

STATUTORY INSTRUMENTS

**2017 No. 522**

**PUBLIC SERVICE PENSIONS**

**The Judicial Pensions (Fee-Paid Judges) Regulations 2017**

Made - - - - 30th March 2017

Coming into force in accordance with regulation 1

<sup>F1F2</sup>The Lord Chancellor in relation to judicial offices for which she is the appropriate Minister within the meaning of section 30 of the Judicial Pensions and Retirement Act 1993 and the Secretary of State in relation to judicial offices for which he is the appropriate Minister within the meaning of section 30 of that Act, make the following Regulations in exercise of the powers conferred by section 18A of that Act .

In accordance with section 29(2A) of that Act a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

**Textual Amendments**

**F1** 1993 c.8.

**F2** Section 18A was inserted by section 78(1) of the Pension Schemes Act 2015 (c.8).

**Modifications etc. (not altering text)**

**C1** Regulations applied (with modifications) (1.4.2021) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2021 (S.I. 2021/444), regs. 1(1), 5

**PART 1**

**PRELIMINARY**

**Modifications etc. (not altering text)**

**C2** Pts. 1-11 restricted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), ss. 90, 131(1)(2)(f)

**Citation and commencement**

1. These Regulations may be cited as the Judicial Pensions (Fee-Paid Judges) Regulations 2017 and come into force on—

- (a) 1st April 2017, or
- (b) if later, the day after the day on which they are made.

## Interpretation

### 2.—(1) In these Regulations—

[<sup>F3</sup>“PSPJOA 2022” means the Public Service Pensions and Judicial Offices Act 2022;]

“the 1995 Regulations” means the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995 <sup>F4</sup>;

[<sup>F5</sup>“the 2023 Regulations” means the Judicial Pensions (Remediable Service etc.) Regulations 2023;]

“the 2017 schemes” means the principal scheme, the JAVC scheme, the FPJAYS<sup>F6</sup>, the JASAPS and the FPJABS];

[<sup>F7</sup>“the FPJABS” means the Fee-Paid Judicial Added Benefits Scheme constituted by Part 14A;]

“the JAVC scheme” has the meaning given by regulation 90;

“the FPJAYS” means the Fee-Paid Judicial Added Years Scheme constituted by Part 13;

“the JASAPS” means the Fee-Paid Judicial Added Surviving Adult's Pension Scheme constituted by Part 14;

[<sup>F8</sup>“JUPRA service” means service in a qualifying judicial office as defined in section 1(6) of the Judicial Pensions and Retirement Act 1993;]

[<sup>F8</sup>“the post-1995 provisions” means the provisions for the calculation of benefits contained in Parts 3 and 6;]

[<sup>F9</sup>“a 2015 scheme election” has the meaning given in section 44 of PSPJOA 2022;]

[<sup>F8</sup>“the pre-1995 provisions” means the provisions for the calculation of benefits contained in Part 2B;]

“active member” has the meaning given by regulation 9;

“the administrators” means the administrators entrusted with the administration of the scheme constituted by Part 1 of the Judicial Pensions and Retirement Act 1993;

[<sup>F10</sup>“the amendment day” means 1st April 2023;]

“appropriate annual salary” has the meaning given by regulation 7;

“benefits” means any pension or lump sum payable under the principal scheme except where the context otherwise requires;

“benefit crystallisation event” has the meaning given by section 216 of the Finance Act 2004 <sup>F11</sup>;

“the commencement day” means the date on which these Regulations come into force;

“eligible child” has the meaning given by regulation 40;

“eligible fee-paid judicial office” has the meaning given by regulation 3(2);

“fee-paid judicial office” has the meaning given by regulation 3(1);

“guaranteed minimum pension” has the meaning given in paragraph 1(1) of Schedule 2 to the Judicial Pensions and Retirement Act 1993 <sup>F12</sup>;

“the ill-health certification condition” has the meaning given by regulation 23;

“the interim payments amount” has the meaning given by regulation 49;

“judicial office” has the meaning given by regulation 3(1);

“lifetime allowance charge” has the meaning given by section 214 of the Finance Act 2004;

“member” means a person who is a member of the principal scheme under regulation 8;

[<sup>F13</sup>“normal pension age” means (except in Part 11)—

(a) for an office in relation to which pension benefits are calculated under the pre-1995 provisions—

(i) for an office listed in Table 1 in Schedule 1, age 70 or the age at which the person has completed 15 years of qualifying judicial service, whichever is earlier,

(ii) for an office listed in Table 2 or Table 3 in Schedule 1, apart from those offices listed in sub-paragraph (iii) of this definition, age 65 or the age at which the person has completed 2 years of qualifying judicial service, whichever is later,

(iii) for the offices of Deputy Circuit Judge, Recorder, Assistant Recorder, Employment Tribunal Chairman and Temporary Judge of the Employment Tribunal (when a legal qualification is a requirement of appointment), age 65, or

(b) for an office in relation to which pension benefits are calculated under the post-1995 provisions, age 65, or the age at which the person has completed 5 years of qualifying judicial service, whichever is later;]

“opted-out member” has the meaning given by regulation 9;

“partial retirement” has the meaning given by regulation 3(4);

“permitted maximum” has the meaning given in section 3(3A) of the Judicial Pensions and Retirement Act 1993 <sup>F14</sup>;

“the principal scheme” means the scheme constituted by Parts 1 to 11 of these Regulations;

“qualifying child” in relation to a member means a child who would be an eligible child if the member were dead;

“qualifying fee-paid day” has the meaning given by regulation 4;

“qualifying fee-paid service” has the meaning given by regulation 4;

“qualifying judicial service” has the meaning given by regulation 6;

“reckonable service” has the meaning given by regulation 5;

“registered pension scheme” means a pension scheme that is a registered pension scheme under Chapter 2 of Part 4 of the Finance Act 2004 <sup>F15</sup>;

[<sup>F16</sup>“remediable service” has the meaning given in section 39 of PSPJOA 2022;]

“retires” has the meaning given by regulation 3(3) and cognate expressions are to be construed accordingly;

[<sup>F17</sup>“service credit day” has the meaning given in regulation 4(3A);]

[<sup>F17</sup>“service credit day multiplier” means 0.67 where the relevant office is that of Deputy Adjudicator HM Land Registry, and otherwise—

(a) 0.5 where the member’s appointment to a relevant office is before 1 October 2002, and

(b) 0.53 where the member’s appointment to a relevant office is on or after 1 October 2002;]

[<sup>F17</sup>“service limitation date” in relation to an office means a date specified in Schedule 1 in relation to that office after which service may count as qualifying fee-paid service;]

<sup>F18</sup> ...

<sup>F18</sup> ...

F18 ...

F18 ...

“tax year” has the meaning given in section 4(2) of the Income Tax Act 2007<sup>F19</sup>.

- (2) Where a calculation performed under these Regulations—
- (a) results in an amount containing a fraction of £1, the amount is to be rounded up to the next whole £1,
  - (b) results in a period containing a fraction of a year, the period is to be given to four decimal places.

#### Textual Amendments

- F3** Words in [reg. 2\(1\)](#) inserted (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 3\(2\)\(a\)](#)
- F4** [S.I. 1995/639](#).
- F5** Words in [reg. 2\(1\)](#) inserted (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 3\(2\)\(b\)](#)
- F6** Words in [reg. 2\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [3\(a\)](#)
- F7** Words in [reg. 2\(1\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [3\(b\)](#)
- F8** Words in [reg. 2\(1\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [3\(c\)](#)
- F9** Words in [reg. 2\(1\)](#) inserted (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 3\(2\)\(c\)](#)
- F10** Words in [reg. 2\(1\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [3\(d\)](#)
- F11** [2004 c.12](#). Section 216 was amended by paragraphs 31 and 42 of Schedule 10 to the [Finance Act 2005 \(c.7\)](#); paragraph 30 of Schedule 23 to the [Finance Act 2006 \(c.25\)](#); paragraphs 1, 4 and 5 of Schedule 29 to the [Finance Act 2008 \(c.9\)](#); paragraphs 62 and 73 of Schedule 16 to the [Finance Act 2011 \(c.11\)](#); paragraph 16 of Schedule 1 and paragraph 21 of Schedule 2 to the [Taxation of Pensions Act 2014 \(c.30\)](#); paragraph 4 of Schedule 4 to the [Finance Act 2015 \(c.11\)](#).
- F12** The definition of “guaranteed minimum pension” in Schedule 2 to the [Judicial Pensions and Retirement Act 1993](#) was amended by paragraph 46 of Schedule 8 to the [Pension Schemes Act 1993 \(c.48\)](#), and paragraph 43 to Schedule 7 to the [Pension Schemes \(Northern Ireland\) Act 1993 \(c.49\)](#).
- F13** Words in [reg. 2\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [3\(e\)](#)
- F14** Subsection (3A) was inserted, with subsections (3B) to (3E), by [S.I. 2006/497](#).
- F15** [2004 c. 12](#).
- F16** Words in [reg. 2\(1\)](#) inserted (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 3\(2\)\(d\)](#)
- F17** Words in [reg. 2\(1\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [3\(f\)](#)
- F18** Words in [reg. 2\(1\)](#) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [3\(g\)](#)
- F19** [2007 c. 3](#).

### Judicial office, retirement and partial retirement

- 3.—(1) In these Regulations—

- (a) “judicial office” means an office specified in column 1 of [F20]any of the tables in Schedule 1] (“a specified office”), an office which has been replaced by a specified office, or an office specified in Schedule 1 to the Judicial Pensions and Retirement Act 1993 F21;
- (b) “fee-paid judicial office” means a judicial office held by a person whose service in that office is remunerated by the payment of fees (as opposed to the payment of salary).
- (2) For the purposes of these Regulations, a fee-paid judicial office held by a person (“P”) is an “eligible fee-paid judicial office” if P satisfies the conditions for membership of the principal scheme under regulation 8(1) or (5) (members) in respect of that office.
- (3) For the purposes of these Regulations, P “retires” at the time when P, having held one or more judicial offices—
- (a) ceases to hold all such offices, other than by reason of P’s death; and
- (b) is not immediately afterwards appointed to another judicial office.
- (4) In these Regulations, a reference to a member taking “partial retirement” in respect of a fee-paid judicial office is to the member giving notice in relation to that office under regulation 27(2).

#### Textual Amendments

**F20** Words in [reg. 3\(1\)\(a\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\), 4](#)

**F21** [Schedule 1](#) was amended by paragraphs 39 and 40 of [Schedule 11 to the Access to Justice Act 1999 \(c.22\)](#); [section 37](#) of, and paragraphs 226 and 229 of [Schedule 4 to the Constitutional Reform Act 2005 \(c.4\)](#); [S.I. 2015/109](#).

#### Qualifying fee-paid days and qualifying fee-paid service

- 4.—(1) For the purposes of these Regulations, a day (“the relevant day”) is a “qualifying fee-paid day” worked by a member (“P”) in an eligible fee-paid judicial office, if—
- (a) P received a fee, in P’s capacity as the holder of that fee-paid judicial office, in respect of the relevant day; and
- (b) the following conditions are met.
- (2) The conditions are—
- (a) that P is not an opted-out member of the principal scheme on the relevant day;
- (b) that the relevant day is on or after [F22]any service limitation date specified in Schedule 1 in relation to the fee-paid judicial office,];
- [F23](ba) that the relevant day was not worked by P in an eligible fee-paid judicial office before 31st March 1995, where P had a new appointment, as that term is defined in regulation 11B(2), before 31st March 1995, unless the retirement benefits in relation to that new appointment are to be calculated under the post-1995 provisions or are in relation to JUPRA service;]
- (c) that P is not eligible to be a member of the pension scheme established by the Judicial Pensions Regulations 2015 F24 in relation to the relevant day.
- (3) In these Regulations “qualifying fee-paid service”, in relation to an eligible fee-paid judicial office held by P, means [F25(subject to paragraphs (3B) and (4))] the total number of qualifying fee-paid days worked by P in that office.

[F26(3A) A service credit day is a day worked by P on or before the service limitation date applicable to an eligible fee-paid judicial office.

(3B) Any service credit days are taken into account in determining P’s qualifying fee-paid service under paragraph (3) after multiplying the number of service credit days by the service credit day multiplier in relation to that office.]

(4) Where the fee paid to P in respect of a qualifying fee-paid day was not paid at the full daily rate for the fee-paid judicial office in question but at a proportion of that rate, only that proportion of the qualifying fee-paid day is to be taken into account [<sup>F27</sup>under paragraph (3)] in determining P's qualifying fee-paid service.

[<sup>F28</sup>(4A) Where P first held an eligible fee-paid judicial office specified in Tables 1 or 2 of Schedule 1 before 31st March 1995, and benefits in relation to that office are to be calculated under the post-1995 provisions, for the purposes of determining P’s qualifying fee-paid service, a multiplier of 1.25 is to be applied to the number of qualifying fee-paid days before the date of any new appointment, as that term is defined in regulation 11B(2), or to the number of qualifying fee-paid days on or before the date any election under regulation 11C takes effect.]

(5) For the purposes of this regulation, “fee” does not include statutory sick pay, statutory maternity pay, statutory paternity pay, statutory adoption pay or statutory shared parental pay.

(6) Where at any time after 1st April 2010 P takes maternity leave during P's appointment to an eligible fee-paid judicial office P's qualifying fee-paid service is to be increased by adding Z days in relation to each period of maternity leave taken by P after that date, where Z is determined in accordance with the following formula—

$$W \times \frac{A}{52}$$

where—

- a W is the number of weeks of P's maternity leave;
- b A is the number of qualifying fee-paid days worked by P in the twelve months ending with the day before the fifteenth week before the date notified by P to the Ministry of Justice as P's expected date of childbirth.

(7) For the purposes of paragraph (6), “maternity leave” includes compulsory maternity leave and ordinary maternity leave as defined in section 213 of the Equality Act 2010 <sup>F29</sup>.

#### Textual Amendments

- F22** Words in [reg. 4\(2\)\(b\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **5(a)(i)**
- F23** [Reg. 4\(2\)\(ba\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **5(a)(ii)**
- F24** [S.I.2015/182](#).
- F25** Words in [reg. 4\(3\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **5(b)**
- F26** [Reg. 4\(3A\)\(3B\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **5(c)**
- F27** Words in [reg. 4\(4\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **5(d)**
- F28** [Reg. 4\(4A\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **5(e)**
- F29** [2010 c.15](#).

### Reckonable service

5.—(1) In these Regulations, “reckonable service”, in relation to an eligible fee-paid judicial office (“the relevant office”) held by a member (“P”), means the period, expressed in years and any fraction of a year, determined in accordance with the following formula—

$$\frac{M}{N}$$

where—

- (a) M is P's qualifying fee-paid service in the relevant office;
- (b) N is the annual divisor for that office specified in [F30]column 2 of the appropriate table in Schedule 1].

(2) But where P's reckonable service in relation to the relevant office, as determined under paragraph (1), is greater than the maximum amount in relation to that office, P's reckonable service is instead that maximum amount.

(3) Paragraph (4) applies where, on the reckonable service date, the only eligible fee-paid judicial office in which P has qualifying fee-paid service is the relevant office.

(4) The maximum amount in relation to the relevant office is the amount determined in accordance with the formula—

$$20 - A$$

- (5) Paragraph (6) applies where—
  - (a) on the reckonable service date, P has qualifying fee-paid judicial service in more than one eligible fee-paid judicial offices, but
  - (b) the relevant office is the only such office that P holds on that date.

(6) The maximum amount in relation to the relevant office is the amount determined in accordance with the formula—

$$20 - (A + B)$$

(7) Paragraph (8) applies where P ceases to hold one or more eligible fee-paid judicial offices on the reckonable service date.

(8) The maximum amount in relation to each of those eligible fee-paid judicial offices is to be calculated separately by taking the following steps.

*Step 1*

Calculate the maximum amount for the eligible fee-paid judicial office with the highest appropriate annual salary in accordance with the formula—

$$20 - (A + B)$$

*Step 2*

Calculate the maximum amount for each of the other eligible fee-paid judicial offices in turn, taking the judicial office [F31]whose inclusion would result in a higher annual rate of pension per

year of reckonable service taken into account before judicial offices whose inclusion would result in a lower annual rate of pension per year of reckonable service taken into account], in accordance with the formula—

$$20 - (A + B + C)$$

- (9) For the purposes of this regulation, A is—
- (a) where P is not entitled to a pension under Part 1 of the Judicial Pensions and Retirement Act 1993 on the reckonable service date and will not become entitled to such a pension at any time after that date, nil;
  - (b) otherwise, the smaller of—
    - (i) the aggregate length of P's service in qualifying judicial office (within the meaning of that Part of that Act), and
    - (ii) 20.

- (10) For the purposes of this regulation, B is—
- (a) where—
    - (i) A is 20, or
    - (ii) P has not, before the reckonable service date, ceased to hold an eligible fee-paid judicial office in respect of which P has taken partial retirement, nil;
  - (b) otherwise, the smaller of—
    - (i) the aggregate length of P's reckonable service in eligible fee-paid judicial offices which P ceased to hold before the reckonable service date and in respect of which P has taken partial retirement, and
    - (ii)

$$20 - A$$

- (11) For the purposes of this regulation, C is—
- (a) where  $A + B \geq 20$ , nil;
  - (b) otherwise, the smaller of—
    - (i) the aggregate length of P's reckonable service in the eligible fee-paid judicial offices which P ceased to hold on the reckonable service date for which the maximum amount of P's reckonable service has already been calculated under paragraph (8), or
    - (ii)

$$20 - (A + B)$$

- [<sup>F32</sup>(12) For the purposes of paragraphs (10)(b)(i) and (11)(b)(i)—
- (a) the aggregate length of P's reckonable service in the eligible fee-paid judicial offices is to be determined in accordance with the formula in paragraph (1) as though paragraph (2) does not apply; and
  - (b) for any office which is specified in Tables 1 or 2 of Schedule 1 in relation to which benefits are to be calculated under the pre-1995 provisions, the following reckonable service in that office is to be multiplied by 20 and divided by 15 to give the amount of P's reckonable service in that office—



- (i) any reckonable service in relation to which benefits are to be calculated under the pre-1995 provisions,
- (ii) any reckonable service before the date P had a new appointment as that term is defined in regulation 11B(2), and
- (iii) any reckonable service before the date a notice under regulation 11C has effect.]

(13) Where paragraph (6) or (8) do not permit all P's reckonable service to be taken into account, P's reckonable service in judicial offices [<sup>F33</sup>which result in a higher annual rate of pension per year of reckonable service taken into account is to be taken into account before P's reckonable service in judicial offices which result in a lower annual rate of pension per year of reckonable service taken into account].

(14) Where the maximum amount in relation to the relevant office would (apart from this paragraph) be negative, it is instead nil.

(15) In this regulation "the reckonable service date" means the day on which P ceases to hold the relevant office.

#### Textual Amendments

- F30** Words in reg. 5(1)(b) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **6(a)**
- F31** Words in reg. 5(8) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **6(b)**
- F32** Reg. 5(12) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **6(c)**
- F33** Words in reg. 5(13) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **6(d)**

#### Qualifying judicial service

6.—(1) In these Regulations, "qualifying judicial service", in relation to a member ("P"), means the period during which P holds a judicial office.

(2) For the purposes of determining P's qualifying judicial service—

- (a) it does not matter whether P holds a judicial office before or after the commencement day;
- [<sup>F34</sup>(aa) it does not matter whether P holds a judicial office on or before any service limitation date applicable to that office;]
- (b) where there is more than one period during which P holds a judicial office, all such periods are to be aggregated;
- (c) where P holds more than one judicial office during any period, the period is to be counted only once;
- (d) any period during which P is an opted-out member of the principal scheme is to be disregarded; and
- (e) any period during which P held a fee-paid judicial office which is not an eligible fee-paid judicial office is to be disregarded.

#### Textual Amendments

- F34** Reg. 6(2)(aa) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **7**

### Appropriate annual salary

7.—(1) References in these Regulations to “the appropriate annual salary” of a judicial office (“the relevant judicial office”) held by a member (“P”), are to be construed in accordance with paragraphs (2) and (3).

(2) Where the relevant judicial office is a fee-paid judicial office, the references are to the amount determined in accordance with the following formula—

$$F \times N$$

where—

- a F is the higher of—
- (i) the highest daily fee payable to a holder of that office within the period of 3 years ending with—
    - (aa) where P takes partial retirement in relation to the relevant judicial office, the day on which P takes partial retirement,
    - (bb) otherwise, the day on which P retires, or
  - (ii) the daily fee in relation to the period referred to in paragraph (i) which has been determined by an employment tribunal or accepted by the appropriate Minister to be payable to a holder of that office; and
- b N is the annual divisor for that office specified in column 2 of [<sup>F35</sup>the appropriate table in Schedule 1].

(3) Where the relevant judicial office is a salaried judicial office [<sup>F36</sup>and benefits are to be calculated under the post-1995 provisions], the references are to the highest salary payable to P in respect of any continuous period of 12 months falling within the period of 3 years ending with—

- (a) where P takes partial retirement in relation to the relevant judicial office, the day on which P takes partial retirement,
- (b) otherwise, the day on which P retires.

[<sup>F37</sup>(3A) Where the relevant judicial office is a salaried judicial office and benefits are to be calculated under the pre-1995 provisions, the references are to the last annual salary as that expression applies for the purposes of the Judicial Pensions Act 1981.]

(4) In determining the highest daily fee payable to the holder of a judicial office, no account is to be taken of—

- (a) a daily fee which is only payable to a single holder of a particular office at that time, unless that fee was payable to P in respect of the office in question,
- (b) any amount added to the fee by way of a London weighting, unless P was at any time in the period referred to in paragraph (2)(a)(i) entitled to a London weighting in respect of the office in question.

(5) In this regulation—

- (a) for the purposes of paragraph (2)(a), First-tier Tribunal Judges holding office in different chambers of the First-tier Tribunal are to be treated as holding different judicial offices (but P is not to be treated as taking partial retirement from a relevant office if P leaves a chamber of the First-tier Tribunal, if P continues to be a First-tier Tribunal Judge);
- (b) “salaried judicial office” means a judicial office held by a person which is remunerated by payment of a salary.

### Textual Amendments

- F35** Words in reg. 7(2)(b) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **8(a)**
- F36** Words in reg. 7(3) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **8(b)**
- F37** Reg. 7(3A) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **8(c)**

## PART 2

### PRINCIPAL SCHEME MEMBERSHIP

#### Members

**8.**—<sup>F38</sup>(1) A person who held judicial office on or after 7th April 2000 (“P”), is a member of the principal scheme if P held a fee-paid judicial office at any time before the first relevant date and—

- (a) P continued to hold judicial office on the second relevant date;
- (b) P ceased to hold judicial office before the second relevant date and condition A is met; or
- (c) P died before the second relevant date without having ceased to hold judicial office and condition B is met.]

(2) Condition A is that—

- (a) P presented a claim under the Part-time Worker (Prevention of Less Favourable Treatment) Regulations 2000 <sup>F39</sup> that P is entitled to a pension by virtue of holding that office (“a relevant claim”) to an employment tribunal or an industrial tribunal, and—
  - (i) the claim was presented before the end of the period of 3 months beginning with the date on which P ceased to hold that office; or
  - (ii) the tribunal has determined, or the appropriate Minister has accepted, that it is just and equitable to extend time for the presentation of the claim; or
- (b) the appropriate Minister has accepted that if P presented a relevant claim, that claim would be in time (taking into account any extension of time).

(3) Condition B is that—

- (a) P's personal representatives made a claim to an employment tribunal or an industrial tribunal before the end of the period of 3 months beginning with the date on which P died that benefits are payable in respect of P's death by virtue of P having held that office and that claim has not been rejected before the commencement day, or
- (b) an employment tribunal or an industrial tribunal has determined, or the appropriate Minister has accepted, that P's personal representatives are entitled to bring a claim that benefits are payable in respect of P's death by virtue of P having held that office.

(4) Where P ceased to hold a <sup>F40</sup>... judicial office before the [<sup>F41</sup>second] relevant date and also died before the [<sup>F41</sup>second] relevant date, but—

- (a) P had presented a relevant claim which would have satisfied paragraph (2)(a) before death, Condition A is to be treated as satisfied, or
- (b) P's personal representatives had made a claim before the end of the period of 3 months beginning with the date on which P ceased to hold [<sup>F42</sup>the fee-paid judicial office] that

benefits are payable in respect of P's death by virtue of P having held that office, Condition B is to be treated as satisfied.

<sup>F43</sup>(5) .....

<sup>F44</sup>(6) .....

[<sup>F45</sup>(7) For the purposes of this regulation—

“the first relevant date” is—

- (a) 1st April 2022 where P—
  - (i) held a judicial office on 31st March 2012 and on 31st March 2015 and made an election under section 40 of the Public Service Pensions and Judicial Offices Act 2022, or
  - (ii) was excluded from being an active member of the scheme established by the Judicial Pensions Regulations 2015 because regulation 14(4)(a) of those Regulations (protected member of existing scheme) applied to P, or
- (b) 1st April 2015 in any other case;

“the second relevant date” is—

- (a) 1st February 2013 where P only held a fee-paid judicial office—
  - (i) whose jurisdiction is exercised exclusively in relation to Northern Ireland, and
  - (ii) which is not one of the offices referred to in paragraph 11 of Schedule 2 to the Northern Ireland Act 1998, or
- (b) 2nd December 2012 in all other cases.]

**Textual Amendments**

- F38** Reg. 8(1) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(a)**
- F39** S.I. 2001/1107.
- F40** Word in reg. 8(4) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(b)(i)(aa)**
- F41** Word in reg. 8(4) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(b)(i)(bb)**
- F42** Words in reg. 8(4)(b) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(b)(ii)**
- F43** Reg. 8(5) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(c)**
- F44** Reg. 8(6) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(c)**
- F45** Reg. 8(7) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(d)**

**Opted-out members and active members**

- 9.—(1) A member (“P”) is an “opted-out member” of the principal scheme on any day if P—
- (a) has, on or before that day, opted out of the principal scheme under regulation 10; and
  - (b) has not opted back in under regulation 11.

(2) If P retired before these Regulations came into force and opts out under regulation 10(1)(b), P is treated as always having been an opted-out member.

[<sup>F46</sup>(2A) If P became a member as a consequence of amendments made to these Regulations coming into effect on 1st April 2023 and opts out on or before 31st October 2023, P is treated as always having been an opted-out member.]

- (3) P is an “active member” of the principal scheme on any day if—
- (a) P is not an opted-out member;
  - (b) P holds an eligible fee-paid judicial office on that day; and
  - (c) if P had received a fee in P's capacity as a holder of that office in respect of that day, the day would have been a qualifying fee-paid day [<sup>F47</sup>or a service credit day].

#### Textual Amendments

- F46** Reg. 9(2A) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **10(a)**
- F47** Words in reg. 9(3)(c) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **10(b)**

#### Opting out

**10.**—(1) A member who—

- (a) has not retired, or
- (b) retired before these Regulations came into force,

may opt out by sending a notice to the appropriate Minister.

[<sup>F48</sup>(1A) A person with any liability to pay contributions for any period before 7th April 2000 as a consequence of amendments made to these Regulations coming into effect on 1st April 2023, may opt out in relation to all or part of that period by sending a notice to the appropriate Minister on or before 31st October 2023.]

- (2) The notice—
- (a) must be in the form determined by the appropriate Minister, and
  - (b) must (unless regulation 9(2) applies) specify the date on which the member wishes to opt out.
- (3) Subject to regulation 9(2), the member opts out on the date specified under paragraph (2) or, if earlier, 3 months after the date on which the appropriate Minister receives the notice.

#### Textual Amendments

- F48** Reg. 10(1A) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **11**

#### Opting back in

**11.**—(1) A member (“P”) who has opted out and who has not retired may apply to the appropriate Minister, in the form determined by the appropriate Minister, to opt back in.

(2) The application must be accompanied by such evidence relating to P's health as the appropriate Minister may require.

(3) P must submit to any medical examination as the appropriate Minister may require in connection with the application.

(4) If the appropriate Minister is satisfied that P is in good health, the appropriate Minister must allow the application.

(5) The appropriate Minister must, within the period of 3 months beginning with the date on which the application is received, send a notice to P specifying—

- (a) whether the appropriate Minister has allowed the application; and
- (b) the date on which the decision was made.

(6) If the appropriate Minister has allowed the application, the member opts back in on the date specified under paragraph (5)(b), or (if earlier), the date three months after the date on which the application was received.

## [<sup>F49</sup>PART 2A

### Requirements and elections for retirement benefits and death benefits to be calculated under pre-1995 provisions or post-1995 provisions

#### Textual Amendments

**F49** Pts. 2A, 2B inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), 12

#### Calculation of retirement benefits

**11A.**—(1) Retirement benefits, death benefits and associated contributions for a member (“P”) in relation to an eligible fee-paid judicial office must be calculated under the post-1995 provisions, unless P meets the conditions in regulation 11B in relation to that office.

(2) Where benefits in relation to an eligible fee-paid judicial office have been paid to or in respect of P before the amendment day, and those benefits would have been calculated under the pre-1995 provisions if paragraph (1) had been in force on the date of P’s retirement or death, benefits and contributions in relation to that office must be re-calculated under the pre-1995 provisions.

