
Changes to legislation: Tribunals, Courts and Enforcement Act 2007, Paragraph 13 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 9

TRIBUNALS: TRANSITIONAL PROVISION

PART 3

JUDGES AND OTHER MEMBERS OF FIRST-TIER AND UPPER TRIBUNALS: PENSIONS WHERE OFFICE ACQUIRED UNDER SECTION 31(2)

Continuation of existing public service pension arrangements in certain cases

- 13 (1) Sub-paragraph (2) applies if—
- (a) a person, as a result of provision under section 31(2), becomes the holder of a new office,
 - (b) either—
 - (i) the person held qualifying judicial office immediately before 31st March 1995, or
 - (ii) before becoming the holder of the new office, the person has never held qualifying judicial office,
 - (c) immediately before the person becomes the holder of the new office—
 - (i) the person holds an office within paragraph (a), (b) or (c) of section 31(2) (the “old office”), and
 - (ii) the person's service in the old office is subject to a public service pension scheme,
 - (d) the person, on becoming the holder of the new office, holds the new office on a salaried basis, and
 - (e) immediately after the person becomes the holder of the new office, the person—
 - (i) is not a person to whom Part 1 of the 1993 Act applies, and
 - (ii) is not a person to whom that Part would apply but for section 13 of that Act.
- (2) The person's service in the new office, so far as it is service during the continuity period—
- (a) shall be subject to that public service pension scheme, and
 - (b) shall be subject to that scheme in a way that corresponds to the way in which the person's service in the old office was subject to that scheme.
- (3) In sub-paragraph (2) “the continuity period” means the period—
- (a) that begins when the person becomes the holder of the new office on a salaried basis, and
 - (b) that ends with whichever of the following first happens after that—
 - (i) the person's ceasing to hold the new office,

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- (ii) the person's ceasing to hold the new office on a salaried basis without ceasing to hold the new office,
 - (iii) the person's becoming a person to whom Part 1 of the 1993 Act applies, and
 - (iv) the person's becoming a person to whom Part 1 of the 1993 Act would apply but for section 13 of that Act.
- (4) For the purposes of sub-paragraph (1)(c)(ii), the person's service in the old office is not to be treated as subject to a public service pension scheme at a time when the scheme does not apply to him as a result of his having exercised a right to elect for the scheme not to apply to him.
- (5) A public service pension scheme which, apart from sub-paragraph (2), would not be a judicial pension scheme for the purposes of the 1993 Act does not become a judicial pension scheme for those purposes if it is only as a result of sub-paragraph (2) that pensions and other benefits are payable under the scheme in respect of service in qualifying judicial office.
- (6) In this paragraph “public service pension scheme” means any public service pension scheme, as defined in—
 - (a) section 1 of the Pension Schemes Act 1993 (c. 48), or
 - (b) section 1 of the Pension Schemes (Northern Ireland) Act 1993 (c. 49).

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by [2022 c. 36 s. 23\(2\)](#)
- s. 13(8)(bzb) inserted by [2022 c. 36 s. 24\(9\)](#)
- s. 16(3)(a) word inserted by [2015 c. 2 s. 85\(3\)\(a\)](#)
- s. 16(3)(b) and word inserted by [2015 c. 2 s. 85\(3\)\(b\)](#)
- s. 16(3A)(3B) inserted by [2015 c. 2 s. 85\(4\)](#)
- s. 22(6) inserted by [2022 c. 35 Sch. 4 para. 4\(2\)](#)
- s. 23(8) inserted by [2022 c. 35 Sch. 4 para. 4\(3\)](#)
- s. 25A inserted by [2022 c. 36 s. 80\(1\)](#)
- s. 29(3A) inserted by [2022 c. 36 s. 81\(6\)](#)
- Sch. 5 para. 11A and cross-heading inserted by [2022 c. 36 s. 80\(2\)](#)
- Sch. 7 para. 6(1)(e) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by [2013 c. 22 Sch. 14 para. 13\(2\)](#) (Sch. 7 was already repealed when this amendment came into force)