

CIVIL SERVICE COMPENSATION SCHEME (AMENDMENT) SCHEME 2008

The Minister for the Civil Service, in exercise of the powers conferred by sections 1, 2(2), 2(4)(a) and 2(9) of the Superannuation Act 1972^(a) and now vested in him^(b), after (i) consultation with persons appearing to the Minister to represent persons likely to be affected by it and (ii) in respect of the amendments listed in schedule 2 to it, having obtained the agreement of the persons appearing to the Minister to represent persons likely to be affected by those amendments, makes the following scheme, which shall form part of the Civil Service Compensation Scheme 1994:

1.-(1) This scheme may be cited as the Civil Service Compensation Scheme (Amendment) Scheme 2008.

(2) This scheme shall come into operation on 6 February 2008 and the amendments listed in schedule 1 to this scheme shall have effect from that date.

(3) The amendments listed in the other schedules to this scheme shall have effect from -

- (a) in the case of schedule 2, 30th July 2007, and
- (b) in the case of schedule 3, 1st October 2007, and
- (c) in the case of schedule 4, 1st March 2008.

2. The Civil Service Compensation Scheme 1994, which came into force on 1st January 1995 and was subsequently amended, shall have effect subject to the amendments listed in the schedule to this scheme.

**Authorised on behalf of
the Minister for the Civil Service**

^(a) 1972 c.11.

^(b) See article 2(1)(c) of S.I. 1981/1670 and article 3 of S.I. 1995/269.

SCHEDULE 1

(with effect from the date on which the scheme comes into operation)

Rule 1.3

In paragraph (b) for “rules 7.2, 7.3 or 7.5” substitute “rules 7.2 or 7.3”.

Rule 5.1

Omit “(excluding any lump sum resulting from commutation of an annual payment)”.

Rule 5.3

For “rules 2.1 to 2.9, 3.1 to 3.4 and 7.5” substitute “rules 2.1 to 2.9 and 3.1 to 3.4”.

Rule 5.5

- (a) In paragraph (a) for “rule 2.3, the maximum additional compensation payment under rules 2.8a or 3.3a and the total lump sum allowable after commutation under rule 2.4” substitute “rule 2.3 and the maximum additional compensation payment under rules 2.8a or 3.3a”.
- (b) In paragraph (b) omit “and the total lump sum allowable after commutation under rule 2.4”.

Rule 6.6

- (a) For paragraph (a) substitute –
“(a) This paragraph has been deleted.”
- (b) For paragraph (d) substitute –
“(d) This paragraph has been deleted.”.

Rule 7.2

Omit “if the civil servant leaves on or after 6 April 1988,”.

Rule 7.5

Substitute –
“7.5 This rule has been deleted.”.

SCHEDULE 2
(with effect from 30th July 2007)

Rule 1.1

After paragraph (c) insert –

(ca) “the 2007 Section” means Section III of the PCSPS;”.

New rule 7.1.a

After rule 7.1 insert –

“7.1a A person shall not be regarded as having left a post under any category for which compensation is payable under this section if the person is re-employed in the Civil Service after not more than 28 days.”.

Rule 7.8

At the end insert –

“This rule does not apply if rule H.7 of the 2007 Section (Re-employment after ill-health pension awards and awards under the Civil Service Compensation Scheme) applies to the person.”.

SCHEDULE 3
(with effect from 1st October 2007)

Rule 2.2.1

In paragraph (a) after “any added years” insert –

“or contributed pension”.

Rule 2A.5.11

In the definition of “PRS” after “any added years” insert –

“or contributed pension”.

SCHEDULE 4
(with effect from 1st March 2008)

New rule 1.15

After rule 1.14 insert –

“1.15 Where a person who has become entitled to payment of a pension and/or lump sum under rule 3.3b of the 1972 Section or rule D.1A of the 2002 Section (partial retirement) subsequently becomes entitled to benefits under this scheme –

- (a) any reckonable service used to calculate that pension and/or lump sum will not be included when calculating the person’s reckonable service or current reckonable service for the purposes of this scheme, and
- (b) the person’s partial retirement will have no effect on the length of his qualifying service or current qualifying service.”.

EXPLANATORY NOTE
(This note is not part of the scheme)

Schedule 1

The Civil Service Compensation Scheme (“CSCS”) is amended by this schedule to remove redundant provisions and cross-references.

Schedule 2

This schedule amends the CSCS with effect from 30th July 2007.

Section 7 is amended so that a person will not be regarded as having left a post with entitlement to compensation under that section if the person is re-employed not more than 28 days later.

Rule 7.8, which provides for a reduction to apply to salary on re-employment of certain persons entitled to compensation under section 7, is amended. This is so that it does not apply to a person who re-joins the Principal Civil Service Pension Scheme (“PCSPS”) on or after 30th July 2007. Such a person will be subject to provisions in rule H.7 of the 2007 Section of the PCSPS which prevent the person from building up pension benefits in the 2007 Section for a specified period. A consequential amendment is required to rule 1.1 to insert a definition of the 2007 Section.

Schedule 3

This schedule amends the CSCS with effect from 1st October 2007 to insert references to contributed pension.

Schedule 4

A new rule is inserted with effect from 1st March 2008 to clarify the effects of partial retirement.