

All line references relate to the large font accessible version of the Bill



Report Stage: Tuesday 22 February 2022

Public Service Pensions and Judicial Offices Bill [Lords], As Amended

(Amendment Paper)

This document lists all amendments tabled to the Public Service Pensions and Judicial Offices Bill [Lords]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Speaker's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

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To move the following Clause—

“Parliamentary procedure for judicial schemes: transitory provision

- (1) This section applies to scheme regulations for a scheme relating to the judiciary that are made at any time within the period of one month beginning with the day on which this Act is passed.
- (2) A statutory instrument containing scheme regulations to which this section applies must be laid before Parliament after being made.
- (3) Regulations contained in a statutory instrument laid before Parliament under subsection (2) cease to have effect at the end of the period of 28 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (4) In calculating the period of 28 days, no account is to be taken of any whole days that fall within a period during which—

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- (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than four days.
- (5) If regulations cease to have effect as a result of subsection (3), that does not—
 - (a) affect the validity of anything previously done under the regulations, or
 - (b) prevent the making of new regulations.
- (6) If regulations otherwise subject to the negative procedure are combined with scheme regulations to which this section applies, the combined regulations are subject to the procedure set out in this section.
- (7) Section 24 of PSPA 2013 (other procedure) does not apply to scheme regulations to which this section applies.
- (8) In this section, the following expressions have the same meaning as in PSPA 2013—

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“the judiciary” (see paragraph 2 of Schedule 1 to that Act);

“negative procedure” (see section 38(3) of that Act);

“scheme” (see section 37 of that Act);

“scheme regulations” (see section 1(4) of that Act).”

Member’s explanatory statement

This new clause disapplies the affirmative procedure in relation to judicial scheme regulations made within one month of Royal Assent of the Bill, and provides for those regulations (and other regulations in the same statutory instrument) to be subject to the made-affirmative procedure.

Robert Jenrick

NC1

To move the following Clause—

“Guidance to public sector pension scheme managers on investment decision

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- (1) The Public Sector Pensions Act 2013 is amended in accordance with subsection (2).
- (2) In schedule 3, paragraph 12(a), at end insert “including guidance or directions on investment decisions which it is not proper for the scheme manager to make in light of UK foreign and defence policy”.

Member’s explanatory statement

This new clause would enable the Secretary of State to issue guidance to those authorities that administer public sector pension schemes, including the local government pension scheme, that they may not make investment decisions that conflict with the UK’s foreign and defence policy.

Caroline Lucas

NC2

To move the following Clause—

“Investment decisions in funded schemes

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(1) Section 3 of the Public Service Pensions Act 2013 is amended in accordance with subsection (2).

(2) After sub-paragraph (3) insert—

“(3A) Scheme regulations must require an authority’s investment strategy to ensure that investment decisions are consistent with the Glasgow Climate Pact 2021.””

Member’s explanatory statement

This new clause would require public sector pensions schemes to ensure future investments are consistent with the climate science, ambitions and timeframes agreed at the COP26 UN Climate Summit.

Caroline Lucas

NC3

To move the following Clause—

“Investment decisions in funded schemes: fossil fuel assets

(1) Section 3 of the Public Service Pensions Act 2013 is amended in accordance with subsection (2).

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(2) After sub-paragraph (3) insert—

“(3A) Scheme regulations must require the fund to have removed all investment in fossil fuel assets by 2030.””

Member’s explanatory statement

This new clause would require public sector pensions schemes to disinvest from fossil fuels by 2030, by removing fossil fuel assets from their investment portfolios, securities transactions and balance sheets.

Christine Jardine

NC4

To move the following Clause—

“Review of the impact of this Act on fairness

- (1) The Chancellor of the Exchequer must commission a review of the impact of this Act on fairness to members in receipt of pensions to which this Part applies.
- (2) The Chancellor of the Exchequer must prepare and publish a report on this review within six months of the passage

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of this Act and must lay a copy of the report before Parliament.

(3) The review under subsection (1) must include an assessment of the impact of the provisions of this Act on women.

(4) The review under subsection (1) must make recommendations as to whether further legislation should be brought forward by the Government to close the public service pensions gap between men and women.”

