
STATUTORY INSTRUMENTS

2024 No. 79

The Judicial Pensions (Remediable Service etc.) (Amendment) Regulations 2024

Amendment of the Judicial Pensions (Remediable Service etc.) Regulations 2023

3.—(1) The Judicial Pensions (Remediable Service etc.) Regulations 2023⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation) after the definition of “Judicial Pension Board” insert—

““purported added pension payment” has the meaning given in paragraph 1 of Schedule 1 to the 2015 Regulations;

“purported effective pension age payment” means a payment—

- (a) which was made by either—
 - (i) a person “P” who has remediable service in a judicial office, or
 - (ii) a relevant fee-paid judge who has relevant service in a judicial office,
- (b) which was intended to be an effective pension age payment under Part 3 of Schedule 1 to the 2015 Regulations, and
- (c) which was not in fact an effective pension age payment under Part 3 of Schedule 1 to the 2015 Regulations due to—
 - (i) a determination by a court or tribunal that, as a result of a non-discrimination rule, any person has rights under a judicial legacy scheme in respect of P’s remediable service,
 - (ii) an agreement between the scheme manager of a judicial legacy scheme and any person that, as a result of a non-discrimination rule, the person has any rights under the scheme in respect of P’s remediable service, or
 - (iii) the payment being made in relation to a relevant fee-paid judge;

“purported special payment” means a payment—

- (a) which was made by either—
 - (i) a person “P” who has remediable service in a judicial office, or
 - (ii) a relevant fee-paid judge who has relevant service in a judicial office,
- (b) which was intended to be a special payment under regulation 74(3)(a) or (c) of the 2015 Regulations, and
- (c) which was not in fact a special payment under regulation 74(3)(a) or (c) due to—
 - (i) a determination by a court or tribunal that, as a result of a non-discrimination rule, any person has rights under a judicial legacy scheme in respect of P’s remediable service,

- (ii) an agreement between the scheme manager of a judicial legacy scheme and any person that, as a result of a non-discrimination rule, the person has any rights under the scheme in respect of P's remediable service, or
 - (iii) the payment being made in relation to a relevant fee-paid judge;".
- (3) In regulation 18 (partial retirement notice)—
- (a) in paragraph (1)(a), for "exercised" substitute "purported to exercise";
 - (b) in paragraph (3), before "exercise" insert "purported".
- (4) In regulation 19 (effect of immediate detriment remedy on benefits previously paid or payable)—
- (a) in paragraph (1)—
 - (i) in the opening words, for "benefits ("the paid benefits") that the 2015 scheme has at any time paid" substitute "payments purporting to be benefits that the 2015 scheme has at any time paid ("the purported benefits")";
 - (ii) in sub-paragraph (b)—
 - (aa) for "benefits" substitute "payments";
 - (bb) after "receive", insert "as benefits";
 - (b) in paragraph (2) for "The paid benefits", substitute "The purported benefits";
 - (c) in paragraph (3)—
 - (i) in the opening words, for "benefits ("the paid benefits") that the 2015 scheme has at any time paid" substitute "payments purporting to be benefits that the 2015 scheme has at any time paid ("the purported benefits")";
 - (ii) in sub-paragraph (b)—
 - (aa) for "benefits" substitute "payments";
 - (bb) after "receive", insert "as benefits";
 - (d) in paragraph (4) for "The paid benefits", substitute "The purported benefits".
- (5) In regulation 20 (effect of immediate detriment remedy on pension contributions previously paid or payable)—
- (a) in paragraph (1)—
 - (i) in the opening words, for "paid any pension contributions ("the paid contributions") under the 2015 scheme" substitute "made any payments purporting to be pension contributions under the 2015 scheme ("the purported contributions")";
 - (ii) in sub-paragraph (b) for "P was not required to pay to the 2015 scheme", substitute "were not payments that P was required to make under the 2015 scheme";
 - (b) in paragraph (2) for "The paid contributions", substitute "The purported contributions";
 - (c) in paragraph (3)—
 - (i) in the opening words, for "paid any pension contributions ("the paid contributions") under the 2015 scheme" substitute "made any payments purporting to be pension contributions under the 2015 scheme ("the purported contributions")";
 - (ii) in sub-paragraph (b) for "P was not required to pay to the 2015 scheme", substitute "were not payments that P was required to make under the 2015 scheme";
 - (d) in paragraph (4) for "The paid contributions", substitute "The purported contributions".
- (6) In regulation 23 (compensation for special payments to buy out early payment reduction)—

