



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2

JUDICIAL SCHEMES

Immediate detriment cases

67 Application of Chapter to immediate detriment cases

- (1) Subject as follows, nothing in sections 40 to 66 applies in relation to a person's remediable service in a judicial office if an immediate detriment remedy has been obtained in relation to the service.
- (2) Scheme regulations for a judicial scheme may make provision for the purpose of putting persons who have rights in respect of remediable service in relation to which an immediate detriment remedy has been obtained, so far as possible, in the position that they would have been in if there had been no relevant breach of a non-discrimination rule in relation to the service.
- (3) The provision that may be made under subsection (2) includes, in particular—
 - (a) provision corresponding to any provision of sections 40 to 66, or
 - (b) provision applying any provision of this Chapter in its application to persons of a description specified in the regulations,with or without modifications.

Status: This is the original version (as it was originally enacted).

- (4) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a judicial scheme by virtue of—
- (a) section 61 of EA 2010, or
 - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.
- (5) For the purposes of this section a breach of a non-discrimination rule is “relevant” if it arises from the application of—
- (a) an exception to section 18(1) of PSPA 2013 made under section 18(5) to (7) of that Act, or
 - (b) an exception to section 18(1) of PSPA(NI) 2014 made under section 18(5) to (8) of that Act.

68 Whether an “immediate detriment remedy” has been obtained

- (1) For the purposes of section 67 an “immediate detriment remedy” has been obtained in relation to a person’s remediable service in a judicial office, if either of the following conditions is met.
- (2) The first condition is that—
- (a) a court or tribunal has determined that, as a result of a non-discrimination rule, any person has any rights under a judicial legacy scheme in respect of the remediable service, and
 - (b) the scheme manager of the scheme has—
 - (i) paid any benefits or compensation in accordance with the determination, or
 - (ii) taken any other step (for example, altering records) to implement the determination.
- (3) The second condition is that—
- (a) the scheme manager of a judicial legacy scheme and any person have agreed that, as a result of a non-discrimination rule, the person has any rights under the scheme in respect of the remediable service, and
 - (b) the scheme manager of the scheme has—
 - (i) paid any benefits or compensation in accordance with the agreement, or
 - (ii) taken any other step (for example, altering records) to implement the agreement.
- (4) In this section “non-discrimination rule” means a rule that is, or at any time was, included in a judicial scheme by virtue of—
- (a) section 61 of EA 2010, or
 - (b) paragraph 2 of Schedule 1 to EEAR(NI) 2006.