



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2

JUDICIAL SCHEMES

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.

48 Benefits for children where election made

- (1) Subsection (2) applies where—

Status: This is the original version (as it was originally enacted).

- (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.
- (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.

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—
 - (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).

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—

Status: This is the original version (as it was originally enacted).

- (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—
 - (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).