EXPLANATORY MEMORANDUM TO

THE PENSIONS INCREASE (PENSION SCHEME FOR KEIR STARMER QC) REGULATIONS 2013

2013 No. 2588

1. This explanatory memorandum has been prepared by the Treasury and is laid before Parliament by Command of Her Majesty.

2. Purpose of the Instrument

2.1 These Regulations will come into force on 31 October 2013. They make provision enabling the pensions up-rating regime under the Pensions (Increase) Act 1971 ("the 1971 Act") to apply to the pension scheme of the Director of Public Prosecutions, currently Keir Starmer QC.

3. Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None.

4. Legislative Context

4.1 The 1971 Act is part of the statutory framework that enables public service pensions to be annually up-rated, so that they do not lose their value against inflation. It applies to "official pensions", which are listed in Schedule 2 of that Act.

4.2 The Minister for the Civil Service has created a pension scheme for the Director of Public Prosecutions using the power in section 1 of the Superannuation Act 1972. However, that pension scheme is not an official pension within the meaning of the 1971 Act and at present falls outside the up-rating framework.

4.3 There is a general power in section 5 of the 1971 Act which enables the Treasury to provide that that Act shall have effect in relation to any pensions not specified in Schedule 2 as if they were specified in that Schedule.

4.4 The Instrument makes such a provision to enable the up-rating framework to apply to the pension scheme of the Director of Public Prosecutions as if it were an official pension.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 The Chief Secretary to the Treasury has made the following statement regarding human rights:

"In my view, the provisions of the Pensions Increase (Pension Scheme for Keir Starmer QC) Regulations 2013 are compatible with the Convention rights."

7. Policy background

7.1 The current Director of Public Prosecutions is due to step down from the role at the end of October 2013. He is the only member of a pension scheme which is not listed as an official pension by the 1971 Act and so falls outside the statutory up-rating regime. These Regulations extend the up-rating regime to cover his pension scheme as if it were an official pension so listed.

7.2 It has been the practice in the past to create individual pension schemes for Directors of Public Prosecutions. This practice was followed when Kier Starmer QC was appointed to the role. It has also been past practice to extend the up-rating regime of the 1971 Act to cover these pension schemes, so that the pensions payable under them can be up-rated like any other official pension.

7.3 This practice has been reviewed as part of wider public service pension reforms. It has been decided that in the future, the Director of Public Prosecutions will be pensioned under the civil service pension scheme. This will ease the administrative burden of setting up and maintaining an individual scheme, and is in line with the policy of providing pensions more simply and within a common legislative framework. The civil service pension scheme is already listed as an official pension in the 1971 Act, so it is not necessary to extend the definition any further to enable the up-rating regime to apply to it.

8. Consultation outcome

8.1 A consultation has not been deemed necessary in relation to these specific regulations. This Instrument makes a minor regulatory change to bring the pension for the Director of Public Prosecutions within the statutory pension up-rating regime under the Pensions (Increase) Act 1971 following which future Directors of Public Prosecutions will be pensioned under the civil service pension scheme. This is in line with the approach agreed by Parliament through the passage of the Public Service Pension Act 2013 that future pension provision should be made within a common legislative framework.

9. Guidance

9.1 No guidance has been produced to accompany this instrument, the purpose of which is explained by this memorandum.

10. Impact

10.1 No Impact Assessment has been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

10.2 The outcome of this legislation is to enable the pension of the Director of Public Prosecutions to be up-rated in the same manner as other civil service pensions.

11. Regulating small business

11.1 This instrument does not apply to small business.

12. Monitoring and review

12.1 It is not anticipated that any further extension of the 1971 Act will be required in respect of future Directors of Public Prosecutions, but this situation will remain monitored and will be reviewed if necessary.

13. Contact

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