#### Conditions for retirement benefits and death benefits to be calculated under Part 2B

**11B.**—(1) Retirement benefits, death benefits and associated contributions for P in relation to an eligible fee-paid judicial office which is listed in Table 1, 2 or 3 of Schedule 1 (the “relevant office”) are to be calculated under the pre-1995 provisions where P first held the relevant office before 31st March 1995, and also held judicial office on or after 31st March 1995, but P did not have a new appointment on or after 31st March 1995.

(2) P has a “new appointment” in relation to a relevant office upon appointment to another judicial office in place of that relevant office or, if after ceasing to hold the relevant office, P is appointed to another judicial office and in either case that other office is—

- (a) a salaried office; or
- (b) an eligible fee-paid judicial office with a different pre-1995 judicial pension scheme.

(3) For the purposes of paragraph (2)(b), an eligible fee-paid office has a different pre-1995 judicial pension scheme to the pre-1995 judicial pension scheme of another eligible fee-paid judicial office if it is specified in a different table in Schedule 1 and is not specified in Table 4 in that Schedule.

(4) This regulation is subject to any election under regulation 11C made by P in relation to the relevant office.

### **Elections available to members**

**11C.**—(1) If the conditions in regulation 11B are met, P, or if P has died, P’s personal representative, may nevertheless elect for benefits in relation to the relevant office which would otherwise be calculated under the pre-1995 provisions to be calculated under the post-1995 provisions, by sending a notice to the appropriate Minister.

(2) A notice under this regulation—

- (a) must be in the form determined by the appropriate Minister;
- (b) must be received by the appropriate Minister within the period of 12 months beginning with the day on which P retires or dies, or, if P has retired or died before this regulation came into force, within the period of 12 months beginning with the amendment day;
- (c) has effect the day it is received; and
- (d) is irrevocable.

### **Benefits calculated under both the pre-1995 provisions and the post-1995 provisions**

**11D.**—(1) Where either or both of paragraphs (2) or (3) apply to P, P’s benefits must be calculated under the pre-1995 provisions and the post-1995 provisions respectively and aggregated.

(2) P has benefits relating to more than one eligible fee-paid judicial office in relation to which benefits are to be calculated under the pre-1995 provisions and has made an election under regulation 11C for benefits in relation to one or more, but not all, of those offices to be calculated under the post-1995 provisions.

(3) P has benefits relating to more than one eligible fee-paid judicial office and regulation 11B applies in respect of one or more, but not all, of those offices.

## **PART 2B**

### **Pre-1995 Provisions**

#### **CHAPTER 1**

#### **Retirement Benefits**

### **Retirement at or after normal pension age: entitlement to ordinary pension**

**11E.**—(1) This regulation applies to a member (“P”) whose benefits are to be calculated under the pre-1995 provisions in respect of one or more eligible fee-paid judicial offices (each “a relevant office”) where—

- (a) P retires; and
  - (b) on the day on which P retires, P—
    - (i) has reached normal pension age for a relevant office, and
    - (ii) has accrued reckonable service in relation to that office.
- (2) On the pension start day, P becomes entitled to the payment for life of a pension.
- (3) In this regulation “the pension start day” means—
- (a) the day after the day on which P retires; or
  - (b) if later, the amendment day.

### Annual rate of ordinary pension

**11F.**—(1) The annual rate of a pension to which P becomes entitled under regulation 11E is determined under paragraph (3), (5) or (7) (whichever applies).

(2) Paragraph (3) applies where, on retirement, P has reckonable service in only one eligible fee-paid judicial office which is a relevant office.

(3) The annual rate for the relevant office is determined in accordance with the following formula—

$$RJS \times AF \times S$$

where—

R is P's reckonable service in the relevant office

JS is the number of years of qualifying judicial service that P has subject to a maximum of—

- (i) 15 years for an office specified in Table 1 or 2 in Schedule 1, or
- (ii) 20 years for an office specified in Table 3 in Schedule 1

AF is the accrual factor specified for the relevant office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to P's qualifying judicial service

S is the appropriate annual salary of the judicial office held by P immediately before retirement.

(4) Paragraph (5) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) P did not at any time before retirement hold two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate for any relevant offices is determined by taking the following steps—

*Step 1*

Determine the annual rate under paragraph (3) in relation to each relevant office.

*Step 2*

Add together the annual rates determined under Step 1.

(6) Paragraph (7) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) at any time before retirement, P held two or more eligible fee-paid judicial offices simultaneously.

(7) The annual rate for any relevant offices is determined by taking the following steps—

*Step 1*

Determine the annual rate under paragraph (3) in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office, as if—

- (i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and
- (ii) P held that office (and held no other judicial office) immediately before retirement.

*Step 2*

Determine the annual rate under paragraph (3) in relation to any relevant office which P did not hold simultaneously with another eligible fee-paid judicial office, and for these purposes, in paragraph (3), S is—



- (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,
- (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

*Step 3*

Add together each of the rates determined under Steps 1 and 2.

- (8) Paragraph (9) applies where—
  - (a) during one or more parts of the period for which P held a relevant office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously; and
  - (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.
- (9) For the purposes of paragraph (7)—
  - (a) office A is to be treated as two different relevant offices—
    - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(a) and, accordingly, is taken into consideration in Step 1 in paragraph (7), and
    - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(b) and, accordingly, is taken into consideration in Step 2 in paragraph (7); and
  - (b) P’s reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

**Retirement under normal pension age on removal from judicial office: entitlement to reduced pension**

**11G.**—(1) This regulation applies to a member (“P”) whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each “a relevant office”) where—

- (a) P retires by virtue of having been removed from all judicial offices held by P;
  - (b) on the day on which P retires, P has not reached normal pension age for one or more relevant offices; and
  - (c) the appropriate Minister recommends to the administrators that P’s accrued rights under the principal scheme in relation to the relevant offices be given immediate effect.
- (2) The administrators must notify P of the recommendation under paragraph (1)(c).
- (3) If P elects in writing to the administrators within 3 months of receiving the notice referred to in paragraph (2), that P wishes to receive benefits under this regulation—
- (a) P becomes entitled, on the day on which the administrators receive the election, to the payment for life of a pension in respect of the relevant offices; and
  - (b) P also becomes entitled, on that day, to the amount P would have been entitled to in respect of the relevant offices if P had been entitled under this regulation to the payment of a pension in respect of the period beginning with the pension start day and ending with the day before the day mentioned in sub-paragraph (a).
- (4) In this regulation “the pension start day” means—
- (a) the day after the day on which P retires; or
  - (b) if later, the amendment day.

### Annual rate of reduced pension

**11H.**—(1) The annual rate of a pension to which a member (“P”) becomes entitled under regulation 11G is determined under paragraph (3), (5) or (7) (whichever applies).

(2) Paragraph (3) applies where on retirement, P has reckonable service in only one eligible fee-paid judicial office which is a relevant office.

(3) The annual rate for the relevant office is determined in accordance with the following formula—

$$(RJS \times AF \times S) \times (A + (B365 \times (C - A)))$$

where—

R is P’s reckonable service in the relevant office

JS is the number of years of qualifying judicial service that P has, subject to a maximum of—

- (i) 15 years for offices specified in Tables 1 and 2 in Schedule 1, and
- (ii) 20 years for offices specified in Table 3 in Schedule 1

AF is the accrual factor specified for the relevant office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to P’s qualifying judicial service

S is the appropriate annual salary of the judicial office held by P immediately before retirement

A is the actuarial reduction factor set out in the Table in the Schedule to the Judicial Pensions (Miscellaneous) Regulations 1995 corresponding to P’s age on P’s birthday preceding the day on which P retires

B is the number of days in the period beginning with P’s birthday preceding the day on which P retires and ending with the day on which P retires

C is the actuarial reduction factor set out in the Table in the Schedule to the Judicial Pensions (Miscellaneous) Regulations 1995 corresponding to P’s age on P’s birthday following the day on which P retires.

(4) Paragraph (5) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate for any relevant offices is determined by taking the following steps—

*Step 1*

Determine the annual rate under paragraph (3) in relation to each relevant office.

*Step 2*

Add together each of the annual rates determined under Step 1.

(6) Paragraph (7) applies where—

- (a) on retirement P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) at any time before retirement, P held two or more eligible fee-paid judicial offices simultaneously.

(7) The annual rate for any relevant offices is determined by taking the following steps—

*Step 1*

Determine the annual rate under paragraph (3), in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office as if—

- (i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and
- (ii) P held that office (and held no other judicial office) immediately before retirement.

*Step 2*

Determine the annual rate under paragraph (3), in relation to each relevant office which P did not hold simultaneously with another eligible fee-paid judicial office, and for these purposes, in paragraph (3), S is—

- (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,
- (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

*Step 3*

Add together each of the rates determined under Steps 1 and 2.

- (8) Paragraph (9) applies where—
  - (a) during one or more parts of the period for which P held a relevant office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously; and
  - (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.
- (9) For the purposes of paragraph (7)—
  - (a) office A is to be treated as two different relevant offices—
    - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(a) and, accordingly, is taken into consideration in Step 1 in paragraph (7), and
    - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(b) and, accordingly, is taken into consideration in Step 2 in paragraph (7); and
  - (b) P’s reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

**Retirement under normal pension age: entitlement to preserved pension**

**11I.**—(1) This regulation applies to a member (“P”) whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each “a relevant office”) where—

- (a) P retires;
  - (b) if P retires by virtue of having been removed from all judicial offices held by P and the appropriate Minister makes a recommendation under regulation 11G(1)(c), P does not make an election under regulation 11G(3); and
  - (c) on the day on which P retires, P—
    - (i) has not reached normal pension age for a relevant office, and
    - (ii) has at least 2 years’ qualifying judicial service.
- (2) On the pension start day, P becomes entitled to the payment for life of a pension in respect of the relevant office.
- (3) In this regulation “the pension start day” means—
  - (a) the day on which P—

- (i) reaches the normal pension age for the relevant office, or
  - (ii) (if later) would have completed the requirement for qualifying judicial service in relation to the relevant office, if P had continued to hold a judicial office; or
- (b) if later, the amendment day.

### Annual rate of preserved pension

**11J.—**(1) The annual rate of preserved pension to which a member (“P”) is entitled under regulation 11I is determined under paragraph (3) or (5) (whichever applies).

(2) Paragraph (3) applies where, on retirement—

- (a) P has reckonable service in one or more eligible fee-paid judicial offices; and
- (b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(3) The annual rate for any relevant offices is determined by taking the following steps—

#### *Step 1*

Determine the annual rate in relation to each relevant office in accordance with the following formula—

$$(NJS \times AF \times S) \times ZZ + Y$$

where—

N is the reckonable service which P accrued, in the relevant office, before the date on which P retired, calculated under regulation 5(1) as though regulation 5(2) did not apply  
 JS is the number of years of qualifying judicial service that P has, subject to a maximum of—

- (i) 15 years for offices in Tables 1 or 2 in Schedule 1, and
- (ii) 20 years for offices in Table 3 in Schedule 1

AF is the accrual factor specified for the relevant office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to P’s qualifying judicial service as if P had continued to hold that office until the date on which P reaches the normal pension age applicable for that office, subject to a maximum of—

- (i) 15 years for offices in Tables 1 or 2 in Schedule 1, and
- (ii) 20 years for offices in Table 3 in Schedule 1

S is the appropriate annual salary of the judicial office held by P immediately before retirement

Z is the period, or the aggregate of the periods, expressed in years and any fraction of a year during which P held one or more eligible fee-paid judicial offices, disregarding any day in respect of which the conditions in regulation 4(2) (qualifying fee-paid days) are not met

Y is the period, expressed in years and any fraction of a year, beginning with the day on which P retired and ending with the day on which P reaches normal pension age for the relevant office.

#### *Step 2*

Add together the annual rates determined under Step 1.

(4) Paragraph (5) applies where—

- (a) on retirement P has reckonable service in more than one eligible fee-paid judicial office; and
  - (b) at any time before retirement, P held two or more eligible fee-paid judicial offices simultaneously.
- (5) The annual rate for any relevant offices is determined by taking the following steps—

*Step 1*

Determine the annual rate under paragraph (3) of this regulation, in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office, as if—

- (i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and
- (ii) P held that office (and held no other judicial office) immediately before retirement.

*Step 2*

Determine the annual rate under paragraph (3) of this regulation in relation to each relevant office which P did not hold simultaneously with another eligible fee-paid judicial office, and for these purposes, in paragraph (3), S is—

- (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,
- (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

*Step 3*

Add together each of the rates determined under Steps 1 and 2.

- (6) Paragraph (7) applies where—
- (a) during one or more parts of the period for which P held a relevant office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously; and
  - (b) during one or more parts of that period P held no judicial office other than office A.
- (7) For the purposes of paragraph (5)—
- (a) office A is to be treated as two different relevant offices—
    - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (6)(a), and accordingly, is taken into consideration in Step 1 in paragraph (5), and
    - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (6)(b) and, accordingly is taken into consideration in Step 2 in paragraph (5); and
  - (b) P’s reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

**Retirement due to ill-health: entitlement to ill-health ordinary pension**

**11K.**—(1) This regulation applies to a member (“P”) whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each “a relevant office”) where P retires and the ill-health certification condition is met in relation to P.

(2) On the pension start day, P becomes entitled to the payment for life of a pension in respect of any relevant offices.

- (3) In this regulation “the pension start day” means—

- (a) the day after that on which P retires; or
  - (b) if later, the amendment day.
- (4) It is not material whether P has reached the normal pension age or met any requirement for qualifying judicial service in relation to a relevant office.
- (5) Where apart from this paragraph, P would be entitled to—
- (a) a pension under this regulation; and
  - (b) a pension under—
    - (i) regulation 11G (retirement under normal pension age on removal from judicial office), or
    - (ii) regulation 11I (retirement under normal pension age: entitlement to preserved pension)

P is not entitled to any pension mentioned in sub-paragraph (b).

#### **Annual rate of ill-health ordinary pension**

**11L.** Regulation 11F applies in relation to the annual rate of pension to which a person is entitled under regulation 11K as it applies in relation to the annual rate of pension to which a person is entitled under regulation 11E.

#### **Times at which pension under this Part is payable**

**11M.** A pension under this Part is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

#### **Lump sum: entitlement and amount**

**11N.—**(1) This regulation applies where a member (“P”) retires on or after the amendment day and becomes entitled to the payment of a pension under this Part.

(2) At the time P becomes entitled to the payment of a pension, P becomes entitled to a lump sum of twice the annual rate of pension payable to P under this Part.

#### **Multiple retirements**

**11O.** Regulation 26 applies to a member whose benefits are calculated under this Part, who retires and subsequently resumes judicial office, as it applies to a member whose benefits are calculated under Part 3.

## CHAPTER 2

### Death Benefits

#### **Interpretation**

**11P.** In this Chapter—

“surviving adult”, in relation to a deceased member (“P”), means P’s surviving spouse or surviving civil partner;

“surviving spouse”, in relation to P, means a person who—

- (i) was married to P on the date of P’s death, and
- (ii) if P retired before death, entered into the marriage before P retired;

“surviving civil partner”, in relation to P, means a person who—

- (i) was in a civil partnership with P on the date of P's death, and
  - (ii) if P retired before death, entered into the civil partnership before P retired;
- “surviving adult’s pension” means a pension payable to a surviving adult under this Chapter.

#### **Entitlement to surviving adult’s pension**

**11Q.**—(1) This regulation applies where a member (“P”), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices, dies leaving a surviving adult.

(2) On the pension start day, the surviving adult becomes entitled to the payment for life of a pension.

(3) For the purposes of paragraph (2) the “pension start day” means—

- (a) the day after the day on which P dies; or
- (b) if later, the amendment day.

(4) Where the surviving adult marries or enters into a civil partnership, the Treasury may, at any time, direct that payment of the pension be withheld.

(5) The Treasury may, at any time, direct that payment of a pension withheld under paragraph (4) be resumed.

#### **Annual rate of surviving adult’s pension**

**11R.**—(1) The annual rate of a pension to which a person becomes entitled under regulation 11Q is equal to one half of the rate of the pension of the deceased member (“P”).

(2) For the purposes of this regulation the rate of P’s pension is determined as follows.

(3) Where P dies on or after the amendment day after having retired, the rate of P’s pension is the annual rate of the pension to which P was entitled under this Part on the day on which P died.

(4) Where P dies on or after the amendment day without having retired, the rate of P’s pension is the annual rate of the pension to which P would have become entitled under this Part on the day after that on which P died if—

- (a) on the day on which P died, P had not died but had instead retired; and
- (b) the ill-health certification condition were met in relation to P.

(5) Where P dies before the amendment day after having retired, the rate of P’s pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if P were still alive on that day.

(6) Where P dies before the amendment day without having retired, the rate of P’s pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if—

- (a) on the day on which P died, P had not died but had instead retired;
- (b) the ill-health certification condition were met in relation to P; and
- (c) P were still alive on the amendment day.

#### **Annual rate of surviving adult’s pension: special provision for surviving civil partners**

**11S.**—(1) Paragraph (2) applies where—

- (a) the surviving civil partner in relation to a member (“P”) becomes entitled to a pension under regulation 11Q;

- (b) P held a judicial office before, and on, 5th December 2005; and
  - (c) P elects in writing to the administrators, within the period of 6 months beginning with the relevant day, that the annual rate of the surviving civil partner's pension under regulation 11R should be calculated as if P first held a judicial office on 5th December 2005.
- (2) The rate of P's pension, for the purposes of regulation 11R, is to be determined on the basis that P first held a judicial office on 5th December 2005.
- (3) In this regulation "the relevant day" means—
- (a) the amendment day; or
  - (b) if later, the day on which the civil partnership is entered into.
- (4) An election under this regulation is irrevocable.

#### **Payment of a surviving adult's pension**

**11T.** A surviving adult's pension is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

#### **Entitlement to an eligible child's pension**

**11U.**—(1) This regulation applies if a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices, dies leaving one or more eligible children.

(2) On the pension start day, and until such time as there are no more eligible children, the relevant person becomes entitled to the payment of a pension.

- (3) In this regulation, the "pension start day" means—
- (a) the day after the day on which P dies; or
  - (b) if later, the amendment day.

(4) In this regulation, the "relevant person" means such person or persons as the Treasury may from time to time direct, and different parts of the pension may be directed to be paid to different persons.

#### **Annual rate of eligible child's pension**

**11V.**—(1) The annual rate of a pension to which a person becomes entitled under regulation 11U, where P dies without leaving a surviving adult, is—

- (a) in relation to any period during which there is only one eligible child, an annual rate equal to one third of the rate of P's pension;
- (b) in relation to any period during which there are two or more eligible children, an annual rate equal to two thirds of the rate of P's pension.

(2) The annual rate of a pension to which a person becomes entitled under regulation 11U, where P dies leaving a surviving adult, is—

- (a) in relation to any period during which there is only one eligible child and the surviving adult is still alive, an annual rate equal to one quarter of the rate of P's pension;
- (b) in relation to any period during which there is only one eligible child and the surviving adult is dead, an annual rate equal to one third of the rate of P's pension;
- (c) in relation to any period during which there are two or more eligible children and the surviving adult is still alive, an annual rate equal to one half of the rate of P's pension;



(d) in relation to any period during which there are two or more eligible children and the surviving adult is dead, an annual rate equal to two thirds of the rate of P's pension.

(3) The Treasury may direct, where the deceased member leaves a surviving adult who marries or enters into a civil partnership, that the annual rate of the pension is to be calculated under paragraph (1) as if there were no surviving adult in respect of any period during which the surviving adult has a spouse or a civil partner.

(4) The Treasury may, at any time, cancel a direction given under paragraph (3).

(5) For the purposes of this regulation the "rate of P's pension" is determined as follows.

(6) Where P dies on or after the amendment day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under this Part on the day on which P died.

(7) Where P dies on or after the amendment day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the day after that on which P died if—

(a) on the day on which P died, P had not died but had instead retired; and

(b) the ill-health certification condition were met in relation to P.

(8) Where P dies before the amendment day after having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if P were still alive on that day.

(9) Where P dies before the amendment day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if—

(a) on the day on which P died, P had not died but had instead retired;

(b) the ill-health certification condition were met in relation to P; and

(c) P were still alive on the amendment day.

### **Payment and application of an eligible child's pension**

**11W.**—(1) A pension to which a person is entitled under regulation 11U is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

(2) A person to whom a pension or part of a pension under regulation 11U is paid must apply the pension for the benefit of—

(a) all eligible children of the deceased member; or

(b) such eligible children of the deceased member as the Treasury may direct.

### **Lump sum on death: death in service**

**11X.**—(1) Paragraph (2) applies where a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each "a relevant office"), dies without having retired.

(2) Unless a lump sum is payable on P's death under any provision of—

(a) the Judicial Pensions Act 1981;

(b) the Judicial Pensions and Retirement Act 1993;

(c) a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; or

(d) a scheme under section 1 of the Public Service Pensions Act 2013,

on the day after that on which P dies, the relevant person becomes entitled to a lump sum.

(3) The amount of the lump sum to which the relevant person becomes entitled under paragraph (2) is determined under paragraph (5), (7) or (9) (whichever applies).

(4) Paragraph (5) applies where, on P's death, P has reckonable service in only one eligible fee-paid judicial office which is a relevant office.

(5) The amount of the lump sum is the greater of—

- (a) twice the annual pension that P would have received in respect of the office if P had retired on ill-health grounds on the day of P's death; and
- (b) a sum determined in accordance with the following formula—

$$S \times RSJS$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

RS is the amount of reckonable service P had in the relevant office at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P's qualifying judicial service, expressed in years and any fraction of a year.

(6) Paragraph (7) applies where—

- (a) on P's death, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) P did not, at any time before death, hold more than one eligible fee-paid judicial office simultaneously.

(7) The amount of the lump sum is the greater of—

- (a) twice the annual pension that P would have received in respect of any relevant offices if P had retired on ill-health grounds on the day of P's death; and
- (b) a sum determined in accordance with the following formula—

$$S \times ARSJS$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

ARS is the amount of reckonable service P had in all relevant offices at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P's qualifying judicial service expressed in years and any fraction of a year.

(8) Paragraph (9) applies where—

- (a) on P's death, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) at any time before death, P held two or more eligible fee-paid judicial offices simultaneously.

(9) The amount of the lump sum in respect of any relevant offices is determined by taking the following steps—

*Step 1*

Determine the lump sum under paragraph (5) in relation to each relevant office which P held simultaneously with another eligible fee-paid office, as if that office were the only eligible fee-paid relevant office held by P.

*Step 2*

Determine the lump sum under paragraph (7) in relation to those relevant offices which P did not hold simultaneously with another eligible fee-paid office and, for these purposes, in paragraph (7)(b), S is—

- (i) where P held a single eligible fee-paid judicial office immediately before P's death, the appropriate annual salary of that judicial office, determined as if P had retired on the date of P's death;
- (ii) where P held more than one eligible fee-paid judicial office immediately before P's death, the highest appropriate annual salary of those offices, determined as if P had retired on the date of P's death.

*Step 3*

Add together each of the lump sums determined under Step 1 and the lump sum determined under Step 2.

(10) Paragraph (11) applies where—

- (a) during one or more parts of the period for which P held a relevant office ("office A"), P held one or more other eligible fee-paid judicial offices simultaneously; and
- (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.

(11) For the purposes of paragraph (9)—

- (a) office A is to be treated as two different relevant offices—
  - (i) the first of which ("the first office") is held for the period (or the aggregate of the periods) mentioned in paragraph (10)(a), and accordingly, is taken into consideration in Step 1 in paragraph (9), and
  - (ii) the second of which ("the second office") is held for the period (or the aggregate of the periods) mentioned in paragraph (10)(b) and, accordingly is taken into consideration in Step 2 in paragraph (9); and
- (b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

(12) In this regulation "the relevant person" means—

- (a) the person nominated by P for the purpose of this regulation by notice in writing to the administrators; or
- (b) in default of such nomination, P's personal representatives, on behalf of P's estate.

**Lump sum on death: death after retirement of member with preserved pension**

**11Y.—**(1) Paragraph (2) applies if—

- (a) a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each "a relevant office"), dies having retired;
- (b) where P retires on or after the amendment day, P is not, on retirement, an opted-out member; and
- (c) if P had not died P would, on reaching normal pension age for one or more relevant offices, have become entitled to a pension under regulation 11I.

(2) On the day after that on which P dies, P's personal representatives become entitled to a lump sum on behalf of P's estate.

(3) The amount of the lump sum is twice the notional annual rate of pension determined in accordance with regulation 11J as though P had reached normal pension age for each relevant office on the day P died.

**Lump sum on death: death soon after retirement of member entitled to pension**

**11Z.**—(1) Paragraph (2) applies if—

- (a) a member (“P”), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each a “relevant office”), dies having retired;
- (b) where P retires on or after the amendment day, P is not, on retirement, an opted-out member;
- (c) immediately before death, P was entitled to the payment of a pension under this Part in respect of the relevant offices; and
- (d) the total benefits received are less than the minimum benefits amount.

(2) On the day after that on which P dies, P’s personal representatives become entitled on behalf of P’s estate to a lump sum equal to the difference between the total benefits received in respect of the relevant offices and the minimum benefits amount.

(3) In this regulation “the total benefits received” means the amount determined in accordance with the following formula—

$A+B+C-D$

where—

A is the interim amendments payments amount (if any) in relation to P in respect of the relevant offices

B is the amount (if any) payable to P where no, or an insufficient interim amendments payments amount has been made in respect of the relevant offices

C is the total of the sums paid or payable to P under this Part on account of the pension (including any increases under the Pensions (Increase) Act 1971), and by way of lump sum in respect of the relevant offices, in relation to the period after the amendment day

D is the amount (if any) payable by P where an excess interim amendments payments amount has been made in respect of the relevant offices.

(4) In this regulation—

“interim amendments payments amount” has the same meaning as in Part 3 of the Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023;

“the minimum benefits amount” means the amount the relevant person would have been entitled to under regulation 11X if P had died without retiring.]

## PART 3

### RETIREMENT BENEFITS<sup>F50</sup>: Post-1995 Provisions]

**Textual Amendments**

**F50** Words in Pt. 3 heading inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), 13

### [<sup>F51</sup>Application and interpretation of Part 3

**11Z1.**—(1) This Part applies to the calculation of benefits for a member (“P”) in respect of one or more eligible fee-paid judicial offices where in accordance with regulation 11A, those benefits are to be calculated under the post-1995 provisions.

(2) In this Part, each of the offices described in paragraph (1) is referred to as a “relevant office”.]

#### Textual Amendments

**F51** Reg. 11Z1 inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **13**

### Retirement aged 65 or over: entitlement to ordinary pension

**12.**—(1) This regulation applies [<sup>F52</sup>in respect of one or more relevant offices] where—

- (a) [<sup>F53</sup>P] retires (whether before, on or after the commencement day); and
- (b) on the day on which P retires, P—
  - (i) has reached the age of 65;
  - (ii) has at least 5 years' qualifying judicial service, and
  - (iii) has accrued reckonable service in relation to [<sup>F54</sup>the relevant] office.

(2) On [<sup>F55</sup>a pension start] day, P becomes entitled to the payment for life of a pension.

[<sup>F56</sup>(3) In this regulation “pension start day” means—

- (a) in respect of pension payable in respect of qualifying fee-paid service on or after 7 April 2000—
  - (i) the day after that on which P retires, or
  - (ii) if later, the commencement day;
- (b) in respect of pension payable in respect of qualifying fee-paid service before 7 April 2000—
  - (i) the day after that on which P retires, or
  - (ii) if later, the amendment day.]

#### Textual Amendments

**F52** Words in reg. 12(1) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **14(a)(i)**

**F53** Word in reg. 12(1)(a) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **14(a)(ii)**

**F54** Words in reg. 12(1)(b)(iii) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **14(a)(iii)**

**F55** Words in reg. 12(2) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **14(b)**

**F56** Reg. 12(3) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **14(c)**

### Annual rate of ordinary pension

**13.**—(1) The annual rate of a pension to which [<sup>F57</sup>P] becomes entitled under regulation 12 is determined under paragraph (3), (5) or (7) (whichever applies).

(2) Paragraph (3) applies where, on retirement, P has reckonable service in only one eligible fee-paid judicial office [<sup>F58</sup>which is a relevant office].

(3) The annual rate is determined in accordance with the following formula—

$$\frac{R}{40} \times S$$

where—

- a R is P's reckonable service in the relevant office;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement.

(4) Paragraph (5) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate [<sup>F59</sup>for any relevant offices] is determined in accordance with the following formula—

$$\frac{AR}{40} \times S$$

where—

- a AR is the aggregate length of P's reckonable service in [<sup>F60</sup>relevant] offices;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement.

(6) Paragraph (7) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office [<sup>F61</sup>...]; and
- (b) at any time before retirement, P held two or more [<sup>F62</sup>eligible fee-paid judicial] offices simultaneously.

(7) The annual rate [<sup>F63</sup>for any relevant offices] is determined by taking the following steps—

#### Step 1

Determine the annual rate under paragraph (3) in relation to each relevant office which P held simultaneously [<sup>F64</sup>with another eligible fee-paid judicial office], as if—

- (i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5); and
- (ii) P held that office (and held no other judicial office) immediately before retirement.

#### Step 2

Determine the annual rate under paragraph (5) [<sup>F65</sup>for any relevant office which P did not hold simultaneously with another eligible fee-paid judicial office], and for these purposes, in paragraph (5), S is—

- (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office;
- (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

### Step 3

Add together each of the rates found under Step 1 and the rate found under Step 2.

