
STATUTORY INSTRUMENTS

2023 No. 766

The Judicial Pensions (Remediable Service etc.) Regulations 2023

PART 1

Preliminary

Citation, commencement and extent

1. These Regulations—
 - (a) may be cited as the Judicial Pensions (Remediable Service etc.) Regulations 2023;
 - (b) come into force on the day after the day on which they are made;
 - (c) extend to England and Wales, Scotland and Northern Ireland.

Commencement Information

- II** Reg. 1 in force at 5.7.2023, see [reg. 1\(b\)](#)

Interpretation

- 2.—(1) In these Regulations—
 - “PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;
 - “the 2015 Regulations” means the Judicial Pensions Regulations 2015(1);
 - “the 2015 scheme” means the scheme established by the 2015 Regulations;
 - “FPJR 2017” means the Judicial Pensions (Fee-Paid Judges) Regulations 2017(2);
 - “the PSP Directions 2022” means the Public Service Pensions (Exercise of Powers, Compensation and Information) Directions 2022(3);
 - “appropriate Minister” has the meaning given in regulation 2 (interpretation) of the 2015 Regulations;
 - “appropriate person” means—
 - (a) for the purposes of Part 4, R or, if R is deceased, R’s personal representatives;
 - (b) for all other purposes, P or, if P is deceased, P’s personal representatives;
 - “Judicial Pension Board” means the Judicial Pension Board established by regulation 6(1) of the 2015 Regulations;

(1) [S.I. 2015/182](#) as amended by [S.I. 2017/508](#), [S.I. 2021/36](#) and [S.I. 2022/319](#).

(2) [S.I. 2017/522](#) as amended by [S.I. 2018/1413](#), [S.I. 2018/1149](#), [S.I. 2019/781](#), [S.I. 2020/386](#), [S.I. 2021/444](#) and [S.I. 2023/403](#).

(3) Published on 15 December 2022 and accessible online at <https://www.gov.uk/government/publications/public-service-pensions-and-judicial-offices-act-2022-treasury-directions>. A hard copy is available on written request to His Majesty’s Treasury, 1 Horse Guards Road, London, SW1A 2HQ.

Status: Point in time view as at 24/01/2024.

Changes to legislation: There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023, PART 1. (See end of Document for details)

[^{F1}“purported added pension payment” has the meaning given in paragraph 1 of Schedule 1 to the 2015 Regulations;

“purported effective pension age payment” means a payment—

- (a) which was made by either—
 - (i) a person “P” who has remediable service in a judicial office, or
 - (ii) a relevant fee-paid judge who has relevant service in a judicial office,
- (b) which was intended to be an effective pension age payment under Part 3 of Schedule 1 to the 2015 Regulations, and
- (c) which was not in fact an effective pension age payment under Part 3 of Schedule 1 to the 2015 Regulations due to—
 - (i) a determination by a court or tribunal that, as a result of a non-discrimination rule, any person has rights under a judicial legacy scheme in respect of P’s remediable service,
 - (ii) an agreement between the scheme manager of a judicial legacy scheme and any person that, as a result of a non-discrimination rule, the person has any rights under the scheme in respect of P’s remediable service, or
 - (iii) the payment being made in relation to a relevant fee-paid judge;

“purported special payment” means a payment—

- (a) which was made by either—
 - (i) a person “P” who has remediable service in a judicial office, or
 - (ii) a relevant fee-paid judge who has relevant service in a judicial office,
- (b) which was intended to be a special payment under regulation 74(3)(a) or (c) of the 2015 Regulations, and
- (c) which was not in fact a special payment under regulation 74(3)(a) or (c) due to—
 - (i) a determination by a court or tribunal that, as a result of a non-discrimination rule, any person has rights under a judicial legacy scheme in respect of P’s remediable service,
 - (ii) an agreement between the scheme manager of a judicial legacy scheme and any person that, as a result of a non-discrimination rule, the person has any rights under the scheme in respect of P’s remediable service, or
 - (iii) the payment being made in relation to a relevant fee-paid judge;]

“relevant service” has the meaning given in regulation 29(2);

“scheme actuary” has the meaning given in regulation 2 (interpretation) of the 2015 Regulations;

“scheme manager” has the meaning given in regulation 4 of the 2015 Regulations;

“transfer value payment” has the meaning given in regulation 2 of the 2015 Regulations.

(2) Except as provided for in these Regulations, expressions used in these Regulations have the same meaning as in Chapter 2 of Part 1 of PSPJOA 2022.

(3) A reference in these Regulations to a provision of the PSP Directions 2022 is a reference to that provision as amended from time to time.

Textual Amendments

F1 Words in [reg. 2](#) inserted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. [1\(b\)](#), [3\(2\)](#)

Commencement Information

I2 Reg. 2 in force at 5.7.2023, see [reg. 1\(b\)](#)

Scheme manager

3.—(1) Before exercising any discretion under these Regulations, the scheme manager must obtain a recommendation from the Judicial Pension Board.

(2) If the scheme manager exercises any discretion under these Regulations contrary to a recommendation made by the Judicial Pension Board, the scheme manager must provide written reasons for doing so to the Judicial Pension Board and to any member to whom the discretion relates.

(3) The scheme manager and the Judicial Pension Board may agree that paragraphs (1) and (2) do not apply to specific discretions or in specific circumstances.

Commencement Information

I3 Reg. 3 in force at 5.7.2023, see [reg. 1\(b\)](#)

Delegation

4.—(1) The scheme manager may delegate any functions under these Regulations, including this power.

(2) The Judicial Pension Board may delegate any functions under these Regulations.

Commencement Information

I4 Reg. 4 in force at 5.7.2023, see [reg. 1\(b\)](#)

Right of appeal

5. The scheme manager must, in consultation with the Judicial Pension Board, establish a procedure for the consideration of appeals against decisions taken under these Regulations.

Commencement Information

I5 Reg. 5 in force at 5.7.2023, see [reg. 1\(b\)](#)

Status:

Point in time view as at 24/01/2024.

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023, PART 1.