



# Public Service Pensions and Judicial Offices Act 2022

## 2022 CHAPTER 7

### PART 1

#### PUBLIC SERVICE PENSION SCHEMES

#### CHAPTER 2

#### JUDICIAL SCHEMES

#### *Remediable service*

### **39** Meaning of “remediable service”

- (1) For the purposes of this Chapter any continuous period of service of a person in a judicial office is “remediable service” in that office if the following five conditions are met.
- (2) In this section “the service in question” means the service mentioned in subsection (1).
- (3) The first condition is that the service in question takes place in the period beginning with 1 April 2015 and ending with 31 March 2022.
- (4) The second condition is that the service in question—
  - (a) is pensionable service under a judicial scheme, or
  - (b) would have been pensionable service under a judicial scheme but for the fact that the person, in accordance with the scheme, opted that it should not be (or failed to opt that it should be) pensionable service under the scheme.

The second condition is met if all of the service in question falls within paragraphs (a) and (b) (even if it does not all fall within only one of those paragraphs).

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

- (5) The third condition is that the person was, on 31 March 2012 or any earlier day, in service in an employment or office that is pensionable service under—
- (a) a Chapter 1 legacy scheme (within the meaning of Chapter 1),
  - (b) a judicial legacy scheme, or
  - (c) a local government legacy scheme (within the meaning of Chapter 3).
- (6) The fourth condition is that there is no disqualifying gap in service falling within the period—
- (a) beginning with the day after the most recent day in relation to which the third condition is met, and
  - (b) ending with the day before the first day of the service in question.
- (7) The fifth condition is that the person was under the age of 55 on 1 April 2012.
- (8) For the purposes of subsection (4)(b), a person is treated as having opted in accordance with the scheme that service should not be pensionable service under a judicial scheme if the service would have been pensionable service under that scheme (or would have been if the person had opted that it should be) but for the fact that the person had a partnership pension account.
- (9) In subsection (6) “disqualifying gap in service” means a period longer than 5 years at no time during which is the person in service in an employment or office which is pensionable service under—
- (a) a Chapter 1 scheme (within the meaning of Chapter 1),
  - (b) a judicial scheme, or
  - (c) a local government scheme (within the meaning of Chapter 3).
- (10) In determining for the purposes of this section whether any service is pensionable service under a particular scheme, sections 2(1), 42(2) to (5) and 45(2) (under which service may be treated as pensionable, or not pensionable, under particular schemes) are to be disregarded.

See also section 66(1) (which requires section 61 of the Equality Act 2010 and paragraph 2 of Schedule 1 to EEAR(NI) 2006 to be disregarded).

#### Commencement Information

**II** S. 39 in force at Royal Assent for specified purposes, see **s. 131(1)**

### *Options exercise*

#### **40 Legacy scheme elections**

- (1) An election (“a legacy scheme election”) may be made in respect of a person who has remediable service in a judicial office.
- (2) Subsection (1) is subject to subsection (3) and section 41(2) and (5) (partnership pension account: requirement to transfer and surrender rights).
- (3) A legacy scheme election may not be made in respect of a person if a 2015 scheme election has been made in respect of the person.

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- (4) A legacy scheme election—
- (a) must be in writing,
  - (b) must be received by the relevant authority before the end of the election period,
  - (c) (subject to subsection (5)) takes effect at the end of the election period, and
  - (d) is irrevocable.
- (5) In a case in which—
- (a) section 41(2) or (5) applies (election made in respect of a person with PPA opted-out service), and
  - (b) the steps mentioned in section 41(3) or (6) have not been taken at the end of the election period,
- the legacy scheme election takes effect immediately after the steps are taken.

#### Commencement Information

**I2** S. 40 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 41 Partnership pension account: requirement to transfer and surrender rights

- (1) Subsection (2) applies where—
- (a) a person (“P”) has remediable service in a salaried judicial office, and
  - (b) any of the remediable service is PPA opted-out service.
- (2) A legacy scheme election in respect of P may not be made unless—
- (a) the relevant authority is satisfied that the steps mentioned in subsection (3) have been taken, or
  - (b) the appropriate person has notified the relevant authority that they intend to instigate and facilitate the taking of those steps.
- (3) The steps are—
- (a) the transfer of any relevant assets and liabilities to the relevant judicial legacy salaried scheme,
  - (b) the surrender of any entitlement to a pension under the relevant judicial legacy salaried scheme, and any right to a future pension under that scheme, that would otherwise arise under the rules of the scheme in respect of the value of the assets and liabilities transferred, and
  - (c) if at any time any relevant assets and liabilities were transferred out of the partnership pension account (otherwise than in the course of a transfer to the relevant judicial legacy salaried scheme), the payment by the appropriate person to the relevant judicial legacy salaried scheme of an amount, determined by the relevant authority after consulting the Government Actuary, in respect of the value of the relevant assets transferred.
- (4) Subsection (5) applies where—
- (a) a person (“P”) has remediable service in a fee-paid judicial office, and
  - (b) any of the remediable service is PPA opted-out service.
- (5) A legacy scheme election in respect of P may not be made unless—

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- (a) the relevant authority is satisfied that the steps mentioned in subsection (6) have been taken, or
  - (b) the appropriate person has notified the relevant authority that they intend to instigate and facilitate the taking of those steps.
- (6) The steps are—
- (a) the transfer of any relevant assets and liabilities to the judicial legacy fee-paid scheme,
  - (b) the surrender of any entitlement to a pension under the judicial legacy fee-paid scheme, and any right to a future pension under that scheme, that would otherwise arise under the rules of the scheme in respect of the value of the assets and liabilities transferred, and
  - (c) if at any time any relevant assets and liabilities were transferred out of the partnership pension account (otherwise than in the course of a transfer to the judicial legacy fee-paid scheme), the payment by the appropriate person to the judicial legacy fee-paid scheme of an amount, determined by the relevant authority after consulting the Government Actuary, in respect of the value of the relevant assets transferred.
- (7) In this section “the appropriate person”, in relation to a person (“P”) who has PPA opted-out service, means the person by whom a legacy scheme election in respect of P may be made (see section 46).
- (8) For the purposes of this section assets and liabilities are “relevant” in relation to any PPA opted-out service of a person (“P”) if—
- (a) they are referable to pension contributions or voluntary contributions that were made by or on behalf of P in respect of the service, and
  - (b) they are held for the purposes of a partnership pension account.
- This is subject to subsection (9).
- (9) Where—
- (a) the total of the pension contributions, together with any voluntary contributions, that were paid by P in respect of the PPA opted-out service, exceeds
  - (b) the total of the pension contributions that would have been payable by P in respect of that service if the service had been pensionable service under the judicial legacy scheme to which the relevant assets and liabilities are to be transferred,
- the assets and liabilities that the relevant authority, after consulting the Government Actuary, determines are referable to the excess are not “relevant” in relation to the PPA opted-out service.
- (10) A reference in subsection (9) to pension contributions or voluntary contributions paid by P in respect of PPA opted-out service is a reference to the amount of the contributions paid, net of any tax relief under section 188 of FA 2004 (relief for contributions) to which P was entitled in respect of them.