- (8) Paragraph (9) applies where—
- (a) during one or more parts of the period for which P held [<sup>F66</sup>a relevant] office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously, and
  - (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.
- (9) For the purposes of paragraph (7)—
- (a) office A is to be treated as two different relevant offices—
    - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(a), and accordingly, is taken into consideration in Step 1 in paragraph (7), and
    - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(b) and, accordingly is taken into consideration in Step 2 in paragraph (7), and
  - (b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

#### Textual Amendments

- F57** Word in reg. 13(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(a)**
- F58** Words in reg. 13(2) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(b)**
- F59** Words in reg. 13(5) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(c)(i)**
- F60** Word in reg. 13(5)(a) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(c)(ii)**
- F61** Words in reg. 13(6)(a) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(d)(i)**
- F62** Words in reg. 13(6)(b) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(d)(ii)**
- F63** Words in reg. 13(7) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(e)(i)**
- F64** Words in reg. 13(7) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(e)(ii)**
- F65** Words in reg. 13(7) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(e)(iii)**

**F66** Words in [reg. 13\(8\)\(a\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **15(f)**

### **Retirement between the ages of 60 and 65: entitlement to reduced pension**

- 14.**—(1) This regulation applies where—
- (a) <sup>F67</sup>P] retires (whether before, on or after the commencement day); and
  - (b) on the day on which P retires, P—
    - (i) has reached the age of 60 but not the age of 65, and
    - (ii) has at least 5 years' qualifying judicial service.
- (2) On the pension start day, P becomes entitled to the payment for life of a pension [<sup>F68</sup>in respect of any relevant offices].
- (3) In this regulation “the pension start day” means—
- (a) the day after that on which P retires; or
  - (b) if later, the commencement day.

#### **Textual Amendments**

- F67** Word in [reg. 14\(1\)\(a\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **16(a)**
- F68** Words in [reg. 14\(2\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **16(b)**

### **Retirement under age of 60 on removal from judicial office: entitlement to reduced pension**

- 15.**—(1) This regulation applies where—
- (a) <sup>F69</sup>P] retires (whether before, on or after the commencement day) by virtue of having been removed from all judicial offices held by P;
  - (b) on the day on which P retires, P has not reached the age of 60; and
  - (c) the appropriate Minister recommends to the administrators that P's accrued rights under the principal scheme be given immediate effect.
- (2) The administrators must notify P of the recommendation under paragraph (1)(c).
- (3) If P elects in writing to the administrators within 3 months of receiving the notice that P wishes to receive benefits under this regulation—
- (a) P becomes entitled, on the day on which the administrators receive the election, to the payment for life of a pension [<sup>F70</sup>in respect of any relevant offices]; and
  - (b) P also becomes entitled, on that day, to the amount P would have been entitled to if P had been entitled under this regulation to the payment of a pension [<sup>F71</sup>in respect of any relevant offices] in respect of the period beginning with the pension start day and ending with the day before the day mentioned in sub-paragraph (a).
- (4) In this regulation “the pension start day” means—
- (a) the day after that on which P retires; or
  - (b) if later, the commencement day.



### Textual Amendments

- F69** Word in reg. 15(1)(a) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), 17(a)
- F70** Words in reg. 15(3)(a) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), 17(b)(i)
- F71** Words in reg. 15(3)(b) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), 17(b)(ii)

### Annual rate of reduced pension

**16.**—(1) The annual rate of a pension to which [F72P] becomes entitled under regulation 14 or 15 is determined under paragraph (3), (5) or (7) (whichever applies).

(2) Paragraph (3) applies where, on retirement, P has reckonable service in only one eligible fee-paid judicial office [F73which is a relevant office].

(3) The annual rate is determined in accordance with the following formula—  
[F74

$$(R40 \times S) \times (A + (B365 \times (C - A)))$$

]

where—

- a R is P's reckonable service in the relevant office;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement;
- c A is the actuarial reduction factor set out in the Table corresponding to P's age on P's birthday preceding the retirement day;
- d B is the number of days in the period beginning with P's birthday preceding the retirement day and ending with the retirement day;
- e C is the actuarial reduction factor set out in the Table appropriate to P's age on P's birthday following the retirement day.

(4) Paragraph (5) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate [F75c for any relevant offices] is determined in accordance with the following formula—

$$\left( \frac{AR}{40} \times S \right) \times \left( A + \left( \frac{B}{365} \times (C - A) \right) \right)$$

where—

- a AR is the aggregate length of P's reckonable service in [F76relevant] offices;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement;
- c A is the actuarial reduction factor set out in the Table corresponding to P's age on P's birthday preceding the retirement day;

- d B is the number of days in the period beginning with P's birthday preceding the retirement day and ending with the retirement day;
  - e C is the actuarial reduction factor set out in the Table appropriate to P's age on P's birthday following the retirement day.
- (6) Paragraph (7) applies where—
- (a) on retirement P has reckonable service in more than one eligible fee-paid judicial office <sup>F77</sup>...; and
  - (b) at any time before retirement, P held two or more [<sup>F78</sup>eligible fee-paid judicial] offices simultaneously.
- (7) The annual rate [<sup>F79</sup>for any relevant offices] is determined by taking the following steps:

*Step 1*

Determine the annual rate under paragraph (3), in relation to each relevant office which P held simultaneously [<sup>F80</sup>with another eligible fee-paid judicial office], as if—

- (i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and
- (ii) P held that office (and held no other judicial office) immediately before retirement.

*Step 2*

Determine the annual rate under paragraph (5), in relation to those relevant offices which P did not hold simultaneously with another [<sup>F81</sup>eligible fee-paid] judicial office, and for these purposes, in paragraph (5) S is—

- (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office;
- (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

*Step 3*

Add together each of the rates found under Step 1 and the rate found under Step 2.

- (8) In this regulation—
- (a) “the retirement day” means the day on which P retires;
  - (b) “the Table” means the Table in the Schedule to the Judicial Pensions (Miscellaneous) Regulations 1995 <sup>F82</sup>, as it has effect on the retirement day.
- (9) Paragraph (10) applies where—
- (a) during one or more parts of the period for which P held [<sup>F83</sup>a relevant] office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously, and
  - (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.
- (10) For the purposes of paragraph (7)—
- (a) office A is to be treated as two different relevant offices—
    - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (9)(a), and accordingly, is taken into consideration in Step 1 in paragraph (7), and

- (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (9)(b) and, accordingly is taken into consideration in Step 2 in paragraph (7), and
- (b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

#### Textual Amendments

- F72** Word in reg. 16(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(a)**
- F73** Words in reg. 16(2) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(b)**
- F74** Reg. 16(3) formula substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(c)**
- F75** Words in reg. 16(5) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(d)(i)**
- F76** Word in reg. 16(5) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(d)(ii)**
- F77** Words in reg. 16(6)(a) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(e)(i)**
- F78** Words in reg. 16(6)(b) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(e)(ii)**
- F79** Words in reg. 16(7) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(f)(i)**
- F80** Words in reg. 16(7) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(f)(ii)**
- F81** Words in reg. 16(7) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(f)(iii)**
- F82** S.I. 1995/632. The Table in the Schedule to these Regulations was substituted by [S.I. 2015/533](#).
- F83** Words in reg. 16(9)(a) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **18(g)**

#### Retirement under the normal pension age: entitlement to preserved pension

- 17.—(1) This regulation applies where—
- (a) <sup>F84</sup>P] retires (whether before, on or after the commencement day);
  - (b) if P retires by virtue of having been removed from all judicial offices held by P—
    - (i) the appropriate Minister makes a recommendation under regulation 15(1)(c), and
    - (ii) P does not make an election under regulation 15(3); and
  - (c) on the day on which P retires, P—
    - (i) has not reached normal pension age <sup>F85</sup>for one or more relevant offices],
    - (ii) has at least 2 years' qualifying judicial service; and
    - (iii) is not entitled to a pension under regulation 14.
- (2) On the pension start day, P becomes entitled to the payment for life of a pension <sup>F86</sup>in respect of the relevant offices].
- (3) In this regulation “the pension start day” means—

- (a) the day on which P—
- (i) reaches the age of 65, or
  - (ii) (if later) would have completed five years' qualifying judicial service, if P had continued to hold a judicial office; or
- (b) if later, the commencement day.

#### Textual Amendments

- F84** Word in reg. 17(1)(a) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **19(a)(i)**
- F85** Words in reg. 17(1)(c)(i) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **19(a)(ii)**
- F86** Words in reg. 17(2) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **19(b)**

#### Modifications etc. (not altering text)

- C3** [Reg. 17\(3\)](#) applied (with modifications) (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **71(5)**

#### Annual rate of preserved pension

**18.**—(1) The annual rate of a pension to which [<sup>F87</sup>P] is entitled under regulation 17 is determined under paragraph (3) or (5) (whichever applies).

(2) Paragraph (3) applies where, on retirement—

- (a) P has reckonable service in one or more eligible fee-paid judicial offices, and
- (b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(3) The annual rate [<sup>F88</sup>for any relevant office] is determined in accordance with the following formula—

$$\left( \frac{R}{40} \times S \right) \times \frac{Z}{Z + Y}$$

where—

- a R is the maximum amount of reckonable service which P would be able to accrue [<sup>F89</sup>in the relevant offices] if P continued [<sup>F90</sup>to hold those offices] until the date on which P reaches normal pension age, assuming that P would have accrued reckonable service each year until that date equal to—

$$\frac{N}{Z}$$

where—

- i N is the reckonable service which P accrued [<sup>F91</sup>in the relevant offices] before the date on which P retired, calculated under regulation 5(1) as though regulation 5(2) did not apply;

- ii Z is the period, or the aggregate of the periods, expressed in years and any fraction of a year during which P held one or more eligible fee-paid judicial offices, disregarding any day in respect of which the conditions in regulation 4(2) (qualifying fee-paid days) are not met;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement;
- c Z has the meaning given in sub-paragraph (a)(ii);
- d Y is the period, expressed in years and any fraction of a year, beginning with the day on which P retired and ending with the day on which P reaches normal pension age.

(4) Paragraph (5) applies where—

- (a) on retirement P has reckonable service in more than one eligible fee-paid judicial office<sup>F92</sup> ..., and
- (b) at any time before retirement, P held two or more [<sup>F93</sup>eligible fee-paid judicial] offices simultaneously.

[<sup>F94</sup>(5) The annual rate for any relevant office is determined by taking the following steps—

*Step 1*

Determine the annual rate under paragraph (3) of this regulation, in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office, as if—

- (i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and
- (ii) P held that office (and held no other judicial office) immediately before retirement.

*Step 2*

Determine the annual rate under paragraph (3) of this regulation in relation to those relevant offices which P did not hold simultaneously with another fee-paid judicial office, and for these purposes, in paragraph (3)(b), S is—

- (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,
- (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

*Step 3*

Add together the rate determined under Step 1 and each of the rates determined under Step 2.]

(6) Paragraph (7) applies where—

- (a) during one or more parts of the period for which P held [<sup>F95</sup>a relevant] office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously, and
- (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.

(7) For the purposes of paragraph (5)—

- (a) office A is to be treated as two different relevant offices—
  - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (6)(a), and accordingly, is taken into consideration in Step 1 in paragraph (5), and
  - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (6)(b) and, accordingly is taken into consideration in Step 2 in paragraph (5); and

- (b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

#### Textual Amendments

- F87** Word in [reg. 18\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(a)**
- F88** Words in [reg. 18\(3\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(b)(i)**
- F89** Words in [reg. 18\(3\)\(a\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(b)(ii)(aa)**
- F90** Words in [reg. 18\(3\)\(a\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(b)(ii)(bb)**
- F91** Words in [reg. 18\(3\)\(a\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(b)(ii)(cc)**
- F92** Words in [reg. 18\(4\)\(a\)](#) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(c)(i)**
- F93** Words in [reg. 18\(4\)\(b\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(c)(ii)**
- F94** [Reg. 18\(5\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(d)**
- F95** Words in [reg. 18\(6\)\(a\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **20(e)**

#### Retirement aged 65 or over due to ill-health: entitlement to ill-health ordinary pension

19.—(1) This regulation applies where—

- (a) [<sup>F96</sup>P has accrued reckonable service in relation to one or more relevant offices and] retires (whether before, on or after the commencement day);
- (b) on the day on which P retires, P—
- (i) has reached the age of 65; and
  - (ii) has less than 5 years' qualifying judicial service; and
- (c) the ill-health certification condition is met in relation to P.

(2) On the pension start day, P becomes entitled to the payment for life of a pension [<sup>F97</sup>in respect of the relevant offices].

(3) In this regulation “the pension start day” means—

- (a) the day after that on which P retires, or
- (b) if later, the commencement day.

#### Textual Amendments

- F96** Words in [reg. 19\(1\)\(a\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **21(a)**
- F97** Words in [reg. 19\(2\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **21(b)**

### Annual rate of ill-health ordinary pension

**20.** Regulation 13 applies in relation to the annual rate of a pension to which a member becomes entitled under regulation 19 as it applies in relation to the annual rate of a pension to which a member becomes entitled under regulation 12.

### Retirement under 65 due to ill-health: entitlement to ill-health enhanced pension

**21.**—(1) This regulation applies where—

- (a) [<sup>F98</sup>P has accrued reckonable service in relation to one or more relevant offices and] retires (whether before, on or after the commencement day);
- (b) on the day on which P retires, P has not reached the age of 65; and
- (c) the ill-health certification condition is met in relation to P.

(2) On the pension start day, P becomes entitled to the payment for life of a pension [<sup>F99</sup>in respect of the relevant offices].

(3) In this regulation “the pension start day” means—

- (a) the day after that on which P retires, or
- (b) if later, the commencement day.

(4) Where, apart from this paragraph, P would be entitled to—

- (a) a pension under this regulation, and
- (b) a pension under—
  - (i) regulation 14 (retirement between the ages of 60 and 65: entitlement to reduced pension),
  - (ii) regulation 15 (retirement under the age of 60 due to removal from judicial office: entitlement to reduced pension), or
  - (iii) regulation 17 (retirement under the normal pension age: entitlement to preserved pension),

P is not entitled to any pension mentioned in sub-paragraph (b).

#### Textual Amendments

**F98** Words in reg. 21(1)(a) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **22(a)**

**F99** Words in reg. 21(2) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **22(b)**

### Annual rate of ill-health enhanced pension

**22.**—(1) The annual rate of a pension to which [<sup>F100</sup>P] becomes entitled under regulation 21 is determined in accordance with the following steps.

#### Step 1

Determine the annual rate of the pension to which P is entitled under regulation 13.

#### Step 2

Determine the annual rate of the enhancement (see paragraph (2)).

#### Step 3

Add together the rate determined under Step 1, and the rate determined under Step 2.

(2) Subject to paragraph (3), the annual rate of the enhancement is determined in accordance with the following formula—

$$\frac{E}{40} \times S$$

where—

- a E is the smaller of—
  - (i) the service enhancement (see paragraph (4)), and
  - (ii) the amount determined in accordance with the formula
- b AR is the aggregate length of P's reckonable service in eligible fee-paid judicial offices (including any eligible fee-paid judicial office in respect of which P has taken partial retirement);
- c Z is —
  - (i) where P is not entitled to a pension under Part 1 of the Judicial Pensions and Retirement Act 1993 on the date P retires, nil;
  - (ii) otherwise, the smaller of—
    - (aa) the aggregate length of P's service in qualifying judicial office (within the meaning of that Part of that Act), and
    - (bb) 20;
- d S is—
  - (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office;
  - (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

(3) Where the judicial office (or one of the judicial offices) held by P immediately before retirement was an office specified in Schedule 1 to the Judicial Pensions and Retirement Act 1993<sup>F101</sup>, the annual rate of the enhancement determined under Step 2 is to be nil.

(4) The service enhancement is determined in accordance with the following formula—

$$F \times \frac{X}{Y}$$

where—

- a F is the period, expressed in years and any fraction of a year, which is one half of the period—
  - (i) beginning with the day after that on which P retires, and
  - (ii) ending with the day on which P would reach normal pension age;
- b X is the aggregate length of P's reckonable service in [F102relevant] offices (including any eligible [F102relevant] offices in respect of which P has taken partial retirement) determined in accordance with the formula in regulation 5(1) as though regulation 5(2) does not apply;



- c Y is the period, or the aggregate of the periods, expressed in years and any fraction of a year, during which P held one or more eligible fee-paid judicial offices, disregarding any day in respect of which the conditions in regulation 4(2) (qualifying fee-paid days) are not met.

#### Textual Amendments

- F100** Word in reg. 22(1) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **23(a)**
- F101** 1993 c.8.
- F102** Word in reg. 22(4)(b) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **23(b)**

### Ill-health certification condition

**23.—(1)** The ill-health certification condition is met in relation to [F103]P if the appropriate Minister—

- (a) has received a medical certificate—
- (i) stating that P has suffered a permanent breakdown in health that makes P incapable of discharging the duties of the judicial office or offices which P held immediately before retirement; or
- (ii) (where P retired due to ill-health before the commencement day [F104]or, as applicable, before the amendment day), stating that at the date on which P had retired, P had suffered a permanent breakdown in health that made P incapable of discharging the duties of the judicial office or offices which P held immediately before retirement;
- (b) is satisfied as to the matters contained in that certificate; and
- (c) has, where the appropriate Minister is the Lord Chancellor, consulted—
- (i) the Lord Chief Justice of England and Wales (if P held a judicial office in England and Wales);
- (ii) the Lord Chief Justice of Northern Ireland (if P held a judicial office in Northern Ireland).

(2) For the purposes of this regulation P's breakdown in health is “permanent” if it is likely to continue until—

- (a) the day on which P reaches the age of 65; or
- (b) if later, the day on which, if P had not retired, P would have completed 5 years' qualifying judicial service.

(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005 [F105]) to exercise any of his or her functions under this regulation.

(4) The Lord Chief Justice of Northern Ireland may nominate—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 [F106], or
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act [F107]),

to exercise any of his or her functions under this regulation.

### Textual Amendments

- F103** Word in [reg. 23\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **24(a)**
- F104** Words in [reg. 23\(1\)\(a\)\(ii\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **24(b)**
- F105** [2005 c.4](#). Section 109 was amended by paragraph 63 of Schedule 8 to the [Tribunals, Courts and Enforcement Act 2007 \(c.15\)](#).
- F106** [2002 c.26](#). Schedule 1 was amended by paragraph 122 of Schedule 5 to the [Constitutional Reform Act 2005 \(c.4\)](#); paragraph 35 of Schedule 4 to the [Northern Ireland Act 2009 \(c.3\)](#); Part 1 of Schedule 23 to the [Tribunals, Courts and Enforcement Act 2007](#); [S.I. 2005/1117](#); [S.I. 2009/56](#); [S.R. 2006/469](#).
- F107** [Section 88](#) was amended by paragraph 14(3) of the Schedule to the [Department of Justice Act \(Northern Ireland\) 2010 \(c.3\)](#) and paragraph 2 of Schedule 6 to the [Public Services Ombudsman Act \(Northern Ireland\) 2016 \(c.4 \(N.I.\)\)](#).

### Times at which pension under this Part is payable

**24.** A pension under this Part is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

### Lump sum: entitlement and amount

**25.**—(1) This regulation applies where [<sup>F108</sup>P] retires on or after the commencement day, and becomes entitled to the payment of a pension under this Part.

(2) At the time P becomes entitled to the payment of the pension, P becomes entitled to a lump sum.

(3) The amount of the lump sum is to be determined in accordance with the following formula—

$$A \times 2.25$$

where A is the annual rate of the pension payable to P under this Part.

### Textual Amendments

- F108** Word in [reg. 25\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **25**

### Multiple retirements

**26.**—(1) This regulation applies where [<sup>F109</sup>P] retires and subsequently resumes judicial office.

(2) The resumption of judicial office does not affect the entitlement of P to any payment under the principal scheme in respect of any period before the resumption.

(3) No amounts are payable to or in respect of P under the principal scheme as a result of the retirement mentioned in paragraph (1) in respect of any period after the resumption.

(4) On P's retirement after resuming judicial office—

- (a) P's entitlement (and that of any other person) to any payment under the principal scheme; and
- (b) the rate or amount of any such payment,

are (subject to paragraph (5)) to be determined as if no amounts had previously been paid under the principal scheme as a result of the retirement mentioned in paragraph (1).

(5) A person to whom a lump sum is paid under the principal scheme as a result of the retirement mentioned in paragraph (1) is not required to refund the lump sum; but if the whole or any part of it is not refunded, an amount equal to so much of it as has not been refunded is to be deducted from any lump sum which subsequently becomes payable to or in respect of that person under the principal scheme.

#### Textual Amendments

**F109** Word in [reg. 26\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [26](#)

## PART 4

### PARTIAL RETIREMENT

#### Option to take partial retirement in relation to a fee-paid judicial office

**27.**—(1) Paragraph (2) applies where a member (“P”) at any time <sup>F110</sup>... ceases to hold an eligible fee-paid judicial office (“the relevant office”) and—

- (a) P has reckonable service in relation to the relevant office;
- (b) either—
  - (i) at the time P ceases to hold the relevant office, P holds one or more other eligible fee-paid judicial offices, or
  - (ii) after P ceases to hold the relevant office, P is appointed to another judicial office; and
- (c) at the time P ceases to hold the relevant office, P has at least 2 years' qualifying judicial service.

(2) P may take partial retirement in relation to the relevant office by giving notice in writing to the appropriate Minister.

(3) The notice—

- (a) must be in the form determined by the appropriate Minister, and
- (b) must be received by the appropriate Minister within the period of 6 months beginning with the day on which P ceases to hold the relevant office.

(4) A notice under this regulation has effect on the day on which it is received by the appropriate Minister, and is irrevocable.

(5) For the purposes of this regulation, P is not treated as ceasing to hold a judicial office if—

- (a) P's appointment to a judicial office in one chamber of the First-tier Tribunal changes to a judicial office in another chamber of that Tribunal, or
- (b) P's appointment to a judicial office in one chamber of the Upper Tribunal changes to a judicial office in another chamber of that Tribunal.

#### Textual Amendments

**F110** Words in [reg. 27\(1\)](#) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [71\(6\)](#)

#### **Modifications etc. (not altering text)**

- C4** Reg. 27(3)(b) modified (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), regs. 1(b), **10**
- C5** Reg. 27(3)(b) modified (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), regs. 1(b), **18(2)(3)**

#### **Effect of partial retirement**

**28.**—(1) Where a member (“P”) takes partial retirement in relation to an eligible fee-paid judicial office (“the relevant office”), P is treated for the purposes of the relevant provisions as if P had retired on the day on which P ceased to hold the relevant office.

(2) In this regulation “the relevant provisions” means—

- (a) Part 3 (retirement benefits) apart from regulation 26 (multiple retirements), <sup>F111</sup>...
- (b) Part 6 (death benefits).

<sup>F112</sup>(c) Part 2A, and

(d) Part 2B (apart from regulation 11O).]

(3) In the application of the relevant provisions in relation to P's deemed retirement under paragraph (1), P is treated as having reckonable service only in the relevant office.

(4) The application of the relevant provisions in relation to P's deemed retirement under paragraph (1) (and P's pension under Part 3 in respect of that deemed retirement) does not prevent their application in relation to P's actual retirement (and P's pension under Part 3 in respect of that retirement).

(5) In the application of the relevant provisions in relation to P's actual retirement, P is treated as having no reckonable service in the relevant office.

#### **Textual Amendments**

- F111** Word in reg. 28(2) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **27**
- F112** Reg. 28(2)(c)(d) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **27**

## **PART 5**

### **BENEFITS FOR PERSONS ENTITLED TO PENSION CREDITS**

#### **Application of Part and interpretation**

**29.**—(1) This Part applies where—

- (a) a person (“the transferee”) becomes entitled to a pension credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 <sup>F113</sup> (“the 1999 Act”) or under Article 26(1) (b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 <sup>F114</sup> (“the 1999 Order”); and
- (b) that pension credit is derived from the rights of another person (“P”) under the principal scheme.

(2) In this Part “the transferee”, “the 1999 Act”, “the 1999 Order” and “P” have the meanings given by paragraph (1).

**Textual Amendments**

**F113** 1999 c.30.

**F114** S.I.1999/3147 (N.I.11).

**Pension credit derived from the principal scheme: entitlement to pension**

**30.**—(1) On the pension start day the transferee becomes entitled to the payment for life of a pension.

(2) In paragraph (1) “the pension start day” means—

- (a) the day on which the transferee reaches the age of 65, or
- (b) if later, the day after the last day of the implementation period as determined in accordance with section 34 of the 1999 Act <sup>F115</sup> or Article 31 of the 1999 Order <sup>F116</sup>.

**Textual Amendments**

**F115** Section 34 was amended by paragraph 160 of Schedule 27 and Schedule 30 to the [Civil Partnership Act 2004 \(c.33\)](#).

**F116** Article 31 was amended by paragraph 111 of Schedule 29 and Schedule 30 to the Civil Partnership Act 2004.

**Annual rate of pension under regulation 30**

**31.**—(1) The annual rate of the pension to which the transferee is entitled under regulation 30 is the rate in relation to which the following condition is met.

(2) The condition is that the sum of—

- (a) the value of the pension, and
- (b) the value of any lump sum to which the transferee is entitled under this Part,

equals the [<sup>F117</sup>sum of the amount of the pension credit and the amount of any remediable pension credit or remediable pension reduction under Part 5 of the 2023 Regulations].

[<sup>F118</sup>(2A) In paragraph (2)—

- (a) “remediable pension credit”, in the circumstances mentioned in—
  - (i) regulation 48 of the 2023 Regulations, has the meaning given in regulation 49(5) of those Regulations;
  - (ii) regulation 51 of the 2023 Regulations, has the meaning given in regulation 52(3) of those Regulations;
  - (iii) regulation 55 of the 2023 Regulations, has the meaning given in regulation 56(12) of those Regulations;
- (b) “remediable pension reduction” has the meaning given in regulation 56(12) of the 2023 Regulations.]

(3) For this purpose, the value of the pension and of any lump sum must be calculated—

- (a) in accordance with regulations made by the Secretary of State under paragraph 5(b) of Schedule 5 to the 1999 Act, or

(b) (in any case where the 1999 Order applies) in accordance with regulations made by the Department for Communities under paragraph 5(b) of Schedule 5 to the 1999 Order, and any regulations made by the Secretary of State or by the Department for Communities for the purposes of those provisions apply accordingly.

(4) The annual rate of the pension must be calculated in in such manner as may be approved by the Government Actuary or by an actuary authorised by the Government Actuary to act on behalf of the Government Actuary for that purpose.

#### Textual Amendments

**F117** Words in reg. 31(2) substituted (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), reg. 1(b), **Sch. para. 3(3)**

**F118** Reg. 31(2A) inserted (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), reg. 1(b), **Sch. para. 3(4)**

#### Lump sum for transferee at age 65

**32.**—(1) This regulation applies if the transferee becomes entitled to the pension credit before P becomes entitled to a lump sum under Part 3.

(2) At the time the transferee becomes entitled to a pension under regulation 30, the transferee becomes entitled to a lump sum.

(3) The amount of the lump sum is to be determined in accordance with the following formula—

$$A \times 2.25$$

where A is the annual rate of the pension to which the transferee is entitled under this Part.

#### Lump sum where transferee dies before age 65

**33.**—(1) This regulation applies if the transferee dies before reaching the normal pension age.

(2) On the day after that on which the transferee dies the relevant person becomes entitled to a lump sum.

(3) The amount of the lump sum is to be determined in accordance with the following formula—

$$A \times 2.25$$

where A is the annual rate of the pension to which the transferee would have been entitled under regulation 30 if the transferee had become entitled to a pension under that regulation on the day on which the transferee died.

(4) In paragraph (2) “the relevant person” means—

- (a) the person (if any) nominated by the transferee for the purpose of this regulation by notice in writing to the administrators; or
- (b) in default of such nomination, the transferee's personal representatives on behalf of the transferee's estate.

## Exclusions

34. The appropriate Minister has no power to accept for the benefit of a member of the principal scheme—

- (a) a payment under paragraph 1(3) of Schedule 5 to the 1999 Act or paragraph 1(3) of Schedule 5 to the 1999 Order,
- (b) a payment under section 95 of the Pension Schemes Act 1993 <sup>F119</sup> or section 91 of the Pensions Schemes (Northern Ireland) Act 1993 <sup>F120</sup>, or
- (c) any other payment,

to the extent that that payment directly or indirectly represents a pension credit.

### Textual Amendments

**F119** 1993 c. 48. Section 95 was amended by section 68 of, and paragraph 9 of Schedule 4 to, the [Pension Schemes Act 2015 \(c.8\)](#).

**F120** 1993 c. 49. Section 91 was amended by section 71 of, and paragraph 55 of Schedule 4 to, the [Pensions Scheme Act 2015](#).

## PART 6

### DEATH BENEFITS<sup>[F121]</sup>: Post-1995 Provisions]

### Textual Amendments

**F121** Words in Pt. 6 heading inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **28(1)**

## Interpretation <sup>[F122]</sup> and application of Part]

35.—<sup>[F123(1)]</sup> In <sup>[F124]</sup>this Part]—

- (a) “surviving adult”, in relation to a deceased member (“P”), means P’s surviving spouse or surviving civil partner;
- (b) “surviving spouse”, in relation to P, means a person who—
  - (i) was married to P on the date of P’s death, and
  - (ii) if P retired before death, entered into the marriage before P retired;
- (c) “surviving civil partner”, in relation to P, means a person who—
  - (i) was in a civil partnership with P on the date of P’s death, and
  - (ii) if P retired before death, entered into the civil partnership before P retired;
- (d) “surviving adult’s pension” means a pension payable to a surviving adult under this Part.

