
STATUTORY INSTRUMENTS

2023 No. 766

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

PART 3

Provision where an immediate detriment remedy has been obtained

CHAPTER 6

Benefits and contributions previously paid or payable

Effect of immediate detriment remedy on benefits previously paid or payable

19.—(1) Paragraph (2) applies in relation to any [^{F1}payments purporting to be benefits that the 2015 scheme has at any time paid (“the purported benefits”)] to a person so far as—

- (a) they are calculated by reference to P’s remediable service in a salaried judicial office, and
- (b) they are [^{F2}payments] that, as a result of any immediate detriment remedy that has been obtained in relation to that service, a person was not entitled to receive [^{F3}as benefits] from the 2015 scheme.

(2) [^{F4}The purported benefits] are to be treated for all purposes—

- (a) as not having been paid to the person by the 2015 scheme, but
- (b) as having been paid to the person instead by the scheme mentioned in sub-paragraph (a) of the definition of “relevant judicial legacy scheme” in regulation 14(1).

(3) Paragraph (4) applies in relation to any [^{F5}payments purporting to be benefits that the 2015 scheme has at any time paid (“the purported benefits”)] to a person so far as—

- (a) they are calculated by reference to P’s remediable service in a fee-paid judicial office, and
- (b) they are [^{F6}payments] that, as a result of any immediate detriment remedy that has been obtained in relation to that service, a person was not entitled to receive [^{F7}as benefits] from the 2015 scheme.

(4) [^{F8}The purported benefits] are to be treated for all purposes—

- (a) as not having been paid to the person by the 2015 scheme, but
- (b) as having been paid to the person instead by the judicial legacy fee-paid scheme.

(5) Where, as a result of any immediate detriment remedy that has been obtained (and after taking into account the effect of paragraphs (2) and (4))—

- (a) a judicial legacy scheme⁽¹⁾ owes a person an amount in respect of benefits which are calculated by reference to P’s remediable service, or
- (b) a person owes a judicial legacy scheme an amount in respect of such benefit,

⁽¹⁾ See section 70(3) for the definition of “judicial legacy scheme”.

Status: Point in time view as at 24/01/2024.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, Section 19. (See end of Document for details)

such amount must be paid in accordance with regulation 21.

Textual Amendments

- F1** Words in [reg. 19\(1\)](#) substituted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(a)(i)**
- F2** Word in [reg. 19\(1\)\(b\)](#) substituted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(a)(ii)(aa)**
- F3** Words in [reg. 19\(1\)\(b\)](#) inserted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(a)(ii)(bb)**
- F4** Words in [reg. 19\(2\)](#) substituted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(b)**
- F5** Words in [reg. 19\(3\)](#) substituted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(c)(i)**
- F6** Word in [reg. 19\(3\)\(b\)](#) substituted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(c)(ii)(aa)**
- F7** Words in [reg. 19\(3\)\(b\)](#) inserted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(c)(ii)(bb)**
- F8** Words in [reg. 19\(4\)](#) substituted (24.1.2024) by [The Judicial Pensions \(Remediable Service etc.\) \(Amendment\) Regulations 2024 \(S.I. 2024/79\)](#), regs. 1(b), **3(4)(d)**

Commencement Information

- I1** Reg. 19 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, Section 19.