



# Public Service Pensions and Judicial Offices Act 2022

## 2022 CHAPTER 7

### PART 1

#### PUBLIC SERVICE PENSION SCHEMES

### CHAPTER 2

#### JUDICIAL SCHEMES

##### *Powers to make provision in relation to special cases*

#### **58 Further powers to make provision about special cases**

- (1) Scheme regulations for a judicial scheme may make further provision relating to a member who has remediable service in a judicial office.
- (2) The provision that may be made under subsection (1) includes, in particular—
  - (a) provision about cases in which a member has paid voluntary contributions to the scheme during any period of remediable service;
  - (b) provision about the calculation or payment of transfer values on the transfer out of the rights of a member who has remediable service in a judicial office;
  - (c) provision about the benefits payable to or in respect of a member who has remediable service in a judicial office and has transferred in to the scheme an amount in respect of rights accrued under another pension scheme;
  - (d) provision about the benefits payable to or in respect of a member who has remediable service in a judicial office that is mixed service;
  - (e) provision about the benefits payable to or in respect of a member where, disregarding any legacy scheme election or 2015 scheme election made in respect of the member, the member—

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*Changes to legislation:* There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 58. (See end of Document for details)

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- (i) has remediable service in a judicial office that is pensionable service under a judicial 2015 scheme, and
    - (ii) has a right under that scheme, if they retire before normal pension age, on the making of a payment to the scheme, to the reduction or elimination of the actuarial reduction that would otherwise have been made to the benefits payable to or in respect of the member in respect of that remediable service;
  - (f) provision about the benefits payable to or in respect of a person who has partially retired;
  - (g) provision about cases in which the scheme administrator of a judicial scheme pays a liability under section 217 or 237B of FA 2004 (joint liability of scheme administrator to lifetime allowance charge or annual allowance charge).
- (3) The provision that may be made by virtue of subsection (2)(a) includes, in particular, provision under which—
- (a) the rights that would otherwise have been secured by the payment of any voluntary contributions are extinguished, and
  - (b) the scheme manager is required to pay the member or, if the member is deceased, the member’s personal representatives an amount by way of compensation equal to—
    - (i) the aggregate of the voluntary contributions paid, less
    - (ii) an amount in respect of the tax relief under section 188 of FA 2004 (member contributions) to which the member was entitled in respect of those payments.
- (4) The provision that may be made by scheme regulations under this section, or under section 57, includes, in particular—
- (a) provision modifying any provision of this Chapter in its application to persons of a description specified in the regulations;
  - (b) provision corresponding to, or applying, any provision of this Chapter, with or without modifications.
- (5) For the purposes of this section a person’s remediable service in a judicial office is “mixed service” if, disregarding any legacy scheme election or 2015 scheme election made in respect of the person—
- (a) some of the service is pensionable service under a judicial legacy scheme, and
  - (b) some of the service is—
    - (i) pensionable service under a judicial 2015 scheme, or
    - (ii) PPA opted-out service.
- (6) In this section—
- “modifying” includes disapplying or supplementing (and cognate expressions are to be construed accordingly);
  - “scheme administrator” has the same meaning as in Part 4 of FA 2004 (see section 270 of that Act).

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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)**

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**Changes to legislation:** There are currently no known outstanding effects for the Public Service Pensions and Judicial Offices Act 2022, Section 58. (See end of Document for details)

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**Commencement Information**

- I1** S. 58 in force at Royal Assent for specified purposes, see **s. 131(1)**
- I2** S. 58 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 58.