Member’s explanatory statement

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

Christine Jardine

NC5

To move the following Clause—

“Guidance

(1) Within six months of the passage of this Act the Chancellor of the Exchequer must lay before Parliament a copy of

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guidance to members of pension schemes affected by this Part.

- (2) The purpose of the guidance under subsection (1) is to ensure members are able to make informed choices about their pensions.
- (3) The Government must provide a free helpline or online service which members can use to receive further guidance about their pension.
- (4) Within six months of the day on which the guidance is published the Government must lay before Parliament a report on its effectiveness in achieving the purpose in subsection (2)."

Member's explanatory statement

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

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To move the following Clause—

“Impact on the recruitment of new holders of judicial offices

- (1) Within 12 months of the passage of this Act the Government must commission an evaluation of the impact of this Act on recruitment of new holders of judicial offices and on the diversity of the judiciary.
- (2) The Chancellor of the Exchequer must prepare and publish a report on this evaluation and must lay a copy of the report before Parliament.”

Member’s explanatory statement

This new clause would require the Government to publish an annual update on progress on recruiting new members to the judiciary and increasing diversity.

Tulip Siddiq

NC8

To move the following Clause—

“Compensation of losses incurred by closure of legacy schemes

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- (1) The Chancellor of the Exchequer must review how a loss incurred by a member with remediable service who is transferred to the new scheme under section 80 and—
 - (a) reaches the required number of years of pensionable service to retire with full benefits under the legacy scheme, and
 - (b) is unable to access the full value of those benefits because they must continue to work to retire with full benefits under the new scheme could be compensated.
- (2) The Chancellor of the Exchequer must prepare and publish a report on this review within two months of the passage of this Act and must lay a copy of the report before Parliament.”

Member’s explanatory statement

This new clause would require the Government to review how losses arising from the “pension trap” could be compensated, and to report on the review within two months of the passage of the Act.

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Tulip Siddiq

NC9

To move the following Clause—

“Equality impact analysis of provisions of this Act

- (1) The Chancellor of the Exchequer must review the equality impact of the provisions of this Act in accordance with this section and lay a report of that review before the House of Commons within six months of the passage of this Act.
- (2) A review under this section must consider the impact of those provisions on—
 - (a) people with protected characteristics (within the meaning of the Equality Act 2010), and
 - (b) the Government’s compliance with the public sector equality duty under section 149 of the Equality Act 2010.
- (3) A review under this section must include a separate analysis of each separate measure in the Act, and must also

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consider the cumulative impact of the Act as a whole.”

Member’s explanatory statement

This new clause would require the Government to review the equality impact of the provisions of this Act, and to report on the review within six months of the passage of the Act.

John McDonnell

NC10

To move the following Clause—

“Report on losses incurred by closure of legacy schemes

The Chancellor of the Exchequer must consult with the relevant trade unions and other bodies representing pension scheme members and report within 6 months of the passage of this Act on the options available for addressing in a non-discriminatory manner any loss incurred by a member with remediable service who is transferred to the new scheme under section 80 and—

- (a) reaches the required number of years of pensionable service to retire with

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full benefits under the legacy scheme, but

(b) is unable to access the full value of those benefits because they must continue to work to retire with full benefits under the new scheme.”

Member’s explanatory statement

This new clause would require the Government to consult with the trade unions and other bodies representing members of the pension schemes who are affected by the “pensions trap” and to report on the options available to address this issue without causing discrimination.

Mr Simon Clarke

1

Clause 6, page 17, line 18, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation

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to a particular scheme at different times for different purposes.

Mr Simon Clarke **2**

Clause 10, page 23, line 18, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

Mr Simon Clarke **3**

Clause 14, page 29, line 2, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation

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to a particular scheme at different times for different purposes.

Mr Simon Clarke

4

Clause 14, page 31, line 2, leave out "in relation to the Chapter 1 legacy scheme"

Member's explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

Mr Simon Clarke

5

Clause 15, page 31, line 25, leave out "in relation to the scheme"

Member's explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation

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to a particular scheme at different times for different purposes.

Mr Simon Clarke

6

Clause 15, page 32, line 24, leave out “in relation to the Chapter 1 legacy scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

Mr Simon Clarke

7

Clause 16, page 34, line 25, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation

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to a particular scheme at different times for different purposes.

