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Report Stage: Thursday 17 February 2022

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# 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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

New Amendments: 1 to 22 and NC7

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Mr Simon Clarke

NC7

★ 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—
  - (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—

“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

Andrew Percy

Dame Margaret Hodge

Greg Smith

Scott Benton

Mark Jenkinson

Brendan Clarke-Smith

Craig Tracey

Caroline Ansell

Bob Blackman

Robert Halfon

Steve McCabe

Christian Wakeford

Sir Robert Buckland

Jim Shannon

Tom Tugendhat

Stephen Hammond

Dr Matthew Offord

Johnny Mercer

Simon Fell

Miriam Cates

Damien Moore

Mr Jonathan Djanogly

Robert Largan

Karl McCartney

Chris Green

Stephen Crabb

NC1

To move the following Clause—

#### **“Guidance to public service pension scheme managers on investment decisions**

- (1) The Public Service 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.

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Caroline Lucas  
Nadia Whittome

NC2

To move the following Clause—

**“Investment decisions in funded schemes**

- (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.

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Caroline Lucas  
Nadia Whittome

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).
- (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.

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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 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.

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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 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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Christine Jardine

NC6

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.

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Mr Simon Clarke

1

- ★ Clause 6, page 7, 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.

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Mr Simon Clarke

2

- ★ Clause 10, page 9, line 31, 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

3

- ★ Clause 14, page 11, line 33, 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

4

- ★ Clause 14, page 12, line 26, 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.

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Mr Simon Clarke

5

- ★ Clause 15, page 12, line 40, 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

6

- ★ Clause 15, page 13, line 13, 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.

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Mr Simon Clarke

7

- ★ Clause 16, page 14, 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.

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Mr Simon Clarke

8

- ★ Clause 16, page 14, line 8, 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

9

★ Clause 16, page 14, line 13, 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 15, 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.

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Mr Simon Clarke

11

★ Clause 23, page 22, line 5, 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 23, line 11, 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

13

- ★ Clause 25, page 23, line 15, 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 27, line 28, 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

15

- ★ Clause 77, page 57, line 33, 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.

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Mr Simon Clarke

16

- ★ Clause 77, page 58, leave out lines 13 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).

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Mr Simon Clarke

17

★ Clause 85, page 62, line 35, 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 exercisable by virtue of such regulations;”

**Member’s explanatory statement**

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

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John McDonnell

22

★ Clause 92, page 67, line 39, leave out from beginning to end of line 11 on page 68

**Member’s explanatory statement**

This amendment removes from the Bill the amendment to Section 12 of the Public Service Pensions Act 2013 that would allow Treasury directions to determine whether the cost control mechanism would operate.

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Mr Simon Clarke

18

★ Clause 128, page 103, line 12, 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.

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Mr Simon Clarke

19

★ Clause 129, page 103, line 16, leave out from beginning to “the” in line 18 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).

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Mr Simon Clarke

20

★ Schedule 1, page 109, leave out lines 42 to 46 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 121, leave out lines 37 and 38 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**

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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