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STATUTORY INSTRUMENTS

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**2023 No. 766**

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

**PART 5**

**Pension Credit Members**

**CHAPTER 1**

**Preliminary**

**Application of Part**

**46.**—(1) This Part applies where—

- (a) a person (“P”) has remediable service in a judicial office,
- (b) a pension sharing order is made in respect of P, and
- (c) the transfer day of the pension sharing order is in the period beginning with 1st April 2015 and ending with the day before the day on which—
  - (i) the legacy scheme election or 2015 scheme election takes effect in respect of P, or
  - (ii) either of the conditions under section 68(2) or (3) of PSPJOA 2022 is satisfied in relation to P’s remediable service.

(2) This Part also applies where—

- (a) a person (“P”) has relevant service in a judicial office,
- (b) a pension sharing order is made in respect of P, and
- (c) the transfer day of the pension sharing order is in the period beginning with 1st April 2015 and ending on the day before the day on which Part 4 takes effect in respect of P.

**Commencement Information**

**II** Reg. 46 in force at 5.7.2023, see [reg. 1\(b\)](#)

**Interpretation of Part**

**47.**—(1) In this Part—

- “amount of credited pension” has the meaning given in regulation 2 of the 2015 Regulations;
- “appropriate amount” means the amount calculated under section 29(2) and (3) of WRPA 1999(1) in respect of a pension sharing order;
- “cash equivalent” means a value calculated by virtue of section 30 of WRPA 1999;

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(1) In accordance with section 110(1) of PSPJOA 2022, “WRPA 1999” means the Welfare Reform and Pensions Act [1999 \(c. 30\)](#).

“corresponding pension debit member”, in relation to a relevant pension credit member, means the person mentioned in paragraph (b) of the definition of “relevant pension credit member”;

“pension credit” and “pension debit” have the meanings given in section 57(7) of PSPJOA 2022;

“pension sharing order” means an order or provision by virtue of which section 29 of WRPA 1999 applies to a relevant pension credit member and the corresponding pension debit member;

“relevant benefits” means—

- (a) where P was in pensionable service on the transfer day, the benefits or future benefits to which P was entitled under a judicial scheme by virtue of P’s shareable rights in the scheme in respect of P’s service beginning on 1st April 2015 and ending on the day before the transfer day;
- (b) otherwise, the benefits or future benefits to which P was entitled under a judicial scheme by virtue of P’s shareable rights in the scheme in respect of P’s service beginning on 1st April 2015 and ending on the last day of P’s service;

“relevant pension credit member”, in relation to a judicial scheme, means a person who has rights under the scheme—

- (a) which are attributable (directly or indirectly) to a pension credit, and
- (b) the value of which was determined (to any extent) by reference to the value of benefits payable in respect of the remediable service or relevant service in a judicial office of another person;

“relevant period” means—

- (a) where P has remediable service and an immediate detriment remedy has not been obtained in relation to that service, the election period in relation to P, and
- (b) otherwise, the notification period in relation to P;

“shareable rights” has the meaning given in section 27(2) of WRPA 1999;

“transfer day”, in relation to a pension sharing order, means the day on which the relevant pension sharing order takes effect;

“valuation day” has the meaning given in section 29(7) of WRPA 1999 in respect of a pension credit member and the corresponding debit member.

(2) For the purposes of this Part, the “notification period”, in relation to P, has the meaning given—

- (a) where P has remediable service and an immediate detriment remedy has been obtained in relation to that service, in regulation 14(2) and (3);
- (b) where P has relevant service, in regulation 30(2)(b) and (c).

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**Commencement Information**

**I2** Reg. 47 in force at 5.7.2023, see [reg. 1\(b\)](#)

**CHAPTER 2**

Provision where all remediable or relevant service was in the 2015 scheme

**Application of Chapter**

**48.**—(1) This Chapter applies where the following three conditions are met.

(2) The first condition is that a relevant pension credit member (“C”) has rights in respect of a pension credit under the 2015 scheme.

(3) The second condition is that the corresponding pension debit member in relation to C (“P”) is subject to a pension debit in the 2015 scheme.

