



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1 **U.K.**

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2 **U.K.**

JUDICIAL SCHEMES

Options exercise

41 Partnership pension account: requirement to transfer and surrender rights **U.K.**

- (1) Subsection (2) applies where—
 - (a) a person (“P”) has remediable service in a salaried judicial office, and
 - (b) any of the remediable service is PPA opted-out service.
- (2) A legacy scheme election in respect of P may not be made unless—
 - (a) the relevant authority is satisfied that the steps mentioned in subsection (3) have been taken, or
 - (b) the appropriate person has notified the relevant authority that they intend to instigate and facilitate the taking of those steps.
- (3) The steps are—
 - (a) the transfer of any relevant assets and liabilities to the relevant judicial legacy salaried scheme,
 - (b) the surrender of any entitlement to a pension under the relevant judicial legacy salaried scheme, and any right to a future pension under that scheme, that

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would otherwise arise under the rules of the scheme in respect of the value of the assets and liabilities transferred, and

- (c) if at any time any relevant assets and liabilities were transferred out of the partnership pension account (otherwise than in the course of a transfer to the relevant judicial legacy salaried scheme), the payment by the appropriate person to the relevant judicial legacy salaried scheme of an amount, determined by the relevant authority after consulting the Government Actuary, in respect of the value of the relevant assets transferred.
- (4) Subsection (5) applies where—
- (a) a person (“P”) has remediable service in a fee-paid judicial office, and
 - (b) any of the remediable service is PPA opted-out service.
- (5) A legacy scheme election in respect of P may not be made unless—
- (a) the relevant authority is satisfied that the steps mentioned in subsection (6) have been taken, or
 - (b) the appropriate person has notified the relevant authority that they intend to instigate and facilitate the taking of those steps.
- (6) The steps are—
- (a) the transfer of any relevant assets and liabilities to the judicial legacy fee-paid scheme,
 - (b) the surrender of any entitlement to a pension under the judicial legacy fee-paid scheme, and any right to a future pension under that scheme, that would otherwise arise under the rules of the scheme in respect of the value of the assets and liabilities transferred, and
 - (c) if at any time any relevant assets and liabilities were transferred out of the partnership pension account (otherwise than in the course of a transfer to the judicial legacy fee-paid scheme), the payment by the appropriate person to the judicial legacy fee-paid scheme of an amount, determined by the relevant authority after consulting the Government Actuary, in respect of the value of the relevant assets transferred.
- (7) In this section “the appropriate person”, in relation to a person (“P”) who has PPA opted-out service, means the person by whom a legacy scheme election in respect of P may be made (see section 46).
- (8) For the purposes of this section assets and liabilities are “relevant” in relation to any PPA opted-out service of a person (“P”) if—
- (a) they are referable to pension contributions or voluntary contributions that were made by or on behalf of P in respect of the service, and
 - (b) they are held for the purposes of a partnership pension account.

This is subject to subsection (9).

- (9) Where—
- (a) the total of the pension contributions, together with any voluntary contributions, that were paid by P in respect of the PPA opted-out service, exceeds
 - (b) the total of the pension contributions that would have been payable by P in respect of that service if the service had been pensionable service under the judicial legacy scheme to which the relevant assets and liabilities are to be transferred,

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the assets and liabilities that the relevant authority, after consulting the Government Actuary, determines are referable to the excess are not “relevant” in relation to the PPA opted-out service.

- (10) A reference in subsection (9) to pension contributions or voluntary contributions paid by P in respect of PPA opted-out service is a reference to the amount of the contributions paid, net of any tax relief under section 188 of FA 2004 (relief for contributions) to which P was entitled in respect of them.

Modifications etc. (not altering text)

- C1** Ss. 40-66 excluded (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), regs. 1(b), **9(2)**
- C2** S. 41(3) applied (with modifications) (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), regs. 1(b), **32(1)(2)**
- C3** S. 41(3)(c) modified (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), regs. 1(b), **16(1)(2)**
- C4** S. 41(6) applied (with modifications) (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), regs. 1(b), **32(3)(4)**
- C5** S. 41(6)(c) modified (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), regs. 1(b), **16(3)(4)**
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Commencement Information

- I1** S. 41 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 41 in force at 4.7.2023 in so far as not already in force by S.I. 2023/746, **reg. 2(a)**

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