#### Commencement Information

**I3** S. 41 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

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*Status: Point in time view as at 10/03/2022.*

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## **42 Legacy scheme elections: effect**

- (1) Subsections (2) to (5) apply where a legacy scheme election is made in respect of a person.
- (2) The person's remediable service in any salaried judicial office, to the extent that it is otherwise pensionable service under a judicial 2015 scheme, is treated—
  - (a) as not being, and as never having been, pensionable service under that scheme, and
  - (b) as being, and as always having been, pensionable service under the relevant judicial legacy salaried scheme.
- (3) The person's remediable service in any salaried judicial office, to the extent that it is otherwise opted-out service, is treated as being, and as always having been, pensionable service under the relevant judicial legacy salaried scheme.
- (4) The person's remediable service in any fee-paid judicial office, to the extent that it is otherwise pensionable service under a judicial 2015 scheme, is treated—
  - (a) as not being, and as never having been, pensionable service under that scheme, and
  - (b) as being, and as always having been, pensionable service under the judicial legacy fee-paid scheme.
- (5) The person's remediable service in any fee-paid judicial office, to the extent that it is otherwise opted-out service, is treated as being, and as always having been, pensionable service under the judicial legacy fee-paid scheme.
- (6) Subsections (2) to (5) have effect—
  - (a) for the purposes of determining which judicial scheme is (or at any time was) required to pay benefits to or in respect of a member,
  - (b) for the purposes of determining the amount of any benefits that are (or at any time were) payable under a judicial scheme to or in respect of a member,
  - (c) for the purposes of determining the judicial scheme to which a member is (or at any time was) required to pay pension contributions under a judicial scheme,
  - (d) for the purposes of determining the amount of any pension contributions that are (or at any time were) payable under judicial schemes by members, and
  - (e) subject to any provision of this Chapter to the contrary, for all other purposes.
- (7) Subsections (2) to (5) do not affect—
  - (a) any arrangements under a judicial scheme under which a member pays contributions to the scheme on a voluntary basis so as to secure additional benefits, or the earlier payment of benefits, under the scheme, or
  - (b) any rights under a judicial scheme in respect of a transfer in to the scheme of an amount in respect of rights accrued under another pension scheme.

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### **Commencement Information**

**I4** S. 42 in force at Royal Assent for specified purposes, see **s. 131(1)**

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

### 43 Meaning of “the relevant judicial legacy salaried scheme”

In this Chapter “the relevant judicial legacy salaried scheme”, in relation to a person’s remediable service in a salaried judicial office, means—

- (a) in a case in which, before 1 April 2015, the person accrued pensionable service in a salaried judicial office under only one judicial legacy salaried scheme, that scheme;
- (b) in a case in which, before 1 April 2015, the person accrued pensionable service in a salaried judicial office under more than one judicial legacy salaried scheme, the judicial legacy salaried scheme under which the person most recently accrued pensionable service in the office;
- (c) in a case in which, before 1 April 2015, the person did not accrue pensionable service in a salaried judicial office under any judicial legacy salaried scheme, the scheme constituted by Part 1 of JUPRA 1993.

#### Commencement Information

**I5** S. 43 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### 44 2015 scheme elections

- (1) An election (a “2015 scheme election”) may (subject to subsection (2)) be made in respect of a person who has remediable service in a judicial office.
- (2) A 2015 scheme election may not be made in respect of a person if—
  - (a) any of the person’s remediable service is opted-out service, or
  - (b) a legacy scheme election has been made in respect of the person.
- (3) A 2015 scheme election—
  - (a) must be in writing,
  - (b) must be received by the relevant authority before the end of the election period,
  - (c) takes effect at the end of the election period, and
  - (d) is irrevocable.
- (4) Subsection (2)(a) does not apply in a case in which—
  - (a) some of the person’s service in a judicial office is pensionable service under a judicial legacy scheme, and
  - (b) section 39(4)(b) applies to the person’s opted-out service only in relation to a judicial 2015 scheme.

#### Commencement Information

**I6** S. 44 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### 45 2015 scheme elections: effect

- (1) Subsection (2) applies where a 2015 scheme election is made in respect of a person.

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- (2) The person’s remediable service in any judicial office (whether salaried or fee-paid), to the extent that it is otherwise pensionable service under a judicial legacy scheme, is treated—
- (a) as not being, and as never having been, pensionable service under that scheme, and
  - (b) as being, and as always having been, pensionable service under the relevant 2015 scheme.
- (3) In subsection (2) “the relevant 2015 scheme” means—
- (a) in relation to service in a judicial office within section 71(1)(a) or (b), the Judicial Pensions Regulations 2015 (S.I. 2015/182);
  - (b) otherwise, the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 76).
- (4) Subsection (2) has effect—
- (a) for the purposes of determining which judicial scheme is (or at any time was) required to pay benefits to or in respect of a member,
  - (b) for the purposes of determining the amount of any benefits that are (or at any time were) payable under a judicial scheme to or in respect of a member,
  - (c) for the purposes of determining the judicial scheme to which a member is (or at any time was) required to pay pension contributions under a judicial scheme,
  - (d) for the purposes of determining the amount of any pension contributions that are (or at any time were) payable under judicial schemes by members, and
  - (e) subject to any provision of this Chapter to the contrary, for all other purposes.
- (5) Subsection (2) does not affect—
- (a) any arrangements under a judicial scheme under which a member pays contributions to the scheme on a voluntary basis so as to secure additional benefits, or the earlier payment of benefits, under the scheme, or
  - (b) any rights under a judicial scheme in respect of a transfer in to the scheme of an amount in respect of rights accrued under another pension scheme.

#### **Commencement Information**

**I7** S. 45 in force at Royal Assent for specified purposes, see **s. 131(1)**

#### **46 Person by whom election is to be made**

- (1) The person by whom a legacy scheme election or 2015 scheme election in respect of a person (“P”) is to be made is P or, if P is deceased—
- (a) the adult survivor, or
  - (b) if there is no adult survivor, P’s personal representatives.
- (2) In this section “adult survivor” means a surviving spouse, civil partner or other adult who is entitled under the relevant judicial scheme to a pension determined (to any extent) by reference to P’s remediable service.
- (3) In subsection (2) “the relevant judicial scheme” means the judicial scheme under which P most recently accrued pensionable service.

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#### Commencement Information

**18** S. 46 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

*Options exercise: further provision*

### 47 Cases in which 2015 scheme election treated as made

- (1) Subsection (2) applies where —
  - (a) a person has remediable service in a judicial office which is mixed service, and
  - (b) no legacy scheme election or 2015 scheme election in respect of the person is made before the end of the election period.
- (2) A 2015 scheme election in respect of the person is treated as having been made.
- (3) For the purposes of this section a person’s remediable service in a judicial office is “mixed service” if—
  - (a) some of the service is pensionable service under a judicial legacy scheme, and
  - (b) some of the service is—
    - (i) pensionable service under a judicial 2015 scheme, or
    - (ii) PPA opted-out service.