(4) The third condition is that—

(a) this Part applies by virtue of regulation 46(1), but only if none of P’s remediable service is pensionable service in a judicial legacy scheme<sup>(2)</sup> (disregarding any legacy scheme election or 2015 scheme election made in respect of P, or any immediate detriment remedy obtained in relation to P’s remediable service), or

(b) this Part applies by virtue of regulation 46(2).

#### Commencement Information

**I3** Reg. 48 in force at 5.7.2023, see [reg. 1\(b\)](#)

#### Adjustments for pension credit members

**49.**—(1) The scheme manager must, after consultation with the scheme actuary, provide C with a statement of C’s remediable pension amount and remediable pension credit before the beginning of the relevant period.

(2) Where—

(a) C’s remediable pension amount exceeds the appropriate amount in respect of the pension sharing order in the 2015 scheme, and

(b) C requests that C’s remediable pension credit is added to C’s rights under—

(i) the 2015 scheme, or

(ii) a judicial legacy scheme (if any),

at the end of the relevant period, C becomes entitled to a remediable pension credit in accordance with the request, such credit to take effect as if it had been added to C’s rights with effect from the transfer day.

(3) A request under paragraph (2)(b)—

(a) must be—

(i) made by notice to the scheme manager,

(ii) in a form required by the scheme manager, and

(iii) received by the scheme manager before the end of the relevant period, and

(b) is irrevocable.

(4) Where no request is made in accordance with paragraph (3), at the end of the relevant period C becomes entitled to a remediable pension credit in the 2015 scheme, such credit to take effect as if it had been added to C’s rights with effect from the transfer day.

(5) Where C becomes entitled to a remediable pension credit under this regulation, C is entitled to rights under paragraph 1 of Schedule 2A<sup>(3)</sup> to JUPRA 1993<sup>(4)</sup> in respect of that remediable pension credit.

(6) In this regulation—

<sup>(2)</sup> See section 70(3) of PSPJOA 2022 for the meaning of “a judicial legacy scheme”.

<sup>(3)</sup> Schedule 2A was inserted by [S.I. 2000/2986](#) and paragraph 1 was amended by section 79 of the Pension Schemes Act 2015.

<sup>(4)</sup> In accordance with section 110(1) of PSPJOA 2022, “JUPRA 1993” means the Judicial Pensions and Retirement Act 1993 ([c. 8](#)).

“remediable pension amount” means—

- (a) where the pension sharing order specified a percentage value to be transferred from the 2015 scheme, the specified percentage of the cash equivalent of P’s relevant benefits on the valuation day calculated as if the relevant benefits were in P’s judicial legacy scheme;
- (b) where the pension sharing order specified an amount to be transferred from the 2015 scheme, the percentage which this amount represented of the cash equivalent of P’s relevant benefits in the 2015 scheme on the valuation day disregarding any—
  - (i) legacy scheme election made in respect of P,
  - (ii) immediate detriment remedy obtained in relation to P’s remediable service, or
  - (iii) where this Part applies in respect of P by virtue of the application of regulation 46(2), the effect of Part 2 of Schedule 2 to the 2015 Regulations in relation to P,
 calculated instead as if P’s relevant benefits were in P’s judicial legacy scheme;

“remediable pension credit” means the greater of—

- (a) zero, and
- (b) the remediable pension amount minus the appropriate amount.

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**Commencement Information**

**I4** Reg. 49 in force at 5.7.2023, see [reg. 1\(b\)](#)

**Adjustments for pension debit members where a legacy scheme election is made**

**50.**—(1) This regulation applies where—

- (a) a legacy scheme election is made in respect of P,
- (b) an immediate detriment remedy is obtained in relation to P’s remediable service, or
- (c) this Part applies by virtue of regulation 46(2).

