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# Public Service Pensions and Judicial Offices Act 2022

# CHAPTER 7

# PUBLIC SERVICE PENSIONS AND JUDICIAL OFFICES ACT 2022

## PART 1

PUBLIC SERVICE PENSION SCHEMES

## CHAPTER 1

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- 2 Remediable service treated as pensionable under Chapter 1 legacy schemes
- 3 Benefits already paid
- 4 Meaning of "the relevant Chapter 1 legacy scheme" etc
- 5 Election for retrospective provision to apply to opted-out service

Pensioner and deceased members: immediate choice of new scheme benefits

- 6 Immediate choice to receive new scheme benefits
- 7 Elections by virtue of section 6: timing and procedure
- 8 Power to deem election by virtue of section 6 to have been made
- 9 Persons with remediable service in more than one Chapter 1 legacy scheme

Active and deferred members: deferred choice of new scheme benefits

- 10 Deferred choice to receive new scheme benefits
- 11 Elections by virtue of section 10: timing and procedure
- 12 Power to deem election by virtue of section 10 to have been made
- 13 Persons with remediable service in more than one Chapter 1 legacy scheme

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- 14 Pension benefits and lump sum benefits: pensioner and deceased members
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- 16 Pension contributions: active and deferred members (immediate correction)
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- 18 Powers to reduce or waive liabilities

#### Powers to make provision in relation to special cases

- 19 Pension credit members
- 20 Voluntary contributions
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- 23 Power to pay compensation
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- 26 Interest and process
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- 28 Scheme rules that prohibit unauthorised payments
- 29 Remediable service statements
- 30 Section 61 of the Equality Act 2010 etc

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- 31 Application of Chapter to immediate detriment cases
- 32 Whether an "immediate detriment remedy" has been obtained

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- 33 Meaning of "Chapter 1 scheme" etc
- 34 Meaning of "new scheme benefits"
- 35 Meaning of "legacy scheme contributions" and "new scheme contributions"
- 36 Meaning of "opted-out service"
- 37 Scheme regulations

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- 41 Partnership pension account: requirement to transfer and surrender rights
- 42 Legacy scheme elections: effect
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- 44 2015 scheme elections
- 45 2015 scheme elections: effect
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- 47 Cases in which 2015 scheme election treated as made
- 48 Benefits for children where election made
- 49 Effect of elections on benefits previously paid or payable
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- 52 Pension contributions
- 53 Effective pension age payments
- 54 Transitional protection allowance
- 55 Power to reduce benefits in lieu of paying liabilities owed to scheme
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- 57 Pension credit members
- 58 Further powers to make provision about special cases

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- 60 Remedial arrangements to pay voluntary contributions to judicial schemes

#### Further provision about corrections, special cases and compensation

- 61 Interest and process
- 62 Treasury directions

#### Miscellaneous

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- 65 Power to delegate
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#### Immediate detriment cases

- 67 Application of Chapter to immediate detriment cases
- 68 Whether an "immediate detriment remedy" has been obtained

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- 69 Meaning of "the election period"
- 70 Meaning of "a judicial scheme" etc
- 71 Meaning of "judicial office" etc
- 72 Meaning of "the relevant authority"
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- 78 Power to pay final salary benefits
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- 80 Pension credit members
- 81 Further powers to make provision about special cases

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- 82 Power to pay compensation
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- 84 Interest and process
- 85 Treasury directions

#### Interpretation

- 86 Meaning of "local government scheme" etc
- 87 Interpretation of Chapter

#### **CHAPTER 4**

#### GENERAL

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- 96 Amendments relating to the Secret Intelligence Service etc
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- 99 Amendments relating to pension schemes for members of the Senedd
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- 105 Section 91 of Pensions Act 1995 and section 356 of Armed Forces Act 2006
- 106 Minor amendment
- 107 Parliamentary procedure for judicial schemes: transitory provision
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- 109 Meaning of "member" etc
- 110 Interpretation of Part