#### Commencement Information

**19** S. 47 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### 48 Benefits for children where election made

- (1) Subsection (2) applies where—
  - (a) a 2015 scheme election is made in respect of a deceased person (“P”),
  - (b) P is survived by a child,
  - (c) the child is not living in the same household as an adult survivor of P, and
  - (d) the benefits payable under the judicial 2015 scheme in respect of the child are, in the opinion of the scheme manager of the scheme, less valuable (looked at in the round) than those that would have been payable in respect of the child if a legacy scheme election had been made in respect of P.
- (2) The benefits payable in respect of the child under the judicial 2015 scheme, so far as they are determined by reference to P’s remediable service, are such benefits as would have been payable in respect of the child, so far as they are determined by reference to P’s remediable service, if a legacy scheme election had been made in respect of P.
- (3) For the purposes of subsections (1) and (2)—
  - (a) “child” means any individual who would have received benefits in respect of P under a judicial legacy scheme in their capacity as a child if a legacy scheme election had been made in respect of P;
  - (b) “adult survivor” means a surviving spouse, civil partner or other adult who is entitled under the judicial 2015 scheme to a pension determined (to any extent) by reference to P’s remediable service.



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- (4) Subsection (5) applies where—
- (a) a legacy scheme election is made in respect of a deceased person (“P”),
  - (b) P is survived by a child,
  - (c) the child is not living in the same household as an adult survivor of P, and
  - (d) the benefits payable under the judicial legacy scheme in respect of the child are, in the opinion of the scheme manager of the scheme, less valuable (looked at in the round) than those that would have been payable in respect of the child if a 2015 scheme election had been made in respect of P.
- (5) The benefits payable in respect of the child under the judicial legacy scheme, so far as they are determined by reference to P’s remediable service, are such benefits as would have been payable in respect of the child, so far as they are determined by reference to P’s remediable service, if a 2015 scheme election had been made in respect of P.
- (6) For the purposes of subsections (4) and (5)—
- (a) “child” means any individual who would have received benefits in respect of P under a judicial 2015 scheme in their capacity as a child if a 2015 scheme election had been made in respect of P;
  - (b) “adult survivor” means a surviving spouse or civil partner who is entitled under the judicial legacy scheme to a pension determined (to any extent) by reference to P’s remediable service.
- (7) Subsections (2) and (5) apply in relation to benefits that were payable in respect of the child before, as well as after, the election in question comes into effect.

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**Commencement Information**

**I10** S. 48 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

**49 Effect of elections on benefits previously paid or payable**

- (1) Subsection (2) applies in relation to any benefits (“the paid benefits”) that a judicial 2015 scheme has at any time paid to a person (“P”) so far as—
- (a) they are calculated by reference to P’s, or any other person’s, remediable service in a salaried judicial office, and
  - (b) they are benefits that, as a result of a legacy scheme election made in respect of P or any other person, P was not entitled to receive from the scheme.
- (2) The paid benefits are to be treated for all purposes—
- (a) as not having been paid to P by the judicial 2015 scheme, but
  - (b) as having been paid to P instead by the relevant judicial legacy salaried scheme.
- (3) Subsection (4) applies in relation to any benefits (“the paid benefits”) that a judicial 2015 scheme has at any time paid to a person (“P”) so far as—
- (a) they are calculated by reference to P’s, or any other person’s, remediable service in a fee-paid judicial office, and
  - (b) they are benefits that, as a result of a legacy scheme election made in respect of P or any other person, P was not entitled to receive from the scheme.
- (4) The paid benefits are to be treated for all purposes—

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- (a) as not having been paid to P by the judicial 2015 scheme, but
  - (b) as having been paid to P instead by the judicial legacy fee-paid scheme.
- (5) Subsection (6) applies in relation to any benefits (“the paid benefits”) that a judicial legacy scheme has at any time paid to a person (“P”) so far as—
- (a) they are calculated by reference to P’s, or any other person’s, remediable service in a judicial office, and
  - (b) they are benefits that, as a result of a 2015 scheme election made in respect of P or any other person, P was not entitled to receive from the scheme.
- (6) The paid benefits are to be treated for all purposes—
- (a) as not having been paid to P by the judicial legacy scheme, but
  - (b) as having been paid to P instead by the relevant 2015 scheme.
- (7) In subsection (6) “the relevant 2015 scheme” means—
- (a) in relation to service in a judicial office within section 71(1)(a) or (b), the Judicial Pensions Regulations 2015 (S.I. 2015/182);
  - (b) otherwise, the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 76).
- (8) Subsection (9) applies where, as a result of a legacy scheme election or 2015 scheme election (and after taking into account the effect of subsections (2), (4) and (6))—
- (a) a judicial scheme owes a person an amount in respect of benefits which—
    - (i) are calculated by reference to a member’s remediable service in a judicial office, and
    - (ii) were payable before the end of the election period, or
  - (b) a person owes a judicial scheme an amount in respect of such benefits.
- (9) The liability is to be discharged only in accordance with section 51 (corrections for pension benefits and lump sum benefits).

#### Commencement Information

**III** S. 49 in force at Royal Assent for specified purposes, see s. 131(1)

## 50 Effect of elections on pension contributions previously paid or payable

- (1) Subsection (2) applies where a member (“M”) of a judicial 2015 scheme has paid any pension contributions (“the paid contributions”) under the scheme which—
- (a) are calculated by reference to M’s remediable service in a salaried judicial office, and
  - (b) as a result of a legacy scheme election made in respect of M, M was not required to pay to the scheme.
- (2) The paid contributions are to be treated for all purposes—
- (a) as not having been paid by M to the judicial 2015 scheme, but
  - (b) as having been paid by M instead to the relevant judicial legacy salaried scheme.
- (3) Subsection (4) applies where a member (“M”) of a judicial 2015 scheme has paid any pension contributions (“the paid contributions”) under the scheme which—

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- (a) are calculated by reference to M’s remediable service in a fee-paid judicial office, and
  - (b) as a result of a legacy scheme election made in respect of M, M was not required to pay to the scheme.
- (4) The paid contributions are to be treated for all purposes—
- (a) as not having been paid by M to the judicial 2015 scheme, but
  - (b) as having been paid by M instead to the judicial legacy fee-paid scheme.
- (5) Subsection (6) applies where a member (“M”) of a judicial legacy scheme has paid any pension contributions (“the paid contributions”) under the scheme which—
- (a) are calculated by reference to M’s remediable service in a judicial office, and
  - (b) as a result of a 2015 scheme election made in respect of M, M was not required to pay to the scheme.
- (6) The paid contributions are to be treated for all purposes—
- (a) as not having been paid by M to the judicial legacy scheme, but
  - (b) as having been paid by M instead to the relevant 2015 scheme.
- (7) In subsection (6) “the relevant 2015 scheme” means—
- (a) in relation to service in a judicial office within section 71(1)(a) or (b), the Judicial Pensions Regulations 2015 (S.I. 2015/182);
  - (b) otherwise, the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 76).
- (8) Subsection (9) applies where, as a result of a legacy scheme election or 2015 scheme election (and after taking into account the effect of subsections (2), (4) and (6))—
- (a) a judicial scheme owes a person an amount in respect of pension contributions which are calculated by reference to a member’s remediable service in a judicial office, or
  - (b) a person owes a judicial scheme an amount in respect of such contributions.
- (9) The liability is to be discharged only in accordance with section 52 (corrections for pension contributions).