(2) At the end of the relevant period, the scheme manager must adjust the value of P’s shareable rights in P’s judicial legacy scheme as the scheme manager, after consultation with the scheme actuary, considers appropriate having regard to—

- (a) the cash equivalent of P’s shareable rights in P’s judicial legacy scheme in respect of P’s remediable service or relevant service from 1st April 2015 to the day before the transfer day,
- (b) the percentage value or the amount to be transferred specified in the pension sharing order in respect of the 2015 scheme, and
- (c) the provisions of sections 29 (creation of pension credits and debits) and 31 (reduction of benefit) of WRPA 1999.

(3) The adjustment made under paragraph (2) has effect from the transfer day.

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**Commencement Information**

**I5** Reg. 50 in force at 5.7.2023, see [reg. 1\(b\)](#)

## CHAPTER 3

Provision where all remediable service subject to a relevant pension sharing order was in a judicial legacy scheme

### Application of Chapter

51. This Chapter applies where—

- (a) a relevant pension credit member (“C”) has rights in respect of a pension credit in a judicial legacy scheme,
- (b) the corresponding debit member in relation to C (“P”) is subject to a pension debit in a judicial legacy scheme, and
- (c) all of P’s remediable service beginning on 1st April 2015 and ending on the day before the transfer day is, disregarding any legacy scheme election or 2015 scheme election made in respect of P, pensionable service in a judicial legacy scheme.

#### Commencement Information

**I6** Reg. 51 in force at 5.7.2023, see [reg. 1\(b\)](#)

### Adjustments for pension credit members

52.—(1) The scheme manager must, after consultation with the scheme actuary and before the beginning of the relevant period, provide C with a statement of—

- (a) C’s 2015 scheme remediable pension amount,
- (b) C’s legacy scheme remediable pension amount, and
- (c) C’s remediable pension credit.

(2) Where the value of C’s 2015 scheme remediable pension amount exceeds the value of C’s legacy scheme remediable pension amount, both calculated on the valuation day at the end of the relevant period, C becomes entitled to a remediable pension credit, such credit to take effect as if it had been added to C’s rights in C’s judicial legacy scheme on the transfer day.

(3) Where C becomes entitled to a remediable pension credit under this regulation, C is entitled to rights under paragraph 1 of Schedule 2A to JUPRA 1993 in respect of that remediable pension credit.

(4) In this regulation—

“2015 scheme remediable pension amount” means—

- (a) where the pension sharing order specified a percentage value to be transferred from P’s judicial legacy scheme, the specified percentage of the cash equivalent of P’s relevant benefits on the valuation day calculated as if the relevant benefits were in the 2015 scheme;
- (b) where the pension sharing order specified an amount to be transferred from P’s judicial legacy scheme, the percentage which this amount represented of the cash equivalent of P’s relevant benefits in P’s judicial legacy scheme on the valuation day (disregarding any 2015 scheme election), calculated instead as if P’s relevant benefits were in the 2015 scheme;

“legacy scheme remediable pension amount” means—

- (a) where the pension sharing order specified a percentage value to be transferred from P’s judicial legacy scheme, the specified percentage of the cash equivalent of P’s relevant

benefits on the valuation day calculated as if the relevant benefits were in P’s judicial legacy scheme;

- (b) where the pension sharing order specified an amount to be transferred from P’s judicial legacy scheme, the percentage which this amount represented of the cash equivalent of P’s relevant benefits in P’s judicial legacy scheme on the valuation day (disregarding any 2015 scheme election) calculated as if the relevant benefits were in P’s judicial legacy scheme;

“remediable pension credit” means the greater of—

- (a) zero, and  
 (b) the 2015 scheme remediable pension amount minus the legacy scheme remediable pension amount.

#### Commencement Information

**17** Reg. 52 in force at 5.7.2023, see [reg. 1\(b\)](#)

#### Adjustments for pension debit members where a 2015 scheme election is made

**53.**—(1) This regulation applies where a 2015 scheme election is made in respect of P.

(2) At the end of the relevant period, the scheme manager must adjust the value of P’s shareable rights in P’s judicial legacy scheme and the 2015 scheme as the scheme manager, after consultation with the scheme actuary, considers appropriate having regard to—

- (a) the cash equivalent of P’s shareable rights in P’s judicial legacy scheme in respect of P’s service up to and including 31 March 2015,  
 (b) the cash equivalent of P’s shareable rights in the 2015 scheme in respect of P’s remediable service from 1 April 2015 to the day before the transfer day,  
 (c) the percentage value or the amount to be transferred specified in the pension sharing order in respect of a judicial legacy scheme, and  
 (d) the provisions of sections 29 (creation of pension credits and debits) and 31 (reduction of benefit) of WRPA 1999.
- (3) The adjustment made under paragraph (2) has effect from the transfer day.

