



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

49 Effect of elections on benefits previously paid or payable

- (1) Subsection (2) applies in relation to any benefits (“the paid benefits”) that a judicial 2015 scheme has at any time paid to a person (“P”) so far as—
 - (a) they are calculated by reference to P’s, or any other person’s, remediable service in a salaried judicial office, and
 - (b) they are benefits that, as a result of a legacy scheme election made in respect of P or any other person, P was not entitled to receive from the scheme.
- (2) The paid benefits are to be treated for all purposes—
 - (a) as not having been paid to P by the judicial 2015 scheme, but
 - (b) as having been paid to P instead by the relevant judicial legacy salaried scheme.
- (3) Subsection (4) applies in relation to any benefits (“the paid benefits”) that a judicial 2015 scheme has at any time paid to a person (“P”) so far as—
 - (a) they are calculated by reference to P’s, or any other person’s, remediable service in a fee-paid judicial office, and

Status: This is the original version (as it was originally enacted).

- (b) they are benefits that, as a result of a legacy scheme election made in respect of P or any other person, P was not entitled to receive from the scheme.
- (4) The paid benefits are to be treated for all purposes—
 - (a) as not having been paid to P by the judicial 2015 scheme, but
 - (b) as having been paid to P instead by the judicial legacy fee-paid scheme.
- (5) Subsection (6) applies in relation to any benefits (“the paid benefits”) that a judicial legacy scheme has at any time paid to a person (“P”) so far as—
 - (a) they are calculated by reference to P’s, or any other person’s, remediable service in a judicial office, and
 - (b) they are benefits that, as a result of a 2015 scheme election made in respect of P or any other person, P was not entitled to receive from the scheme.
- (6) The paid benefits are to be treated for all purposes—
 - (a) as not having been paid to P by the judicial legacy scheme, but
 - (b) as having been paid to P instead by the relevant 2015 scheme.
- (7) In subsection (6) “the relevant 2015 scheme” means—
 - (a) in relation to service in a judicial office within section 71(1)(a) or (b), the Judicial Pensions Regulations 2015 (S.I. 2015/182);
 - (b) otherwise, the Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. (N.I.) 2015 No. 76).
- (8) Subsection (9) applies where, as a result of a legacy scheme election or 2015 scheme election (and after taking into account the effect of subsections (2), (4) and (6))—
 - (a) a judicial scheme owes a person an amount in respect of benefits which—
 - (i) are calculated by reference to a member’s remediable service in a judicial office, and
 - (ii) were payable before the end of the election period, or
 - (b) a person owes a judicial scheme an amount in respect of such benefits.
- (9) The liability is to be discharged only in accordance with section 51 (corrections for pension benefits and lump sum benefits).