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**Commencement Information**

**I12** S. 50 in force at Royal Assent for specified purposes, see **s. 131(1)**

*Pension benefits and contributions: corrections*

**51 Pension benefits and lump sums benefits**

- (1) This section applies in relation to a member (“M”) of a judicial scheme who, at the end of the election period—
- (a) has remediable service in a judicial office that is pensionable service under the scheme, and
  - (b) is a pensioner member in relation to the judicial office, or is deceased.
- (2) Where—

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- (a) the aggregate of the pension benefits, if any, that (after taking into account the effect, if any, of section 49(2), (4) or (6)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the judicial office, exceeds
- (b) the aggregate of the pension benefits to which (after taking into account the effect, if any, of section 42(2) to (5) or 45(2)) the beneficiary was entitled under the scheme in respect of the service,
- the beneficiary must pay the difference to the scheme.
- (3) Where—
- (a) the amount mentioned in subsection (2)(a), is less than
- (b) the amount mentioned in subsection (2)(b),
- the scheme manager must pay the difference to the beneficiary.
- (4) Where—
- (a) the aggregate of the lump sum benefits, if any, that (after taking into account the effect, if any, of section 49(2), (4) or (6)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the judicial office, exceeds
- (b) the aggregate of the lump sum benefits to which (after taking into account the effect, if any, of section 42(2) to (5) or 45(2)) the beneficiary was entitled under the scheme in respect of the service,
- the beneficiary must pay the difference to the scheme.
- (5) Where—
- (a) the amount mentioned in subsection (4)(a), is less than
- (b) the amount mentioned in subsection (4)(b),
- the scheme manager must pay the difference to the beneficiary.
- (6) If—
- (a) M is deceased,
- (b) a PPA lump sum death benefit has been paid on the death of M, and
- (c) a legacy scheme election has been made in respect of M,
- the PPA lump sum death benefit is to be treated for the purposes of subsection (4)(a) as a lump sum benefit paid under the scheme in respect of M’s remediable service in the judicial office.
- (7) If—
- (a) a 2015 scheme election has been made in respect of M, and
- (b) M has been paid a judicial service award in respect of M’s service in the judicial office,
- the judicial service award is to be treated for the purposes of subsection (4)(a) as a lump sum benefit paid to M under the scheme in respect of M’s remediable service in the judicial office.
- (8) In this section—
- “judicial service award” means an amount payable pursuant to a determination of the Lord Chancellor relating to judicial service awards for holders of judicial offices;
- “lump sum benefit” means any benefit payable under a pension scheme by way of a lump sum;

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“pension benefit” means any benefit payable under a pension scheme otherwise than by way of a lump sum;

“PPA lump sum death benefit” means an amount paid by the relevant authority, on the death of a person who has a partnership pension account, to a person nominated by the deceased or to the person’s personal representatives.

#### Commencement Information

**I13** S. 51 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 52 Pension contributions

- (1) This section applies in relation to a member (“M”) of a judicial scheme who, at the end of the election period has remediable service in a judicial office that is pensionable service under the scheme.
- (2) Where—
  - (a) the paid contributions amount for an in-scope tax year in respect of M’s remediable service in the judicial office, exceeds
  - (b) the payable contributions amount for that tax year in respect of that service, the scheme manager must (directly or indirectly) pay an amount in respect of the difference to the appropriate person.
- (3) Where—
  - (a) the paid contributions amount for an out-of-scope tax year in respect of M’s remediable service in the judicial office, exceeds
  - (b) the payable contributions amount for that tax year in respect of that service, no amount is to be paid by the scheme manager in respect of the difference to the appropriate person.
- (4) Where—
  - (a) the paid contributions amount for an in-scope or out-of-scope tax year in respect of M’s remediable service in the judicial office, is less than
  - (b) the payable contributions amount for that tax year in respect of that service, the appropriate person must pay pension contributions in respect of the difference to the scheme.
- (5) A reference in this section to “the paid contributions amount” for a tax year in respect of M’s remediable service in a judicial office is a reference to the sum of—
  - (a) the aggregate of the pension contributions that (after taking into account the effect, if any, of section 50(2), (4) and (6)) have been paid under the scheme by M in the tax year in respect of so much of the service as was not PPA opted-out service, and
  - (b) where any of the remediable service was PPA opted-out service—
    - (i) the aggregate of the pension contributions and any voluntary contributions that have been paid by M under the partnership pension account in the tax year in respect of the PPA opted-out service, or
    - (ii) if lower, the aggregate of the pension contributions that (after taking into account the effect, if any, of section 42(2) to (5) or 45(2)) were

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payable under the scheme by M for that tax year in respect of the PPA opted-out service.

- (6) A reference in this section to “the payable contributions amount” for a tax year in respect of M’s remediable service in a judicial office means the aggregate of the pension contributions that (after taking into account the effect, if any, of section 42(2) to (5) or 45(2)) were payable under the scheme by M for that tax year in respect of the service.
- (7) In this section “the appropriate person” means—
- (a) M, or
  - (b) if M is deceased, M’s personal representatives.
- (8) For the purposes of this section—
- (a) a tax year is “in-scope” in relation to M if any necessary adjustment to the amount of income tax paid by M in respect of PAYE income for the tax year is capable of being enforced by HMRC under PAYE regulations;
  - (b) a tax year is “out-of-scope” in relation to M if it is not in-scope in relation to M.
- (9) A reference in this section to pension contributions or voluntary contributions paid by a person under a partnership pension account is a reference to the amount of the contributions paid, net of any tax relief under section 188 of FA 2004 (relief for contributions) to which the person was entitled in respect of them.

#### Commencement Information

**114** S. 52 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### 53 Effective pension age payments

- (1) Subsections (2) and (3) apply where—
- (a) a person (“P”) has remediable service in a judicial office,
  - (b) P has, during the period of remediable service, paid any effective pension age payments to a judicial 2015 scheme, and
  - (c) a legacy scheme election is made in respect of P.
- (2) The rights that would otherwise have been secured by the effective pension age payments are extinguished.
- (3) The scheme manager of the judicial 2015 scheme must pay to the appropriate person an amount by way of compensation equal to—
- (a) the aggregate of the effective pension age payments paid by P, less
  - (b) an amount in respect of the value of the tax relief under section 188 of FA 2004 (member contributions) to which P was entitled in respect of those payments.
- (4) In subsection (3) “the appropriate person” means—
- (a) P, or
  - (b) if P is deceased, P’s personal representatives.
- (5) In this section “effective pension age payments” means payments under—
- (a) Part 3 of Schedule 1 to the Judicial Pensions Regulations 2015 ([S.I. 2015/182](#)), or

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

- (b) Part 3 of Schedule 1 to the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 76).

