to be read, in relation to a person who is an active or deferred member of a scheme under section 1 or 31(7) of the Public Service Pensions Act 2013, as—

- (a) the member's normal pension age within the meaning of that Act, or
- (b) the member's deferred pension age within the meaning of that Act, if that is later.

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In this subsection “active member” and “deferred member”, in relation to such a scheme, have the meanings given by section 124(1) of the Pensions Act 1995.”

*Merchant Shipping Act 1995 (c. 21)*

- 21 (1) Section 214 of the Merchant Shipping Act 1995 (pension rights of persons whose salaries are paid out of the General Lighthouse Fund) is amended as follows.
- (2) The existing provision is numbered as subsection (1).
- (3) After that subsection there is inserted—
- “(2) Where pensions, allowances and gratuities to or in respect of persons whose salaries are paid out of the General Lighthouse Fund are payable otherwise than under subsection (1), sums in respect of those benefits may with the approval of the Secretary of State be paid out of that Fund.”

*Police Act 1996 (c. 16)*

- 22 The Police Act 1996 is amended as follows.
- 23 In section 50 (regulations for police forces), after subsection (2) there is inserted—
- “(2ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to members of police forces.”
- 24 (1) Section 51 (regulations for special constables) is amended as follows.
- (2) In subsection (2)—
- (a) at the end of paragraph (c) there is inserted “and”;
- (b) paragraph (e) is repealed.
- (3) After subsection (2) there is inserted—
- “(2ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to special constables.”
- (4) Subsection (3) is repealed.
- 25 In section 52 (regulations for police cadets), after subsection (1) there is inserted—
- “(1ZA) Regulations under this section may not make any provision which may be made under section 1 of the Public Service Pensions Act 2013 in relation to police cadets.”

*Human Rights Act 1998 (c. 42)*

- 26 In Schedule 4 to the Human Rights Act 1998 (judicial pensions), in the definition of “pensions Act” in paragraph 4, after paragraph (d) (but before the final “and”) there is inserted—
- “(e) the Public Service Pensions Act 2013;”.

*Fire and Rescue Services Act 2004 (c. 21)*

27 In section 34 of the Fire and Rescue Services Act 2004 (pensions etc), after subsection (1) there is inserted—

“(1A) Subsection (1) is subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

*Armed Forces (Pensions and Compensation) Act 2004 (c. 32)*

28 In section 1 of the Armed Forces (Pensions and Compensation) Act 2004 (pension and compensation schemes for the armed and reserve forces), after subsection (2) there is inserted—

“(2A) Subsections (1) and (2) are subject to sections 18 and 19 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).”

*Constitutional Reform Act 2005 (c. 4)*

29 In Schedule 7 to the Constitutional Reform Act 2005 (protected functions of the Lord Chancellor), in Part A of paragraph 4, at the end there is inserted—

“*Public Service Pensions Act 2013*

Schedule 1, paragraph 2(1).

Schedule 2, paragraph 2”.

*Parliament (Joint Departments) Act 2007 (c. 16)*

30 In section 3 of the Parliament (Joint Departments) Act 2007 (staff), in subsection (2) (c), after “kept in line with the provisions of” there is inserted “, or provided under,”.

*Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)*

31 In Schedule 4 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (transfer of employees etc of Legal Services Commission), in paragraph 4 (pension schemes), after sub-paragraph (11) there is inserted—

“(11A) Where an individual—

- (a) was a member of a relevant LSC scheme immediately before the transfer day,
  - (b) had been a member of that scheme immediately before 1 April 2012, and
  - (c) becomes, on or after the transfer day, a member of a civil service scheme by virtue of employment in the civil service of the State,
- the individual is to be regarded, for the purposes of section 18(5) of the Public Service Pensions Act 2013 (transitional protection under existing schemes), as having been a member of the civil service scheme immediately before 1 April 2012.

(11B) In sub-paragraph (11A)—

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- (a) “relevant LSC scheme” means a scheme made or treated as made under paragraph 10(1) of Schedule 1 to the Access to Justice Act 1999;
- (b) “civil service scheme” means a scheme under section 1 of the Superannuation Act 1972.”