



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 4

GENERAL

Miscellaneous

103 Power to make provision in relation to certain fee-paid judges

- (1) Scheme regulations for a judicial scheme may make provision for the purpose of putting relevant fee-paid judges, so far as possible, in the position they would have been in if they had always been recognised as being full protection members of a judicial legacy scheme.
- (2) The provision that may be made under subsection (1) includes in particular—
 - (a) provision about the amount of benefits to which a person is or was entitled in respect of pensionable service;
 - (b) provision about pension contributions a person is or was required to pay to the scheme in respect of pensionable service;
 - (c) provision about cases in which voluntary contributions have been paid to a judicial 2015 scheme (including provision under which rights to benefits referable to the contributions are retained in the judicial 2015 scheme);
 - (d) provision about cases in which a person has transferred rights into a judicial 2015 scheme (including provision under which the rights are retained in the judicial 2015 scheme);
 - (e) provision about cases in which a person has a partnership pension account;

Status: This is the original version (as it was originally enacted).

- (f) provision about cases in which a person has partially retired;
 - (g) provision enabling a scheme manager to pay amounts by way of compensation, including provision requiring an employer in relation to the scheme to reimburse the scheme manager for such amounts;
 - (h) provision corresponding or similar to any provision of or made under—
 - (i) section 53 (effective pension age payments);
 - (ii) section 54 (transitional protection allowance);
 - (iii) section 55 (power to reduce benefits in lieu of paying liabilities owed to the scheme);
 - (iv) section 56 (powers to reduce or waive liabilities);
 - (v) section 57 (pension credit members);
 - (vi) section 61 (interest and process).
- (3) For the purposes of this section a person (“P”) is a “relevant fee-paid judge” if—
- (a) on 31 March 2012—
 - (i) P held a fee-paid judicial office, and
 - (ii) did not hold a salaried judicial office,
 - (b) on 1 April 2012, P was aged 55 or over,
 - (c) at any time in the period beginning with 1 April 2012 and ending with the day before the relevant date, P held a salaried judicial office, and
 - (d) either—
 - (i) on the relevant date, P did not hold a fee-paid judicial office, or
 - (ii) the condition in regulation 8(2)(a) of the judicial legacy fee-paid scheme (members) is not met in relation to P and the fee-paid judicial office mentioned in paragraph (a)(i).
- (4) In this section “full protection member”—
- (a) in relation to a judicial office within section 71(1)(a) or (b), has the same meaning as in Schedule 2 to the Judicial Pensions Regulations 2015 (S.I. 2015/182) (see paragraph 1 of that Schedule), or
 - (b) in relation to a judicial office within section 71(1)(c), has the same meaning as in Schedule 2 to the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 76) (see paragraph 1 of that Schedule).
- (5) In this section “the relevant date”—
- (a) in relation to a judicial office within section 71(1)(a) or (b), means 2 December 2012;
 - (b) in relation to a judicial office within section 71(1)(c), means 1 February 2013.
- (6) Expressions used in this section have the same meaning as in Chapter 2.