#### Commencement Information

**I15** S. 53 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 54 Transitional protection allowance

- (1) Subsection (2) applies where—
- a person (“P”) has remediable service in a judicial office,
  - P’s employer (“the employer”) has paid P a transitional protection allowance, and
  - a legacy scheme election is made in respect of P.
- (2) The appropriate person must pay to the employer an amount equal to—
- the amount of the transitional protection allowance, less
  - an amount in respect of the income tax suffered by P that is attributable to the transitional protection allowance.
- (3) In subsection (2) “the appropriate person” means—
- P, or
  - if P is deceased, P’s personal representatives.
- (4) In this section “transitional protection allowance” means an amount paid to a person, pursuant to an agreement between the person and the person’s employer, that the person should not accrue pensionable service under any judicial scheme after 31 March 2015.
- (5) A reference in this section to a person’s employer is to the person’s employer for the purposes of any judicial scheme of which the person is a member.

#### Commencement Information

**I16** S. 54 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 55 Power to reduce benefits in lieu of paying liabilities owed to scheme

- (1) Scheme regulations for a judicial scheme may make provision under which—
- a person who would otherwise be required to pay an amount under or by virtue of this Chapter to the scheme, or to the person’s employer, is not required to pay that amount to the scheme or the employer, and
  - instead, the benefits payable to or in respect of the person under the scheme are reduced in accordance with the regulations.
- (2) Scheme regulations for a judicial scheme may make provision under which, in a case in which a person is (by virtue of provision made under subsection (1)) not required to pay an amount to the person’s employer, the scheme manager is required to reimburse the employer.

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- (3) A reference in this section to a person’s employer is to the person’s employer for the purposes of any judicial scheme of which the person is a member.

**Commencement Information**

**I17** S. 55 in force at Royal Assent for specified purposes, see **s. 131(1)**

**56 Powers to reduce or waive liabilities**

- (1) Scheme regulations for a judicial scheme may make provision under which a liability owed by a person to the scheme under section 51 (corrections for pension benefits and lump sum benefits) is reduced or waived.
- (2) Scheme regulations for a judicial scheme may make provision under which a liability to pay pension contributions owed by a person to the scheme under section 52 (corrections for pension contributions) is reduced or waived.
- (3) The provision that may be made under subsection (2) includes, in particular, provision under which a liability to pay pension contributions is reduced by tax relief amounts.
- (4) In subsection (3) “tax relief amounts” means amounts determined by reference to the tax relief under section 188 of FA 2004 (relief for members’ contributions) that would have been available in respect of the amounts owed if—
- (a) they had been paid in a different tax year, or
  - (b) they had been paid to a different judicial scheme.

**Commencement Information**

**I18** S. 56 in force at Royal Assent for specified purposes, see **s. 131(1)**

*Powers to make provision in relation to special cases*

**57 Pension credit members**

- (1) Scheme regulations for a judicial scheme may make provision about the benefits payable to or in respect of a relevant pension credit member and the corresponding pension debit member.
- (2) In this section “relevant pension credit member”, in relation to a judicial scheme, means a person who has rights under the scheme—
- (a) which are attributable (directly or indirectly) to a pension credit, and
  - (b) the value of which was determined (to any extent) by reference to the value of benefits payable in respect of the remediable service in a judicial office of another person.
- (3) In this section “the corresponding pension debit member”, in relation to a relevant pension credit member, means the person mentioned in subsection (2)(b).
- (4) The provision that may be made under subsection (1) includes provision under which—



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- (a) the pension debit of the corresponding pension debit member is adjusted where a legacy scheme election or a 2015 scheme election is made in respect of a member;
  - (b) the pension credit of a relevant pension credit member is adjusted on the assumption that a legacy scheme election or a 2015 scheme election is made in respect of the corresponding pension debit member (regardless of whether it in fact is).
- (5) Provision made under subsection (1) must include provision under which, in a case in which the corresponding pension debit member in relation to a relevant pension credit member has mixed service, any pension credit retained by the relevant pension credit member under the scheme is of a value determined by reference to the value of benefits payable under only one judicial scheme.
- (6) For the purposes of this section a person’s remediable service in a judicial office is “mixed service” if, disregarding any legacy scheme election or 2015 scheme election made in respect of the person—
- (a) some of the service is pensionable service under a judicial legacy scheme, and
  - (b) some of the service is pensionable service under a judicial 2015 scheme.
- (7) In this section—
- “pension debit” means a debit under section 29(1)(a) of WPRA 1999 or Article 26(1)(a) of WRP(NI)O 1999;
  - “pension credit” means a credit under section 29(1)(b) of WPRA 1999 or Article 26(1)(b) of WRP(NI)O 1999.

#### **Commencement Information**

**119** S. 57 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## **58 Further powers to make provision about special cases**

- (1) Scheme regulations for a judicial scheme may make further provision relating to a member who has remediable service in a judicial office.
- (2) The provision that may be made under subsection (1) includes, in particular—
  - (a) provision about cases in which a member has paid voluntary contributions to the scheme during any period of remediable service;
  - (b) provision about the calculation or payment of transfer values on the transfer out of the rights of a member who has remediable service in a judicial office;
  - (c) provision about the benefits payable to or in respect of a member who has remediable service in a judicial office and has transferred in to the scheme an amount in respect of rights accrued under another pension scheme;
  - (d) provision about the benefits payable to or in respect of a member who has remediable service in a judicial office that is mixed service;
  - (e) provision about the benefits payable to or in respect of a member where, disregarding any legacy scheme election or 2015 scheme election made in respect of the member, the member—
    - (i) has remediable service in a judicial office that is pensionable service under a judicial 2015 scheme, and

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- (ii) has a right under that scheme, if they retire before normal pension age, on the making of a payment to the scheme, to the reduction or elimination of the actuarial reduction that would otherwise have been made to the benefits payable to or in respect of the member in respect of that remediable service;
  - (f) provision about the benefits payable to or in respect of a person who has partially retired;
  - (g) provision about cases in which the scheme administrator of a judicial scheme pays a liability under section 217 or 237B of FA 2004 (joint liability of scheme administrator to lifetime allowance charge or annual allowance charge).
- (3) The provision that may be made by virtue of subsection (2)(a) includes, in particular, provision under which—
  - (a) the rights that would otherwise have been secured by the payment of any voluntary contributions are extinguished, and
  - (b) the scheme manager is required to pay the member or, if the member is deceased, the member’s personal representatives an amount by way of compensation equal to—
    - (i) the aggregate of the voluntary contributions paid, less
    - (ii) an amount in respect of the tax relief under section 188 of FA 2004 (member contributions) to which the member was entitled in respect of those payments.
- (4) The provision that may be made by scheme regulations under this section, or under section 57, includes, in particular—
  - (a) provision modifying any provision of this Chapter in its application to persons of a description specified in the regulations;
  - (b) provision corresponding to, or applying, any provision of this Chapter, with or without modifications.
- (5) For the purposes of this section a person’s remediable service in a judicial office is “mixed service” if, disregarding any legacy scheme election or 2015 scheme election made in respect of the person—
  - (a) some of the service is pensionable service under a judicial legacy scheme, and
  - (b) some of the service is—
    - (i) pensionable service under a judicial 2015 scheme, or
    - (ii) PPA opted-out service.
- (6) In this section—
  - “modifying” includes disapplying or supplementing (and cognate expressions are to be construed accordingly);
  - “scheme administrator” has the same meaning as in Part 4 of FA 2004 (see section 270 of that Act).