<sup>[F125(2)]</sup> This Part applies in respect of P where P is a person to whom Part 3 would have applied if P had retired on the day P died.]

### Textual Amendments

- F122** Words in [reg. 35](#) heading inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **28(2)**
- F123** [Reg. 35\(1\)](#): [reg. 35](#) renumbered as [reg. 35\(1\)](#) (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **28(3)(a)**
- F124** Words in [reg. 35\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **28(3)(b)**
- F125** [Reg. 35\(2\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **28(3)(c)**

### Entitlement to a surviving adult's pension

**36.**—(1) This regulation applies where a member (“P”) dies (whether before, on or after the commencement day) leaving a surviving adult.

(2) On the pension start day, the surviving adult becomes entitled to the payment for life of a pension.

(3) For the purposes of paragraph (2) the “pension start day” means—

- (a) the day after the day on which P dies; or
- (b) if later, the commencement day.

(4) Where the surviving adult marries or enters into a civil partnership, the Treasury may, at any time, direct that payment of the pension be withheld.

(5) The Treasury may, at any time, direct that payment of a pension withheld under paragraph (4) be resumed.

### Annual rate of surviving adult's pension

**37.**—(1) The annual rate of a pension to which a person becomes entitled under regulation 36 is equal to one half of the rate of the pension of the deceased member (“P”).

(2) For the purposes of this regulation the rate of P's pension is determined as follows.

(3) Where P dies on or after the commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under Part 3 on the day on which P died.

(4) Where P dies on or after the commencement day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the day after that on which P died if—

- (a) on the day on which P died, P had not died but had instead retired, and
- (b) the ill-health certification condition were met in relation to P.

(5) Where P dies before the commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the commencement day if P were still alive on that day.

(6) Where P dies before the commencement day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the commencement day if—

- (a) on the day on which P died, P had not died but had instead retired,
- (b) the ill-health certification condition were met in relation to P, and
- (c) P were still alive on the commencement day.



### **Annual rate of surviving adult's pension: special provision for surviving civil partners**

**38.**—(1) Paragraph (2) applies where—

- (a) the surviving civil partner in relation to a member (“P”) becomes entitled to a pension under regulation 36;
- (b) P held a judicial office before, and on, 5th December 2005; and
- (c) P elects in writing to the administrators, within the period of 6 months beginning with the relevant day, that the annual rate of the surviving civil partner's pension under regulation 37 should be calculated as if P first held a judicial office on 5th December 2005.

(2) The rate of P's pension, for the purposes of regulation 37, is to be determined on the basis that P first held a judicial office on 5th December 2005.

(3) In this regulation “the relevant day” means—

- (a) the commencement day, or
- (b) if later, the day on which the civil partnership is entered into.

(4) An election under this regulation is irrevocable.

### **Payment of a surviving adult's pension**

**39.** A surviving adult's pension is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

### **Meaning of “eligible child”**

**40.**—(1) In these Regulations, “eligible child”, in relation to a deceased member, means a person who meets the age condition or the occupation condition (see regulation 41) and who is—

- (a) a natural child of the deceased member,
- (b) a person who was adopted by the deceased member before the deceased member retired or, where paragraph (2) applies, after the deceased member retired,
- (c) a person who is a child of the deceased member by virtue of a parental order made before the deceased member retired or, where paragraph (2) applies, after the deceased member retired, or
- (d) a step-child of the deceased member.

(2) This paragraph applies where the Treasury have issued a direction to the effect that they are satisfied that—

- (a) the deceased member had, before the deceased member retired, formed the intention of adopting, or applying for a parental order in respect of, the person; and
- (b) immediately before the deceased member retired, the person was wholly or mainly dependent on the deceased member.

(3) In a case where the deceased member died while holding an eligible fee-paid judicial office, the references in paragraphs (1) and (2) to things done before the deceased member's retirement are to be read as references to things done before the deceased member's death.

(4) For the purposes of this regulation a person (“C”) is a “natural child” of person (“P”) if P is C's genetic father or mother (including anyone who is to be treated as C's father, mother or parent under Part 2 of the Human Fertilisation and Embryology Act 2008 <sup>F126</sup> (“the 2008 Act”), but not including anyone who is not to be so treated under that Part of that Act).

(5) For the purposes of this regulation a person (“C”) is a “step-child” of a person (“P”) if C—

- (a) is not a natural child of P, adopted by P or a child of P by virtue of a parental order, and

- (b) meets any of the following conditions.
- (6) The first condition is that C—
- (a) is a natural child of a person who was at any time the spouse or civil partner of P, and
  - (b) at the time the marriage or civil partnership was entered into, had been born or conceived.
- (7) The second condition is that C—
- (a) was adopted by a person who was at any time the spouse or civil partner of P; and
  - (b) was so adopted—
    - (i) before the time the marriage or civil partnership was entered into, or
    - (ii) after the time the marriage or civil partnership was entered into in a case where the adoption proceedings were pending at the time of the marriage or civil partnership.
- (8) The third condition is that—
- (a) C is, by virtue of a parental order, a child of a person who was at any time the spouse or civil partner of P; and
  - (b) the parental order was made—
    - (i) before the time the marriage or civil partnership was entered into, or
    - (ii) after the time the marriage or civil partnership was entered into in a case where the parental order proceedings were pending at the time of the marriage or civil partnership.
- [<sup>F127</sup>(9) In this regulation, “parental order” means an order made under section 54 or 54A of the 2008 Act.]

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#### Textual Amendments

**F126** 2008 c.22.

**F127** Reg. 40(9) substituted (3.1.2019) by [The Human Fertilisation and Embryology Act 2008 \(Remedial Order 2018 \(S.I. 2018/1413\)](#), art. 1(1), [Sch. 2 para. 15\(2\)](#)

#### Meaning of “eligible child”: the age condition and the occupation condition

- 41.**—(1) The age condition is that the person has not reached the age of 16.
- (2) The occupation condition is that the person (“C”) has, at all times since reaching the age of 16, been—
- (a) in full-time education, or
  - (b) undergoing eligible training for a trade, profession or vocation.
- (3) For the purposes of this regulation training is “eligible” if—
- (a) it is full-time;
  - (b) its duration is at least 2 years; and
  - (c) the rate of pay (if any) receivable by C, or payable by the employer in respect of C, in relation to the training does not exceed the specified maximum.
- (4) In this regulation—
- “pay” means any salary, fees, wages, perquisites, profits or gains and includes the value of any free board, lodging or clothing;
- “the specified maximum” at any time means an annual rate equal to that at which a pension of £250 a year—

- (a) first awarded under the Principal Civil Service Pension Scheme on 1st June 1972; and
- (b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971 <sup>F128</sup> to such a pension, would (as so increased) be payable at that time.

(5) Where a premium has been paid in respect of C's training, all emoluments receivable by C, or payable by the employer in respect of C, are to be taken, for the purposes of paragraph (3)(c), as receivable or payable by way of return of the premium, unless and to the extent that the amount of those emoluments exceeds the amount of the premium.

(6) Where the Treasury are satisfied that C's full-time education ought not be regarded as completed, the Treasury may direct that any period during which a person is not in full-time education and is not undergoing eligible training for a trade, profession or vocation, is to be disregarded for the purposes of this regulation.

#### Textual Amendments

F128 1971 c.56.

#### Entitlement to an eligible child's pension

**42.**—(1) This regulation applies if a member (“P”) dies (whether before, on or after the commencement day) leaving one or more eligible children.

(2) On the pension start day, and until such time as there are no more eligible children, the relevant person becomes entitled to the payment of a pension.

(3) In this regulation, the “pension start day” means—

- (a) the day after the day on which P dies; or
- (b) if later, the commencement day.

(4) In this regulation, “the relevant person” means such person or persons as the Treasury may from time to time direct, and different parts of the pension may be directed to be paid to different persons.

#### Annual rate of eligible child's pension

**43.**—(1) The annual rate of a pension to which a person becomes entitled under regulation 42, where P dies without leaving a surviving adult, is—

- (a) in relation to any period during which there is only one eligible child, an annual rate equal to one third of the rate of P's pension;
- (b) in relation to any period during which there are two or more eligible children, an annual rate equal to two thirds of the rate of P's pension.

(2) The annual rate of a pension to which a person becomes entitled under regulation 42, where P dies leaving a surviving adult, is—

- (a) in relation to any period during which there is only one eligible child and the surviving adult is still alive, an annual rate equal to one quarter of the rate of P's pension;
- (b) in relation to any period during which there is only one eligible child and the surviving adult is dead, an annual rate equal to one third of the rate of P's pension;
- (c) in relation to any period during which there are two or more eligible children and the surviving adult is still alive, an annual rate equal to one half of the rate of P's pension;

(d) in relation to any period during which there are two or more eligible children and the surviving adult is dead, an annual rate equal to two thirds of the rate of P's pension.

(3) The Treasury may direct, where the deceased member leaves a surviving adult who marries or enters into a civil partnership, that the annual rate of the pension is to be calculated under paragraph (1) as if there were no surviving adult in respect of any period during which the surviving adult has a spouse or a civil partner.

(4) The Treasury may, at any time, cancel a direction given under paragraph (3).

(5) For the purposes of this regulation the “rate of P's pension” is determined as follows.

(6) Where P dies on or after the commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under Part 3 on the day on which P died.

(7) Where P dies on or after the commencement day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the day after that on which P died if—

(a) on the day on which P died, P had not died but had instead retired, and

(b) the ill-health certification condition were met in relation to P.

(8) Where P dies before the commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the commencement day if P were still alive on that day.

(9) Where P dies before the commencement day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the commencement day if—

(a) on the day on which P died, P had not died but had instead retired,

(b) the ill-health certification condition were met in relation to P, and

(c) P had survived until the commencement day.

### **Payment and application of an eligible child's pension**

**44.**—(1) A pension to which a person is entitled under regulation 42 is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

(2) A person to whom a pension or part of a pension under regulation 42 is paid must apply the pension for the benefit of—

(a) all eligible children of the deceased member; or

(b) such eligible children of the deceased member as the Treasury may direct.

### **Lump sum on death: death in service**

**45.**—<sup>F129</sup>(1) Paragraph (2) applies where a member (“P”), whose benefits are to be calculated under the post-1995 provisions in respect of one or more eligible fee-paid judicial offices (each “a relevant office”), dies (on or after the commencement day) without having retired.]

<sup>F130</sup>(2) Unless a lump sum is payable on P's death under—

(a) the Judicial Pensions Act 1981;

(b) section 4(3) of the Judicial Pensions and Retirement Act 1993;

(c) a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; or

(d) a scheme under section 1 of the Public Service Pensions Act 2013,

on the day after that on which P dies, the relevant person is entitled to a lump sum.]

(3) The amount of the lump sum to which the relevant person becomes entitled under paragraph (2) is determined under paragraph (5), (7) or (9), whichever applies).

(4) Paragraph (5) applies where, on P's death, P has reckonable service in only one eligible fee-paid judicial office [<sup>F131</sup>which is a relevant office].

[<sup>F132</sup>(5) The amount of the lump sum is to be determined in accordance with the following formula—

$S \times 2 \times RSJS$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

RS is the amount of reckonable service P had in the relevant office at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P's qualifying judicial service expressed in years and any fraction of a year.]

(6) Paragraph (7) applies where—

- (a) on P's death, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) P did not, at any time before death, hold more than one eligible fee-paid judicial office simultaneously.

[<sup>F133</sup>(7) The amount of the lump sum is to be determined in accordance with the following formula—

$S \times 2 \times ARSJS$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

ARS is the amount of reckonable service P had in all relevant offices at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P's qualifying judicial service expressed in years and any fraction of a year.]

(8) Paragraph (9) applies where—

- (a) immediately before death P held more than one eligible fee-paid judicial office (“the relevant offices”), and
- (b) at any time before retirement, P held two or more eligible fee-paid judicial offices simultaneously.

(9) The amount of the lump sum is determined by taking the following steps.

*Step 1*

Determine the lump sum under paragraph (5) in relation to each relevant office which P held simultaneously, as if that office were the only eligible fee-paid relevant office held by P.

*Step 2*

Determine the lump sum under paragraph (7) in relation to those relevant offices which P did not hold simultaneously, and for these purposes, in paragraph (7)(a), S is—

- (i) where P held a single eligible fee-paid judicial office immediately before P's death, the appropriate annual salary of that judicial office, determined as if P had retired on the date of P's death;

- (ii) where P held more than one eligible fee-paid judicial office immediately before P's death, the highest appropriate annual salary of those offices, determined as if P had retired on the date of P's death.

### Step 3

Add together each of the lump sums found under Step 1 and the lump sum found under Step 2.

- (10) Paragraph (11) applies where—
  - (a) during one or more parts of the period for which P held an eligible fee-paid judicial office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously, and
  - (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.
- (11) For the purposes of paragraph (9)—
  - (a) office A is to be treated as two different relevant offices—
    - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (10)(a), and accordingly, is taken into consideration in Step 1 in paragraph (9), and
    - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (10)(b) and, accordingly is taken into consideration in Step 2 in paragraph (9), and
  - (b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.
- (12) In this regulation “the relevant person” means—
  - (a) the person nominated by P for the purpose of this regulation by notice in writing to the administrators; or
  - (b) in default of such nomination, P's personal representatives, on behalf of P's estate.

#### Textual Amendments

- F129** Reg. 45(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **29(a)**
- F130** Reg. 45(2) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **29(b)**
- F131** Words in reg. 45(4) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **29(c)**
- F132** Reg. 45(5) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **29(d)**
- F133** Reg. 45(7) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **29(e)**

#### Lump sum on death: death after retirement of member with preserved pension

- 46.**—(1) Paragraph (2) applies if—
- (a) a member (“P”) dies (on or after the commencement day) having retired (whether before, on or after the commencement day);
  - (b) where P retires on or after the commencement day, P is not, on retirement, an opted-out member; and

(c) if P had not died P would, on reaching normal pension age have become entitled to a pension under regulation 17.

(2) On the day after that on which P dies, P's personal representatives become entitled to a lump sum on behalf of P's estate.

(3) The amount of the lump sum is to be determined in accordance with the following formula—

$$A \times 2.25$$

where A is a notional annual rate of pension determined in accordance with regulation 18 as though P had reached normal pension age on the day P died.

#### **Lump sum on death: death soon after retirement of member entitled to pension**

47.—(1) Paragraph (2) applies if—

- (a) a member (“P”) dies (on or after the commencement day) having retired (whether before, on or after the commencement day);
- (b) where P retires on or after the commencement day, P is not, on retirement, an opted-out member;
- (c) immediately before death, P was entitled to the payment of a pension under Part 3 (retirement benefits); and
- (d) the total benefits received are less than the minimum benefits amount.

(2) On the day after that on which P dies, P's personal representatives become entitled on behalf of P's estate to a lump sum equal to the difference between the total benefits received and the minimum benefits amount.

(3) In this regulation “the total benefits received” means the amount determined in accordance with the following formula—

$$A + B + C - D$$

where—

- a [F134 A is the sum of the interim payments amount (if any), and any interim amendments payments amount (as that expression is defined in regulation 68 of the Amendment Regulations) in relation to P in respect of benefits corresponding to those under the post-1995 provisions;]
- b B is the amount (if any) paid or payable to P under regulation 50 [F135 and regulation 69 of the Amendment Regulations in respect of benefits corresponding to those under the post-1995 provisions];
- c C is the total of the sums paid or payable to P under Part 3 on account of the pension (including any increases under the Pensions (Increase) Act 1971 [F136]), and by way of lump sum, in relation to the period after commencement day;
- d D is the amount (if any) paid or payable by P under regulation 51 [F137 and regulation 70 of the Amendment Regulations in respect of benefits corresponding to those under the post-1995 provisions].

(4) In this regulation “the minimum benefits amount” means the amount determined in accordance with the following formula—

$E \times 5$

where E is the annual rate of the pension payable to P under Part 3 immediately before P's death.

[<sup>F138</sup>(5) In this regulation, “the Amendment Regulations” means the Judicial Pensions (Fee-paid Judges) (Amendment) Regulations 2023.]

#### Textual Amendments

- F134** Reg. 47(3)(a) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **30(a)(i)**
- F135** Words in reg. 47(3)(b) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **30(a)(ii)**
- F136** 1971 c.56.
- F137** Words in reg. 47(3)(d) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **30(a)(iii)**
- F138** Reg. 47(5) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **30(b)**

## PART 7

### BENEFITS IN RESPECT OF PERIODS BEFORE COMMENCEMENT

#### Application of Part

**48.**—(1) This Part applies where—

- (a) a member (“P”) retired, or died without having retired, before the commencement day, and
- (b) condition A or B is met.

(2) Condition A is that amounts were paid to any person during the pre-commencement period in respect of P's retirement or death under arrangements made for the purpose of providing benefits during the pre-commencement period corresponding to those under Part 3 or 6.

(3) Condition B is that, if these Regulations had come into force on the day before the day on which P retired or died, amounts would have been payable during the pre-commencement period—

- (a) to P under Part 3, or
- (b) to another person under Part 6,

in respect of P's retirement or death.

(4) In this Part—

- (a) “the pre-commencement period” means the period—
  - (i) beginning with the day on which P retired or on which P died without having retired, and
  - (ii) ending with the day before the commencement day.
- (b) references to “P” are to a member mentioned in paragraph (1)(a).

#### Meaning of “the interim payments amount” and “the pre-commencement benefits amount”

**49.**—(1) In these Regulations “the interim payments amount”, in relation to any person, means the total amount (if any) that was paid to that person under arrangements made for the purpose



of providing benefits during the pre-commencement period in respect of P's retirement or death corresponding to those under Part 3 or 6.

(2) In this Part “the pre-commencement benefits amount”, in relation to any person, means, subject to paragraph (3), the total amount (if any) that would have been payable to that person under Part 3 or 6 during the pre-commencement period in respect of P's retirement or death if these Regulations had come into force on the day before the day on which P retired or died without having retired.

(3) Where—

- (a) the amount payable to a person in respect of P under paragraph (2) includes a lump sum payable under regulation 45 or 46, and
- (b) P would have been liable to pay the pre-commencement contributions amount referred to in regulation 53(1) if P had survived until the commencement day,

the pre-commencement benefits amount payable to that person is to be calculated after deducting the pre-commencement contributions amount (within the meaning of regulation 53(1)) which would have been payable by P if these Regulations had come into force on the day before the day on which P died.

(4) Paragraph (5) applies for the purposes of calculating the pre-commencement benefits amount where P is a transition member (within the meaning of paragraph 1 of Schedule 2 to the Judicial Pensions Regulations 2015) who has continuity of service (within the meaning of paragraph 2 of Schedule 2 to those Regulations).

(5) The pre-commencement benefits amount is to be calculated as though the amendments made to the Judicial Pensions Regulations 2015 by the Judicial Pensions (Amendment) Regulations 2017 (“the 2017 Regulations”) (save for regulations 4, 6, 15 and 16 of the 2017 Regulations) had come into force on the day before the day on which the member retired or died without having retired.

#### **Additional payment where no or insufficient interim payments made**

**50.**—(1) Paragraph (2) applies where the interim payments amount in relation to a person is less than the pre-commencement benefits amount in relation to that person.

(2) The administrators must pay to the person the amount of the difference between the two amounts mentioned in paragraph (1).

#### **Deduction of any excess interim payments**

**51.**—(1) Paragraph (2) applies where the interim payments amount in relation to a person is greater than the pre-commencement benefits amount in relation to that person.

(2) Where the person is entitled to the payment of a pension under Part 3 or 6, the amounts mentioned in paragraph (1) may be deducted from payments of the pension in such instalments as the administrators may decide.

## **[<sup>F139</sup>PART 7A**

### **Refund of Excess Contributions**

#### **Textual Amendments**

**F139** Pt. 7A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **31**

### Application of Part

**51A.** This Part applies where on 1st April 2023, a member (“P”)—

- (a) has or had a liability to pay contributions under Part 8 or 9; and
- (b) has made an excess contributions payment.

### Definitions

**51B.—**(1) In this Part—

- (a) “contributions” means any contribution paid under Part 8 or 9 of these Regulations, regulation 4.6 of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995, the Judicial Pensions (Contributions) Regulations 1995, or the Judicial Pensions (Contributions) Regulations 2012;
- (b) “excess contributions payment” means the amount of contributions paid by P during an excess contributions period;
- (c) “excess contributions period” means any period during which P paid contributions after the aggregate length of P’s reckonable service and JUPRA service exceeded 20 years;
- (d) “interim contributions refund” means the total amount (if any) that was paid to any person under arrangements made for the purpose of refunding excess contributions payments before the amendment day.

(2) For the purposes of the definition of “excess contributions period”—

- (a) reckonable service means the aggregate length of P’s reckonable service in eligible fee-paid judicial offices, including any eligible fee-paid offices in respect of which P has taken partial retirement, determined in accordance with regulation 5 but as if regulation 5(2) did not apply;
- (b) reckonable service includes added years of pension credit purchased under regulation 4.2(2) of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995;
- (c) any contributions made by P under regulation 4.6 of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995 are deemed to have been the most recent contributions made by P, regardless of when they were actually made (except for the purpose of calculating interest under regulation 51C(1)); and
- (d) reckonable service in any office which P held before 31st March 1995 which is specified in Tables 1 or 2 of Schedule 1 is multiplied by 20 and divided by 15.

### Additional payment of refund

**51C.—**(1) Paragraph (2) applies where the interim contributions refund in relation to P is less than the excess contributions payment plus compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

(2) The administrators must apply the difference between the two amounts mentioned in paragraph (1) as follows—

- (a) to discharge any liability P has under regulation 53(1) (liability to pay pre-commencement contributions);
- (b) to discharge any liability P has under regulation 53A(1) (liability to pay initial pre-commencement contributions); and
- (c) to pay any sum remaining thereafter to P.

### Recovery of excess refund

**51D.**—(1) Paragraph (2) applies where the interim contributions refund in relation to P is greater than the excess contributions payment.

(2) The administrators may recover the difference between the two amounts mentioned in paragraph (1) from P, including by way of deduction from any retirement benefits to which P is entitled under these Regulations, including in such instalments from payments of retirement pension as the administrators may determine.]

## PART 8

### CONTRIBUTIONS IN RESPECT OF PRE-COMMENCEMENT SERVICE

#### Modifications etc. (not altering text)

**C6** Pts. 8, 9 excluded (1.4.2021) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2021 \(S.I. 2021/444\)](#), regs. 1(1), **6(1)**

### Interpretation

**52.** In this Part—

“fee period” means a period specified in column 1 of [<sup>F140</sup>Table 1 of the Contributions Tables];

[<sup>F141</sup>“the initial pre-commencement dependants’ contributions amount” means the amount payable in accordance with this Part for the period before 7th April 2000;]

“the pre-commencement contributions amount” has the meaning given by regulation 53(1);

“P” means a member who is not an opted-out member;

[<sup>F142</sup>“the Contributions Tables” means Tables 1 to 10 in Schedule 3.]

#### Textual Amendments

**F140** Words in reg. 52 substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **32(a)**

**F141** Words in reg. 52 inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **32(b)**

**F142** Words in reg. 52 substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **32(c)**

### Liability to pay pre-commencement contributions amount

**53.**—(1) P must pay to the appropriate Minister an amount (“the pre-commencement contributions amount”), being the sum of—

- (a) the pre-commencement personal contributions amount (see regulation 54), and
- (b) the pre-commencement dependants' contributions amount (see regulation 55).

(2) Paragraph (1) is subject to paragraphs (3) and (4).

(3) P is not required to pay the pre-commencement contributions amount if P—

- (a) retired before the commencement day, and

- (b) had on retirement less than two years qualifying judicial service.
- (4) P is not required to pay so much of the pre-commencement contributions amount as is represented by the amount mentioned in paragraph (1)(b) if P—
  - (a) retired before the commencement day,
  - (b) was not married or in a civil partnership at any time during the period—
    - (i) beginning with the day on which P first held an eligible fee-paid judicial office, and
    - (ii) ending with the day on which P retired; and
  - (c) did not have a qualifying child at any time during that period.

**[<sup>F143</sup>Liability to pay initial pre-commencement contributions amount**

**53A.**—(1) P must pay to the appropriate Minister the initial pre-commencement contributions amount being the sum of—

- (a) the initial pre-commencement personal contributions amount in respect of service credit days (see regulation 54A); and
  - (b) the initial pre-commencement dependants' contributions amount (see regulation 55A).
- (2) Paragraph (1) is subject to paragraphs (3) and (4).
- (3) P is not required to pay the initial pre-commencement contributions amount if P had on retirement less than two years qualifying judicial service.
- (4) P is not required to pay the initial pre-commencement dependants' contributions amount if P—
- (a) retired before 31st March 2023,
  - (b) was not married or in a civil partnership at any time during the period—
    - (i) beginning with the day on which P first held an eligible fee-paid judicial office and
    - (ii) ending with the day on which P retired; and
  - (c) did not have a qualifying child at any time during that period.]

**Textual Amendments**

**F143** Reg. 53A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **33**

**Calculation of pre-commencement personal contributions amount**

**54.** The pre-commencement personal contributions amount in relation to P is determined as follows—

*Step 1*

For each fee period, find the total of the fees paid to P in respect of qualifying fee-paid days falling within the period.

*Step 2*

Multiply the total found under Step 1 for each fee period by the percentage specified in relation to that fee period in column 2 of [<sup>F144</sup>Table 1 of the Contributions Tables or in column 2 of a table referred to in that column, as the case may be].

*Step 3*

Add together the amounts found under Step 2.

**Textual Amendments**

**F144** Words in [reg. 54](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [34](#)

**[<sup>F145</sup>Calculation of initial pre-commencement personal contributions amount: service credit days**

**54A.** The initial pre-commencement personal contributions amount in respect of service credit days is determined as follows—

*Step 1*

For the fee period from 1st April 2012 to 31st March 2013, determine the total of fees paid to P in respect of service credit days.

*Step 2*

Multiply the total determined under Step 1 by the percentage specified in relation to that sum in column 2 of Table 9 of the Contributions Tables.

*Step 3*

For the fee period from 1st April 2013 to 31st March 2014, determine the total of fees paid to P in respect of service credit days.

*Step 4*

Multiply the total determined under Step 3 by the percentage specified in relation to that sum in column 2 of Table 10 of the Contributions Tables.

*Step 5*

Add together the amounts determined under Steps 2 and 4.]

**Textual Amendments**

**F145** [Reg. 54A](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [35](#)

**[<sup>F146</sup>Calculation of pre-commencement dependants' contributions amounts**

**55.**—(1) The pre-commencement dependants' contribution amount for each eligible fee-paid judicial office held by P is determined under paragraph (2) or (3) as applicable.

(2) For an office specified in Table 1 or 2 of Schedule 1—

*Step 1*

For each fee period from 7th April 2000 to 31st March 2017, determine the total of fees paid to P in respect of qualifying fee-paid days.

*Step 2*

Multiply the totals determined under Step 1 by the percentage specified in relation to the applicable fee period in column 3 of Table 1 of the Contributions Tables or column 3 of a table referred to in that table.

(3) For offices specified in Table 3 or 4 of Schedule 1—

*Step 1*

For each fee period from 7th April 2000 to 31st March 2017 determine the total of fees paid to P in respect of qualifying fee-paid days.

*Step 2*

Multiply the totals determined under Step 1 by the percentage specified in relation to the applicable fee period in column 4 of Table 1 of the Contributions Tables or column 4 of a table referred to in that table.

*Step 3*

Determine the total of fees paid to P in respect of any service credit days.

*Step 4*

Multiply the total determined under Step 3 by the appropriate percentage specified in Table 8.

*Step 5*

Add together the amounts determined under Steps 2 and 4.]

**Textual Amendments**

**F146** Reg. 55 substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **36**

**[<sup>F147</sup> Calculation of initial pre-commencement dependants' contributions amount**

**55A.**—(1) The initial pre-commencement dependants' contributions amount in relation to each eligible office held by P is determined under paragraph (2) or (3) as applicable.

(2) For an office specified in Table 1 or Table 2 of Schedule 1—

*Step 1*

Determine the total of fees paid to P in respect of qualifying fee-paid days falling within the period before 7th April 2000.

*Step 2*

Multiply the total determined under Step 1 by the percentage specified in column 3 of the first row of Table 1 of the Contributions Tables.

(3) For offices specified in Table 3 or Table 4 of Schedule 1—

*Step 1*

Determine the total of any fees paid to P in respect of qualifying fee-paid days falling within the period before 7th April 2000.

*Step 2*

Multiply the total determined under Step 1 by the percentage specified in column 4 of the first row of Table 1 of the Contributions Tables.

*Step 3*

Determine the total of any fees paid to P in respect of any service credit days.

*Step 4*

Multiply the total determined under Step 3 by the appropriate percentage specified in Table 8.

*Step 5*

Add together the amounts determined under Steps 2 and 4.]

**Textual Amendments**

**F147** Reg. 55A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **37**

**Qualifying fee-paid days disregarded if they do not add to reckonable service**

**56.**—(1) A qualifying fee-paid day worked in an eligible fee-paid judicial office is disregarded for the purposes of [<sup>F148</sup>regulations 54, 54A, 55 and 55A] if P's reckonable service in relation to that office would have been equal to or greater than the maximum amount in relation to that office, had P retired on the day before that day.

