



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2

JUDICIAL SCHEMES

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.

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—

Status: This is the original version (as it was originally enacted).

- (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.

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.

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.

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.

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).

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;
- “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.

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).