#### Commencement Information

**18** Reg. 53 in force at 5.7.2023, see [reg. 1\(b\)](#)

### CHAPTER 4

Provision where the relevant pension sharing order is in respect of mixed service

#### Application of Chapter

**54.** This Chapter applies where—

- (a) a relevant pension credit member (“C”) has rights in the 2015 scheme and a judicial legacy scheme, and  
 (b) the corresponding debit member (“P”) has remediable service which is mixed service.

**Commencement Information**

**I9** Reg. 54 in force at 5.7.2023, see [reg. 1\(b\)](#)

**Interpretation of Chapter**

**55.** In this Chapter—

“mixed service” means remediable service of P in a judicial office where, disregarding any legacy scheme election or 2015 scheme election made in respect of P or any immediate detriment remedy obtained in relation to the service—

- (a) some of the service on or before transfer day is pensionable service under a judicial legacy scheme, and
- (b) some of the service on or before transfer day is pensionable service under the 2015 scheme;

“relevant legacy scheme order or provision” means the order or provision by virtue of which section 29 of WRPA 1999 applied to the relevant pension credit member and corresponding debit member in respect of a judicial legacy scheme;

“relevant 2015 scheme order or provision” means the order or provision by virtue of which section 29 of WRPA 1999 applied to the relevant pension credit member and corresponding debit member in respect of the 2015 scheme.

**Commencement Information**

**I10** Reg. 55 in force at 5.7.2023, see [reg. 1\(b\)](#)

**Adjustments for pension credit members where there is mixed service**

**56.—(1)** The scheme manager must, after consultation with the scheme actuary, calculate the value of C’s—

- (a) legacy scheme remediable pension amount, and
- (b) 2015 scheme remediable pension amount.

(2) The scheme manager must, before the beginning of the relevant period, provide C with a statement of C’s—

- (a) amount of credited pension in the 2015 scheme,
- (b) rights in respect of a pension credit in a judicial legacy scheme,
- (c) higher remediable pension amount, and
- (d) remediable pension credit and remediable pension reduction.

(3) Paragraphs (4) to (6) apply where C has a remediable pension credit that is greater than zero.

(4) Where C requests that the remediable pension credit is added to C’s rights in the 2015 scheme or a judicial legacy scheme, at the end of the relevant period, C becomes entitled to a remediable pension credit in accordance with the request, such credit to take effect as if it had been added to C’s rights in the judicial scheme with effect from the transfer day.

