

---

STATUTORY INSTRUMENTS

---

**2023 No. 113**

**The Public Service Pension Schemes (Rectification  
of Unlawful Discrimination) (Tax) Regulations 2023**

**PART 2**

**Modifications of Part 4 of the Finance Act 2004**

**CHAPTER 3**

**Benefits**

**Trivial commutation lump sum: additional lump sum paid for deceased member**

**25.**—(1) Paragraphs (2) to (5) apply where—

- (a) an individual (“P”) has been paid a trivial commutation lump sum (“the original TCLS”);
- (b) as a result of a relevant rectification provision P, or P’s personal representatives, have acquired rights under a registered pension scheme,
- (c) P dies without having received benefits in respect of the rights,
- (d) a lump sum (“the top-up lump sum”) is paid to P’s personal representatives, and
- (e) the top-up lump sum would have been a trivial commutation lump sum if—
  - (i) P had still been living when it was paid, and
  - (ii) it had been paid to P.

(2) In determining whether the condition in paragraph (1)(e) is met, the following provisions of paragraph 7 of Schedule 29 to FA 2004 (trivial commutation lump sum) are to be disregarded—

- (a) sub-paragraph (1)(a) (requirement that no previous trivial commutation lump sum has been paid), and
- (b) sub-paragraph (1)(b) (maximum value on nominated date).

(3) Subject to paragraph (4), the top-up lump sum is to be treated as a trivial commutation lump sum.

(4) Paragraph (3) does not apply if—

- (a) the top-up lump sum exceeds £10,000, and
- (b) the aggregate of—
  - (i) the top-up lump sum, and
  - (ii) the value of the individual’s pension rights on the nominated date in relation to the original TCLS (as determined under paragraph 7(5) of Schedule 29 to FA 2004), exceeds £30,000.

(5) Regulation 3 of RPS(AP)R 2009 (commutation payments) does not apply in relation to the top-up lump sum.

---

**Changes to legislation:** There are currently no known outstanding effects for the The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023, Section 25. (See end of Document for details)

---

---

**Commencement Information**

**II** [Reg. 25](#) in force at 6.4.2023, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023, Section 25.