#### **Commencement Information**

**I20** S. 58 in force at Royal Assent for specified purposes, see **s. 131(1)**

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

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## *Compensation*

### **59 Power to pay compensation**

- (1) The scheme manager for a judicial scheme may pay amounts by way of compensation in respect of compensatable losses incurred by members or, in the case of deceased members, their personal representatives.
- (2) Scheme regulations for a judicial scheme may make provision under which an employer in relation to the scheme is required to reimburse the scheme manager for amounts paid under subsection (1).
- (3) For the purposes of this section a loss incurred by a member, or by a member's personal representatives, is "compensatable" if and to the extent that—
  - (a) either of the following conditions is met, and
  - (b) the loss is of a description specified in Treasury directions.
- (4) The first condition is that the loss is attributable to, or is reasonably regarded as attributable to, a relevant breach of a non-discrimination rule.
- (5) The second condition is that the loss is attributable to the application of any provision of, or made under, this Chapter.
- (6) In this section (subject to subsection (8)) "loss" includes a loss of any kind including, in particular, a Part 4 tax loss.
- (7) In this section "Part 4 tax loss", in relation to a member, means a loss arising as a result of the member—
  - (a) incurring a charge, or incurring an increased charge, under Part 4 of FA 2004, or
  - (b) not being entitled to a relief, or being entitled to less relief, under that Part of that Act.
- (8) In this section "loss" does not include an amount that is payable under this Chapter or under regulations made by virtue of this Chapter.
- (9) In this section "non-discrimination rule" means a rule that is, or at any time was, included in a judicial scheme by virtue of—
  - (a) section 61 of EA 2010, or
  - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.
- (10) For the purposes of this section a breach of a non-discrimination rule is "relevant" if it arises from the application of—
  - (a) an exception to section 18(1) of PSPA 2013 made under section 18(5) to (7) of that Act, or
  - (b) an exception to section 18(1) of PSPA(NI) 2014 made under section 18(5) to (8) of that Act.
- (11) Subsection (1) does not confer power to pay amounts by way of compensation in respect of compensatable losses so far as—
  - (a) any person has already received amounts by way of compensation in respect of them, or
  - (b) amounts that any person has paid the scheme have been reduced by amounts in respect of them,

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whether pursuant to an order of a court or tribunal or otherwise.

#### Commencement Information

**I21** S. 59 in force at Royal Assent for specified purposes, see **s. 131(1)**

## 60 Remedial arrangements to pay voluntary contributions to judicial schemes

- (1) Scheme regulations for a judicial scheme may make provision so as to secure that a relevant member may enter into remedial voluntary contributions arrangements.
- (2) In subsection (1)—
  - “relevant member”, in relation to a judicial scheme, means a member (other than a deceased member) who has remediable service in a judicial office which, after the end of the election period, is pensionable service under the scheme;
  - “remedial voluntary contributions arrangements” means arrangements—
    - (a) which are entered into by a member after the end of the election period, and
    - (b) under which the member pays voluntary contributions to the scheme.
- (3) Provision by virtue of subsection (1) may permit a member (“M”) to enter into arrangements only if the scheme manager is satisfied that it is more likely than not that, but for a relevant breach of a non-discrimination rule, M would, during the period of M’s remediable service in the judicial office, have entered into the same or similar arrangements.
- (4) The provision that may be made by virtue of subsection (1) includes, in particular, provision under which liabilities to pay voluntary contributions that would otherwise arise under the arrangements are reduced by tax relief amounts.
- (5) In subsection (4) “tax relief amounts” means amounts determined by reference to the tax relief under section 188 of FA 2004 (relief for members’ contributions) that would have been available in respect of the amounts owed if they were paid in a different tax year.
- (6) Provision by virtue of subsection (1) may not permit a member (“M”) to enter into arrangements after—
  - (a) the end of the period of one year beginning with the day on which a statement under section 64 (information statements) is sent in respect of M, or
  - (b) such later time as the scheme manager considers reasonable in all the circumstances.
- (7) Subsection (6) does not affect the continued operation after the time mentioned in that subsection of any arrangements entered into before that time.
- (8) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a judicial scheme by virtue of—
  - (a) section 61 of EA 2010, or
  - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.
- (9) For the purposes of this section a breach of a non-discrimination rule is “relevant” if it arises from the application of—

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- (a) an exception to section 18(1) of PSPA 2013 made under section 18(5) to (7) of that Act, or
- (b) an exception to section 18(1) of PSPA(NI) 2014 made under section 18(5) to (8) of that Act.

#### Commencement Information

**I22** S. 60 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

*Further provision about corrections, special cases and compensation*

## 61 Interest and process

- (1) Scheme regulations for a judicial scheme may make provision—
  - (a) under which interest is required to be calculated and paid on relevant amounts;
  - (b) about the process by which relevant amounts (and any interest on them) are to be paid.
- (2) Scheme regulations made by virtue of subsection (1)(b) may, in particular, include provision—
  - (a) about when relevant amounts (and any interest on them) are to be paid (including provision under which they are paid in instalments);
  - (b) under which relevant amounts (and any interest on them) owed by the scheme to a person may be paid only on the making of an application;
  - (c) for the netting off of relevant amounts (and any interest on them) owed to a person by the scheme against relevant amounts (and any interest on them) owed by the person to the scheme;
  - (d) conferring rights of appeal against decisions taken under the regulations.
- (3) In this section “relevant amounts” mean any amounts that are payable under or by virtue of this Chapter—
  - (a) by a person to the scheme or to an employer in relation to the scheme, or
  - (b) by the scheme to a person.

#### Commencement Information

**I23** S. 61 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 62 Treasury directions

- (1) The powers mentioned in subsection (2) must be exercised in accordance with Treasury directions.
- (2) The powers are—
  - (a) the power to make scheme regulations by virtue of section 55 (power to reduce benefits) and any powers exercisable by virtue of such regulations;
  - (b) the powers to make scheme regulations by virtue of section 56 (powers to reduce or waive liabilities) and any powers exercisable by virtue of such regulations;

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- (c) the power to make scheme regulations by virtue of section 57 (pension credit members) and any powers exercisable by virtue of such regulations;
  - (d) the power to make scheme regulations by virtue of section 58 (further powers to make provision about special cases) and any powers exercisable by virtue of such regulations;
  - (e) the power of the scheme manager under section 59(1) (power to pay compensation);
  - (f) the power to make scheme regulations by virtue of section 59(2) (power to require employer to reimburse compensation paid by scheme manager) and any powers exercisable by virtue of such regulations;
  - (g) the power to make scheme regulations by virtue of section 60 (remedial arrangements to pay voluntary contributions to judicial schemes) and any powers exercisable by virtue of such regulations;
  - (h) the power to make scheme regulations by virtue of section 61 (interest and process) and any powers exercisable by virtue of such regulations.
- (3) Treasury directions under this section may provide for amounts that are to be paid by or to a scheme in relation to a member, or any reduction or waiver of a liability to pay such amounts, to be determined—
- (a) taking into account the particular circumstances of the member and (if different) the person to whom or by whom the amount is to be paid or the liability is owed, or
  - (b) without taking into account any or all of the particular circumstances of that person or those persons.
- (4) Treasury directions under this section that relate to the calculation and payment of interest, and variations and revocations of such directions, may only be made after consultation with the Government Actuary.
- (5) For the definition of “Treasury directions”, see section 75.