(5) A request under paragraph (4)—

- (a) must be—
  - (i) made by notice to the scheme manager,

- (ii) in a form required by the scheme manager, and
  - (iii) received by the scheme manager before the end of the relevant period, and
- (b) is irrevocable.
- (6) Where no request is made in accordance with paragraph (5), at the end of the relevant period C becomes entitled to a remediable pension credit in the 2015 scheme, such credit to take effect as if it had been added to C's rights in the 2015 scheme on the transfer day.
- (7) Paragraphs (8) to (10) apply where C is subject to a remediable pension reduction that is less than zero.
- (8) Where C requests that the remediable pension reduction is applied to C's rights in the 2015 scheme or judicial legacy scheme, at the end of the relevant period C becomes subject to a remediable pension reduction in accordance with the request, such reduction to take effect as if it had reduced C's rights in the judicial scheme on the transfer day.
- (9) A request under paragraph (8)—
- (a) must be—
    - (i) made by notice to the scheme manager,
    - (ii) in a form required by the scheme manager, and
    - (iii) received by the scheme manager before the end of the relevant period, and
  - (b) is irrevocable.
- (10) Where no request is made in accordance with paragraph (9), at the end of the relevant period C becomes subject to a remediable pension reduction from the 2015 scheme, such reduction to take effect as if it had reduced C's rights in the 2015 scheme on the transfer day.
- (11) Where, under this regulation, C becomes—
- (a) entitled to a remediable pension credit, C is entitled to rights under paragraph 1 of Schedule 2A to JUPRA 1993 in respect of that remediable pension credit;
  - (b) subject to a remediable pension reduction, C's rights under that paragraph are reduced by the amount of that remediable pension reduction.
- (12) In this regulation—
- “2015 scheme remediable pension amount” means—
- (a) where the relevant orders or provisions specified a percentage value to be transferred, the sum of—
    - (i) the specified percentage in the relevant legacy scheme order or provision of the cash equivalent of P's pre-taper date relevant benefits on the valuation day calculated as if the pre-taper date relevant benefits were in the 2015 scheme, and
    - (ii) the specified percentage in the relevant 2015 scheme order or provision of the cash equivalent of P's post-taper date relevant benefits on the valuation day, calculated as if the post-taper date relevant benefits were in the 2015 scheme;
  - (b) where the pension sharing order specified an amount to be transferred, the sum of—
    - (i) the percentage which the amount in the relevant legacy scheme order or provision represented of the cash equivalent of P's pre-taper date relevant benefits in P's judicial legacy scheme on the valuation day (disregarding any 2015 scheme election), calculated instead as if P's pre-taper date relevant benefits were in the 2015 scheme, and
    - (ii) the percentage which the amount in the relevant 2015 scheme order or provision represented of the cash equivalent of P's post-taper date relevant benefits in the 2015 scheme on the valuation day (disregarding any 2015 scheme election);



“higher remediable pension amount” means the greater of—

- (a) the legacy scheme remediable pension amount, and
- (b) the 2015 scheme remediable pension amount;

“legacy scheme remediable pension amount” means—

- (a) where the relevant orders or provisions specified a percentage value to be transferred, the sum of—
  - (i) the specified percentage in the relevant legacy scheme order or provision of the cash equivalent of P’s pre-taper date relevant benefits on the valuation day calculated as if the pre-taper date relevant benefits were in P’s judicial legacy scheme, and
  - (ii) the specified percentage in the relevant 2015 scheme order or provision of the cash equivalent of P’s post-taper date relevant benefits on the valuation day, calculated as if the post-taper date relevant benefits were in P’s judicial legacy scheme;
- (b) where the pension sharing order specified an amount to be transferred, the sum of—
  - (i) the percentage which the amount in the relevant legacy scheme order or provision represented of the cash equivalent of P’s pre-taper date relevant benefits in P’s judicial legacy scheme on the valuation day (disregarding any 2015 scheme election made in respect of P or immediate detriment remedy obtained in relation to P’s remediable service), and
  - (ii) the percentage which the amount in the relevant 2015 scheme order or provision represented of the cash equivalent of P’s post-taper date relevant benefits in the 2015 scheme on the valuation day (disregarding any legacy scheme election made in respect of P or immediate detriment remedy obtained in relation to P’s remediable service), calculated instead as if P’s post-taper date relevant benefits were in P’s judicial legacy scheme;

“pre-taper date relevant benefits” means the benefits or future benefits to which P was entitled under a judicial scheme by virtue of P’s shareable rights in the scheme in respect of P’s service beginning on 1 April 2015 and ending on the day before P’s taper date;

“post-taper date relevant benefits” means—

- (a) where P was in pensionable service on the transfer day, the benefits or future benefits to which P was entitled under a judicial scheme by virtue of P’s shareable rights in the scheme in respect of P’s service beginning on P’s taper date and ending on the day before the transfer day;
- (b) otherwise, the benefits or future benefits to which P was entitled under a judicial scheme by virtue of P’s shareable rights in the scheme in respect of P’s service beginning on P’s taper date and ending on the last day of P’s service;

“remediable pension credit” means the greater of—

- (a) zero, and
- (b) the higher remediable pension amount minus the remediable service appropriate amount;

“remediable pension reduction” means the lesser of—

- (a) zero, and
- (b) the higher remediable pension amount minus the remediable service appropriate amount;

“remediable service appropriate amount” means the pension credit, calculated in accordance with section 29(2) and (3) of WRPA 1999, for the period of remediable service;

“taper date” means (disregarding any legacy scheme election or 2015 scheme election made in respect of P or immediate detriment remedy obtained in relation to P’s remediable service) the day after the tapered protection closing date for P;

“tapered protection closing date” has the meaning given in paragraph 3 of Schedule 2 to the 2015 Regulations.

