
STATUTORY INSTRUMENTS

2023 No. 766

**The Judicial Pensions (Remediable
Service etc.) Regulations 2023**

PART 2

Provision about special cases where a member has remediable service

CHAPTER 3

Partial retirement

Partial retirement notice

10.—(1) Paragraph (2) applies where—

- (a) P exercised a partial retirement option under regulation 60(2) of the 2015 Regulations in respect of any fee-paid judicial office⁽¹⁾,
- (b) a legacy scheme election is made in respect of P, and
- (c) the conditions set out in regulation 27(1) of FPJR 2017 are met in respect of P.

(2) A notice in respect of P that complies with the requirement in regulation 27(3)(a) of FPJR 2017 is treated as having been given in accordance with sub-paragraph (3)(b) of that regulation if it is received by the appropriate Minister before the end of the election period.

(3) A notice under paragraph (2) has effect on the date agreed by the member and the scheme manager under regulation 61(1)(b) of the 2015 Regulations in relation to the exercise of the partial retirement option referred to in paragraph (1)(a).

(4) Paragraph (5) applies where—

- (a) P gave notice to take partial retirement under regulation 27(2) of FPJR 2017,
- (b) a 2015 scheme election is made, or is treated as having been made, in respect of P, and
- (c) the conditions set out in regulation 60(1) of the 2015 Regulations are met in respect of P.

(5) A partial retirement option in respect of P is treated as having been exercised in accordance with regulation 61(1)(b) of the 2015 Regulations if a partial retirement option notice that complies with the requirements of regulation 61(1)(a) and (2) of those Regulations is received by the scheme manager before the end of the election period.

(6) An option under paragraph (5) has effect on the day the notice mentioned in paragraph (4) (a) was received by the appropriate Minister.

Commencement Information

II Reg. 10 in force at 5.7.2023, see [reg. 1\(b\)](#)

⁽¹⁾ See section 71(3) of PSPJOA 2022 for the meaning of “fee-paid judicial office”.

Corrections for pension benefits and lump sum benefits on partial retirement

11. Where paragraph (2) or (5) of regulation 10 applies, section 51 of PSPJOA 2022 applies in relation to P as if for subsection (1) there were substituted—

- “(1) This section applies in relation to a member (“M”) of a judicial scheme⁽²⁾ who—
- (a) at the end of the election period has remediable service in a judicial office that is pensionable service under the scheme, and
 - (b) during the period of remediable service has—
 - (i) exercised a partial retirement option under regulation 60(2) of the 2015 Regulations, or
 - (ii) given notice to take partial retirement under regulation 27(2) of FPJR 2017.”.

Commencement Information

I2 Reg. 11 in force at 5.7.2023, see [reg. 1\(b\)](#)

(2) See section 70(1) of PSPJOA 2022 for the meaning of “a judicial scheme”.

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023, CHAPTER 3.