

STATUTORY INSTRUMENTS

2023 No. 766

The Judicial Pensions (Remediable Service etc.) Regulations 2023

PART 4

Provision in relation to certain fee-paid judges

CHAPTER 8

Compensation for voluntary payments

Compensation for [^{F1}purported] effective pension age payments

41.—(1) This regulation applies where R has, during the period of relevant service, made any [^{F2}purported] effective pension age payments ^{F3}....

(2) [^{F4}For the avoidance of doubt, any rights] that would otherwise have been secured by the [^{F2}purported] effective pension age payments [^{F5}, had R been entitled to make them,] are extinguished.

(3) The scheme manager must pay to the appropriate person an amount by way of compensation equal to—

- (a) the aggregate of the [^{F2}purported] effective pension age payments made by R, less
- (b) an amount determined by the scheme manager in respect of the value of the tax relief under section 188 of FA 2004 (member contributions) to which R [^{F6}would have been] entitled in respect of those payments [^{F7}had R been entitled to make them].

(4) Where determining the tax relief amount under paragraph (3)(b), the scheme manager may adopt an approach which is reasonable in all the circumstances to approximate that amount.

(5) The following provisions of the PSP Directions 2022 apply in relation to a determination under paragraph (3)(b) as they apply in relation to a determination under direction 23(2)—

- (a) direction 23(4) (provision of explanation);
- (b) direction 23(5) and (6) (appeals).

Textual Amendments

- F1** Word in reg. 41 heading inserted (24.1.2024) by The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 (S.I. 2024/79), regs. 1(b), **3(13)(a)**
- F2** Word in reg. 41 inserted (24.1.2024) by The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 (S.I. 2024/79), regs. 1(b), **3(13)(a)**
- F3** Words in reg. 41(1) omitted (24.1.2024) by virtue of The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 (S.I. 2024/79), regs. 1(b), **3(13)(b)**
- F4** Words in reg. 41(2) substituted (24.1.2024) by The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 (S.I. 2024/79), regs. 1(b), **3(13)(e)(i)**

Changes to legislation: There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023, Section 41. (See end of Document for details)

- F5** Words in reg. 41(2) inserted (24.1.2024) by The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 (S.I. 2024/79), regs. 1(b), **3(13)(c)(ii)**
- F6** Words in reg. 41(3)(b) substituted (24.1.2024) by The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 (S.I. 2024/79), regs. 1(b), **3(13)(d)(i)**
- F7** Words in reg. 41(3)(b) inserted (24.1.2024) by The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024 (S.I. 2024/79), regs. 1(b), **3(13)(d)(ii)**

Commencement Information

- I1** Reg. 41 in force at 5.7.2023, see **reg. 1(b)**

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Remediable Service etc.) Regulations 2023, Section 41.