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**Commencement Information**

**I11** Reg. 56 in force at 5.7.2023, see [reg. 1\(b\)](#)

**Adjustments for pension debit members**

**57.**—(1) Paragraph (2) applies where a legacy scheme election is made in respect of P.

(2) At the end of the relevant period, the scheme manager must adjust the value of P’s shareable rights in P’s judicial legacy scheme as the scheme manager, after consultation with the scheme actuary, considers appropriate having regard to—

- (a) the cash equivalent of P’s shareable rights in P’s judicial legacy scheme in respect of P’s remediable service from 1 April 2015 to the day before the transfer day,
- (b) the percentage value to be transferred or the amount to be transferred specified in the relevant legacy scheme order or provision and the relevant 2015 scheme order or provision, and
- (c) the provisions of sections 29 (creation of pension credits and debits) and 31 (reduction of benefit) of WRPA 1999.

(3) Paragraph (4) applies where a 2015 scheme election is made in respect of P.

(4) At the end of the relevant period, the scheme manager must adjust the value of P’s shareable rights in P’s judicial legacy scheme and the 2015 scheme as the scheme manager, after consultation with the scheme actuary, considers appropriate having regard to—

- (a) the cash equivalent of P’s shareable rights in P’s judicial legacy scheme in respect of P’s service up to and including 31 March 2015,
- (b) the cash equivalent of P’s shareable rights in the 2015 scheme in respect of P’s remediable service from 1 April 2015 to the day before the transfer day,
- (c) the percentage value to be transferred or the amount to be transferred specified in the relevant legacy scheme order or provision and the relevant 2015 scheme order or provision, and
- (d) the provisions of sections 29 (creation of pension credits and debits) and 31 (reduction of benefit) of WRPA 1999.

(5) The adjustments made under paragraphs (2) and (4) have effect from the transfer day.

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**Commencement Information**

**I12** Reg. 57 in force at 5.7.2023, see [reg. 1\(b\)](#)

CHAPTER 5

Correction of pension benefits and lump sum benefits

**Correction of pension benefits and lump sum benefits where underpayment**

**58.**—(1) This regulation applies in relation to a relevant pension credit member (“C”) who, at the end of the relevant period—

- (a) has a remediable pension credit in a judicial scheme by virtue of this Part, and

(b) is a pensioner member<sup>(5)</sup> of that scheme.

(2) The scheme manager must pay to C the aggregate of the pension benefits and lump sum benefits (if any) to which C was entitled by virtue of their remediable pension credit.

**Commencement Information**

**I13** Reg. 58 in force at 5.7.2023, see [reg. 1\(b\)](#)

**Correction of pension benefits and lump sum benefits where overpayment**

**59.**—(1) This regulation applies in relation to a pension credit member (“C”) who, at the end of the relevant period—

(a) is subject to a remediable pension reduction from a judicial scheme by virtue of this Part, and

(b) is a pensioner member of that scheme.

(2) C must pay to the scheme manager the difference between—

(a) the aggregate of the pension benefits and lump sum benefits, if any, that have been paid under a judicial scheme to C, and

(b) the aggregate of the pension benefits and lump sum benefits to which (after taking into account the remediable pension reduction) C was entitled under any judicial scheme.

**Commencement Information**

**I14** Reg. 59 in force at 5.7.2023, see [reg. 1\(b\)](#)

(5) See section 109(3) of PSPJOA 2022 for the meaning of “pensioner member”.

**Changes to legislation:**

There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023, PART 5.