



Public Service Pensions and Judicial Offices Act 2022

2022 CHAPTER 7

PART 1

PUBLIC SERVICE PENSION SCHEMES

CHAPTER 2

JUDICIAL SCHEMES

Pension benefits and contributions: corrections

51 Pension benefits and lump sums benefits

- (1) This section applies in relation to a member (“M”) of a judicial scheme who, at the end of the election period—
- (a) has remediable service in a judicial office that is pensionable service under the scheme, and
 - (b) is a pensioner member in relation to the judicial office, or is deceased.
- (2) Where—
- (a) the aggregate of the pension benefits, if any, that (after taking into account the effect, if any, of section 49(2), (4) or (6)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the judicial office, exceeds
 - (b) the aggregate of the pension benefits to which (after taking into account the effect, if any, of section 42(2) to (5) or 45(2)) the beneficiary was entitled under the scheme in respect of the service,
- the beneficiary must pay the difference to the scheme.
- (3) Where—

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 51. (See end of Document for details)

- (a) the amount mentioned in subsection (2)(a), is less than
 - (b) the amount mentioned in subsection (2)(b),
- the scheme manager must pay the difference to the beneficiary.

(4) Where—

- (a) the aggregate of the lump sum benefits, if any, that (after taking into account the effect, if any, of section 49(2), (4) or (6)) have been paid under the scheme to any person (“the beneficiary”) in respect of M’s remediable service in the judicial office, exceeds
 - (b) the aggregate of the lump sum benefits to which (after taking into account the effect, if any, of section 42(2) to (5) or 45(2)) the beneficiary was entitled under the scheme in respect of the service,
- the beneficiary must pay the difference to the scheme.

(5) Where—

- (a) the amount mentioned in subsection (4)(a), is less than
 - (b) the amount mentioned in subsection (4)(b),
- the scheme manager must pay the difference to the beneficiary.

(6) If—

- (a) M is deceased,
- (b) a PPA lump sum death benefit has been paid on the death of M, and
- (c) a legacy scheme election has been made in respect of M,

the PPA lump sum death benefit is to be treated for the purposes of subsection (4)(a) as a lump sum benefit paid under the scheme in respect of M’s remediable service in the judicial office.

(7) If—

- (a) a 2015 scheme election has been made in respect of M, and
- (b) M has been paid a judicial service award in respect of M’s service in the judicial office,

the judicial service award is to be treated for the purposes of subsection (4)(a) as a lump sum benefit paid to M under the scheme in respect of M’s remediable service in the judicial office.

(8) In this section—

“judicial service award” means an amount payable pursuant to a determination of the Lord Chancellor relating to judicial service awards for holders of judicial offices;

“lump sum benefit” means any benefit payable under a pension scheme by way of a lump sum;

“pension benefit” means any benefit payable under a pension scheme otherwise than by way of a lump sum;

“PPA lump sum death benefit” means an amount paid by the relevant authority, on the death of a person who has a partnership pension account, to a person nominated by the deceased or to the person’s personal representatives.

Changes to legislation: There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 51. (See end of Document for details)

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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. 51 applied (with modifications) (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), regs. 1(b), **11**
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Commencement Information

- I1** S. 51 in force at Royal Assent for specified purposes, see [s. 131\(1\)](#)
- I2** S. 51 in force at 4.7.2023 in so far as not already in force by [S.I. 2023/746](#), [reg. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 51.