

SCHEDULE

Regulation 69

Miscellaneous amendments

PART 1

Amendments by virtue of, and in consequence of, PSPJOA 2022

Amendment of the Judicial Pensions Regulations 2015

- 1.—(1) The 2015 Regulations are amended as follows.
- (2) In regulation 2 (interpretation)—
 - (a) after the opening words insert—

““2023 Regulations” means the Judicial Pensions (Remediable Service etc.) Regulations 2023;”;
 - (b) for the definition of “active member” substitute—

““active member”, in relation to this scheme, means a person who is—

 - (i) in pensionable service under this scheme; or
 - (ii) deemed to have been an active member of this scheme by virtue of regulations 38A(2) or 38B(2) or paragraphs 23A(2) or 23B(2) of Schedule 1;”;
 - (c) for the definition of “amount of credited pension” substitute—

““amount of credited pension” means the sum of the pension credit calculated in accordance with regulations made under paragraph 5(b) of Schedule 5 (pension credits: mode of discharge) to WRPA 1999 and any remediable pension credit or remediable pension reduction, where—

 - (a) “remediable pension credit”, in the circumstances mentioned in—
 - (i) regulation 48 of the 2023 Regulations, has the meaning given in regulation 49(6) of those Regulations;
 - (ii) regulation 51 of the 2023 Regulations, has the meaning given in regulation 52(4) of those Regulations;
 - (iii) regulation 55 of the 2023 Regulations, has the meaning given in regulation 56(12) of those Regulations;
 - (b) “remediable pension reduction” has the meaning given in regulation 56(12) of the 2023 Regulations;”;
 - (d) after the definition of “PA 1995” insert—

““PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;”;
 - (e) after the definition of “registered” insert—

““relevant fee-paid judge” has the meaning given in section 103 of PSPJOA 2022;”;
 - (f) after the definition of “relevant scheme” insert—

““relevant service” has the meaning given in regulation 29(2) of the 2023 Regulations;”.
 - (3) After regulation 38 (receipt of transfer value payment) insert—

Changes to legislation: There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023. (See end of Document for details)

“Accrued earned pension attributable to a transfer value payment where a legacy scheme election is made

38A.—(1) Paragraph (2) applies where—

- (a) a person “P” has remediable service in a judicial office;
- (b) a transfer value payment has been received by this scheme in relation to P during the period of remediable service; and
- (c) either—
 - (i) a legacy scheme election under section 40 of PSPJOA 2022 is made in respect of P; or
 - (ii) an immediate detriment remedy has been obtained in relation to the period of remediable service.

(2) P is deemed to have been an active member of this scheme for all purposes in connection with the transfer value payment.

Accrued earned pension attributable to a transfer value payment in respect of relevant fee-paid judges

38B.—(1) Paragraph (2) applies where—

- (a) a relevant fee-paid judge “R” has relevant service in a judicial office; and
- (b) a transfer value payment has been received by this scheme in relation to R during the period of relevant service.

(2) R is deemed to have been an active member of this scheme for all purposes in connection with the transfer value payment.”.

(4) In regulation 52(5) (establishment of pension credit member’s account)—

- (a) omit the “and” immediately after sub-paragraph (a);
- (b) at the end of (b) insert—
 - “; and
 - (c) any adjustment required by Part 5 of the 2023 Regulations other than a remediable pension credit to which the pension credit member has become entitled under that Part”.

(5) After regulation 126(1) (payment of member contributions) insert—

“(1A) Member contributions that must be paid under section 52(4) of PSPJOA 2022 are to be paid in accordance with regulation 66 of the 2023 Regulations.”.

(6) In Schedule 1, after paragraph 23 insert—

“CHAPTER 5

Deemed membership for added pension payments

Added pension where a legacy scheme election is made

23A.—(1) This paragraph applies where—

- (a) a person “P” has remediable service in a judicial office;
- (b) P has, during the period of remediable service, made an added pension payment under this Part;
- (c) either—

- (i) a legacy scheme election is made in respect of P under section 40 of PSPJOA 2022; or
 - (ii) an immediate detriment remedy has been obtained in relation to the period of remediable service; and
 - (d) a request has not been made in respect of P under regulations 8 or 24 of the 2023 Regulations.
- (2) P is deemed to have been an active member of this scheme for all purposes in connection with the added pension payments.

Added pension in respect of relevant fee-paid judges

23B.—(1) This paragraph applies where—

- (a) a relevant fee-paid judge “R” has relevant service in a judicial office;
- (b) R has, during the period of relevant service, made any added pension payments under this Part; and
- (c) a request has not been made in respect of R under regulation 40 of the 2023 Regulations.

(2) R is deemed to have been an active member of this scheme for all purposes in connection with the added pension payments.”.