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- 123 Sitting in retirement offices
- 124 Appointment to sitting in retirement offices
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- 126 Discipline and removal from office
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128 Consequential etc provision

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- 129 Regulations and directions
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#### **SCHEDULES**

SCHEDULE 1 — Retirement date for holders of judicial offices etc PART 1 — AMENDMENTS OF LEGISLATION

- Pensions Appeal Tribunals Act 1943 (c. 39)
- 2 Agriculture Act 1947 (c. 48)
- 3 Lands Tribunal Act 1949 (c. 42)
- 4 Foreign Compensation Act 1950 (c. 12)
- 5 Courts-Martial (Appeals) Act 1951 (c. 46)
- 6 County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))
- 7 Judicial Pensions Act 1959 (c. 9)
- 8 Resident Magistrates' Pensions Act (Northern Ireland) 1960 (c.2 (N.I))
- 9 Betting, Gaming and Lotteries Act 1963 (c. 2)
- 10 Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))
- 11 Courts Act 1971 (c. 23)
- 12 Misuse of Drugs Act 1971 (c. 38)
- 13 Industry Act 1975 (c. 68)
- 14 Rent Act 1977 (c. 42)

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- 15 Judicature (Northern Ireland) Act 1978 (c. 23)
- 16 Senior Courts Act 1981 (c. 54)
- 17 Public Passenger Vehicles Act 1981 (c. 14)
- 18 Mental Health Act 1983 (c. 20)
- 19 County Courts Act 1984 (c. 28)
- 20 Reserve Forces (Safeguard of Employment) Act 1985 (c. 17)
- 21 Transport Act 1985 (c. 67)
- 22 Copyright, Designs and Patents Act 1988 (c. 48)
- 23 Child Support Act 1991 (c. 48)
- 24 Social Security Administration (Northern Ireland) Act 1992 (c. 8)
- 25 Judicial Pensions and Retirement Act 1993 (c. 8)
- 26 Merchant Shipping Act 1995 (c. 21)
- 27 Reserve Forces Act 1996 (c. 14)
- 28 Employment Tribunals Act 1996 (c. 17)
- 29 Plant Varieties Act 1997 (c. 66)
- 30 Social Security Act 1998 (c. 14)
- 31 The Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10))
- 32 The Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))
- 33 Courts Act 2003 (c. 39)
- 34 Education Act 2005 (c. 18)
- 35 Constitutional Reform Act 2005 (c. 4)
- 36 Tribunals, Courts and Enforcement Act 2007 (c. 15)
- 37 Charities Act (Northern Ireland) 2008 (c. 12 (N.I.))
- 38 Coroners and Justice Act 2009 (c. 25)
- 39 Welsh Language (Wales) Measure 2011 (2011 nawm 1)
- 40 Tribunals (Scotland) Act 2014 (asp 10)
- 41 Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))
- 42 Victims' Payment Regulations 2020 (S.I. 2020/103)
  - PART 2 TRANSITIONAL PROVISION
- 43 General
- 44 Lay justices in England and Wales
- 45 Lay magistrates in Northern Ireland
  - PART 3 REPEAL OF SPENT PROVISIONS ETC
- 46 Omit paragraph 3(3) of Schedule 9B to the Rates (Northern...
- 47 (1) The Judicature (Northern Ireland) Act 1978 is amended as...
- 48 (1) The Judicial Pensions and Retirement Act 1993 is amended...
- 49 Omit paragraph 42 of Schedule 39 to the Education Act...
- 50 Omit paragraph 3(4) of Schedule 15 to the Immigration and...

