



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2

JUDICIAL SCHEMES

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—
 - (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).

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.

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.

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.