



# Public Service Pensions and Judicial Offices Act 2022

## 2022 CHAPTER 7

### PART 1

#### PUBLIC SERVICE PENSION SCHEMES

### CHAPTER 2

#### JUDICIAL SCHEMES

*Options exercise: further provision*

#### **48 Benefits for children where election made**

- (1) Subsection (2) applies where—
  - (a) a 2015 scheme election is made in respect of a deceased person (“P”),
  - (b) P is survived by a child,
  - (c) the child is not living in the same household as an adult survivor of P, and
  - (d) the benefits payable under the judicial 2015 scheme in respect of the child are, in the opinion of the scheme manager of the scheme, less valuable (looked at in the round) than those that would have been payable in respect of the child if a legacy scheme election had been made in respect of P.
- (2) The benefits payable in respect of the child under the judicial 2015 scheme, so far as they are determined by reference to P’s remediable service, are such benefits as would have been payable in respect of the child, so far as they are determined by reference to P’s remediable service, if a legacy scheme election had been made in respect of P.
- (3) For the purposes of subsections (1) and (2)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) “child” means any individual who would have received benefits in respect of P under a judicial legacy scheme in their capacity as a child if a legacy scheme election had been made in respect of P;
  - (b) “adult survivor” means a surviving spouse, civil partner or other adult who is entitled under the judicial 2015 scheme to a pension determined (to any extent) by reference to P’s remediable service.
- (4) Subsection (5) applies where—
- (a) a legacy scheme election is made in respect of a deceased person (“P”),
  - (b) P is survived by a child,
  - (c) the child is not living in the same household as an adult survivor of P, and
  - (d) the benefits payable under the judicial legacy scheme in respect of the child are, in the opinion of the scheme manager of the scheme, less valuable (looked at in the round) than those that would have been payable in respect of the child if a 2015 scheme election had been made in respect of P.
- (5) The benefits payable in respect of the child under the judicial legacy scheme, so far as they are determined by reference to P’s remediable service, are such benefits as would have been payable in respect of the child, so far as they are determined by reference to P’s remediable service, if a 2015 scheme election had been made in respect of P.
- (6) For the purposes of subsections (4) and (5)—
- (a) “child” means any individual who would have received benefits in respect of P under a judicial 2015 scheme in their capacity as a child if a 2015 scheme election had been made in respect of P;
  - (b) “adult survivor” means a surviving spouse or civil partner who is entitled under the judicial legacy scheme to a pension determined (to any extent) by reference to P’s remediable service.
- (7) Subsections (2) and (5) apply in relation to benefits that were payable in respect of the child before, as well as after, the election in question comes into effect.