



Isle of Man

Ellan Vannin

AT 2 of 2020

**PUBLIC SECTOR PENSIONS
(AMENDMENT) ACT 2020**



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PUBLIC SECTOR PENSIONS (AMENDMENT) ACT 2020

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AN ACT to amend the Public Sector Pensions Act 2011 to remove the requirement to obtain consent for the making of certain schemes; to extend the definition of schemes and to provide for the amendment of existing schemes; to amend the Tynwald procedures for making orders, regulations and schemes; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

PART 1 – INTRODUCTORY

1 Short title

The short title of this Act is the Public Sector Pensions (Amendment) Act 2020.

2 Commencement

- (1) This Act (apart from section 1 and this section) comes into operation on such day or days as the Public Sector Pensions Authority may by order appoint and different days may be appointed for different provisions and for different purposes.
- (2) An order under subsection (1) may include such consequential, incidental, supplemental, transitional, transitory or saving provisions as the Public Sector Pensions Authority considers necessary or expedient in connection with the coming into operation of any provision of this Act.

PART 2 – AMENDMENT OF THE PUBLIC SECTOR PENSIONS ACT 2011

3 Amendment of the Public Sector Pensions Act 2011

The *Public Sector Pensions Act 2011* is amended as follows.

4 Consent to making schemes: section 3 amended and section 3A inserted

(1) Section 3(2)(a) (application) is repealed.

(2) After section 3 insert –

“3A Saving provision for existing members of judicial schemes

Despite the repeal of section 3(2)(a) (which required the consent of a person mentioned in section 3(1)(a) or (b) for schemes), the consent of a person mentioned in section 3(1)(a) or (b) (as appropriate) is required to amend a scheme where –

- (a) the scheme was in existence immediately before the repeal of section 3(2)(a);
- (b) at that time the person was a member of the scheme; and
- (c) the amendment would adversely affect the rights of the person in question under the scheme.”.

5 Definition of “scheme”: section 4 amended

In section 4 (interpretation), in the definition of “scheme”, after “under this Act” insert –

and includes any superannuation provisions originally made by order or regulations and treated as a scheme validly made by the PSPA under this Act in accordance with paragraph 1 of Schedule 1.

6 Amending existing schemes: section 6 amended

In section 6 (functions of the PSPA)—

- (a) in subsection(1)(c), omit “, subject to the approval of Tynwald”; and
- (b) after subsection (1) insert –

(1A) The PSPA may by order or regulations (as appropriate) amend a scheme originally made by order or regulations and treated as a scheme validly made by the PSPA under this Act in accordance with paragraph 1 of Schedule 1.

7 Statutory documents: section 15 amended

For section 15 (schemes and regulations), substitute –

15 Statutory documents

- (1) A scheme or regulations made under this Act, or an order made under section 6(1A), is subject to the negative procedure if —
 - (a) it does nothing more than amend an existing scheme; and
 - (b) the amendments are purely administrative and do not alter the level or rate of contributions payable by members of a scheme, or the rate at which any rights accrue under a scheme or affect, directly or indirectly, the amount of any pension, allowance or gratuity.
- (2) In any other case, a scheme or regulations made under this Act, or an order made under section 6(1A), is subject to the affirmative procedure.
- (3) If a provision of a scheme, regulations or an order otherwise subject to the negative procedure is combined with a scheme, regulations or an order subject to the affirmative procedure, the scheme, regulations or order is subject to the affirmative procedure.
- (4) A scheme or regulations made under this Act, or an order made under section 6(1A), may contain such transitional, incidental, consequential or supplemental provision as appears to the PSPA to be necessary or expedient for the purpose of giving effect to the scheme, regulations or order.
- (5) In this section —
 - (a) a reference to the “affirmative procedure” is a reference to the procedure described in section 31 of the *Legislation Act 2015*; and
 - (b) a reference to the “negative procedure” is a reference to the procedure described in section 32 of that Act. **22**.