
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 10

Compensation for compensatable losses where an immediate detriment remedy has been obtained

Power to pay compensation in respect of compensatable losses

27.—(1) The scheme manager for a judicial scheme may pay amounts by way of compensation in respect of compensatable losses incurred by the appropriate person.

(2) For the purposes of this regulation a loss incurred by the appropriate person is “compensatable” if and to the extent that—

- (a) the first condition is met (see paragraph (5)) and the loss is—
 - (i) a direct financial loss, or
 - (ii) a specified Part 4 tax loss, or
- (b) the second condition is met (see paragraph (6)) and the loss is—
 - (i) a direct financial loss which is directly related to the member’s remediable service in an employment or office which is mixed service⁽¹⁾, or
 - (ii) a specified Part 4 tax loss.

(3) For the purposes of paragraph (2)(a)(ii) and (b)(ii), a Part 4 tax loss is a “specified Part 4 tax loss” if and to the extent that it falls within one of the descriptions listed in direction 26(4) of the PSP Directions 2022.

(4) For the purposes of paragraph (3), direction 26(4) is to be read as if—

- (a) references to a legacy scheme election being made by virtue of section 40(1) of PSPJOA 2022 were references to an immediate detriment remedy being obtained by virtue of—
 - (i) a determination mentioned in section 68(2)(a) of PSPJOA 2022, or
 - (ii) an agreement mentioned in section 68(3)(a) of PSPJOA 2022;
- (b) the reference in direction 26(4)(e) to section 52(3) of PSPJOA 2022 were a reference to regulation 22(3);
- (c) in direction 26(4)(f)—
 - (i) the reference to provision made by virtue of section 56(2) of PSPJOA 2022 were a reference to regulation 63(2);
 - (ii) the reference to section 52(4) of PSPJOA 2022 were a reference to regulation 22(4).

⁽¹⁾ See section 58(5) of PSPJOA 2022 for the meaning of “mixed service”.

(5) The first condition is that the loss is attributable to, or is reasonably regarded as attributable to, a relevant breach of a non-discrimination rule⁽²⁾.

(6) The second condition is that the loss is attributable to the application of any provision of this Part.

(7) Paragraph (1) does not confer power to pay amounts by way of compensation in respect of compensatable losses so far as—

- (a) the appropriate person has already received amounts by way of compensation in respect of them, or
- (b) amounts that any person has paid to the scheme have been reduced by amounts in respect of them,

whether pursuant to a court or tribunal order or otherwise.

(8) For the purpose of this regulation, a breach of a non-discrimination rule is “relevant” if section 59(10) of PSPJOA 2022 applies to it.

(9) In this regulation, “loss”—

- (a) has the meaning given in section 59(6) and (7) of PSPJOA 2022;
- (b) does not include an amount that is payable under this Part.

Commencement Information

II Reg. 27 in force at 5.7.2023, see [reg. 1\(b\)](#)

(2) See section 59(9) of PSPJOA 2022 for the meaning of “non-discrimination rule”.

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023, Section 27.