



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2

JUDICIAL SCHEMES

Options exercise

42 Legacy scheme elections: effect

- (1) Subsections (2) to (5) apply where a legacy scheme election is made in respect of a person.
- (2) The person's remediable service in any salaried judicial office, to the extent that it is otherwise pensionable service under a judicial 2015 scheme, is treated—
 - (a) as not being, and as never having been, pensionable service under that scheme, and
 - (b) as being, and as always having been, pensionable service under the relevant judicial legacy salaried scheme.
- (3) The person's remediable service in any salaried judicial office, to the extent that it is otherwise opted-out service, is treated as being, and as always having been, pensionable service under the relevant judicial legacy salaried scheme.
- (4) The person's remediable service in any fee-paid judicial office, to the extent that it is otherwise pensionable service under a judicial 2015 scheme, is treated—
 - (a) as not being, and as never having been, pensionable service under that scheme, and

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 42. (See end of Document for details)

- (b) as being, and as always having been, pensionable service under the judicial legacy fee-paid scheme.
- (5) The person’s remediable service in any fee-paid judicial office, to the extent that it is otherwise opted-out service, is treated as being, and as always having been, pensionable service under the judicial legacy fee-paid scheme.
- (6) Subsections (2) to (5) have effect—
- (a) for the purposes of determining which judicial scheme is (or at any time was) required to pay benefits to or in respect of a member,
 - (b) for the purposes of determining the amount of any benefits that are (or at any time were) payable under a judicial scheme to or in respect of a member,
 - (c) for the purposes of determining the judicial scheme to which a member is (or at any time was) required to pay pension contributions under a judicial scheme,
 - (d) for the purposes of determining the amount of any pension contributions that are (or at any time were) payable under judicial schemes by members, and
 - (e) subject to any provision of this Chapter to the contrary, for all other purposes.
- (7) Subsections (2) to (5) do not affect—
- (a) any arrangements under a judicial scheme under which a member pays contributions to the scheme on a voluntary basis so as to secure additional benefits, or the earlier payment of benefits, under the scheme, or
 - (b) any rights under a judicial scheme in respect of a transfer in to the scheme of an amount in respect of rights accrued under another pension scheme.

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)**
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Commencement Information

- I1** S. 42 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
- I2** S. 42 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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