(2) The reference in paragraph (1) to the maximum amount in relation to an office is to that amount as determined in accordance with regulation 5 (reckonable service).

**Textual Amendments**

**F148** Words in reg. 56(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **38**

**The Contributions Table**

<sup>F149</sup>**57.** . . . . .

**Textual Amendments**

**F149** Reg. 57 omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **39**

**Payment of pre-commencement contributions amount**

**58.**—(1) The pre-commencement contributions amount, or any part of it, may be paid—

- (a) by way of a lump sum at any time during the period of 6 months beginning with the commencement day;
- (b) by way of such deductions from fees paid to P in respect of fee-paid days as may be specified in an agreement between P and the appropriate Minister,

and for the purposes of paragraph (b), a “fee-paid” day means a day in respect of which P receives a fee in P's capacity as a holder of an eligible fee-paid judicial office.

(2) The deductions specified under paragraph (1)(b)—

- (a) must be of fixed monetary amounts, and
- (b) must be the same for each fee.

(3) A new agreement under paragraph (1)(b) may be entered into at any time after the end of the period of 12 months beginning with the day on which the previous agreement was entered into.

(4) Except to the extent that the pre-commencement contributions amount has already been paid under paragraph (1), it is to be paid by way of a deduction from—

- (a) the lump sum payable to P under Part 3, or

- (b) where P dies before retiring, the lump sum payable in respect of P under Part 6.

**Modifications etc. (not altering text)**

- C7** Reg. 58(4) applied (with modifications) (1.4.2022) by [The Judicial Pensions Regulations 2022 \(S.I. 2022/319\)](#), reg. 1(4), **Sch. 1 para. 13** (with reg. 120)

**[<sup>F150</sup>Payment of initial pre-commencement contributions**

- 58A.**—(1) Contributions payable under regulations 53A, 54A or 55A may be paid—
- (a) by way of a lump sum at any time during the period of 6 months beginning with 1st April 2023;
  - (b) by way of such deductions from fees paid to P in respect of fee-paid days as may be specified in an agreement between P and the appropriate Minister.
- (2) For the purposes of paragraph (1)(b), a “fee-paid day” means a day in respect of which P receives a fee in P’s capacity as a holder of an eligible fee-paid judicial office.
- (3) The deductions specified under paragraph (1)(b)—
- (a) must be of fixed monetary amounts; and
  - (b) must be the same for each fee.
- (4) A new agreement under paragraph (1)(b) may be entered into at any time after the end of the period of 12 months beginning with the day on which the previous agreement was entered into.
- (5) Regulation 65 applies as if the references to pre-commencement dependants’ contributions included any contributions paid under regulations 54A and 55A.
- (6) Except to the extent that contributions payable under regulations 53A, 54A or 55A have already been paid under paragraph (1), they are to be paid by way of deduction from—
- (a) any lump sum payable to P under regulation 11N or Part 3; or
  - (b) where P dies before retiring, any lump sum payable for death in service in respect of P under regulations 11X or 45, or under regulation 102 of the Judicial Pensions Regulations 2022.]

**Textual Amendments**

- F150** Reg. 58A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **40**

## PART 9

### CONTRIBUTIONS IN RESPECT OF SERVICE ON OR AFTER COMMENCEMENT DAY

#### Interpretation

- 59.** In this Part—

“fee year” means the period beginning with 1st April in any year and ending with the 31st March in the following year; and

“P” means an active member.



**Liability to pay contributions on fees in respect of qualifying fee-paid days**

60. P must pay a contribution to the appropriate Minister on any fee paid to P in respect of a qualifying fee-paid day where the day is, or is after, the commencement day.

**Qualifying fee-paid days disregarded if they do not add to reckonable service**

61.—(1) Regulation 60 does not require P to pay a contribution in respect of a qualifying fee-paid day worked in an eligible fee-paid judicial office if P's reckonable service in relation to that office would have been equal to or greater than the maximum amount in relation to that office, had P retired on the day before that day.

(2) The reference in paragraph (1) to the maximum amount in relation to an office is to that amount as determined in accordance with regulation 5 (reckonable service).

**Amount of contribution**

62.—(1) The amount of the contribution payable on a fee under regulation 60 is the sum of—

- (a) the personal benefits contribution, and
- (b) the dependants' benefits contribution.

(2) The amount of the personal benefits contribution is the amount of the fee <sup>F151</sup>... multiplied by the percentage specified in column 2 of [<sup>F152</sup>Tables 1 to 7 in Schedule 3] for the relevant fee year, in the row relating to P's annualised fees for that year.

(3) The amount of the dependants' benefits contribution is the amount of the fee <sup>F153</sup>... multiplied by the percentage specified in [<sup>F154</sup>the relevant column in Tables 1 to 7 in Schedule 3][<sup>F155</sup>and for this purpose the relevant column is determined under paragraph (3ZA) or (3ZB)].

[<sup>F156</sup>(3ZA) If the fee was for an office specified in Table 1 or Table 2 of Schedule 1, the relevant column is column 3.

(3ZB) If the fee was for an office specified in Table 3 or 4 of Schedule 1, the relevant column is column 4.]

<sup>F157</sup>(3A) .....

<sup>F158</sup>(3B) .....

<sup>F159</sup>(3C) .....

<sup>F160</sup>(4) .....

<sup>F161</sup>(5) .....

<sup>F162</sup>(6) .....

(7) In [<sup>F163</sup>this regulation—]

<sup>F164</sup>(a) .....

[<sup>F165</sup>(b) “the relevant fee year” means the fee year in which the qualifying fee-paid day in respect of which the fee is paid falls.]

**Textual Amendments**

**F151** Words in reg. 62(2) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(a)(i)**

**F152** Words in reg. 62(2) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(a)(ii)**

- F153** Words in reg. 62(3) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(b)(i)**
- F154** Words in reg. 62(3) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(b)(ii)**
- F155** Words in reg. 62(3) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(b)(iii)**
- F156** Reg. 62(3ZA)(3ZB) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(c)**
- F157** Reg. 62(3A) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(d)**
- F158** Reg. 62(3B) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(d)**
- F159** Reg. 62(3C) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(d)**
- F160** Reg. 62(4) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(d)**
- F161** Reg. 62(5) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(d)**
- F162** Reg. 62(6) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(d)**
- F163** Reg. 62(7)(a) and words substituted (1.4.2020) by The Judicial Pensions and Fee-Paid Judges Pension Schemes (Contributions) (Amendment) Regulations 2020 (S.I. 2020/386), regs. 1, **3(2)(d)(i)**
- F164** Words in reg. 62(7) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **41(e)**
- F165** Reg. 26(7)(b): words in reg. 62(7) renumbered as reg. 62(7)(b) (1.4.2020) by The Judicial Pensions and Fee-Paid Judges Pension Schemes (Contributions) (Amendment) Regulations 2020 (S.I. 2020/386), regs. 1, **3(2)(d)(ii)**

**Contribution rates for fee years**

<sup>F166</sup>**63.** . . . . .

**Textual Amendments**

**F166** Reg. 63 omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **42**

**Payment of contribution**

**64.**—<sup>F167</sup>(1) A contribution payable under this Part is to be paid by way of deduction from the fee to which it relates.

<sup>F168</sup>(2) A contribution payable under section 52(4) of PSPJOA 2022 is to be paid in accordance with regulation 66 of the 2023 Regulations.]

**Textual Amendments**

**F167** Reg. 64(1): reg. 64 renumbered as reg. 64(1) (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), reg. 1(b), **Sch. para. 3(5)(a)**

**F168** Reg. 64(2) inserted (5.7.2023) by The Judicial Pensions (Remediable Service etc.) Regulations 2023 (S.I. 2023/766), reg. 1(b), **Sch. para. 3(5)(b)**

## PART 10

### REPAYMENT OF DEPENDANTS' BENEFITS CONTRIBUTIONS

#### Full repayment of dependants' benefits contributions on retirement

- 65.**—(1) This regulation applies where—
- (a) a member (“P”) retires on or after the commencement day, and
  - (b) conditions A and B are met.
- (2) On the day after that on which P retires, P becomes entitled to a payment from the appropriate Minister.
- (3) The amount of the payment under paragraph (2) is the sum of—
- (a) the amount previously paid by P under Part 8 to the extent that it consists of the pre-commencement dependants' contributions amount; and
  - (b) the total of the contributions previously paid by P under Part 9 to the extent that they represent dependants' benefits contributions.
- (4) Condition A is that, on the day on which P retires—
- (a) P is not married and is not in a civil partnership; and
  - (b) P does not have a qualifying child.
- (5) Condition B is that, at all times since P first held an eligible fee-paid judicial office (or if later, since 7th April 2000)—
- (a) P was not married and was not in a civil partnership, and
  - (b) P did not have a qualifying child.
- (6) In this Part—
- “the pre-commencement dependants' contributions amount” means the amount determined under regulation 55;
  - “dependants' benefits contribution” means the amount determined under regulation 62(3).

#### Partial repayment of dependants' benefits contributions on retirement

- 66.**—(1) This regulation applies where—
- (a) a member (“P”) retires (whether before, on or after the commencement day), and
  - (b) conditions A and B are met.
- (2) On the relevant day, P becomes entitled to a payment from the appropriate Minister.
- (3) In paragraph (2) “the relevant day” means—
- (a) the day after that on which P retires, or
  - (b) if later, the commencement day.
- (4) The amount of the payment under paragraph (2) is the sum of—
- (a) the amount previously paid by P under Part 8 which consists of so much of the pre-commencement dependants' contributions amount as is attributable to qualifying fee-paid days falling after the specified date; and
  - (b) the total of the contributions previously paid by P under Part 9 which represent dependants' benefits contributions paid on fees in respect of qualifying fee-paid days falling after the specified date.
- (5) Condition A is that, on the day on which P retires—

- (a) P is not married and is not in a civil partnership; and
- (b) P does not have a qualifying child.

(6) Condition B is that, on any day during the period beginning with the day on which P first held an eligible fee-paid judicial office (or 7 April 2000 if later) and ending with the day on which P retires—

- (a) P was married or was in a civil partnership, or
- (b) P had a qualifying child.

(7) In this regulation “the specified date” means the last day in respect of which condition B is met.

### **Full repayment of dependants' benefits contributions on partial retirement**

**67.**—(1) This regulation applies where—

- (a) a member (“P”) takes partial retirement in relation to an eligible fee-paid judicial office (“the relevant office”), and
- (b) conditions A and B are met.

(2) On the day after that on which P takes partial retirement, P becomes entitled to a payment from the appropriate Minister.

(3) The amount of the payment under paragraph (2) is the sum of—

- (a) the amount previously paid by P under Part 8 which consists of so much of the pre-commencement dependants' contributions amount as is attributable to qualifying fee-paid days worked in the relevant office; and
- (b) the total of the contributions previously paid by P under Part 9 which represent dependants' benefits contributions paid on fees in respect of qualifying fee-paid days worked in the relevant office.

(4) Condition A is that, on the day on which P takes partial retirement—

- (a) P is not married and is not in a civil partnership; and
- (b) P does not have a qualifying child.

(5) Condition B is that, at all times since P first held the relevant office (or if later, since 7th April 2000)—

- (a) P was not married and was not in a civil partnership, and
- (b) P did not have a qualifying child.

### **Partial repayment of dependants' benefits contributions on partial retirement**

**68.**—(1) This regulation applies where—

- (a) a member (“P”) takes partial retirement in relation to an eligible fee-paid judicial office (“the relevant office”), and
- (b) conditions A and B are met.

(2) On the day after that on which P takes partial retirement, P becomes entitled to a payment from the appropriate Minister.

(3) The amount of the payment under paragraph (2) is the sum of—

- (a) the amount previously paid by P under Part 8 which consists of so much of the pre-commencement dependants' contributions amount as is attributable to qualifying fee-paid days that—

- (i) were worked in the relevant office; and
    - (ii) fell after the specified date; and
  - (b) the total of the contributions previously paid by P under Part 9 to the extent that they consist of dependants' benefits contributions and were paid on fees in respect of qualifying fee-paid days that—
    - (i) were worked in the relevant office; and
    - (ii) fell after the specified date.
- (4) Condition A is that, in the day on which P takes partial retirement in relation to the relevant office—
- (a) P is not married and is not in a civil partnership; and
  - (b) P does not have a qualifying child.
- (5) Condition B is that, on any day during the period beginning with the day on which P first held the relevant office and ending with the day on which P takes partial retirement—
- (a) P was married or was in a civil partnership, or
  - (b) P had a qualifying child.
- (6) In this regulation “the specified date” means the last day in respect of which condition B is met.

#### **Repayments under this Part to be paid with compound interest**

**69.** Where the appropriate Minister makes a payment to a member under this Part, it must be paid together with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

## **[<sup>F169</sup>PART 10A**

### **Commutation of small pensions**

#### **Textual Amendments**

**F169** Pt. 10A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **43**

#### **Commutation of small pensions**

**69A.**—(1) This regulation applies if the cash value of the retirement benefits of a member who retires on or after 1st April 2023, or of such a member’s beneficiary, does not exceed the small pensions commutation maximum.

(2) The administrators must, subject to paragraph (3) and after taking appropriate actuarial advice, pay the member or the member’s beneficiary a lump sum of such amount as represents the cash value of the retirement benefits if—

- (a) the member or the member’s beneficiary consents to receipt of a lump sum in place of the retirement benefits; and
- (b) the requirements of the commutation provisions that apply in the circumstances, had this scheme been a registered pension scheme, are met.

- (3) The administrators may not pay a lump sum to a member under paragraph (2) which would be a trivial commutation lump sum had this scheme been a registered pension scheme where—
- (a) the member has been paid a trivial commutation lump sum from any registered pension scheme; and
  - (b) a period of 12 months has elapsed from the date of that payment (or the earlier or earliest such payment where there is more than one).
- (4) The administrators must, after taking appropriate actuarial advice, pay the member or the member’s beneficiary a lump sum of such amount as represents the cash value of the retirement benefits if—
- (a) the member or the member’s beneficiary consents to receipt of a lump sum in place of the retirement benefits; and
  - (b) the cash value of the retirement benefits is less than £10,000.
- (5) A lump sum under this regulation may only be paid—
- (a) on or after the date when the member or member’s beneficiary is entitled to payment of a pension; and
  - (b) before the first payment of the pension is made.
- (6) The payment of a lump sum under this regulation in place of a pension discharges all liabilities under this scheme in respect of that pension.
- (7) In this regulation—
- “beneficiary” includes a transferee within the meaning of regulation 29(1);
  - “the commutation provisions” means the provisions permitting the commutation of pensions set out in—
    - (a) paragraph 7 of Schedule 29 (registered pension schemes: authorised lump sums - supplementary) to the Finance Act 2004 (which defines trivial commutation lump sums for the purposes of Part 4 of that Act) and, in relation to a pension payable under Part 8, paragraph 20 of that Schedule (which defines trivial commutation lump sum death benefit for the purposes of Part 4 of that Act); and
    - (b) Part 2 (commutation payments) of the Registered Pension Schemes (Authorised Payments) Regulations 2009;
  - “retirement benefits” means all benefits payable under these Regulations, including any additional benefits purchased by the member;
  - “the small pensions commutation maximum” means the amount that is permitted to be commuted taking account of all sources of pension and having regard to the commutation provisions that apply in the circumstances, had this scheme been a registered pension scheme.]

**PART 11**  
**TRANSFERS**  
**CHAPTER 1**  
**GENERAL**

**Interpretation**

- 70.**—(1) In this Part—
- “authorised insurer” means—

- (a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000 <sup>F170</sup> to effect or carry out contracts of long-term insurance (within the meaning of article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 <sup>F171</sup>), <sup>F172</sup> ...
- (b) <sup>F172</sup> ...
- “last day of reckonable service” has the meaning given in regulation 72;
- “market level adjustment” has the meaning given in regulation 78;
- “normal pension age” means the earliest age at which, if a person's qualifying judicial service had continued until retirement at that age, a member might have been entitled to receive a pension under the principal scheme, otherwise than by reason of meeting the ill-health certification condition;
- “occupational pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993 <sup>F173</sup> or, in relation to Northern Ireland, section 1 of the Pension Schemes (Northern Ireland) Act 1993 <sup>F174</sup>;
- “the option” has the meaning given by regulation 74(1);
- “P” means a member;
- “personal pension scheme” has the meaning given by section 1 of the Pension Schemes Act 1993 or, in relation to Northern Ireland, section 1 of Pension Schemes (Northern Ireland) Act 1993;
- “relevant date”—
- (a) when used in Chapter 2, has the meaning given by regulation 73;
- (b) when used in Chapter 3, has the meaning given by regulation 83;
- “relevant schemes” means the principal scheme, the FPJAYS and the JASAPS.
- (2) In this Part, references to numbered Tables are to the Tables in Schedule 2 to the Judicial Pensions (Transfer of Accrued Benefits) Regulations 1995 <sup>F175</sup>.
- (3) The definition of “authorised insurer” in paragraph (1) must be read with—
- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section;
- (c) Schedule 2 to that Act <sup>F176</sup>.

#### Textual Amendments

- F170** 2000 c.8. Part 4A was substituted for Part 4 by section 1 of the [Financial Services Act 2012 \(c.21\)](#).
- F171** [S.I. 2001/544](#), to which there are amendments not relevant to these Regulations.
- F172** Words in [reg. 70\(1\)](#) omitted (31.12.2020) by virtue of [The EEA Passport Rights \(Amendment, etc., and Transitional Provisions\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1149\)](#), [reg. 1\(3\)](#), [Sch. para. 90](#) (with [reg. 4](#)); [2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F173** 1993 (c. 48). Section 1 was amended by section 239 of the [Pensions Act 2004 \(c.35\)](#); paragraph 23(1) of Schedule 20, and Part 3(2) of Schedule 27 to the [Finance Act 2007 \(c.11\)](#); [S.I. 1999/1820](#) and [S.I. 2007/3014](#).
- F174** 1993 (c.49). Section 1 was amended by [S.I. 1999/3147 \(N.I.11\)](#); [S.R. 2000/133](#).
- F175** [S.I. 1995/637](#). The tables in Schedule 12 to the Regulations were amended by [S.I. 2005/3325](#).
- F176** [Schedule 2](#) was amended by paragraph 1 of Schedule 2 to the [Dormant Bank and Building Society Accounts Act 2008 \(c.31\)](#).

## Disapplication of other provisions about transfers

**71.** Chapter 1 of Part 4ZA of the Pension Schemes Act 1993 (transfer rights: general)<sup>F177</sup> and Chapter 1 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993 (transfer rights: general)<sup>F178</sup> do not apply in relation to the relevant schemes.

### Textual Amendments

**F177** Part 4ZA was inserted by paragraph 8 of Schedule 4 to the Pension Schemes Act 2015 (c.8).

**F178** Chapter 4 of Part 4 of the Pension Schemes (Northern Ireland) Act 1993 was renumbered as Chapter 1 of Part 4 ZA of that Act by paragraph 50 of Schedule 4 to the Pension Schemes Act 2015.

## CHAPTER 2

### TRANSFERS OUT

#### Transfers out

- 72.**—(1) Where the conditions set out in paragraph (2) are met, regulations 73 to 82 apply to P—
- (a) to or in respect of whom benefits are payable under one or more of the relevant schemes; and
  - (b) the last day which counts towards P's reckonable service (“last day of reckonable service”) or the last day on which P held an eligible fee-paid judicial office is on or after the commencement day.
- (2) The conditions are that—
- (a) P has not retired;
  - (b) on P's last day of reckonable service—
    - (i) P has accrued rights to benefits under the principal scheme; or
    - (ii) P would have such rights if P's qualifying judicial service had also ended on that date, and
  - (c) either—
    - (i) P's age on 6th February 2013 was more than one year under normal pension age, and P exercises the option within twelve months of [<sup>F179</sup>the amendment day (in which case the restriction in regulation 79 does not apply to P)]; or
    - (ii) P's age on the date P exercises the option is at least one year under normal pension age.

### Textual Amendments

**F179** Words in reg. 72(2)(c)(i) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), 44

#### Qualifying member's right to a transfer payment

**73.**—(1) On P's last day of reckonable service, P acquires a right to the cash equivalent at the relevant date of any benefits which have accrued to, or in respect of P, under the relevant schemes.

(2) In this Chapter “the relevant date” means the date of any application which P has made under regulation 80 and which has not been cancelled.



### Method of taking cash benefit

74.—(1) P may only exercise the right in regulation 73(1) by exercising the option conferred by this paragraph (“the option”).

(2) The option is that of requiring the Treasury to use the cash equivalent in whichever of the following ways P chooses—

- (a) for acquiring transfer credits allowed under the rules of another occupational pension scheme—
  - (i) whose trustees or managers are able and willing to accept the transfer; and
  - (ii) which satisfies the requirements in regulation 75;
- (b) for acquiring rights allowed under the rules of a personal pension scheme—
  - (i) whose trustees or managers are able and willing to accept the transfer; and
  - (ii) which satisfies the requirements in regulation 75;
- (c) for purchasing one or more annuities satisfying the requirements in regulation 75 from one or more authorised insurers—
  - (i) chosen by P, and
  - (ii) willing to accept payment on P's account from the Treasury;
- (d) for subscribing to other pension arrangements which satisfy the requirements in regulation 75.

(3) P may exercise the option in different ways in relation to different portions of P's cash equivalent.

(4) If P exercises the option P must do so in relation to the whole of P's cash equivalent.

(5) In this regulation, “transfer credits” has the meaning given by section 181(1) of the Pension Schemes Act 1993, or in relation to Northern Ireland, section 176(1) of the Pension Schemes (Northern Ireland) Act 1993 <sup>F180</sup>.

#### Textual Amendments

**F180** Sections 181(1) of the Pension Schemes Act 1993 and 176(1) of the Pension Schemes (Northern Ireland) Act 1993 have been amended, but the amendments are not relevant to these Regulations.

### Requirements to be satisfied by schemes

75. The requirements to be satisfied by an occupational pension scheme, personal pension scheme, annuity or other pension arrangement referred to in regulation 74(2) are that the scheme, annuity or arrangement is—

- (a) a registered pension scheme, or
- (b) a pension arrangement that is a qualifying recognised overseas pensions scheme for the purposes of Part 4 (pension schemes etc) of the Finance Act 2004.

### Calculation of cash equivalents

76.—(1) The cash equivalent of accrued benefits is to be calculated in accordance with the formula—

- (a)

$$MLA \times (p \times PF + I \times L + w \times SF - (2 \times g78 + g88) \times GMP)$$

(b)

$$MLA \times (p \times PF + I \times L + (g78 + 2 \times g88) \times SF - (2 \times g78 + g88) \times GMP)$$

(c)

$$MLA \times (p \times PF + I \times L + g88 \times SF - (2 \times g78 + g88) \times GMP)$$

(2) For the purpose of the calculations in paragraph (1)—

- (a) MLA is the market level adjustment;
- (b) p is the accrued annual pension to which P would be entitled under these Regulations, together with pensions increases under the Pensions (Increase) Acts 1971 <sup>F181</sup> and 1974 <sup>F182</sup> and the Pensions (Increase) Act (Northern Ireland) 1971 <sup>F183</sup> between the date of leaving the relevant schemes and the relevant date;
- (c) PF is the pension factor set out in Table 3 applicable to P's age last birthday as at the relevant date;
- (d) I is the accrued lump sum under the relevant schemes of P (less any deductions in respect of unpaid contributions payable under Part 9 of these Regulations, or any other sum payable under these Regulations), together with pensions increases under the Pensions (Increase) Acts 1971 and 1974 and the Pensions (Increase) Act (Northern Ireland) 1971 between the date of leaving the relevant schemes and the relevant date;
- (e) L is the lump sum factor set out in Table 3 applicable to P's age last birthday as at the relevant date;
- (f) w is the accrued annual surviving adult's pension which would apply under the relevant schemes if P were dead, together with pensions increases under the Pensions (Increase) Acts 1971 and 1974 and the Pensions (Increase) Act (Northern Ireland) 1971 between the date of leaving the relevant schemes and the relevant date;
- (g) SF is the spouse's or civil partner's factor applicable to P's age last birthday as at the relevant date set out under the heading—
  - (i) WM in Table 3 where P is married or a civil partner at the date of leaving the relevant schemes;
  - (ii) GSM in Table 3 where P is male and neither married nor a civil partner at the date of leaving the relevant schemes;
  - (iii) GSF in Table 3 where P is female and neither married nor a civil partner at the date of leaving the relevant schemes;
- (h) g78 is the guaranteed minimum pension per annum accrued prior to 6th April 1988, together with any increases under section 148 of the Social Security Administration Act 1992 <sup>F184</sup> or, in relation to Northern Ireland, section 130 of the Social Security Administration (Northern Ireland) Act 1992 <sup>F185</sup> in the period between leaving the relevant scheme and the relevant date;
- (i) g88 is the guaranteed minimum pension per annum accrued on or after 6th April 1988, together with any increases under section 148 of the Social Security Administration Act 1992 or, in relation to Northern Ireland, section 130 of the Social Security Administration (Northern Ireland) Act 1992 in the period between leaving the relevant scheme and the relevant date;
- (j) GMP is the guaranteed minimum pension factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—
  - (i) GM in Table 5 where P is male; and
  - (ii) GF in Table 5 where P is female.

#### Textual Amendments

**F181** 1971 c.56.

**F182** 1974 c.9.

**F183** 1971 c.35 (N.I.).

**F184** 1992 c.5. Section 148 was amended by paragraph 27 of Schedule 8 to the Pension Schemes Act 1993 (c.48) and section 37 of the Child Support, Pensions and Social Security Act 2000 (c.19).

**F185** 1992 c.8. Section 130 was amended by S.I. 1995/3213 (N.I.22).

#### Delayed payments

77. When the transfer payment is, without good reason, not made within 6 months of the relevant date, the transfer payment is the greater of—

- (a) the value of the cash equivalent as at the relevant date increased with interest on a daily basis over the period from the relevant date to the date of payment at the rate set out in regulation 10(2) of the Occupational Pension Schemes (Transfer Values) Regulations 1996<sup>F186</sup> or, in relation to Northern Ireland, regulation 10(2) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996<sup>F187</sup>, as amended from time to time; and
- (b) the value of the cash equivalent recalculated as if the date of payment had been the relevant date.

#### Textual Amendments

**F186** S.I. 1996/1847.

**F187** S.I. 1996/619.

#### Calculation of market level adjustment

78.—(1) For the purposes of regulations 76 and 88 the market level adjustment is the figure calculated in accordance with the formula—

$$A \times B + (1 - A) \times C$$

rounded up to four decimal places, where—

- a A is the decimal part of the yield on index-linked stocks;
- b B is the adjustment factor set out in Table 1 in the row relating to P's age last birthday as at the relevant date and in the column headed by the full percentage figure immediately above the percentage figure for the yield on index-linked stocks; and
- c C is the adjustment factor set out in Table 1 which is in the row relating to P's age last birthday as at the relevant date and which appears in the column headed by the full percentage figure which is equal to or immediately below the percentage figure for the yield on index linked stocks.

(2) In this regulation “the yield on index-linked stocks” means the real yield to redemption on the Financial Times-Actuaries Index of index-linked Government securities with 5 or more years to redemption assuming 5% inflation, in respect of the first working day of the month in which the relevant date falls as published in the Financial Times.

### **Time within which option must be exercised**

- 79.**—(1) P may only exercise the option on or before the last option date.
- (2) The last option date is the later of—
- (a) the date which falls one year before the date on which P reaches normal pension age;
  - (b) the last day of the period of 6 months beginning with the day after P's last day of reckonable service.
- (3) P loses the right to any cash equivalent under this Chapter if—
- (a) P's pension under these Regulations becomes payable before P reaches normal pension age; or
  - (b) P fails to exercise the option on or before the last option date.

### **Option to be exercised in writing**

- 80.**—(1) P may only exercise the option by making an application in writing to the administrators for submission to the Treasury.
- (2) If the Treasury receive an application under this regulation, the Treasury must do what is needed to comply with the choice made by P in exercising the option—
- (a) within 12 months of the date on which it receives P's application, or
  - (b) no later than the date on which P attains normal pension age,
- whichever is earlier.

### **Options: discharge of responsibility**

- 81.** In any case where—
- (a) P has exercised the option, and
  - (b) the Treasury have done what is needed to comply with the choice made by P in exercising the option,

the Treasury are discharged from any obligation to provide benefits to which the cash equivalent related.

### **Cancellation of exercise of option**

- 82.**—(1) P may cancel the exercise of the option by giving the Treasury notice in writing that P no longer wishes it to be exercised.
- (2) A notice given under paragraph (1) does not have effect if it is given to the Treasury at a time when, in order to comply with the choice made by P in exercising the option, the Treasury have entered into an agreement with a third party to use the whole or part of P's cash equivalent in a way specified in regulation 74(2).
- (3) The cancellation of the exercise of an option by P under paragraph (1) does not affect P's right to make another application under regulation 80.

## **CHAPTER 3**

## **TRANSFERS IN**

### **Application of Chapter and interpretation**

- 83.**—(1) This Chapter applies in relation to P if—

- (a) P has accrued rights under a registered pension scheme, and
  - (b) P's age on 6th February 2013 was more than one year under normal pension age.
- (2) In this Chapter—
- “additional pension” has the meaning given in regulation 88;
  - “derivative benefit” has the meaning given in regulation 87;
  - “the relevant date” means the date on which a transfer payment is received by the administrators;
  - “transfer payment” has the meaning given by regulation 84.