#### Commencement Information

**I24** S. 62 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### Miscellaneous

#### 63 Scheme rules that prohibit unauthorised payments

- (1) Subsection (2) applies where—
- (a) a payment from a judicial scheme is permitted or required to be made under or by virtue of this Chapter,
  - (b) the payment, if made, would be an unauthorised payment, and
  - (c) a rule of the scheme prohibits the scheme from making unauthorised payments.
- (2) The payment may be made only if it falls within a description of payments specified for the purposes of this section in Treasury directions.
- (3) Subsection (4) applies where—

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- (a) in the course of taking the step mentioned in section 41(3)(a) or (6)(a) (requirement to transfer assets held in partnership pension account) a payment is made from a partnership pension account,
  - (b) the payment, if made, would be an unauthorised payment, and
  - (c) a rule of the scheme prohibits the scheme from making unauthorised payments.
- (4) The payment may be made notwithstanding the rule mentioned in subsection (3)(c).
- (5) In this section “unauthorised payment” means a payment that is an unauthorised payment for the purposes of Part 4 of FA 2004 (see section 160(5) of that Act).

#### Commencement Information

**I25** S. 63 in force at Royal Assent for specified purposes, see s. 131(1)

## 64 Information statements

- (1) The relevant authority must—
- (a) prepare a statement in relation to any person (“P”) in respect of whom a legacy scheme election or a 2015 election may be made, and
  - (b) send it to the person who may make the election (see section 46).
- (2) Subsection (1) must be complied with before the beginning of the election period in relation to P.
- (3) The statement must contain—
- (a) a description of the benefits that would be available in respect of P’s remediable service if a legacy scheme election were made in respect of P (specifying the judicial legacy scheme or schemes under which those benefits would be available),
  - (b) if a 2015 scheme election may be made in respect of P, a description of the benefits that would be available in respect of P’s remediable service if the election were made (specifying the judicial 2015 scheme or schemes under which those benefits would be available),
  - (c) a description of the benefits (if any) that would be available in respect of P’s remediable service if no legacy scheme election or 2015 scheme election is made in respect of P (specifying the judicial scheme or schemes under which any benefits would be available),
  - (d) a description of—
    - (i) the arrangements (if any) that, by virtue of section 60 (remedial arrangements to pay voluntary contributions to judicial schemes), may be entered into under judicial schemes, and
    - (ii) the circumstances in which, and the process by which, such arrangements may be entered into, and
  - (e) such other information as the relevant authority considers relevant to the decision as to whether to make a legacy scheme election or 2015 scheme election in respect of P.

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

**Commencement Information**

**I26** S. 64 in force at Royal Assent for specified purposes, see **s. 131(1)**

**65 Power to delegate**

- (1) The Lord Chancellor may delegate to another person any of the Lord Chancellor's functions under this Chapter.
- (2) The Department of Justice in Northern Ireland may delegate to another person any of its functions under this Chapter.

**Commencement Information**

**I27** S. 65 in force at Royal Assent for specified purposes, see **s. 131(1)**

**66 Section 61 of the Equality Act 2010 etc**

- (1) In determining for the purposes of this Chapter whether any service is pensionable service under a particular pension scheme, section 61 of EA 2010 and paragraph 2 of Schedule 1 to EEAR(NI) 2006 (non-discrimination rule) are to be disregarded.
- (2) To the extent that section 61 of EA 2010 or paragraph 2 of Schedule 1 to EEAR(NI) 2006 has the effect (apart from this subsection) that any remediable service of a person—
  - (a) is not pensionable service under a judicial 2015 scheme, or
  - (b) is pensionable service under a judicial legacy scheme,
 it ceases to have effect (to that extent) at the end of the election period.

**Commencement Information**

**I28** S. 66 in force at Royal Assent for specified purposes, see **s. 131(1)**

*Immediate detriment cases*

**67 Application of Chapter to immediate detriment cases**

- (1) Subject as follows, nothing in sections 40 to 66 applies in relation to a person's remediable service in a judicial office if an immediate detriment remedy has been obtained in relation to the service.
- (2) Scheme regulations for a judicial scheme may make provision for the purpose of putting persons who have rights in respect of remediable service in relation to which an immediate detriment remedy has been obtained, so far as possible, in the position that they would have been in if there had been no relevant breach of a non-discrimination rule in relation to the service.
- (3) The provision that may be made under subsection (2) includes, in particular—
  - (a) provision corresponding to any provision of sections 40 to 66, or



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- (b) provision applying any provision of this Chapter in its application to persons of a description specified in the regulations, with or without modifications.
- (4) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a judicial scheme by virtue of—
- (a) section 61 of EA 2010, or
  - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.
- (5) For the purposes of this section a breach of a non-discrimination rule is “relevant” if it arises from the application of—
- (a) an exception to section 18(1) of PSPA 2013 made under section 18(5) to (7) of that Act, or
  - (b) an exception to section 18(1) of PSPA(NI) 2014 made under section 18(5) to (8) of that Act.

#### **Commencement Information**

**I29** S. 67 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### **68 Whether an “immediate detriment remedy” has been obtained**

- (1) For the purposes of section 67 an “immediate detriment remedy” has been obtained in relation to a person’s remediable service in a judicial office, if either of the following conditions is met.
- (2) The first condition is that—
- (a) a court or tribunal has determined that, as a result of a non-discrimination rule, any person has any rights under a judicial legacy scheme in respect of the remediable service, and
  - (b) the scheme manager of the scheme has—
    - (i) paid any benefits or compensation in accordance with the determination, or
    - (ii) taken any other step (for example, altering records) to implement the determination.
- (3) The second condition is that—
- (a) the scheme manager of a judicial legacy scheme and any person have agreed that, as a result of a non-discrimination rule, the person has any rights under the scheme in respect of the remediable service, and
  - (b) the scheme manager of the scheme has—
    - (i) paid any benefits or compensation in accordance with the agreement, or
    - (ii) taken any other step (for example, altering records) to implement the agreement.
- (4) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a judicial scheme by virtue of—
- (a) section 61 of EA 2010, or
  - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

#### Commencement Information

**I30** S. 68 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### Interpretation

#### 69 Meaning of “the election period”

- (1) In this Chapter “the election period”, in relation to a person who has remediable service in a judicial office, means (subject to subsection (3)) the period of three months beginning with such date as is specified for the purposes of this section by the relevant authority.
- (2) Different dates may be specified in relation to different descriptions of person.
- (3) The relevant authority may extend the period mentioned in subsection (1) in relation to a particular person if the relevant authority considers it just and equitable to do so.