Commencement Information

II Sch. para. 1 in force at 5.7.2023, see [reg. 1\(b\)](#)

Amendment of the Judicial Pensions (Additional Voluntary Contributions) Regulations 2017

2.—(1) The Judicial Pensions (Additional Voluntary Contributions) Regulations 2017(1) are amended as follows.

(2) In regulation 2(2) (interpretation)—

- (a) the existing text is numbered as paragraph (1);
- (b) in paragraph (1) (as mentioned in paragraph (a) above), for the definition of “active member” substitute—

““active member” has the meaning given in paragraph (2);”;

(c) after paragraph (1) (as mentioned in paragraph (a) above) insert—

“(2) In these Regulations, “active member” means a person who—

- (a) is in pensionable service under the 2015 Scheme or the 2022 Scheme;
- (b) would have been in pensionable service under the 2015 Scheme in the period beginning with 1st April 2015 and ending with 31st March 2022 if—
 - (i) a legacy scheme election had not been made in respect of the person under section 40 of the Public Service Pensions and Judicial Offices Act 2022 (“PSPJOA 2022”); or
 - (ii) an immediate detriment remedy had not been obtained in relation to the person’s remediable service in a judicial office; or

(1) [S.I. 2017/512](#).

(2) Regulation 2 has been amended by [S.I. 2022/319](#).

Changes to legislation: There are currently no known outstanding effects for the *The Judicial Pensions (Remediable Service etc.) Regulations 2023*. (See end of Document for details)

- (c) is a relevant fee-paid judge with relevant service.
- (3) A person who satisfies—
 - (a) paragraph (2)(b) is an “active member” for the period of their remediable service;
 - (b) paragraph (2)(c) is an “active member” for the period of their relevant service.
- (4) For the purpose of paragraph (2)(b), an “immediate detriment remedy” has been obtained in relation to a person’s remediable service if either of the conditions in section 68(2) or (3) of PSPJOA 2022 is met.
- (5) In paragraph (2)—
 - “a legacy scheme election” has the meaning given in section 40 of PSPJOA 2022;
 - “relevant fee-paid judge” has the meaning given in section 103 of PSPJOA 2022;
 - “relevant service” has the meaning given in regulation 29(2) of the Judicial Pensions (Remediable Service etc.) Regulations 2023;
 - “remediable service” has the meaning given in section 39 of PSPJOA 2022.”.

Commencement Information

I2 Sch. para. 2 in force at 5.7.2023, see **reg. 1(b)**

Amendment of the Judicial Pensions (Fee-Paid Judges) Regulations 2017

- 3.—**(1) The FPJR 2017 are amended as follows.
- (2) In regulation 2(1) (interpretation)—
 - (a) after the opening words insert—

““PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;”;
 - (b) after the definition of “the 1995 Regulations” insert—

““the 2023 Regulations” means the Judicial Pensions (Remediable Service etc.) Regulations 2023;”;
 - (c) after the definition of “the post-1995 provisions” insert—

““a 2015 scheme election” has the meaning given in section 44 of PSPJOA 2022;”;
 - (d) after the definition of “registered pension scheme” insert—

““remediable service” has the meaning given in section 39 of PSPJOA 2022;”.
 - (3) In the closing words of regulation 31(2) (annual rate of pension under regulation 30), for “amount of the pension credit” substitute “sum of the amount of the pension credit and the amount of any remediable pension credit or remediable pension reduction under Part 5 of the 2023 Regulations”.
 - (4) After regulation 31(2) insert—
 - “(2A) In paragraph (2)—
 - (a) “remediable pension credit”, in the circumstances mentioned in—
 - (i) regulation 48 of the 2023 Regulations, has the meaning given in regulation 49(5) of those Regulations;
 - (ii) regulation 51 of the 2023 Regulations, has the meaning given in regulation 52(3) of those Regulations;

- (iii) regulation 55 of the 2023 Regulations, has the meaning given in regulation 56(12) of those Regulations;
 - (b) “remediable pension reduction” has the meaning given in regulation 56(12) of the 2023 Regulations.”.
- (5) In regulation 64 (payment of contribution)—
- (a) the existing text is numbered as paragraph (1);
 - (b) after that paragraph (1) insert—
“**(2)** A contribution payable under section 52(4) of PSPJOA 2022 is to be paid in accordance with regulation 66 of the 2023 Regulations.”.
- (6) After regulation 104 (membership) insert—

“Deemed FPJAYS membership where a 2015 scheme election is made

- 104A.**—(1) This regulation applies where—
- (a) a person (“P”) has remediable service in an eligible fee-paid judicial office;
 - (b) P has, during the period of remediable service, paid contributions to purchase added years under this Part; and
 - (c) a 2015 scheme election is made in respect of P.
- (2) P is deemed to have been an active FPJAYS member in respect of the contributions.”.
- (7) After regulation 117 (membership) insert—

“Deemed JASAPS membership where a 2015 scheme election is made

- 117A.**—(1) This regulation applies where—
- (a) a person (“P”) has remediable service in an eligible fee-paid judicial office;
 - (b) P has, during the period of remediable service, paid contributions to purchase added surviving adult’s pension under this Part; and
 - (c) a 2015 scheme election is made in respect of P.
- (2) P is deemed to have been an active JASAPS member in respect of the contributions.”.