Mr Simon Clarke

8

Clause 16, page 35, line 7, leave out "in relation to the scheme"

Member's explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

Mr Simon Clarke

9

Clause 16, page 35, line 16, leave out "in relation to the scheme"

Member's explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

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Mr Simon Clarke

10

Clause 17, page 37, line 21, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

Mr Simon Clarke

11

Clause 23, page 56, line 23, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

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Mr Simon Clarke

12

Clause 25, page 59, line 21, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

Mr Simon Clarke

13

Clause 25, page 60, line 1, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

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Mr Simon Clarke **14**

Clause 30, page 71, line 3, leave out “in relation to the scheme”

Member’s explanatory statement

This amendment caters for the possibility that the power in clause 129(2) to commence this Chapter before 1 October 2023 may be exercised in such a way that it comes into force in relation to a particular scheme at different times for different purposes.

Mr Simon Clarke **15**

Clause 77, page 142, line 10, leave out “the person’s” and insert “the date on which the person attains”

Member’s explanatory statement

This amendment clarifies the intended effect of subsection (3)(b) of this clause.

Mr Simon Clarke **16**

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Clause 77, page 143, leave out lines 12 to 15 and insert—

““legacy scheme normal pension age” means—

(a) in a case in which the person meets the third condition in relation to a local government legacy scheme, the person’s normal pension age under that scheme;

(b) otherwise, the age of 65.”

Member’s explanatory statement

This amendment ensures that a person who was never a member of a local government legacy scheme will cease to be entitled to underpin protection after the age of 65 (regardless of their normal pension age under any other legacy scheme of which they were once a member).

Mr Simon Clarke

17

Clause 85, page 153, line 16, at end insert—

“(aa) the power to make scheme regulations by virtue of section 81 (further powers to make provision about special cases) and any powers

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exercisable by virtue of such regulations;”

Member’s explanatory statement

This amendment ensures that Treasury directions may be made in relation to clause 81.

John McDonnell

24

Clause 92, page 164, lines 13 to 17, leave out paragraph (c) and insert—

“(c) leave out paragraph (c).”

Member’s explanatory statement

This amendment removes from the calculation of the employer cost cap the effect of changes in the cost of connected schemes, including the cost of rectifying the unlawful discrimination.

John McDonnell

22

Clause 92, page 164, line 13 to line 2 on page 165, leave out paragraphs (c) and (d)

Member’s explanatory statement

This amendment removes from the Bill the amendment to Section 12 of the Public Service

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Pensions Act 2013 that would allow Treasury directions to determine whether the cost control mechanism would operate.

Tulip Siddiq **23**

Page 170, line 7, leave out clause 93

Mr Simon Clarke **18**

Clause 128, page 242, line 25, at end insert—
“(1A) In Schedule 3 (judicial offices)—
(a) Part 4 extends to Northern Ireland only;
(b) Part 5 extends to England and Wales only.”

Member’s explanatory statement

This amendment limits the extent of those Parts of Schedule 3 that list devolved offices. This will help clarify the effect of any changes made in the future to those Parts by the devolved authorities.

Mr Simon Clarke **19**

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Clause 129, page 243, line 2, leave out from beginning to “the” in line 5 and insert—

“(1) Any provision of, or amendment made by, Part 1 or 3, so far as it—

(a) confers a power to make subordinate legislation or give directions, or

(b) otherwise relates to”

Member’s explanatory statement

This amendment clarifies the description of provisions relating to subordinate legislation that come into force on Royal Assent under subsection (1).

Mr Simon Clarke

20

Schedule 1, page 258, leave out lines 1 to 9 and insert—

“President of the Education Tribunal for Wales

Member of the legal chair panel, or the lay panel, of the Education Tribunal for Wales”

Member’s explanatory statement

This amendment reflects a change in the name of the Education Tribunal for Wales.

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Mr Simon Clarke

21

Schedule 3, page 284, leave out lines 13 and 14 and insert—

“Member of the legal chair panel of the Education Tribunal for Wales”

Member’s explanatory statement

This amendment reflects a change in the name of the Education Tribunal for Wales.

Order of the House

[5 January 2022]

That the following provisions shall apply to the Public Service Pensions and Judicial Offices Bill [Lords]:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

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2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 1 February 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and on Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

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