



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Public Service Pensions and Judicial Offices Bill**

DATE **06 December 2021**

BY **Deputy Minister for Social Partnership**

This written statement is laid under Standing Order 30 – Notification in relation to UK Parliament Bills. It relates to the specific provisions in the Public Service Pensions and Judicial Offices Bill (the Bill), which will modify the Welsh Ministers’ functions, but do not require a Legislative Consent Motion under Standing Order 29 as the Senedd does not have legislative competence in respect of those provisions. Occupational pensions are a reserved matter. However, the Welsh Ministers are the responsible authority for firefighters’ pensions in Wales and have executive functions in that context.

The Bill was introduced in the House of Lords on 19 July 2021 and, on 12 August, I laid a written statement setting out provisions in the Bill which impact on the executive functions of Welsh Ministers in respect of the firefighter pension schemes in Wales. That statement also set out the background to the Bill and its broad aims, and this further written statement should be read in that context.

<https://gov.wales/written-statement-laid-under-standing-order-30c-34>).

This written statement updates members on several amendments to the Bill tabled at Report Stage in the House of Lords. All of these amendments expand the Welsh Ministers’ functions in this area; they do not restrict or withdraw them. Other amendments tabled at this stage have no effect at all on the Welsh Ministers’ functions.

Relevant amendments to the provisions in the Bill

Clause 4 of the Bill defines the meaning of a “Chapter 1” scheme referred to throughout the relevant provisions in the Bill. For clarity a Chapter 1 legacy scheme includes :

- The Firefighters’ Pension (Wales) Scheme (also known as the 1992 Scheme);
- The New Firefighters’ Pension Scheme (Wales) (also known as the 2007 Scheme).

The Firefighters' Pension Scheme (Wales) 2015 (the 2015 Scheme) is a Chapter 1 new scheme.

Clause 20 (Further powers to make provision about special cases)

Clause 20 as introduced, would provide the Welsh Ministers with powers to make regulations in respect of a Chapter 1 scheme which make further provision about a number of areas where steps may need to be taken by schemes to ensure that schemes operate as intended. This is in order to ensure that members receive the correct legacy or new scheme benefits to that which they would have been entitled in relation to their remediable service.

New sub-clauses have been added to Clause 20 to provide Welsh Ministers with the power to ensure appropriate provision can be made in respect of injury and compensation benefits payable under a relevant injury and compensation scheme to, or in respect of, a member who has remediable service. In particular, it will enable appropriate changes to be made to the 2007 Firefighters' Compensation Scheme for Wales. This is not a pension scheme – it provides compensation to firefighters who are injured or killed on duty – but entitlement to compensation under it is partly driven by pension entitlements.

New Clause inserted after Clause 22 (remedial arrangements to pay voluntary contributions to legacy schemes).

This new clause would allow the Welsh Ministers to make regulations in respect of a Chapter 1 legacy scheme to make provision allowing members with remediable service to enter into new arrangements to pay voluntary contributions into their legacy schemes after they transfer into the 2015 Scheme. This is because if those members had properly remained in their legacy schemes in 2015, they may have chosen to make such contributions.

Reasons for making these provisions

The Bill seeks to remedy discrimination across public sector schemes by placing all eligible members back into the position that they would have been in if the discrimination had never occurred. The new clauses provide further clarity and detail to ensure the pension schemes operate as intended and members receive the pension rights that they would have been entitled to, had the discrimination not taken place.

I consider that it is appropriate for these amended provisions to apply in relation to Wales and for them to be included in this Bill.