Commencement Information

I3 Sch. para. 3 in force at 5.7.2023, see [reg. 1\(b\)](#)

Amendment of the Judicial Pensions Regulations 2022

- 4.** In Schedule 1 to the Judicial Pensions Regulations 2022(3), for paragraph 14(1) substitute—
- “(1) This paragraph applies to a transition member with continuity of service (T) who—
- (a) is a member of the 2015 scheme by virtue of T’s pensionable service under that scheme before the transition date; or
 - (b) is deemed to have been an active member of the 2015 scheme by virtue of regulations 38A(2) or 38B(2) of, or paragraphs 23A(2) or 23B(2) of Schedule 1 to, the 2015 Regulations.”.

(3) [S.I. 2022/319](#).

Commencement Information

I4 Sch. para. 4 in force at 5.7.2023, see [reg. 1\(b\)](#)

PART 2

Amendments for other purposes

Amendment of the Judicial Pensions (Contributions) Regulations 1998

5.—(1) In regulation 6(1) of the Judicial Pensions (Contributions) Regulations 1998⁽⁴⁾, for “office holder’s pension-capped” substitute “first £150,000 of the office holder’s”.

(2) The amendment made by sub-paragraph (1) has effect on and after 1st April 2016.

Commencement Information

I5 Sch. para. 5 in force at 5.7.2023, see [reg. 1\(b\)](#)

Amendment of the Judicial Pensions (Fee-Paid Judges) Regulations 2017

6.—(1) In Table 3 in Schedule 3 to FPJR 2017⁽⁵⁾, in the entry in the fourth column of the last row (the first column of which contains the entry “150,001 and above”), for “1.80” substitute “0.00”.

(2) The amendment made by sub-paragraph (1) has effect on and after 1st April 2016.

Commencement Information

I6 Sch. para. 6 in force at 5.7.2023, see [reg. 1\(b\)](#)

Amendment of the Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2021

7.—(1) In regulation 10(1) of the Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2021⁽⁶⁾, for sub-paragraph (a) substitute—

“(a) by way of a lump sum—

(i) at any time during the period beginning on 1st April 2021 and ending at the end of 31st March 2025, or

(ii) at such later time as the administrators consider reasonable in all the circumstances;”.

(2) The amendment made by sub-paragraph (1) has effect on and after 1st April 2021.

Commencement Information

I7 Sch. para. 7 in force at 5.7.2023, see [reg. 1\(b\)](#)

⁽⁴⁾ [S.I. 1998/1219](#). Regulation 6(1) has been amended by [S.I. 2006/749](#).

⁽⁵⁾ Schedule 3 was inserted by [S.I. 2023/403](#).

⁽⁶⁾ [S.I. 2021/444](#).

Amendment of the Judicial Pensions Regulations 2022

8.—(1) The Judicial Pensions Regulations 2022 are amended as follows with effect from 1st April 2022.

(2) In regulation 21 (calculation of “retirement index adjustment”)—

(a) for paragraph (1) substitute—

“(1) The retirement index adjustment for an amount of accrued pension is—
amount of accrued pension × retirement index percentage

where—

“amount of accrued pension” means an amount of any description of accrued pension;

“retirement index percentage” means the retirement index percentage calculated under paragraph (2).”;

(b) in paragraph (2), in the definition of “A”, for “index adjustment” substitute “in-service revaluation index”;

(c) after paragraph (2) insert—

“(3) In paragraph (2), “in-service revaluation index”, in relation to a pension scheme, means the percentage increase or decrease by which the pensionable earnings of a person, or a proportion of those earnings accrued as a pension, are revalued whilst the person is in pensionable service in that pension scheme.”.

(3) In regulation 24(2)(a) (calculation of amount of accrued standard earned pension), omit “retirement”.

(4) In regulation 39(2) (amount of full retirement pension)—

(a) omit the “and” immediately after sub-paragraph (a);

(b) at the end of sub-paragraph (b) insert—

“; and

(c) the retirement index adjustment for the accrued amount”.

Commencement Information

I8 Sch. para. 8 in force at 5.7.2023, see [reg. 1\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023.