### **Application to accept payment into scheme**

**84.**—(1) P may ask the administrators to accept a payment into the principal scheme (“a transfer payment”) representing the cash equivalent of P's accrued rights in any registered pension scheme.

- (2) The administrators may refuse to accept the payment or any part of it.
- (3) <sup>[F188]</sup>Unless paragraph (4) applies to P] a request under paragraph (1) must be made—
  - (a) in writing;
  - (b) before P has reached normal pension age; and
  - (c) not less than one year before P becomes entitled to a pension under these Regulations on retirement from P's eligible fee-paid judicial office.

<sup>[F189]</sup>(4) If P meets the requirement in regulation 83(1), P may make a request in writing within the period of one year beginning with the amendment day and must nominate a date on which the transfer is to take effect, between 6th February 2013 and the amendment day, which must be a day on which P would have met the requirements set out in paragraph (3)(b) and (c).]

#### **Textual Amendments**

**F188** Words in [reg. 84\(3\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [45\(a\)](#)

**F189** [Reg. 84\(4\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [45\(b\)](#)

### **Cancellation of request**

**85.**—(1) P may, by notice in writing given to the administrators, cancel a request made under regulation 84 at any time before it has been accepted.

- (2) If P cancels a request, P may make another.

### **Manner of accepting payment**

**86.** Payments into the principal scheme must be made directly from the trustees or administrators of the registered pension scheme and in no other manner.

### **Benefits to be provided**

**87.**—(1) The benefits to be provided to P in respect of a transfer payment into the principal scheme are—

- (a) an annual pension payable to P from the same date and at the same intervals as P's pension under the principal scheme; and

- (b) derivative benefits payable at the same intervals and to the same persons as the benefits under the principal scheme are payable.
- (2) In this Chapter, “derivative benefit” means—
- (a) a lump sum under regulation 25,
  - (b) a surviving adult's pension under regulation 36, and
  - (c) a children's pension under regulation 42.

### Calculation of benefits in respect of transfer payments

**88.**—(1) This regulation applies for the purposes of calculating the annual pension and derivative benefits to be provided to P to reflect a transfer payment into the principal scheme (“the additional pension”).

- (2) In this regulation—
- (a) the guaranteed minimum pension used in the calculations is that provided by the Department for Work and Pensions, or, in relation to Northern Ireland, the Department for Communities which corresponds to the application of revaluation orders under section 148 of the Social Security Administration Act 1992 <sup>F190</sup> or section 130 of the Social Security Administration (Northern Ireland) Act 1992 <sup>F191</sup>;
  - (b) the transfer payment is to include the amount of any limited revaluation premium (as defined in section 55 of the Pension Schemes Act 1993 <sup>F192</sup> and section 51 of the Pension Schemes (Northern Ireland) Act 1993 <sup>F193</sup>) paid by a previous scheme (as those provisions had effect before they were repealed).
- (3) The additional pension in respect of a transfer payment is to be calculated in accordance with the formula—

(a)

$$\left( \frac{TP}{MLA} + (2 \times g78 + g88) \times GMP \right) \div (PF + 2.25 \times L + 0.5 \times SF1)$$

(b)

$$\left( \frac{TP}{MLA} - (g78 + 2 \times g88) \times SF2 + (2 \times g78 + g88) \times GMP \right) \div (PF + 2.25 \times L + 0.5 \times SF1)$$

(c)

$$\left( \frac{TP}{MLA} - g88 \times SF2 + (2 \times g78 + g88) \times GMP \right) \div (PF + 2.25 \times L + 0.5 \times SF1)$$

- (4) For the purpose of the calculations in paragraph (3)—
- (a) TP is the transfer payment from the scheme from which P is transferring;
  - (b) MLA is the market level adjustment;
  - (c) PF is the pension factor set out in Table 5 applicable to P's age last birthday as at the relevant date;
  - (d) L is the lump sum factor set out in Table 5 applicable to P's age last birthday as at the relevant date;
  - (e) SF1 is the spouse's or civil partner's factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—
    - (i) WM in Table 5 where P is married or a civil partner at the relevant date;
    - (ii) WS in Table 5 where P is neither married nor a civil partner at the relevant date;

- (f) SF2 is the spouse's or civil partner's factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—
- (i) GSM in Table 5 where P is male and neither married nor a civil partner at the relevant date;
  - (ii) GSF in Table 5 where P is female and neither married nor a civil partner at the relevant date;
- (g) g78 is the guaranteed minimum pension per annum accrued prior to 6th April 1988;
- (h) g88 is the guaranteed minimum pension per annum accrued on or after 6th April 1988;
- (i) GMP is the guaranteed minimum pension factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—
- (i) GM in Table 5 where P is male; and
  - (ii) GF in Table 5 where P is female.
- (5) The lump sum payable under regulation 25 in respect of the transfer payment is
- (6) The surviving adult's pension payable under regulation 36 in respect of the transfer payment is
- (7) The children's pension payable under regulation 42 in respect of the transfer payment bears the same proportion to the additional pension as the rate of the children's pension payable under that regulation under the principal scheme bears to the rate of the P's pension under that scheme as set out in regulation 43.

#### Textual Amendments

- F190** 1992 (c.5). Section 148 was amended by paragraph 27 of Schedule 8 to the [Pension Schemes Act 1993 \(c.48\)](#) and section 37 of the [Child Support, Pensions and Social Security Act 2000 \(c.19\)](#).
- F191** 1992 (c.8). Section 130 was amended by [S.I. 1995/3213 \(N.I.22\)](#).
- F192** [Section 55](#) was repealed by paragraph 37 of Schedule 13 to the [Pensions Act 2014 \(c.19\)](#).
- F193** [Section 51](#) was repealed by paragraph 37 of Schedule 13 to the [Pensions Act \(Northern Ireland\) 2015 \(c.5\)](#).

#### Refusal to accept

**89.** Where the additional pension available to be transferred into the scheme is less than twice the aggregate accrued annual rate of the guaranteed minimum pension (if any) of P at the relevant date, the transfer payment must be rejected by the administrators.

## PART 12

### FEE-PAID JUDICIAL ADDITIONAL VOLUNTARY CONTRIBUTION SCHEME

#### Interpretation

**90.** In this Part—

“the 2004 Act” means the Finance Act 2004 <sup>F194</sup>;

“authorised provider” has the same meaning as in section 1(9) of the Superannuation Act 1972 <sup>F195</sup>;

“historic contributions” mean contributions which a JAVC member would have been able to make to the JAVC scheme during the period beginning with 7th April 2000 and ending with the day before the commencement day if the JAVC scheme had been established on 7th April 2000;

“JAVC member” means a member of the principal scheme who has given a notice under regulation 91(2);

“the JAVC scheme” means the Fee-Paid Judicial Additional Voluntary Contributions Scheme constituted by this Part;

“judicial pension scheme” means the scheme constituted by the Judicial Pensions Regulations 2015 <sup>F196</sup>, or any scheme constituted by the 1995 Regulations;

“qualifying recognised overseas pension scheme” has the meaning given in section 169(2) of the 2004 Act <sup>F197</sup>;

“scheme assets” means the total value of A minus B, where—

- (a) A is the sum of the realisable value of the investments made by the authorised provider with the JAVC member's contributions under regulation 94 and any transfer payment accepted under regulation 96; and
- (b) B is the sum of—
  - (i) any amount deducted in respect of tax under regulation 101;
  - (ii) the fees or charges of an authorised provider in relation to those investments defrayed in accordance with regulation 102; and
  - (iii) any amount that has been transferred out of the scheme under regulation 100;

“scheme contributions” means the total of payments made under regulation 94(2).

#### Textual Amendments

**F194** 2004 c. 12

**F195** 1972 c. 11; section 1(9) was amended by S.I. 2001/3649 and paragraph 35 of Schedule 18 to the Financial Services Act 2012 (c. 21).

**F196** S.I. 2015/182.

**F197** Section 169 was amended by section 53(5)(a) of the Finance Act 2013 (c. 29).

#### Membership

**91.**—(1) Membership of the JAVC scheme is open to active members of the principal scheme.

(2) A person to whom membership of the JAVC scheme is open may become a member of the JAVC scheme by giving notice in writing to the administrators within 12 months of the commencement day (or by such later date as the administrators may agree).

(3) A notice under paragraph (2) must include such information as the administrators may, for the purposes of carrying out functions under the JAVC scheme, require.

#### Further information

**92.**—(1) A JAVC member must, if requested by the administrators, provide or authorise to be provided such information as is requested by the administrators—

- (a) relating to the JAVC member's medical history and state of health;
- (b) about any benefits which the JAVC member may have which are derived from a registered pension scheme including information about any such benefits which have been transferred to another scheme, whether or not in the United Kingdom.

(2) The administrators may only request information under paragraph (1)(b) which relates to benefits accrued other than through contributions to a judicial pension scheme.



## Disclosure of information

- 93.** The administrators may disclose any information obtained under regulation 91 or 92 to—
- (a) the Commissioners for Her Majesty's Revenue and Customs (or to the officers of the Commissioners for Her Majesty's Revenue and Customs);
  - (b) any authorised provider, or the servants or agents of that provider, who is, or may be, concerned in the investment of the funds or the provision of benefits under the JAVC scheme.

## Contributions: JAVC members

**94.—(1)** A JAVC member (“M”) must inform the administrators by notice in writing as to the level and form of contributions that the JAVC member wishes to make.

- (2) M may—
- (a) make contributions to the JAVC scheme by way of—
    - (i) regular payments of the same amount;
    - (ii) lump sum payments made from time to time of the same or a different amount;
  - (b) if paragraph (4) applies, make historic contributions to the JAVC scheme by way of lump sum payments of the same or a different amount; or
  - (c) make a combination of contributions under paragraphs (a) and (b).

(3) Contributions made under paragraph (2)(a) must be made by way of a deduction from fees which M has received in M's capacity as a holder of an eligible fee-paid judicial office (“M's fees”).

(4) M may make historic contributions to the JAVC scheme by way of lump sum payments provided that—

- (a) the lump sum payments are made within 3 years of the commencement day (and no more than one lump sum payment may be made in each year), and
- (b) the total historic contributions made by M do not exceed the maximum amount permitted under regulation 95.

(5) A notice under paragraph (1) must specify—

- (a) in the case of a regular payment, the amount of each regular payment or, if expressed as a percentage of M's fees, that percentage;
- (b) in the case of a lump sum, the amount of the contribution.

(6) M's scheme contributions in any tax year must not exceed that amount which, when aggregated with all contributions by M to any other registered pension scheme in the same tax year, bring M's total contributions for that tax year up to the maximum amount of relief as calculated under section 190 of the 2004 Act <sup>F198</sup>.

(7) Contributions made by M in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012 <sup>F199</sup> are not to be taken into account for the purposes of calculating the total contributions in paragraph (6).

### Textual Amendments

**F198** Part of section 190 was repealed by the [Finance Act 2013 \(c. 29\)](#).

**F199** [S.I. 2012/516](#). Regulation 3 was substituted by [S.I. 2016/30](#).

### Historic contributions

**95.**—(1) The historic contributions made by a JAVC member (“M”) must not exceed that amount which is equal to the sum of the amounts determined for each tax year during the period from 6th April 2000 to the commencement day, in accordance with the following formula—

$$\left( \frac{15 \times FI}{100} \right) - C$$

where—

- a FI is M's annual fee income for the tax year in question which is subject to income tax, or if lower, the permitted maximum for that tax year, and
- b C is the sum of any contributions made by M to any other judicial pension scheme in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012.

(2) For the purposes of paragraph (1)(a), M's “annual fee income” is the total of the fees paid to M in respect of qualifying fee-paid days in the tax year concerned.

### Transfers in

**96.**—(1) A JAVC member may, at any time before the JAVC member reaches the age of 55, make, or arrange for the making of, a payment representing the cash equivalent of the JAVC member's accrued rights in any other registered pension scheme or a qualifying recognised overseas pension scheme (the “transferring scheme”) to be invested in the JAVC scheme.

(2) A JAVC member to whom paragraph (3) applies may also, within one year after the commencement day, make, or arrange for the making of, a payment representing the cash equivalent of the JAVC member's accrued rights in a transferring scheme on the day before the JAVC member reached the age of 55 to be invested in the JAVC scheme.

(3) This paragraph applies to a JAVC member whose age on 6th February 2013 was more than one year under the age of 55.

(4) A payment under paragraph (1) or (2) from a registered pension scheme may be accepted by the administrators only if the administrator of the registered pension scheme certifies that the payment is a recognised transfer as defined in section 169 of the 2004 Act <sup>F200</sup>.

#### Textual Amendments

**F200** Amended by paragraph 36 of Schedule 10 to the [Finance Act 2005 \(c.7\)](#), [paragraph 66\(a\)](#) and (b) of Schedule 16 to the [Finance Act 2011 \(c.11\)](#), [section 53\(3\)](#), (4), (5), (6) and (7), of the [Finance Act 2013 \(c.29\)](#), [paragraph 92](#) of Schedule 1 and paragraph 23(a) of Schedule 7 to the [Finance Act 2014 \(c.26\)](#), and paragraphs 8 and 92 of Schedule 1 and paragraph 4 of Schedule 2 to the [Taxation of Pensions Act 2014 \(c. 30\)](#).

### Investment of funds

**97.**—(1) The administrators must, as soon as reasonably practicable, invest any contributions made by a JAVC member under regulation 94 and any transfer payment accepted under regulation 96 with an authorised provider for the purpose of providing benefits under regulation 98.

(2) Where the authorised provider offers more than one type of investment the JAVC member must elect that those sums be paid into particular types of investments.

(3) The administrators are not required to give effect to an election made under paragraph (2) if it is not reasonably practicable to do so.

(4) The investments made in respect of a JAVC member with the authorised provider may be realised and reinvested with the authorised provider at the request of the JAVC member, in such amounts, at such times, and in such manner as may be specified by the administrators with the approval of the authorised provider.

(5) The administrators may require an authorised provider to surrender the whole or part of the value of the sums referred to in paragraph (1).

(6) The administrators must re-invest a sum surrendered under paragraph (5) in accordance with paragraph (1).

### **Benefits which may be provided**

**98.**—(1) A JAVC member is entitled to the benefits attributable to the scheme assets.

(2) The administrators must provide only benefits authorised by or under Chapter 3 of Part 4 of the 2004 Act.

(3) Where the JAVC member wishes, from time to time, to take benefits under this scheme the member must give notice in writing to the administrators.

(4) A notice under paragraph (3) must specify—

- (a) the proportion of the JAVC member's benefits referred to in paragraph (1) to which the notice relates;
- (b) the JAVC member's preference as to the benefits to be provided under paragraph (2) in relation to that proportion; and
- (c) if the JAVC member wishes a combination of benefits to be provided, what proportion of the JAVC member's benefits the member wishes to be allocated to each type of benefit.

### **Death**

**99.**—(1) Where a JAVC member dies, any lump sum payable to that JAVC member under the JAVC scheme must be paid to the person (if any) nominated by that JAVC member for the purposes of this paragraph by notice in writing to the administrators.

(2) If no such nomination is made, the administrators must pay the amount payable to the personal representatives of the JAVC member.

### **Transfers out**

**100.**—(1) A JAVC member may cease to be a member of the JAVC scheme in relation to all or part of the scheme assets at any time before those benefits are provided under regulation 98.

(2) Subject to Chapters 1 and 2 of Part 4ZA of the Pension Schemes Act 1993 <sup>F201</sup>, or Chapters 1 and 2 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993 <sup>F202</sup>, the JAVC member must, on leaving the JAVC scheme, request the administrators (in such manner as may be specified by the administrators) to take one or more of the following actions—

- (a) to transfer all or part of the JAVC member's scheme assets to any other registered pension scheme or a qualifying recognised overseas pension scheme in which the JAVC member may be participating (provided that the other pension scheme is willing and able to accept such a transfer value);
- (b) to use all or part of the value of the JAVC member's scheme assets to purchase one or more insurance policies of the type described in section 95(2)(c) of the Pension Schemes Act 1993 <sup>F203</sup> or section 91(2)(c) of the Pension Schemes (Northern Ireland) Act 1993;

- (c) if the JAVC member's reckonable service, together with any service whilst a member of another registered pension scheme or a qualifying recognised overseas pension scheme from which a transfer value has been paid to the JAVC scheme is less than 2 years, to pay the JAVC member the value of the JAVC member's scheme assets;
- (d) to use all or part of the JAVC member's scheme assets in any other way which is not an unauthorised payment within the meaning of section 160(5) of the 2004 Act <sup>F204</sup>.

#### Textual Amendments

- F201** 1993 c.48; Part 4, Chapters 4 and 5 were renumbered as Part 4ZA Chapters 1 and 2 by paragraph 50 of Schedule 4 to the Pension Schemes Act 2015 (c.8), and amended by S.I. 1996/1847, 2001/3649, 2015/182, the Pension Schemes Act 1993 (c.48), the Pensions Act 2004 (c.34), the Pensions Act 2014 (c.19).
- F202** 1993 c.49; Part 4 Chapters 4 and 5 were renumbered as Part 4ZA Chapters 1 and 2 by the Pension Schemes Act 2015 (c.8), and section 91(2)(c) was amended by article 133 of S.I. 2001/3649.
- F203** Part 4, Chapters 4 and 5 of the 1993 (c.48) were renumbered as Part 4ZA Chapters 1 and 2 by the Pension Schemes Act 2015 (c.8), and section 95(2)(c) was amended by article 121 of S.I. 2001/3649.
- F204** Sections 160(2) and (4) relevant to this definition were amended by the Finance Act 2006 (c.25) and the Finance Act 2007 (c.11)

#### Tax

**101.** Whenever the appropriate Minister is liable for any tax in respect of any payment made to any person under this Part, the administrators must deduct sums equal in total to such tax out of the realisable value of any investments made by the authorised provider with the JAVC member's scheme contributions under regulation 94 and any transfer payment accepted under regulation 96.

#### Administrative expenses

**102.** Any administrative expenses incurred by an authorised provider by virtue of acting as such under this Part may be defrayed, to the extent agreed by the administrators, out of the realisable value of any investments made by the authorised provider with the JAVC member's scheme contributions under regulation 94 and any transfer payment accepted under regulation 96.

## PART 13

### THE FEE-PAID JUDICIAL ADDED YEARS SCHEME

#### CHAPTER 1

#### INTRODUCTION

#### Interpretation and appointment of actuary

**103.**—(1) In this Part—

<sup>F205</sup> ...

“assumed contribution commencement date” has the meaning given in regulation 105(1);

“assumed retirement age” has the meaning given in regulation 105(3);

“assumed retirement date” means the date on which an [<sup>F206</sup>unretired] FPJAYS member reaches the assumed retirement age;

“equivalent value of any retained benefits” means a period of time expressed in years and any fraction of a year determined by the FPJAYS actuary to represent the value of any retained benefits;

“FPJAYS” is the scheme constituted by this part of the Regulations;

“FPJAYS actuary” means the actuary appointed by the appropriate Minister under paragraph (2) of this regulation;

“FPJAYS member” means a member of the FPJAYS;

“judicial pension scheme” means the scheme constituted by the Judicial Pensions Regulations 2015 <sup>F207</sup>[<sup>F208</sup>or 2022], or any scheme constituted by the 1995 Regulations;

“periodic contributions start date” has the meaning given in regulation 110(2);

“retained benefits” are benefits determined by the administrators as satisfying the definition of that expression for the purposes of the 1995 Regulations as those Regulations were first in force;

“retired FPJAYS member” means an FPJAYS member who has retired from an eligible fee-paid judicial office <sup>F209</sup>... and who was not an opted-out member of the principal scheme;

“Table 1” means the table in Schedule 1 to the 1995 Regulations

[<sup>F210</sup>“unretired FPJAYS member” means an FPJAYS member who continues to hold judicial office.]

[<sup>F211</sup>(1A) In relation to fee-paid days between 1st April 2015 and 31st March 2022, regulation 4 applies for the purposes of this Part as if paragraph (2)(c) were omitted.

(1B) References in this Part to reckonable service and to qualifying fee-paid days are to be read as including a reference to fee-paid days in judicial office after 31st March 2022 as if the principal scheme had not been closed to further accruals.]

(2) The appropriate Minister must appoint an actuary who appears to the Minister to be appropriately qualified to act as the FPJAYS actuary for the purposes of this Part.

#### Textual Amendments

- F205** Words in [reg. 103\(1\)](#) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [46\(a\)\(i\)](#)
- F206** Word in [reg. 103\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [46\(a\)\(ii\)](#)
- F207** [S.I. 2015/182](#).
- F208** Words in [reg. 103\(1\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [46\(a\)\(iii\)](#)
- F209** Words in [reg. 103\(1\)](#) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [46\(a\)\(iv\)](#)
- F210** Words in [reg. 103\(1\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [46\(a\)\(v\)](#)
- F211** [Reg. 103\(1A\)\(1B\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [46\(b\)](#)

#### Membership

**104.**—[<sup>F212</sup>(1) Membership of the FPJAYS is open to unretired and retired members of the principal scheme (but not to opted-out members) who have service in an eligible fee-paid judicial

office between 31st March 1995 and 5th April 2006 and whose benefits under the principal scheme in relation to at least one such office are, or are to be, calculated under the post-1995 provisions.]

(2) A person to whom membership of the FPJAYS is open may become an FPJAYS member by giving notice in writing to the administrators within 12 months of the [<sup>F213</sup>amendment day] (or by such later date as the administrators may agree).

(3) Subject to the provisions of this Part, an FPJAYS member has the right to purchase pension credits in the form of added years.

#### Textual Amendments

**F212** Reg. 104(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **47(a)**

**F213** Words in reg. 104(2) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **47(b)**

#### [<sup>F214</sup>Deemed FPJAYS membership where a 2015 scheme election is made

**104A.**—(1) This regulation applies where—

- (a) a person (“P”) has remediable service in an eligible fee-paid judicial office;
  - (b) P has, during the period of remediable service, paid contributions to purchase added years under this Part; and
  - (c) a 2015 scheme election is made in respect of P.
- (2) P is deemed to have been an active FPJAYS member in respect of the contributions.]

#### Textual Amendments

**F214** Reg. 104A inserted (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), reg. 1(b), **Sch. para. 3(6)**

#### Assumed dates etc

**105.**—(1) For the purposes of this Part, an FPJAYS member must nominate a date (“the assumed contribution commencement date”) from which contributions are assumed to have been payable by the member in relation to those credits.

(2) The date nominated under paragraph (1) must be no earlier than the date on which the FPJAYS member first held an eligible fee-paid judicial office and in any event must be between [<sup>F215</sup>31st March 1995] and 5th April 2006.

(3) For the purposes of this Part, an [<sup>F216</sup>unretired] FPJAYS member must nominate an age between the age of 60 and the member’s compulsory retirement age at which that member intends to retire (“the assumed retirement age”).

#### Textual Amendments

**F215** Words in reg. 105(2) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **48(a)**

**F216** Word in reg. 105(3) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **48(b)**

## CHAPTER 2 RETIRED FPJAYS MEMBERS

### Purchase of added years by retired FPJAYS members

**106.**—(1) A notice given under regulation 104(2) by a retired FPJAYS member (“R”) must specify—

- (a) R's assumed contribution commencement date;
- (b) the date R retired; and
- (c) the number of added years R would like to purchase.

(2) The maximum number of added years that R may purchase under the FPJAYS is to be determined in accordance with the formula

- (a) A is the aggregate length of R's reckonable service in eligible fee-paid judicial offices held by R;
- (b) B is the aggregate length of R's service in qualifying judicial office (within the meaning of Part 1 of the Judicial Pensions and Retirement Act 1993); and
- (c) C is the equivalent value of any retained benefits to which R was entitled at the assumed contribution commencement date.

(3) Where the maximum number of added years would (apart from this paragraph) be negative, it is instead nil.

### Contributions by retired FPJAYS members

**107.**—(1) The contribution to the FPJAYS for a retired FPJAYS member (“R”) must be made by lump sum payment to the administrators, within 12 months of the date on which R served notice under regulation 104(2).

(2) The total contribution to the FPJAYS which R must make is to be calculated in accordance with this regulation, subject to the limit on the level of contributions in regulation 108.

(3) Where on the date R retired, R had a spouse, civil partner or qualifying child, the contribution is to be determined in accordance with the formula—

$$\left( \left( \frac{A \div 100}{B} \right) \times C \right) \times D$$

where—

- a A is the relevant benefits figure (see paragraph (4));
- b B is the amount of reckonable service which R accrued [<sup>F217</sup>in any office in relation to which benefits are calculated under the post-1995 provisions] in the period beginning with the assumed contribution commencement date and ending with the date on which R retired, calculated in accordance with regulation 5(1) as though paragraph (2) of that regulation does not apply;
- c C is the total of the fees paid to R in respect of qualifying fee-paid days in the period [<sup>F218</sup>and for the offices] referred to in B;
- d D is the number of added years R would like to purchase.

(4) The relevant benefits figure is determined by taking the following steps—

**Step 1**

Use the salary which would have been R's appropriate annual salary on the assumed contribution commencement date (or if R held more than one eligible fee-paid judicial office on that date, the salary which would have been the highest appropriate annual salary) if R had retired on that date to determine which is the applicable salary group for R specified in Table 1.

**Step 2**

From the part of Table 1 for R's salary group, determine which entry in column 1 describes the period referred to in B (ignoring the heading of the column).

**Step 3**

Add together the personal benefits and family benefits percentage figures corresponding to the entry in column 1 referred to in Step 2.

(5) Where R did not have a spouse, civil partner or qualifying child at any point in the period beginning with R's assumed contribution commencement date and ending with the date R retired, the contribution is to be determined in accordance with paragraphs (3) and (4) as if Step 3 were—“Use the personal benefits figure corresponding to the entry in column 1 referred to in Step 2”.

(6) Where R did not have a spouse, civil partner or qualifying child on the date on which R retired, but did at some point in the period beginning with the assumed contribution commencement date and ending with the date R retired, the contribution due is to be determined in accordance with the formula

- (a) E is the contribution for the period beginning with R's assumed contribution commencement date and ending with the date on which R last had a spouse, civil partner or qualifying child, determined in accordance with paragraphs (3) and (4), as if in paragraph (3)(c), “C” refers to the total of fees paid to R in respect of qualifying fee-paid days in that period;
- (b) F is the contribution for the period beginning with the day after the date R last had a spouse, civil partner or qualifying child (“the start date”) and ending with the date R retired, determined in accordance with paragraph (5) as if the period referred to in paragraph (3) (c) as applied in paragraph (5) started on the start date.

**Textual Amendments**

**F217** Words in [reg. 107\(3\)\(b\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [49\(a\)](#)

**F218** Words in [reg. 107\(3\)\(c\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [49\(b\)](#)

**Retired FPJAYS members: maximum contributions**

**108.**—(1) The total contributions made by a retired FPJAYS member (“R”) under regulation 107 may not exceed the amount which is equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the date on which R retired in accordance with the following formula—

$$\left( \frac{15 \times FI}{100} \right) - C$$

where—



- a FI is R's annual fee income for the tax year in question [<sup>F219</sup>in any office in relation to which benefits are calculated under the post-1995 provisions] which is subject to income tax, or if lower, the permitted maximum for that tax year, and
- b C is the sum of any contributions made by R to any other judicial pension scheme in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012 <sup>F220</sup>.

(2) For the purposes of paragraph (1)(a), R's "annual fee income" is the total of the fees paid to R in respect of qualifying fee-paid days [<sup>F221</sup>in the offices referred to in that paragraph] in the tax year concerned.

#### Textual Amendments

- F219** Words in reg. 108(1)(a) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **50(a)**
- F220** S.I. 2012/516. Regulation 3 was substituted by S.I. 2016/30.
- F221** Words in reg. 108(2) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **50(b)**

#### Valuation of benefits for retired FPJAYS members

**109.**—(1) Any pension credits in the form of added years that have been purchased by a retired FPJAYS member ("R") are to be treated for the purposes of paragraph (2) as if they were periods of reckonable service.

(2) If the addition of the years of reckonable service mentioned in paragraph (1) would, were they to be years of reckonable service accrued other than by the purchase of pension credits, lead to the payment of additional payments under the principal scheme, then benefits of an equivalent nature to those that would have been so payable under that scheme are to be paid under the FPJAYS instead.

(3) If the reckonable service [<sup>F222</sup>in relation to which benefits are to be calculated under the post-1995 provisions] which R accrued in the period between the assumed contribution date and the date on which R retired otherwise than by the purchase of pension credits ("R's existing reckonable service") includes reckonable service in two or more eligible judicial offices which R held simultaneously, the pension credits purchased by R shall be divided between [<sup>F223</sup>those] offices held by R in that period in the same proportion as R's existing reckonable service.

#### Textual Amendments

- F222** Words in reg. 109(3) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **51(a)**
- F223** Word in reg. 109(3) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **51(b)**

### CHAPTER 3

#### [<sup>F224</sup>unretired] FPJAYS MEMBERS

#### Textual Amendments

- F224** Word in Pt. 13 Ch. 3 heading substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **52(1)**

### Purchase of added years by [<sup>F225</sup>unretired] FPJAYS members

**110.**—(1) A notice given by an [<sup>F226</sup>unretired] FPJAYS member (“M”) under regulation 104(2) must specify—

- (a) M's assumed contribution commencement date;
- (b) M's assumed retirement age;
- (c) the number of qualifying fee-paid days which M proposes to work each year [<sup>F227</sup>in any office in relation to which benefits are to be calculated under the post-1995 provisions] to the period ending with the date on which M reaches M's assumed retirement age; and
- (d) the number of added years M intends to purchase.