#### Commencement Information

**I31** S. 69 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

#### 70 Meaning of “a judicial scheme” etc

- (1) “A judicial scheme” means—
  - (a) a judicial 2015 scheme, or
  - (b) a judicial legacy scheme.
- (2) “A judicial 2015 scheme” means—
  - (a) the Judicial Pensions Regulations 2015 ([S.I. 2015/182](#)), or
  - (b) the Judicial Pensions Regulations (Northern Ireland) 2015 ([S.R. \(N.I.\) 2015 No. 76](#)).
- (3) “A judicial legacy scheme” means—
  - (a) a judicial legacy salaried scheme, or
  - (b) the judicial legacy fee-paid scheme.
- (4) “A judicial legacy salaried scheme” means—
  - (a) an existing scheme (within the meaning of PSPA 2013) mentioned in any of paragraphs 2 to 11, or paragraph 15, of Schedule 5 to that Act (judicial schemes), or
  - (b) an existing scheme (within the meaning of PSPA(NI) 2014) mentioned in paragraph 2 of Schedule 5 to that Act (judicial schemes).
- (5) “The judicial legacy fee-paid scheme” means the scheme constituted by Parts 1 to 11 of the Judicial Pensions (Fee-Paid Judges) Regulations 2017 ([S.I. 2017/522](#)).
- (6) This section has effect for the purposes of this Chapter.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

#### Commencement Information

**I32** S. 70 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### 71 Meaning of “judicial office” etc

- (1) “Judicial office” means—
- (a) an office specified in an order made under paragraph 2(1) of Schedule 1 to PSPA 2013,
  - (b) an office specified in regulation 3(2) of the Judicial Pensions Regulations 2015 ([S.I. 2015/182](#)), or
  - (c) an office specified in an order made under paragraph 2(1) of Schedule 1 to PSPA(NI) 2014.
- (2) “Salaried judicial office” means a judicial office held by a person whose service in that office is remunerated by the payment of salary.
- (3) “Fee-paid judicial office” means a judicial office held by a person whose service in that office is remunerated by the payment of fees (as opposed to the payment of salary).
- (4) This section has effect for the purposes of this Chapter.

#### Commencement Information

**I33** S. 71 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### 72 Meaning of “the relevant authority”

In this Chapter “the relevant authority” means—

- (a) in relation to a person who has remediable service in a judicial office within section 71(1)(a) or (b), the Lord Chancellor;
- (b) in relation to any other person, the Department of Justice in Northern Ireland.

#### Commencement Information

**I34** S. 72 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

### 73 Meaning of “opted-out service” and “PPA opted-out service”

- (1) A person’s remediable service in a judicial office is “opted-out service” if and to the extent that the service meets the second condition in section 39 by virtue of the application of paragraph (b) of subsection (4) of that section.
- (2) A person’s remediable service in a judicial office is “PPA opted-out service” if—
- (a) it is opted-out service, and
  - (b) the person has rights under a partnership pension account that are referable to pension contributions made in respect of it.
- (3) This section has effect for the purposes of this Chapter.

*Status: Point in time view as at 10/03/2022.*

*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

### Commencement Information

**I35** S. 73 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 74 Scheme regulations

- (1) In this Chapter “scheme regulations”—
- (a) in relation to a judicial scheme within section 70(2)(a), (4)(a) or (5) has the same meaning as in PSPA 2013 (see section 1(4) of that Act);
  - (b) in relation to a judicial scheme within section 70(2)(b) or (4)(b), has the same meaning as in PSPA(NI) 2014 (see section 1(4) of that Act).
- (2) A power under this Chapter to make provision by means of scheme regulations for a judicial legacy scheme—
- (a) is to be exercised by the responsible authority for the judicial 2015 scheme that is connected with the judicial legacy scheme, and
  - (b) may be exercised by amending the judicial legacy scheme.
- (3) In subsection (2) “responsible authority”—
- (a) in relation to a judicial scheme within section 70(2)(a), (4)(a) or (5) has the same meaning as in PSPA 2013 (see section 2 of that Act);
  - (b) in relation to a judicial scheme within section 70(2)(b) or (4)(b), has the same meaning as in PSPA(NI) 2014 (see section 2 of that Act).

### Commencement Information

**I36** S. 74 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 75 Interpretation of Chapter

In this Chapter—

- “2015 scheme election” has the meaning given by section 44(1);
- “the election period” has the meaning given by section 69;
- “fee-paid judicial office” has the meaning given by section 71;
- “a judicial 2015 scheme” has the meaning given by section 70;
- “the judicial legacy fee-paid scheme” has the meaning given by section 70;
- “a judicial legacy salaried scheme” has the meaning given by section 70;
- “a judicial legacy scheme” has the meaning given by section 70;
- “judicial office” has the meaning given by section 71;
- “a judicial scheme” has the meaning given by section 70;
- “legacy scheme election” has the meaning given by section 40(1);
- “opted-out service” has the meaning given by section 73;
- “PPA opted-out service” has the meaning given by section 73;
- “the relevant authority”, in relation to a person who has remediable service in a judicial office, has the meaning given by section 72;
- “the relevant judicial legacy salaried scheme”, in relation to a person’s remediable service in a salaried judicial office, has the meaning given by section 43;

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*Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2. (See end of Document for details)*

- “remediable service” has the meaning given by section 39;  
 “salaried judicial office” has the meaning given by section 71;  
 “scheme regulations” has the meaning given by section 74;  
 “Treasury directions” means—
- (a) in relation to a judicial scheme within section 70(2)(a), (4)(a) or (5), directions given by the Treasury;
  - (b) in relation to a judicial scheme within section 70(2)(b) or (4)(b), directions given by the Department of Finance in Northern Ireland.

#### Commencement Information

**I37** S. 75 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

## 76 Modifications of Chapter in relation to fee-paid judicial offices

- (1) In this Chapter—
- (a) a reference to a person’s service in an office is, in relation to a fee-paid judicial office, a reference to the person’s holding of the office;
  - (b) a reference to a period in which a person’s service in an office takes place is, in relation to a fee-paid judicial office, a reference to a period in which the person holds the office;
  - (c) a reference to a person accruing pensionable service under the judicial legacy fee-paid scheme is a reference to the person being an active member of the scheme in relation to any office;
  - (d) a reference to a person’s service in a fee-paid judicial office being “pensionable service” under the judicial legacy fee-paid scheme is a reference to the person being, during the period in which the service takes place, an active member of the scheme in relation to that office.
- (2) Where, at any time in a specified period—
- (a) a person holds a specified judicial fee-paid office, and
  - (b) the person was not (apart from this subsection) at that time an active member of the judicial legacy fee-paid scheme in relation to that office,
- the person is treated for the purposes of this Chapter as having been, at that time, an active member of that scheme in relation to that office.
- (3) In subsection (2) “specified” means specified by the Lord Chancellor by notice.
- (4) The Lord Chancellor must publish any notice under subsection (3).
- (5) In this section “active member” has the same meaning as in the Judicial Pensions (Fee-Paid Judges) Regulations 2017 ([S.I. 2017/522](#)) (see regulation 9(3) of those regulations).

#### Commencement Information

**I38** S. 76 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)

**Status:**

Point in time view as at 10/03/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, CHAPTER 2.