



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2

JUDICIAL SCHEMES

Remediable service

39 **Meaning of “remediable service”**

- (1) For the purposes of this Chapter any continuous period of service of a person in a judicial office is “remediable service” in that office if the following five conditions are met.
- (2) In this section “the service in question” means the service mentioned in subsection (1).
- (3) The first condition is that the service in question takes place in the period beginning with 1 April 2015 and ending with 31 March 2022.
- (4) The second condition is that the service in question—
 - (a) is pensionable service under a judicial scheme, or
 - (b) would have been pensionable service under a judicial scheme but for the fact that the person, in accordance with the scheme, opted that it should not be (or failed to opt that it should be) pensionable service under the scheme.

The second condition is met if all of the service in question falls within paragraphs (a) and (b) (even if it does not all fall within only one of those paragraphs).

Status: This is the original version (as it was originally enacted).

- (5) The third condition is that the person was, on 31 March 2012 or any earlier day, in service in an employment or office that is pensionable service under—
- (a) a Chapter 1 legacy scheme (within the meaning of Chapter 1),
 - (b) a judicial legacy scheme, or
 - (c) a local government legacy scheme (within the meaning of Chapter 3).
- (6) The fourth condition is that there is no disqualifying gap in service falling within the period—
- (a) beginning with the day after the most recent day in relation to which the third condition is met, and
 - (b) ending with the day before the first day of the service in question.
- (7) The fifth condition is that the person was under the age of 55 on 1 April 2012.
- (8) For the purposes of subsection (4)(b), a person is treated as having opted in accordance with the scheme that service should not be pensionable service under a judicial scheme if the service would have been pensionable service under that scheme (or would have been if the person had opted that it should be) but for the fact that the person had a partnership pension account.
- (9) In subsection (6) “disqualifying gap in service” means a period longer than 5 years at no time during which is the person in service in an employment or office which is pensionable service under—
- (a) a Chapter 1 scheme (within the meaning of Chapter 1),
 - (b) a judicial scheme, or
 - (c) a local government scheme (within the meaning of Chapter 3).
- (10) In determining for the purposes of this section whether any service is pensionable service under a particular scheme, sections 2(1), 42(2) to (5) and 45(2) (under which service may be treated as pensionable, or not pensionable, under particular schemes) are to be disregarded.

See also section 66(1) (which requires section 61 of the Equality Act 2010 and paragraph 2 of Schedule 1 to EEAR(NI) 2006 to be disregarded).