(2) The date on which M is to start payment of periodic contributions (“the periodic contributions start date”) must—

- (a) be within 12 months of the date on which M gives the notice, and
- (b) be agreed between M and the administrators.

(3) The maximum number of added years that M may purchase under the FPJAYS is to be determined in accordance with the formula

- (a) A is the aggregate length of reckonable service in eligible fee-paid judicial offices that M would have at M's assumed retirement date [<sup>F228</sup>and for this purpose regulation 103(1A) and (1B) does not apply], assuming that M works the number of qualifying fee-paid days notified under paragraph (1)(c);
- (b) B is the aggregate length of service in qualifying judicial office (within the meaning of Part 1 of the Judicial Pensions and Retirement Act 1993) that M would have at M's assumed retirement date; and
- (c) C is the equivalent value of any retained benefits to which M was entitled at the assumed contribution commencement date.

(4) Where the maximum number of added years would (apart from this paragraph) be negative, it is instead nil.

#### Textual Amendments

- F225** Word in [reg. 110](#) heading substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **52(2)**
- F226** Word in [reg. 110\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **52(3)(a)**
- F227** Words in [reg. 110\(1\)\(c\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **52(3)(b)**
- F228** Words in [reg. 110\(3\)\(a\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **52(3)(c)**

### Contributions by [<sup>F229</sup>unretired] FPJAYS members

**111.**—(1) The cost for an [<sup>F230</sup>unretired] FPJAYS member (“M”) of purchasing each added year is to be determined in accordance with the formula—

$$\frac{A}{100} \times B$$

where—

- a A is the relevant benefits figure (see paragraph (2));
- b B is the salary which would have been M's appropriate annual salary on the assumed contribution commencement date if M had retired on that date.

(2) The relevant benefits figure is calculated by taking the following steps—

*Step 1*

Use the salary that would have been M's appropriate annual salary on the assumed contribution commencement date, if M had retired on that date, to determine which is the applicable salary group for M specified in Table 1;

*Step 2*

In the part of Table 1 for M's salary group, determine which entry in column 1 describes the period expressed in years and any fraction of a year beginning with the assumed contribution commencement date and ending with M's assumed retirement date (ignoring the heading of that column);

*Step 3*

Add together the personal benefits and family benefits percentage figures which correspond to the entry in column 1 referred to in Step 2.

- (3) M may make contributions to purchase added years by way of—
  - (a) up to three lump sum payments, made within three years beginning with the date on which M gave notice under regulation 104(2) (but no more than one lump sum payment may be made in each calendar year), in respect of any contributions relating to the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date; and
  - (b) periodic deductions from fees [<sup>F231</sup>or salary], which commence on the periodic contributions start date, in relation to contributions relating to the period beginning with the periodic contributions start date and ending with M's assumed retirement date.
- (4) The aggregate amount of the lump sum payments M may make under paragraph (3)(a) is the smaller of—
  - (a) the amount equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date in accordance with the following formula—

$$\left( \frac{15 \times FI}{100} \right) - C$$

where—

- i FI is M's annual fee income for the tax year in question [<sup>F232</sup>for any office in relation to which benefits are to be calculated under the post-1995 provisions] which is subject to income tax, or if lower, the permitted maximum for that tax year, and
  - ii C is the sum of any contributions made by M to any other judicial pension scheme in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012; and
- (b) the amount determined in accordance with the formula—

$$\left( \frac{C \times D}{E} \right) \times F$$

where—

- i C is the cost of one added year, determined in accordance with paragraph (1),
- ii D is the number of added years which M has notified to the administrators under regulation 110(1)(c) that M intends to purchase,
- iii E is the period beginning with the assumed contribution commencement date and ending with M's assumed retirement date, expressed in years and any fraction of a year,
- iv F is the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date, expressed in years and any fraction of a year.

(5) M's "annual fee income" for the purposes of paragraph (4)(a)(i), is the total of the fees paid to M in respect of qualifying fee-paid days [<sup>F233</sup>in any office in relation to which benefits are to be calculated under the post-1995 provisions] in the tax year concerned.

(6) The maximum aggregate amount of periodic contributions M may make under paragraph (3)(b) is calculated in accordance with the formula—

$$20 - (A + B + C)$$

where—

- a C is the cost of one added year, determined in accordance with paragraph (1);
- b D is the number of added years which M has specified M intends to purchase;
- c E is the period beginning with the assumed contribution commencement date and ending with M's assumed retirement date, expressed in years and any fraction of a year;
- d F is the period beginning with the periodic contributions start date and ending with M's assumed retirement date, expressed in years and any fraction of a year;
- e X is the difference between the maximum amount which M could have contributed under paragraph (3)(a) and the amount M actually contributed under that provision.

(7) The requirement to make periodic contributions to the FPJAYS continues until M—

- (a) reaches the assumed retirement age;
- (b) retires;
- (c) notifies the administrators that M wishes the contributions to cease; or
- (d) dies.

#### Textual Amendments

**F229** Word in reg. 111 heading substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **53(a)**

**F230** Word in reg. 111(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **53(a)**

**F231** Words in reg. 111(3)(b) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **53(b)**

**F232** Words in reg. 111(4)(a)(i) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **53(c)**

**F233** Words in reg. 111(5) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), 53(d)

### Valuation of benefits for [<sup>F234</sup>unretired] FPJAYS members

**112.**—(1) If an [<sup>F235</sup>unretired] FPJAYS member (“M”) retires or otherwise leaves the principal scheme on or after reaching the assumed retirement age the administrators must—

- (a) calculate the amount of added years that M has purchased, by dividing the total contributions made by M under regulation 111(3) by the cost of an added year as determined under regulation 111(1); and
- (b) notify M of that amount.

(2) Any pension credits in the form of added years that have been purchased by or credited to M are to be treated for the purposes of paragraph (3) as if they were years of reckonable service.

(3) If the addition of the years of reckonable service mentioned in paragraph (2) would, were they to be years of reckonable service accrued other than by the purchase or credit of pension credits, lead to the payment of additional payments under the principal scheme, then benefits of an equivalent nature to those that would have been so payable under that scheme are to be paid under the FPJAYS instead.

(4) If M retires on the ground of ill-health or dies before the assumed retirement age, M must, for the purposes of calculating the benefits payable under paragraph (3), be credited with pension credits equivalent to the number of added years that M intended to purchase notified to the administrators by M under regulation 110(1)(c).

(5) Paragraph (4) does not apply during any period where M has ceased making periodic contributions.

(6) If M ceases to make periodic contributions M may apply to the administrators to resume making periodic contributions but any such application—

- (a) must not be accepted if M has reached the assumed retirement age;
- (b) must not result in M making contributions at a rate that is higher than the rate at which M was contributing before M ceased to pay periodic contributions; and
- (c) must be accompanied by a declaration signed by M stating that M has no reason to believe that health may prevent continuation of service until the assumed retirement age.

(7) If M's application under paragraph (6) is accepted by the administrators, this regulation and regulations 111 and 113 apply separately to those contributions and the value of benefits purchased with them.

(8) If an application by M under paragraph (6) to resume making contributions has been accepted and M subsequently—

- (a) retires on the ground of ill-health or dies within 12 months of the date on which M started to pay periodic contributions again; or
- (b) dies or retires on the ground of ill-health because of an incapacity to which M became subject within 12 months of that date,

paragraph (4) does not apply unless the administrators are satisfied that the declaration given in accordance with paragraph (6)(c) was made in good faith.

(9) If M ceases making periodic contributions before reaching assumed retirement age for reasons other than death or retirement on the ground of ill-health—

- (a) the administrators must—

- (i) calculate the amount of added years that M has purchased by the date of cessation, by dividing the total contributions made by M under regulation 111(3) up to the date of cessation by the cost of an added year as determined under regulation 111(1), and
  - (ii) notify M of that amount; and
- (b) at the date of cessation M must be credited by the administrators with pension credits equivalent to the number of added years M has purchased, as calculated under sub-paragraph (a).
- (10) For the purposes of this regulation, parts of added years purchased by M must be valued on a pro-rata basis.

#### Textual Amendments

- F234** Word in reg. 112 heading substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **54**
- F235** Word in reg. 112(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **54**

#### Refund of contributions

**113.**—(1) If an [<sup>F236</sup>unretired] FPJAYS member (“M”) who is paying periodic contributions under the FPJAYS is neither married nor a civil partner and has no qualifying children at the time M retires, dies or otherwise leaves the principal scheme, M, or M’s estate, is entitled to a refund in accordance with this regulation.

- (2) The amount to be refunded must be determined in accordance with the formula
- (a) A is the relevant family benefits percentage (see paragraph (3));
  - (b) S is the salary that would have been M’s appropriate annual salary on the assumed contribution commencement date if M had retired on that date (“the relevant salary”);
  - (c) B is the period beginning with the day after the date M last ceased to have a spouse or a civil partner or qualifying child and ending with the date M ceased to make contributions, expressed in years and any fraction of a year;
  - (d) C is the period beginning with the assumed contribution date and ending with the date M ceased to make contributions, expressed in years and any fraction of a year;
  - (e) D is the number of added years M has purchased, calculated in accordance with regulation 112(1).
- (3) The relevant family benefits percentage is determined as follows—

##### Step 1

Use the relevant salary to determine which is the applicable salary group for M specified in Table 1.

##### Step 2

In the part of Table 1 for M’s salary group, determine which entry in column 1 describes the period mentioned in paragraph (2)(d) (ignoring the heading of that column).

##### Step 3

Use the family benefits percentage figure which corresponds to the entry in column 1 referred to in step 2.

- (4) If M's total contributions to the FPJAYS exceed the smaller of—
- (a) the amount necessary to purchase the number of added years notified to the administrators by the member under regulation 110(1)(c); and
  - (b) the amount necessary to purchase the maximum number of added years permissible under regulation 110(3) (calculated on the basis that the assumed retirement date referred to in that paragraph is M's actual retirement date),

M is entitled to a refund of the excess contributions.

[<sup>F237</sup>(4A) If a retired member purchases a number of added years (“AY”) after making an election under regulation 11C, the member is entitled to a refund of the difference between—

- (a) the contribution payable for AY under regulation 107; and
- (b) the total contribution that would have been payable if, before making the election, the member had—
  - (i) purchased enough added units of benefit under Part 14A for them to be converted into AY, or,
  - (ii) if that number of added units of benefit would have exceeded the limit set out in regulation 128F, purchased the maximum number of added units of benefit that would have been available to the member under regulation 128F together with enough added years under regulation 107 to make up AY.]

(5) Where a refund is payable under this regulation, it must be paid together with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

#### Textual Amendments

**F236** Word in reg. 113(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **55(a)**

**F237** Reg. 113(4A) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **55(b)**

## CHAPTER 4

### GENERAL

#### Limit on children's pension benefits

**114.** Any benefits that are paid under the FPJAYS in the form of a children's pension under regulation 42 cease to be payable on the date that the recipient attains the age of 23.

#### Reduction of benefits

**115.—(1)** This regulation applies where the administrators of the FPJAYS pay the whole or any part of the lifetime allowance charge arising on a benefit crystallisation event relating to the FPJAYS in relation to a FPJAYS member.

(2) The pensions or other benefits payable under this Part to or in respect of the FPJAYS member may (notwithstanding any other provision of these Regulations) be reduced by such amount as, in accordance with normal actuarial practice, reflects the amount of the payments made.

## PART 14

### THE FEE-PAID JUDICIAL ADDED SURVIVING ADULT'S PENSION SCHEME

#### CHAPTER 1

#### INTRODUCTION

#### Interpretation

##### 116. In this Part—

<sup>F239</sup> ...

“added surviving adult's pension” has the meaning given in regulation 117(3);

“assumed contribution commencement date” has the meaning given in regulation 118(1);

“assumed retirement age” has the meaning given in regulation 118(3);

“assumed retirement date” means the date on which an active JASAPS member reaches the assumed retirement age;

“JASAPS” means the scheme constituted by this Part of the Regulations;

“JASAPS member” means a member of the JASAPS;

“periodic contributions start date” has the meaning given in regulation 123(3);

“retired JASAPS member” means a JASAPS member who has retired from fee-paying judicial office <sup>F240</sup> ...;

“Table 2” means the table in Schedule 2 to the 1995 Regulations <sup>F241</sup>.

[<sup>F242</sup>“unretired JASAPS member” means a JASAPS member who continues to hold judicial office.]

[<sup>F243</sup>(b) in relation to fee-paid days between 1st April 2015 and 31st March 2022, regulation 4 applies for the purposes of this Part as if paragraph (2)(c) were omitted;

(c) references to reckonable service and to qualifying fee-paid days in this Part are to be read as including a reference to fee-paid days in judicial office after 31st March 2022 as if the principal scheme had not been closed to further accruals.]

#### Textual Amendments

**F238** Reg. 116 renumbered as reg. 116(a) (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **56(a)**

**F239** Words in reg. 116(a) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **56(b)(i)**

**F240** Words in reg. 116(a) omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **56(b)(ii)**

**F241** S.I. 1995/637. The tables in Schedule 2 were substituted by S.I. 1996/52.

**F242** Words in reg. 116(a) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **56(b)(iii)**

**F243** Reg. 116(b)(c) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **56(c)**



## Membership

**117.**—<sup>F244</sup>(1) Membership of the JASAPS is open to unretired and retired members of the principal scheme (but not to opted-out members)—

- (a) who have service in an eligible fee-paid judicial office between 31st March 1995 and 5th April 2006;
- (b) whose benefits under the principal scheme in relation to at least one such office are, or are to be, calculated under the post-1995 provisions; and
- (c) who have a spouse or civil partner to whom benefits could be paid under this Part.]

(2) A person to whom membership of the JASAPS is open may become a JASAPS member by giving notice in writing to the administrators within 12 months of the [<sup>F245</sup>amendment day] (or by such later date as the administrators may agree).

(3) A JASAPS member has the right to purchase added units of surviving adult's pension (“added surviving adult's pension”) in accordance with the provisions of this Part.

### Textual Amendments

**F244** Reg. 117(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), reg. 1(1), **57(a)**

**F245** Words in reg. 117(2) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), reg. 1(1), **57(b)**

## <sup>F246</sup>Deemed JASAPS membership where a 2015 scheme election is made

**117A.**—(1) This regulation applies where—

- (a) a person (“P”) has remediable service in an eligible fee-paid judicial office;
- (b) P has, during the period of remediable service, paid contributions to purchase added surviving adult’s pension under this Part; and
- (c) a 2015 scheme election is made in respect of P.

(2) P is deemed to have been an active JASAPS member in respect of the contributions.]

### Textual Amendments

**F246** Reg. 117A inserted (5.7.2023) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), reg. 1(b), **Sch. para. 3(7)**

## Assumed dates etc

**118.**—(1) For the purposes of this Part, a JASAPS member must nominate a date (“the assumed contribution commencement date”) from which contributions are assumed to have been payable in relation to added surviving adult's pension.

(2) The date nominated under paragraph (1) must be no earlier than the date on which the JASAPS member first held an eligible fee-paid judicial office and in any event must be between [<sup>F247</sup>31st March 1995] and 5th April 2006.

(3) For the purposes of this Part, an [<sup>F248</sup>unretired] JASAPS member must nominate an age between the age of 60 and the member's compulsory retirement age at which that member intends to retire (“the assumed retirement age”).

#### Textual Amendments

- F247** Words in reg. 118(2) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **58(a)**
- F248** Word in reg. 118(3) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **58(b)**

## CHAPTER 2

### RETIRED JASAPS MEMBERS

#### Notice to purchase added surviving adult's pension by retired JASAPS members

**119.**—(1) A notice given under regulation 117(2) by a retired JASAPS member (“R”) must specify—

- (a) R's assumed contribution commencement date;
- (b) the date on which R retired; and
- (c) the number of units of added surviving adult's pension which R would like to purchase.

(2) The maximum number of units of added surviving adult's pension R may purchase is the number determined by the administrators which, after added years under Part 13 are taken into account, would provide a pension under these Regulations equal to a sum calculated in accordance with the formula—

$$\frac{A \times Y}{45}$$

where—

- a A is—
  - (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office;
  - (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices, and
- b Y is R's reckonable service [<sup>F249</sup>in any office in relation to which benefits are calculated under the post-1995 provisions] on the date R retired.

#### Textual Amendments

- F249** Words in reg. 119(2)(b) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **59**

#### Cost of added surviving adult's pension for retired JASAPS members

**120.**—(1) If the date on which a retired JASAPS member (“R”) retired fell on R's birthday, the contribution payable by R for each unit of £1,000 of added surviving adult's pension is to be determined in accordance with the formula

##### Step 1

In Table 2 treat—

- (ii) the reference to the assumed retirement age as a reference to R's age on the date R retired.

*Step 2*

Use Table 2 to work out A by reference to R's age last birthday at the assumed contribution commencement date and R's age on the date R retired.

(2) If R's retirement date did not fall on R's birthday, A is determined in accordance with the formula—

$$X + Z \left( \frac{Y - X}{12} \right)$$

where—

- a X is determined by taking the following steps—

*Step 1*

In Table 2 treat the reference to age last birthday at the date of commencement of contributions as a reference to R's age last birthday at the assumed contribution commencement date.

*Step 2*

In Table 2 treat the reference to the assumed retirement age as a reference to R's age on R's last birthday before R retired.

*Step 3*

Use Table 2 to work out X by reference to R's age last birthday at the assumed contributions commencement date and R's age last birthday before R retired; and

- b Y is determined as follows—

*Step 1*

In Table 2 treat the reference to age last birthday at the date of commencement of contributions as a reference to R's age last birthday at the assumed contribution commencement date.

*Step 2*

In Table 2 treat the reference to the assumed retirement age as a reference to R's age on R's next birthday after R's actual retirement date.

*Step 3*

Use Table 2 to work out Y by reference to R's age last birthday at the assumed contribution commencement date and R's age on R's next birthday after R's actual retirement date; and

- c Z is the number of complete months between R's last birthday before R retired and the date on which R retired.

(3) The contribution payable by R for each part unit of added surviving adult's pension is to be the amount calculated in accordance with the preceding paragraphs multiplied by the appropriate decimal fraction.

**Contributions by retired JASAPS members**

**121.**—(1) The maximum contribution that may be made to the JASAPS by a retired JASAPS member ("R") is the smaller of—

- (a) the amount determined in accordance with the formula—

$$N \times C$$

where—

- (i) N is the maximum number of units which R is entitled to purchase under regulation 119(2), and
  - (ii) C is the contribution payable by R for each unit of £1,000 of added surviving adult's pension under regulation 120(1) or 120(2).
- (b) the amount equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the day on which R retired in accordance with the following formula—

$$\left( \frac{15 \times FI}{100} \right) - C$$

where—

- (i) FI is R's annual fee income for the tax year in question [<sup>F250</sup>in any office in relation to which benefits are calculated under the post-1995 provisions] which is subject to income tax, or if lower, the permitted maximum for that tax year, and
  - (ii) C is the sum of any contributions made by R to any other judicial pension scheme (including voluntary contributions schemes) in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012 <sup>F251</sup>.
- (2) For the purposes of paragraph (1)(b)(i), R's "annual fee income" is the total of the fees paid to R in respect of qualifying fee-paid days [<sup>F252</sup>in any office in relation to which benefits are calculated under the post-1995 provisions] in the tax year concerned.
- (3) Contributions to the JASAPS by R must be made by lump sum payment made by R to the administrators within 12 months from the date on which R served notice under regulation 117(2).

#### Textual Amendments

**F250** Words in [reg. 121\(1\)\(b\)\(i\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **60(a)**

**F251** [S.I. 2012/516](#). Regulation 3 was substituted by [S.I. 2016/30](#).

**F252** Words in [reg. 121\(2\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **60(b)**

#### Valuation of benefits for retired JASAPS members

**122.**—(1) When a retired JASAPS member ("R") who has purchased added surviving adult's pension dies, R's surviving spouse or surviving civil partner is entitled to receive additional pension under the JASAPS.

(2) Such additional pension is payable at the same time and intervals and in the same manner as the surviving adult's pension under the principal scheme.

(3) The annual amount of additional pension per unit is £1,000.

(4) Part units of added surviving adult's pension purchased by R are to be valued on a pro-rata basis.

## CHAPTER 3

### [<sup>F253</sup>unretired] JASAPS MEMBERS

#### Textual Amendments

**F253** Word in Pt. 14 Ch. 3 heading substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **61(1)**

#### Purchase of added surviving adult's pension by [<sup>F254</sup>unretired] JASAPS members

**123.**—(1) A notice given under regulation 117(2) by an [<sup>F255</sup>unretired] JASAPS member (“M”) must specify—

- (a) M's assumed contribution commencement date;
- (b) M's assumed retirement age;
- (c) the number of qualifying fee-paid days [<sup>F256</sup>in any office in relation to which benefits are to be calculated under the post-1995 provisions] which M proposes to work each year to the period ending with the date on which M reaches M's assumed retirement age; and
- (d) the number of units of added surviving adult's pension which M intends to purchase.

(2) The maximum number of units which an [<sup>F257</sup>unretired] member may purchase in the JASAPS is the amount which the administrators determine would produce a pension equal to a sum calculated in accordance with the formula—

$$\frac{A \times (Y + Z)}{45}$$

where—

- a A is—
  - (i) where M held a single judicial office on the assumed contribution date, the salary which would have been M's appropriate annual salary if M had retired on that date;
  - (ii) where M held more than one judicial office on the assumed contribution date, the salary which would have the highest appropriate salary of these offices if M had retired on that date; and
- b Y is M's reckonable service [<sup>F258</sup>in any office in relation to which benefits are to be calculated under the post-1995 provisions] between the date on which M first held eligible fee-paid judicial office [<sup>F259</sup>and the date on which M reaches M's assumed retirement age as if the principal scheme had not closed to further accruals] (assuming that M works the number of qualifying fee-paid days notified under paragraph (1)(c)) expressed in years and fractions of a year to four decimal places;
- c Z is—
  - (i) if M is purchasing added years, the number of added years which M would have purchased by the date on which M reaches M's assumed retirement age, or
  - (ii) if M is not purchasing added years, nil.

(3) The date on which M is to start payment of periodic contributions (“the periodic contributions start date”) must—

- (a) be within 12 months of the date on which M gives the notice, and

(b) be agreed between M and the administrators.

#### Textual Amendments

- F254** Word in reg. 123 heading substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **61(2)**
- F255** Word in reg. 123(1) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **61(3)(a)**
- F256** Words in reg. 123(1)(c) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **61(3)(b)**
- F257** Word in reg. 123(2) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **61(3)(c)**
- F258** Words in reg. 123(2)(b) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **61(3)(d)(i)**
- F259** Words in reg. 123(2)(b) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **61(3)(d)(ii)**

#### Cost of added surviving adult's pension by [<sup>F260</sup>unretired] JASAPS members

**124.**—(1) The contribution payable by an [<sup>F261</sup>unretired] JASAPS member (“M”) for each unit of £1,000 of added surviving adult's pension is to be determined in accordance with the formula

(2) If M's assumed retirement date falls on M's birthday, A is determined as follows—

##### Step 1

In Table 2, treat the reference to the age last birthday at the date of commencement of contributions as a reference to M's age last birthday on the assumed contribution commencement date.

##### Step 2

Use Table 2 to work out A by reference to M's age last birthday at the assumed contribution commencement date and M's assumed retirement age.

(3) If M's assumed retirement date does not fall on M's birthday, A is determined in accordance with the formula—

$$X + Z \left( \frac{Y - X}{12} \right)$$

where—

(a) X is determined as follows—

##### Step 1

In Table 2 treat the reference to the age last birthday at the date of commencement of contributions as a reference to M's age last birthday at the assumed contribution commencement date,

##### Step 2

In Table 2 treat the reference to the assumed retirement age as a reference to M's age last birthday before M's assumed retirement date,

##### Step 3

Use Table 2 to work out X by reference to M's age last birthday at the assumed contribution commencement date and M's age last birthday before M's assumed retirement date.

(b) Y is determined as follows—

*Step 1*

In Table 2 treat the reference to the age last birthday at the date of commencement of contributions as a reference to the age last birthday at the assumed contribution commencement date,

*Step 2*

In Table 2 treat the reference to the assumed retirement age as a reference to M's age next birthday after M's assumed retirement date,

*Step 3*

Use Table 2 to work out Y by reference to M's age last birthday at the assumed contribution commencement date and M's age next birthday after the assumed retirement date.

(c) Z is the number of complete months between M's last birthday before M's assumed retirement date and M's assumed retirement date.

(4) The contribution payable for a part unit of added surviving adult's pension is to be the amount determined in accordance with the preceding paragraphs multiplied by the appropriate decimal fraction.

**Textual Amendments**

**F260** Word in reg. 124 heading substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **62**

**F261** Word in reg. 124(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **62**

**Contributions by [<sup>F262</sup>unretired] JASAPS members**

**125.**—(1) An [<sup>F263</sup>unretired] JASAPS member (“M”) may purchase added surviving adult pension by way of—

(a) up to three lump sum payments, made within three years beginning with the date on which M gave notice under regulation 117(2) (but no more than one lump sum payment may be made in one calendar year), in respect of contributions relating to the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date; and

(b) periodic deductions from fees [<sup>F264</sup>or salary], beginning on the periodic contributions start date, in relation to contributions relating to the period beginning with that date and ending with M's assumed retirement date.

(2) The aggregate amount of lump sum payments which M may make under paragraph (1)(a) is the smaller of—

(a) the amount equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date in accordance with the formula—

$$\left( \frac{15 \times FI}{100} \right) - C$$

where—

- i FI is M's annual fee income for the tax year in question [<sup>F265</sup>in any office in relation to which benefits are to be calculated under the post-1995 provisions] which is subject to income tax, or if lower, the permitted maximum for that tax year, and
  - ii C is the sum of any contributions made by M to any other judicial pension scheme (including voluntary contributions schemes) in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012; and
- (b) the amount calculated in accordance with the formula—

$$\left( \frac{C \times D}{E} \right) \times F$$

where—

- i C is the cost of one unit of added surviving adult's pension (an “added unit”), determined in accordance with regulation 124(1);
- ii D is the number of added units which M has notified to the administrators under regulation 123(1)(c);
- iii E is the period between the assumed contribution commencement date and M's assumed retirement date, expressed in years and any fraction of a year;
- iv F is the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date, expressed in years and any fraction of a year

(3) For the purposes of paragraph (2)(a)(i), M's “annual fee income” is the total of the fees paid to M [<sup>F266</sup>for any office in relation to which benefits are to be calculated under the post-1995 provisions] in respect of qualifying fee-paid days in the tax year concerned

(4) The maximum aggregate amount of periodic contributions M may make under paragraph (1) (b) is calculated in accordance with the formula—

$$\left( \left( \frac{C \times D}{E} \right) \times F \right) + X$$

where—

- a C is the cost of one added unit, determined in accordance with regulation 124(1);
- b D is the number of added units which M has notified to the administrators under regulation 123(1)(c);
- c E is the period between the assumed contribution commencement date and M's assumed retirement date, expressed in years and any fraction of a year;
- d F is the period beginning with the periodic contributions start date and ending with M's assumed retirement date, expressed in years and fraction of a year;



e X is the difference between the maximum amount which M could have contributed under paragraph (2) and the amount M actually contributed under that paragraph.

(5) M may only make periodic contributions to the JASAPS during any period when M has a spouse or civil partner to whom benefits could be paid under the JASAPS.

#### Textual Amendments

- F262** Word in reg. 125 heading substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **63(a)**
- F263** Word in reg. 125(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **63(a)**
- F264** Words in reg. 125(1)(b) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **63(b)**
- F265** Words in reg. 125(2)(a)(i) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **63(c)**
- F266** Words in reg. 125(3) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **63(d)**

#### Valuation of benefits for <sup>F267</sup>unretired] JASAPS members

**126.**—(1) When an <sup>F268</sup>unretired] JASAPS member (“M”) who has purchased units of added surviving adult's pension dies, M's surviving spouse or surviving civil partner is entitled to receive additional pension under the JASAPS.

(2) When M dies, the administrators must calculate the number of units of added surviving adult's pension M has purchased by dividing the total contributions made by M under regulation 125(1) by the cost of a unit of added surviving adult's pension determined under regulation 124(1), and notify the surviving spouse or civil partner of that amount.

(3) The annual amount of additional pension per unit is £1,000.

(4) Added surviving adult's pension is payable at the same times and intervals and in the same manner as the surviving adult's pension under the principal scheme.

(5) If M retires on the ground of ill-health or dies before the assumed retirement age, M is to be credited with the number of units of added surviving adult's pension notified to the administrators by M under regulation 123(1)(c).

(6) Paragraph (5) does not apply during any period where M has ceased making periodic contributions.

(7) If M ceases to make periodic contributions M may apply to the administrators to make periodic contributions again but any application to start to make periodic contributions again—

- (a) may not be accepted if M has reached the assumed retirement age;
- (b) may not result in M purchasing more added units than were being purchased before M ceased to pay periodic contributions; and
- (c) must be accompanied by a declaration signed by M stating that M has no reason to believe that health may prevent continuation of service until the assumed retirement age.

(8) If M's application under paragraph (7) is accepted by the administrators, this Chapter applies separately to those contributions and the value of the surviving adult's pension purchased with them.

