
STATUTORY INSTRUMENTS

2023 No. 766

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

PART 5

Pension Credit Members

CHAPTER 2

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

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(1) to JUPRA 1993(2) in respect of that remediable pension credit.

(1) Schedule 2A was inserted by [S.I. 2000/2986](#) and paragraph 1 was amended by section 79 of the Pension Schemes Act 2015.
(2) In accordance with section 110(1) of PSPJOA 2022, “JUPRA 1993” means the Judicial Pensions and Retirement Act [1993](#) (c. 8).

(6) In this regulation—

“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.

Commencement Information

II Reg. 49 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 49.