SCHEDULE 2 — Allowances payable to judicial office holders

- 1 Compensation (Defence) Act 1939 (c. 75)
- 2 Lands Tribunal Act 1949 (c. 42)
- 3 Courts-Martial (Appeals) Act 1951 (c. 46)
- 4 Coroners Act (Northern Ireland) 1959 (c. 15 (N.I.))
- 5 County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))
- 6 Lands Tribunal and Compensation Act (Northern Ireland) 1964 (c. 29 (N.I.))
- 7 Courts-Martial (Appeals) Act 1968 (c. 20)
- 8 Administration of Justice Act 1973 (c. 15)
- 9 Senior Courts Act 1981 (c. 54)
- 10 County Courts Act 1984 (c. 28)

- 11 Transport Act 1985 (c. 67)
- 12 Social Security Administration (Northern Ireland) Act 1992 (c. 8)
- 13 Scottish Land Court Act 1993 (c. 45)
- 14 Merchant Shipping Act 1995 (c. 21)
- 15 Employment Tribunals Act 1996 (c. 17)
- 16 Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))
- 17 Industrial Tribunals (Northern Ireland) Order 1996 (S.I. 1996/1921 (N.I. 18))
- 18 Deregulation (Model Appeal Provisions) Order (Northern Ireland) 1997 (S.R. (N.I.) 1997 No. 269)
- 19 Traffic Management (Northern Ireland) Order 2005 No. 1964 (N.I. 14)
- 20 Judiciary and Courts (Scotland) Act 2008 (asp 6)
- 21 Courts Reform (Scotland) Act 2014 (asp 18)

SCHEDULE 3 — Judicial offices

- PART 1 LORD CHIEF JUSTICE AS APPOINTING AUTHORITY FOR CORRESPONDING SITTING IN RETIREMENT OFFICE
- PART 2 SENIOR PRESIDENT OF TRIBUNALS AS APPOINTING AUTHORITY FOR CORRESPONDING SITTING IN RETIREMENT OFFICE
- PART 3 LORD CHIEF JUSTICE OF NORTHERN IRELAND AS APPOINTING AUTHORITY FOR CORRESPONDING SITTING IN RETIREMENT OFFICE
- PART 4 NORTHERN IRELAND JUDICIAL APPOINTMENTS COMMISSION AS APPOINTING AUTHORITY FOR CORRESPONDING SITTING IN RETIREMENT OFFICE
- PART 5 PRESIDENT OF WELSH TRIBUNALS AS APPOINTING AUTHORITY FOR CORRESPONDING SITTING IN RETIREMENT OFFICE
- PART 6 LORD PRESIDENT OF THE COURT OF SESSION AS APPOINTING AUTHORITY FOR CORRESPONDING SITTING IN RETIREMENT OFFICE
- SCHEDULE 4 Consequential etc amendments in connection with Part 3 PART 1 — AMENDMENTS OF PRIMARY LEGISLATION
- 1 Courts-Martial Appeals Act 1951 (c. 46)
- 2 Administration of Justice Act 1970 (c. 31)
- 3 Courts Act 1971 (c. 23)
- 4 Judicature (Northern Ireland) Act 1978 (c. 23)
- 5 Senior Courts Act 1981 (c. 54)
- 6 County Courts Act 1984 (c. 28)
- 7 Matrimonial and Family Proceedings Act 1984 (c. 42)
- 8 Judicial Pensions and Retirement Act 1993 (c. 8)
- 9 Employment Tribunals Act 1996 (c. 17)
- 10 Courts Act 2003 (c. 39)
- 11 Constitutional Reform Act 2005 (c. 4)
  - PART 2 AMENDMENTS OF SECONDARY LEGISLATION
- 12 Access to Justice Act 1999 (Destination of Appeals) Order 2016 (S.I. 2016/917)
  - PART 3 REPEAL OF SPENT PROVISIONS
- 13 Judicial Pensions and Retirement Act 1993 (c. 8)
- 14 Tribunals, Courts and Enforcement Act 2007 (c. 15)
- 15 Crime and Courts Act 2013 (c. 22)

#### Status:

Point in time view as at 05/07/2023.

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