- (a) immediately before “special payments”, in each place it occurs (including in the heading), insert “purported”;
 - (b) in paragraph (1) omit “under regulation 74(3)(a) or (c) of the 2015 Regulations”;
 - (c) in paragraph (2)—
 - (i) for “The rights” substitute “For the avoidance of doubt, any rights”;
 - (ii) after “payments” insert “, had P been entitled to make them,”;
 - (d) in paragraph (3)(b)—
 - (i) for “was” substitute “would have been”;
 - (ii) at the end, insert “had P been entitled to make them”.
- (7) In regulation 24 (compensation for payments for added pension)—
- (a) immediately before “added pension”, in each place it occurs (including in the heading), insert “purported”;
 - (b) in paragraph (1)(a), omit “under Part 2 of Schedule 1 to the 2015 Regulations”;
 - (c) in paragraph (2)(a)—
 - (i) for “the rights” substitute “for the avoidance of doubt, any rights”;
 - (ii) after “payments” insert “, had P been entitled to make them,”;
 - (d) in paragraph (2)(b)(ii)—
 - (i) for “was” substitute “would have been”;
 - (ii) at the end, insert “had P been entitled to make them”.
- (8) In regulation 25 (compensation for effective pension age payments)—
- (a) immediately before “effective pension age payments”, in each place it occurs (including in the heading), insert “purported”;
 - (b) in paragraph (1), omit “under Part 3 of Schedule 1 to the 2015 Regulations”;
 - (c) in paragraph (2)—
 - (i) for “The rights” substitute “For the avoidance of doubt, any rights”;
 - (ii) after “payments” insert “, had P been entitled to make them,”;
 - (d) in paragraph (3)(b)—
 - (i) for “was” substitute “would have been”;
 - (ii) at the end, insert “had P been entitled to make them”.
- (9) In regulation 35 (benefits previously paid or payable)—
- (a) in paragraph (1)—
 - (i) in the opening words, for “benefits (“the paid benefits”) that the 2015 scheme has at any time paid” substitute “payments purporting to be benefits that the 2015 scheme has at any time paid (“the purported benefits”)”;
 - (ii) in sub-paragraph (b)—
 - (aa) for “benefits” substitute “payments”;
 - (bb) after “receive”, insert “as benefits”;
 - (b) in paragraph (2) for “The paid benefits”, substitute “The purported benefits”;
 - (c) in paragraph (3)—

- (i) in the opening words, for “benefits (“the paid benefits”) that the 2015 scheme has at any time paid” substitute “payments purporting to be benefits that the 2015 scheme has at any time paid (“the purported benefits”);
 - (ii) in sub-paragraph (b)—
 - (aa) for “benefits” substitute “payments”;
 - (bb) after “receive”, insert “as benefits”;
 - (d) in paragraph (4) for “The paid benefits”, substitute “The purported benefits”.
- (10) In regulation 36 (pension contributions previously paid or payable)—
- (a) in paragraph (1)—
 - (i) in the opening words, for “paid any pension contributions (“the paid contributions”) under the 2015 scheme” substitute “made any payments purporting to be pension contributions under the 2015 scheme (“the purported contributions”);
 - (ii) in sub-paragraph (b), at the beginning, insert “were payments which,”;
 - (b) in paragraph (2) for “The paid contributions”, substitute “The purported contributions”;
 - (c) in paragraph (3)—
 - (i) in the opening words, for “paid any pension contributions (“the paid contributions”) under the 2015 scheme” substitute “made any payments purporting to be pension contributions under the 2015 scheme (“the purported contributions”);
 - (ii) in sub-paragraph (b), at the beginning, insert “were payments which,”;
 - (d) in paragraph (4) for “The paid contributions”, substitute “The purported contributions”.
- (11) In regulation 39 (compensation for special payments to buy out early payment reduction)—
- (a) immediately before “special payments”, in each place it occurs (including in the heading), insert “purported”;
 - (b) in paragraph (1) omit “under regulation 74(3)(a) or (c) of the 2015 Regulations”;
 - (c) in paragraph (2)—
 - (i) for “The rights” substitute “For the avoidance of doubt, any rights”;
 - (ii) after “payments” insert “, had R been entitled to make them,”;
 - (d) in paragraph (3)(b)—
 - (i) for “was” substitute “would have been”;
 - (ii) at the end, insert “had R been entitled to make them”.
- (12) In regulation 40 (compensation for payments for added pension)—
- (a) immediately before “added pension”, in each place it occurs (including in the heading), insert “purported”;
 - (b) in paragraph (1)(a), omit “under Part 2 of Schedule 1 to the 2015 Regulations”;
 - (c) in paragraph (2)(a)—
 - (i) for “the rights” substitute “for the avoidance of doubt, any rights”;
 - (ii) after “payments” insert “, had R been entitled to make them,”;
 - (d) in paragraph (2)(b)(ii)—
 - (i) for “was” substitute “would have been”;
 - (ii) at the end, insert “had R been entitled to make them”.
- (13) In regulation 41 (compensation for effective pension age payments)—

- (a) immediately before “effective pension age payments”, in each place it occurs (including in the heading), insert “purported”;
- (b) in paragraph (1), omit “under Part 3 of Schedule 1 to the 2015 Regulations”;
- (c) in paragraph (2)—
 - (i) for “The rights” substitute “For the avoidance of doubt, any rights”;
 - (ii) after “payments” insert “, had R been entitled to make them,”;
- (d) in paragraph (3)(b)—
 - (i) for “was” substitute “would have been”;
 - (ii) at the end, insert “had R been entitled to make them”.