(9) If an application by M under paragraph (7) to resume making contributions has been accepted and M subsequently—

- (a) retires on the ground of ill-health or dies within 12 months of the date of starting to make periodic contributions again, or

- (b) dies or retires on the ground of ill-health because of an incapacity which M became subject to within 12 months of that date,

paragraph (5) does not apply unless the administrators are satisfied that the declaration given in accordance with paragraph (7)(c) was made in good faith.

(10) If M ceases making periodic contributions before reaching assumed retirement age for reasons other than death or retirement on the ground of ill-health—

- (a) then the administrators must—

(i) calculate the amount of units of added surviving adult's pension (“added units”) that M has purchased by the date of cessation, by dividing the total contributions made by M under regulation 125(1) up to the date of cessation by the cost of an added unit as determined under regulation 124(1);

(ii) notify M of that amount, and

- (b) at the date of cessation M must be credited with the number of added units of benefit calculated under sub-paragraph (a).

(11) For the purposes of this regulation, part units of added surviving adult's pension purchased by a member must be valued on a pro-rata basis.

#### Textual Amendments

**F267** Word in [reg. 126](#) heading substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **64**

**F268** Word in [reg. 126\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **64**

#### Refund of contributions

**127.** If M's total contributions exceed the amount necessary to purchase the smaller of—

- (a) the amount of added surviving adult's pension notified to the administrators by M under regulation 123(1)(c), or
- (b) the maximum amount of added surviving adult's pension permissible under regulation 123(2),

the administrators must refund the excess contributions to M's estate.

### CHAPTER 4

#### GENERAL

#### Reduction of benefits

**128.—**(1) This regulation applies where the administrators pay the whole or any part of the lifetime allowance charge arising on a benefit crystallisation event relating to the JASAPS in relation to a JASAPS member.

(2) The pensions or other benefits payable under this Part to or in respect of the JASAPS member may (notwithstanding any other provision of these Regulations) be reduced by such amount as, in accordance with normal actuarial practice, reflects the amount of the payments made.

## [F269] PART 14A

### FEE-PAID JUDICIAL ADDED BENEFITS SCHEME

#### Textual Amendments

**F269** Pts. 14A, 14B inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), reg. 1(1), Sch.

#### Interpretation

**128A.**—(1) In this Part—

“additional voluntary contributions scheme” means—

- (a) the Judicial Additional Voluntary Contributions Scheme constituted by the 1995 Regulations, and
- (b) the Fee-Paid Judicial Additional Voluntary Contribution Scheme constituted by Part 12;

“additional benefits scheme” means—

- (a) the Judicial Added Years Scheme constituted by the 1995 Regulations,
- (b) the Judicial Added Benefits Scheme constituted by the 1995 Regulations,
- (c) the FPJAYS, and
- (d) the FPJABS;

“aggregated retirement benefit” means the total amount of all benefits, excluding any attributable to the pension of a surviving adult or eligible child, and other than retained benefits, that may be paid to a retired member including the pension equivalent of any lump sum, determined by the administrators by aggregating—

- (a) any benefits under a judicial pension scheme except the schemes established by the Judicial Pensions Regulations 2015 and the Judicial Pensions Regulations 2022,
- (b) any benefits under an additional benefits scheme, and
- (c) any benefits from an additional voluntary contributions scheme;

“assumed contribution commencement date” has the meaning given in regulation 128D(1);

“assumed retirement age” has the meaning given in regulation 128D(3);

“assumed retirement date” means the date on which an unretired FPJABS member reaches the assumed retirement age;

“FPJABS member” means a member of the FPJABS;

“judicial pension scheme” means—

- (a) a scheme constituted by the County Courts Act (Northern Ireland) 1959,
- (b) a scheme constituted by the District Judges (Magistrates’ Court) Pensions Act (Northern Ireland) 1960,
- (c) a scheme constituted by the Sheriffs’ Pensions (Scotland) Act 1961,
- (d) a scheme constituted by the Judicial Pensions Act 1981,
- (e) a scheme constituted by or under the Judicial Pensions and Retirement Act 1993,
- (f) a scheme constituted by or under the Public Service Pensions Act 2013, and
- (g) a scheme constituted by or under the Public Service Pensions Act (Northern Ireland) 2014;

“lump sum benefit” means the aggregate of the lump sum benefits that may be paid to the member from the following sources—

- (a) a judicial pension scheme,
- (b) an additional benefits scheme, and
- (c) an additional voluntary contributions scheme;

“membership notice” has the meaning given in regulation 128C(2) and “the date of a member’s membership notice” means the date on which that member gave the notice to the administrators;

“PRS” has the meaning given in regulation 128B;

“retained benefits” are benefits determined by the administrators as satisfying the definition of that expression in regulation 2.3 of the 1995 Regulations on the assumed contribution commencement date for the FPJABS member as those Regulations had effect on that date;

“retired FPJABS member” means an FPJABS member who retired and who was not at the time of retirement an opted-out member of the principal scheme;

“together with interest” means with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme;

“unretired FPJABS member” means an FPJABS member who is continuing to hold judicial office and has not opted out of the principal scheme.

(2) In relation to fee-paid days between 1st April 2015 and 31st March 2022, regulation 4 applies for the purposes of this Part as if paragraph (2)(c) were omitted.

(3) References to reckonable service and to qualifying fee-paid days in this Part are to be read as including a reference to fee-paid days in judicial office after 31st March 2022 as if the principal scheme had not been closed to accruals.

(4) Any reference to added units of benefit in this Part includes a reference to parts of added units of benefit.

(5) Any decimal fraction required for the purposes of this Part is to be calculated to four decimal places.

#### **Determination of PRS value for use in this Part**

**128B.**—(1) In this Part, PRS means the pro-rated salary value determined using the following formula—

$$\text{PRS} = \text{RSJS} \times \text{WS}$$

where—

RS is determined in accordance with paragraph (2)

JS is determined in accordance with paragraph (3)

WS is determined in accordance with paragraphs (4) to (10).

(2) RS is the amount of reckonable service for which benefits are to be calculated under the pre-1995 provisions that a FPJABS member had at their retirement date.

(3) JS is the number of years of qualifying judicial service that a FPJABS member had at their retirement date, subject to a maximum of 20 years.

(4) WS is determined under paragraph (5), (7), or (9) (whichever applies).

(5) WS is determined in accordance with paragraph (6) where, at the member’s retirement—

- (a) the FPJABS member has reckonable service in only one eligible fee-paid judicial office; or
- (b) the FPJABS member—

- (i) has reckonable service in more than one eligible fee-paid judicial office; but
  - (ii) did not at any time before their retirement hold two or more eligible fee-paid judicial offices simultaneously.
- (6) WS is the appropriate annual salary of the judicial office held by the FPJABS member immediately before their retirement.
- (7) Except in a case to which paragraph (9) applies, WS is determined in accordance with paragraph (8) where—
  - (a) immediately before their retirement, the FPJABS member has reckonable service in more than one eligible fee-paid judicial office; and
  - (b) at any time before their retirement, the FPJABS member held two or more eligible fee-paid judicial offices simultaneously.
- (8) WS is the value determined in Step 5, determined by taking the following steps—
  - Step 1*

Determine a weighting value for each eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions and which was held simultaneously with another eligible fee-paid judicial office by dividing the member’s reckonable service in that office by RS.
  - Step 2*

Determine a WS component value for each of the offices in Step 1 by multiplying the weighting value for that office by the appropriate annual salary for that office as if—

    - (i) that office were the only office in which the FPJABS member had reckonable service immediately before their retirement, and
    - (ii) the FPJABS member held that office (and held no other judicial office) immediately before their retirement.
  - Step 3*

Determine a weighting value for each eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions and which was not held simultaneously with another eligible fee-paid judicial office by dividing the member’s reckonable service in that office by RS.
  - Step 4*

Determine a WS component value for each of the offices in Step 3 by multiplying the weighting value for that office by the appropriate annual salary for that office which for this purpose is—

    - (i) where the FPJABS member held a single judicial office immediately before their retirement the appropriate annual salary of that judicial office,
    - (ii) where the FPJABS member held more than one judicial office immediately before their retirement, the highest appropriate annual salary of those offices.
  - Step 5*

Add together the WS component values determined under Steps 2 and 4.
- (9) WS is determined in accordance with paragraph (10) where—
  - (a) during one or more parts of the period for which the FPJABS member held an eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions (“office A”), the FPJABS member held one or more other eligible fee-paid judicial offices simultaneously; and
  - (b) during one or more parts of that period the FPJABS member held no eligible fee-paid judicial office other than office A.

- (10) WS is determined by taking the steps in paragraph (8) but—
- (a) office A is to be treated as two different eligible fee-paid judicial offices—
    - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (9)(a), and accordingly, is taken into consideration in Steps 1 and 2 in paragraph (8), and
    - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (9)(b) and, accordingly is taken into consideration in Steps 3 and 4 in paragraph (8);
  - (b) the FPJABS member’s reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.
- (11) This regulation is subject to the modification of the calculation of the values of RS, WS and JS as specified in regulation 128K(1) for the purposes of that regulation.
- (12) For the purpose of this regulation, the date of death of an unretired member is treated as the date of that member’s retirement.

### **Membership**

- 128C.**—(1) Membership of the FPJABS is open to unretired and retired members of the principal scheme (but not to opted out members) for whom benefits are to be calculated under the pre-1995 provisions in respect of one or more eligible fee-paid judicial offices in which the member has qualifying fee-paid service between 31st March 1995 and 5th April 2006.
- (2) A person to whom membership of the FPJABS is open may become an FPJABS member by giving notice in writing (a “membership notice”) to the administrators before 1st April 2024 (or by such later date as the administrators may agree).
- (3) Subject to the provisions of this Part, an FPJABS member has the right to purchase added units of benefit in relation to one or more eligible fee-paid judicial offices for which benefits are to be calculated under the pre-1995 provisions.

### **Assumed dates etc.**

- 128D.**—(1) A FPJABS member must nominate a date (the “assumed contribution commencement date”) from which contributions are assumed to have been payable by the member in relation to any added units of benefit.
- (2) The assumed contribution commencement date must be between 31st March 1995 and 5th April 2006.
- (3) An unretired FPJABS member must nominate an age between the member’s earliest normal pension age under the pre-1995 provisions and the age at which the member would be required by any enactment to vacate all judicial offices held, at which that member intends to retire (the “assumed retirement age”).

### **Notice to purchase added units of benefit**

- 128E.**—(1) A membership notice given by a retired FPJABS member must specify—
- (a) the assumed contribution commencement date;
  - (b) the date the member retired; and
  - (c) the number of added units of benefit the member would like to purchase.
- (2) A membership notice given by an unretired FPJABS member must specify—

- (a) the assumed contribution commencement date;
- (b) the assumed retirement age;
- (c) the number of qualifying fee-paid days which the member proposes to work, in eligible fee-paid offices for which benefits are to be calculated under the pre-1995 provisions, each year to the period ending with the date on which the member reaches the assumed retirement age; and
- (d) the number of added units of benefit the member would like to purchase.

**Limits on maximum purchases**

**128F.**—(1) The maximum number of added units of benefit that an FPJABS member may purchase under the FPJABS is the amount that will provide benefits such that the limits set out in paragraphs (2), (3) and (5) are not exceeded.

- (2) The aggregated retirement benefit must not exceed the figure equal to the lesser of—
  - (a) the amount referred to in paragraph (3)(a), (b) or (c) as appropriate; or
  - (b) the greater of—
    - (i) 2/3rds of the amount determined in accordance with the following formula—

$$PRS - RB$$

where—

RB is the member’s retained benefits, and

- (ii) 1/60th of the value of PRS for each year of qualifying judicial service, subject to a maximum of 40 years of qualifying judicial service.

- (3) The amount referred to in paragraph (2)(a) is—
  - (a) where the member retires at or after the member’s earliest normal pension age under the pre-1995 provisions, the amount calculated by applying the appropriate fraction (determined in accordance with the table below, into which a fraction of a year is to be interpolated in accordance with paragraph (4)) to the value of PRS—

<i>Complete years of qualifying judicial service</i>	<i>Appropriate fraction</i>
1	1/60
2	2/60
3	3/60
4	4/60
5	5/60
6	8/60
7	16/60
8	24/60
9	32/60
10 or more	40/60

- (b) where the member retires before the member’s earliest normal pension age under the pre-1995 provisions on the grounds of ill-health, the amount determined in accordance with sub-paragraph (a) which the member could have received had the member remained in service until the member’s earliest normal pension age under the pre-1995 provisions;

- (c) where the member retires before the member's earliest normal pension age under the pre-1995 provisions on any other ground, an amount determined by adding together the amount for each of the member's offices for which benefits are to be calculated under the pre-1995 provisions, determined in accordance with the following formula—

$$(NJS \times AF \times S) \times ZZ + Y$$

where—

N is the reckonable service which the member accrued in the office before the date on which the member retired, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is the number of years of qualifying judicial service that the member has, subject to a maximum of—

- (i) 15 years for an office specified in Table 1 or 2 in Schedule 1, or
- (ii) 20 years for an office specified in Table 3 in Schedule 1

AF is the accrual factor specified for the office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to the member's qualifying judicial service as if the member had continued to hold the office until the date on which the member reaches the normal pension age applicable for that office, subject to a maximum of—

- (i) 15 years for an office specified in Table 1 or 2 in Schedule 1, or
- (ii) 20 years for an office specified in Table 3 in Schedule 1

S is the appropriate annual salary of the judicial office held by the member immediately before their retirement and where the member held more than one judicial office immediately before retirement, reference is to the highest appropriate annual salary of those offices

Z is the period, or the aggregate of the periods, expressed in years and any fraction of a year during which the member held one or more eligible fee-paid judicial offices, disregarding any day in respect of which the conditions in regulation 4(2) (qualifying fee-paid days) are not met

Y is the period, expressed in years and any fraction of a year, beginning with the day on which the member retired and ending with the day on which the member reached the earliest normal pension age under the pre-1995 provisions.

- (4) Where the number of years of qualifying judicial service at retirement is less than ten and is not an exact number of years, the interpolation referred to in paragraph (3)(a) is to be effected as follows—

- (a) where the number of complete years of qualifying judicial service is less than five,  $\frac{1}{365}$  of a sixtieth for each additional day is to be added to the appropriate fraction;
- (b) where the number of complete years of qualifying judicial service is five,  $\frac{3}{365}$  of a sixtieth for each additional day is to be added to the appropriate fraction;
- (c) where the number of complete years of qualifying judicial service is greater than five,  $\frac{8}{365}$  of a sixtieth for each additional day is to be added to the appropriate fraction.

- (5) The lump sum benefit must not exceed the figure calculated in accordance with subparagraphs (a) or (c) as appropriate—

- (a) on retirement before the member's earliest normal pension age under the pre-1995 provisions other than on the ground of ill health, or at or after the member's earliest normal pension age under the pre-1995 provisions, the fraction of PRS obtained under subparagraph (b);



- (b) the fraction is determined in accordance with the scale set out in the Occupational Pension Schemes (Maximum Rate Lump Sum) Regulations 1987, but for the ‘period of service’ in that scale using the member’s qualifying judicial service;
  - (c) on retirement before the member’s earliest normal pension age under the pre-1995 provisions on the ground of ill-health, the fraction of PRS obtained under sub-paragraph (d);
  - (d) the fraction is determined in accordance with the scale set out in the Occupational Pension Schemes (Maximum Rate Lump Sum) Regulations 1987, but for the ‘period of service’ in that scale using a value for the member’s qualifying judicial service as if the member had continued in eligible fee-paid judicial office until the date on which they reached their earliest normal pension age under the pre-1995 provisions.
- (6) Where the maximum number of added units of benefit would (apart from this paragraph) be negative, it is instead nil.
- (7) Any unit of added benefit purchased must not be taken into account for the purposes of determining the amount of the member’s reckonable service, or the length of the member’s qualifying judicial service.

### **Contributions**

**128G.**—(1) The contribution to the FPJABS which the FPJABS member must make is to be paid in accordance with this regulation.

(2) The contribution to the FPJABS for a retired FPJABS member must be made by a single lump sum payment to the administrators, within 12 months of the date of the retired FPJABS member’s membership notice (or by such later date as the administrators may agree).

(3) An unretired FPJABS member may make contributions by way of up to three lump sum payments, made within three years beginning with the date of the unretired FPJABS member’s membership notice (but no more than one lump sum payment may be made in each calendar year), in respect of any contributions relating to the period beginning with the assumed contribution commencement date and ending with the date agreed under paragraph (4).

(4) The date on which an unretired FPJABS member may start payment of periodic contributions (“the periodic contributions start date”) must—

- (a) be within 12 months of the date of the unretired FPJABS member’s membership notice (or by such later date as the administrators may agree); and
- (b) be agreed between the unretired FPJABS member and the administrators.

(5) Periodic contributions to the FPJABS must be made by way of deductions from fees or salary.

(6) Periodic contributions continue until the unretired FPJABS member—

- (a) reaches the assumed retirement age;
- (b) retires before the assumed retirement age;
- (c) dies; or
- (d) notifies the administrators that the member wishes the contributions to cease,

whichever occurs first.

### **Limit on contributions by retired FPJABS members**

**128H.**—(1) The total contributions made by a retired FPJABS member under regulation 128G may not exceed the amount which is equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the date on which the FPJABS member retired in accordance with the following formula—

$15 \times FI100 - C$

where—

FI is the FPJABS member's annual fee income for eligible fee-paid offices for the tax year in question, which is subject to income tax, or if lower, the permitted maximum for that tax year

C is the sum of any contributions made by the FPJABS member to any other judicial pension scheme or additional voluntary contributions scheme in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012.

(2) For the purposes of paragraph (1), the FPJABS member's "annual fee income" is the total of the fees paid to the FPJABS member in respect of qualifying fee-paid days in offices in relation to which benefits are to be calculated under the pre-1995 provisions, in the tax year concerned.

### **Limits on contributions by unretired FPJABS members**

**128I.**—(1) The aggregate amount of the lump sum payments an unretired FPJABS member may make is the smaller of—

- (a) the amount equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date in accordance with the following formula—

$$(15 \times FI100) \times C$$

where—

FI is the unretired FJABS member's annual fee income for the tax year in question which is subject to income tax, or if lower, the permitted maximum for that tax year

C is the sum of any contributions made by the unretired FPJABS member to any other judicial pension scheme in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012; and

- (b) the amount determined in accordance with the formula—

$$(C \times DE) \times F$$

where—

C is the cost of one added unit of benefit

D is the number of added units of benefit which the unretired FPJABS member has notified to the administrators that the member would like to purchase

E is the period beginning with the assumed contribution commencement date and ending with the assumed retirement date, expressed in years and any fraction of a year

F is the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date, expressed in years and any fraction of a year.

(2) The unretired FPJABS member's "annual fee income" for the purposes of paragraph (1) is the total of the fees paid to that member in eligible fee-paid offices for which benefits are to be calculated under the pre-1995 provisions in respect of qualifying fee-paid days in the tax year concerned.

(3) The maximum aggregate amount of periodic contributions an unretired FPJABS member may make is calculated in accordance with the formula—

$$((C \times DE) \times F) + X$$

where—

C is the cost of one added unit of benefit

D is the number of added units of benefit which the unretired FPJABS member has notified to the administrators that the member would like to purchase

E is the period beginning with the assumed contribution commencement date and ending with the assumed retirement date, expressed in years and any fraction of a year

F is the period beginning with the unretired FPJABS member's periodic contributions start date and ending with the assumed retirement date, expressed in years and any fraction of a year

X is the difference between the maximum amount which the unretired FPJABS member could have contributed under regulation 128G(3) and the amount the member actually contributed under that provision.

(4) In this regulation, “the periodic contributions start date” has the same meaning as in regulation 128G(4).

#### **Cost of added units of benefit for retired FPJABS members**

**128J.**—(1) For a retired FPJABS member, where on the date the member retired they had a spouse, civil partner or qualifying child, the cost of added units of benefit is to be determined in accordance with the formula—

$$((A \div 100B) \times C) + D$$

where—

A is the sum of the personal benefits and family benefits percentage figures set out in the appropriate table in Schedule 3 to the 1995 Regulations on the assumed contribution commencement date, which correspond to the reckonable service specified in the definition of B

B is the amount of reckonable service in eligible fee-paid office for which benefits are to be calculated under the pre-1995 provisions, which the member accrued in the period beginning with the assumed contribution commencement date and ending with the date on which the member retired, calculated in accordance with regulation 5(1) as though paragraph (2) of that regulation does not apply

C is the total of the fees paid to the member in respect of qualifying fee-paid days in the period referred to in B

D is the number of added units of benefit which the unretired FPJABS member has notified to the administrators that the member would like to purchase.

(2) For a retired FPJABS member, where on the date the member retired they did not have a spouse, civil partner or qualifying child at any point in the period beginning with the assumed contribution commencement date and ending with the date the member retired, the cost of added units of benefit is to be determined in accordance with paragraph (1) as if in the definition of A, instead of referring to the personal benefits and family benefits percentage figures, it referred only to the personal benefits percentage figure.

(3) For a retired FPJABS member who did not have a spouse, civil partner or qualifying child on the date on which they retired, but did at some point in the period beginning with the assumed contribution commencement date and ending with the date they retired, the cost of added units of benefit is to be determined in accordance with the formula—

$$E + F$$

where—

E is the cost for the period beginning with the assumed contribution commencement date and ending with the date on which the member last had a spouse, civil partner or qualifying child, determined in accordance with paragraph (1) as if “C” referred to the total of fees paid to the member in respect of qualifying fee-paid days in that period

F is the cost for the period beginning with the day after the date the member last had a spouse, civil partner or qualifying child (“the start date”) and ending with the date the member retired, determined in accordance with paragraph (2) as if “C” referred to the total of fees paid to the member in respect of qualifying fee-paid days in that period.

### Cost of added units of benefit for unretired FPJABS members

**128K.**—(1) The cost of each added unit of benefit is determined in accordance with the following formula—

$$(A \div 100B) \times PRS$$

where—

A is the sum of the personal benefits and family benefits percentage figures set out in the first table in Schedule 3 to the 1995 Regulations on the assumed contribution commencement date, which correspond to the length of time between the assumed contribution commencement date and the assumed retirement date

B is the length of time referred to in the definition of A, in years and fractions of a year, subject to the limit on total contributions allowed in any one year by regulation 128I

For the purposes of this regulation, PRS is to be determined as if—

- (i) the value of WS were determined as if references to the member’s retirement were instead references to the assumed commencement date,
- (ii) the value of RS were determined on the assumption that the member would retire at the assumed retirement date having worked the number of qualifying fee-paid days which they specified in their membership notice that they propose to work each year,
- (iii) the value of JS were determined on the assumption that the member retires at their assumed retirement age, subject to a maximum of 20 years.

(2) For each part unit of added benefit purchased the cost is that determined in paragraph (1) multiplied by the appropriate decimal fraction, to a minimum of £0.01.

### Valuation of benefits

**128L.**—(1) If an FPJABS member retires, the administrators must—

- (a) calculate the number of added units of benefit that the member has purchased by dividing the total contributions made by the member under regulation 128G by the cost of an added unit of benefit as determined under regulation 128K; and
- (b) notify the member of that amount.

(2) Any added unit of benefit that the member has purchased entitles them to—

- (a) an additional pension benefit under the pre-1995 provisions of 1/40th of the value of PRS; and
- (b) an additional lump sum of 2/40ths of the value of PRS.

(3) A surviving adult in relation to an FPJABS member is, in respect of any added unit of benefit purchased by the member, entitled to an additional pension of 1/80th of the value of PRS.

(4) A relevant person in relation to an FPJABS member is, in respect of any added unit of benefit purchased by the member, entitled to an additional children’s pension as follows—

- (a) where there is no surviving adult in relation to the deceased FPJABS member, or where there is but the surviving adult subsequently dies—
    - (i) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to two thirds of the rate of the member's pension, the eligible child's pension is increased by 1/60th of PRS,
    - (ii) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to one third of the rate of the member's pension, the eligible child's pension is increased by 1/120th of PRS;
  - (b) where there is a surviving adult in relation to the deceased FPJABS member—
    - (i) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to one half of the annual rate of the member's pension, the eligible child's pension is increased by 1/80th of PRS,
    - (ii) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to one quarter of the rate of the member's pension, the eligible child's pension is increased by 1/160th of PRS.
- (5) The FPJABS member, surviving adult, or relevant person in respect of an eligible child are entitled to proportionate benefits for any part of an added unit of benefit that has been purchased.
- (6) If an unretired FPJABS member retires on the ground of ill health or dies before their earliest normal pension age under the pre-1995 provisions, they are to be credited with the number of added units of benefit for which they are paying contributions.
- (7) If an unretired FPJABS member ceases making contributions before their earliest normal pension age under the pre-1995 provisions, for reasons other than death or retirement on the ground of ill-health—
- (a) the administrators must—
    - (i) calculate the number of added units of benefit that the member has purchased by the date of cessation, by dividing the total contribution made by the member under regulation 128G by the cost of an added unit of benefit as determined under regulation 128K, and
    - (ii) notify the member of that amount;
  - (b) at the date of cessation, the member must be credited with added units of benefit equivalent to the number calculated under sub-paragraph (a).

### **Resumption of contributions**

- 128M.**—(1) If an unretired FPJABS member ceases to make periodic contributions, they may apply to the administrators to resume making periodic contributions but any such application—
- (a) must not be accepted if the member has reached the assumed retirement age;
  - (b) must not result in the member making contributions at a rate that is higher than the rate at which they were contributing before they ceased to pay periodic contributions; and
  - (c) must be accompanied by a declaration signed by the member stating that they have no reason to believe that health may prevent continuation of service until the assumed retirement age.
- (2) If a member who has ceased to participate in the FPJABS under regulation 128G(6)(d), subsequently starts to pay contributions again, this regulation and regulations 128G, 128K, 128L, 128N and 128O apply separately to those contributions and the value of benefits purchased with them.

(3) If an application by a member under paragraph (1) to resume making contributions has been accepted and the member subsequently—

- (a) dies or retires on the ground of ill-health within 12 months of the date on which they started to pay periodic contributions again; or
- (b) dies or retires on the ground of ill-health because of an incapacity to which they became subject within 12 months of that date,

regulation 128L(6) does not apply unless the administrators are satisfied that the declaration given under paragraph (1)(c) was made in good faith.

### **Refund of contributions: family benefits**

**128N.**—(1) If an unretired member of FPJABS who has bought units of added benefit is not married or in a civil partnership and has no qualifying children, at the time they retire, die, or otherwise cease to be a member of the principal scheme, they or their estate is entitled to a refund in accordance with this regulation.

(2) The amount to be refunded to a member of the FPJABS is calculated by applying the percentage figure determined in accordance with the formula below to the member's annual fee income for each year for any offices in relation to which benefits are calculated under the pre-1995 provisions, during the period from the date they ceased to have a spouse or civil partner, or eligible child, until the date of retirement—

$$A \div 100B$$

where—

A is the family benefits percentage figure set out in the appropriate table in Schedule 3 to the 1995 Regulations which corresponds to the length of time between the assumed contribution commencement date and the assumed retirement date

B is the length of time referred to in the definition of A, in years and fractions of a year.

(3) Where a refund is payable under this regulation it must be paid together with interest.

### **Refund of contributions: excess contributions**

**128O.**—(1) If the total contributions paid by an unretired FPJABS member exceed the smaller of—

- (a) the amount necessary to purchase the number of added units of benefit notified to the administrators by the member in the member's membership notice; and
- (b) the amount necessary to purchase the maximum number of added units of benefit permissible under this Part (calculated on the basis that the assumed retirement age were the age of the member on actual retirement),

the member is entitled to a refund of the excess contributions.

(2) Where a refund is payable under this regulation, it must be paid together with interest.

### **Reduction of benefits**

**128P.**—(1) This regulation applies where the administrators pay the whole or any part of the lifetime allowance charge arising on a benefit crystallisation event relating to the FPJABS in relation to a FPJABS member.

(2) The pensions or other benefits payable under this Part to or in respect of the FPJABS member may (notwithstanding any other provision of these Regulations) be reduced by such amount as, in accordance with normal actuarial practice, reflects the amount of the payments made.

## PART 14B

### Conversions of added benefits etc.

#### Interpretation of Part

**128Q.**—(1) In this Part—

“added years” means added years purchased under Part 13 by a FPJAYS member;

“added units of benefit” means added units of benefits purchased under Part 14A by a FPJABS member;

“together with interest” means with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

(2) Expressions defined for the purposes of Parts 13, 14 and 14A apply in this Part in relation to FPJAYS, JASAPS and FPJABS.

#### Conversion of added years into added units of benefit

**128R.**—(1) Paragraphs (2) to (4) apply if, by virtue of Part 2A, a member who has purchased added years no longer has any offices in which the member has eligible service between 31st March 1995 and 1st April 2006 for which benefits are to be calculated under the post-1995 provisions.

(2) For each office in relation to which the member purchased added years, the number of added years that the member has purchased are converted into added units of benefit using the following formula—

$$((AB \times C) \div D) \times (AASPRS)$$

where—

A is the sum of contributions made (whether by lump sum or periodic contributions)

B is the total sum of contributions potentially payable by the member (whether by lump sum or periodic contributions) up to the assumed retirement age

C is the number of added years that the member has contracted to purchase in relation to the office

D is the appropriate service credit figure determined by reference to the age of the member at the member’s last birthday at the date of transfer set out in the relevant table in Schedule 1 to the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995 (“the Transfer Regulations”)

For the purpose of the definition of D, the relevant table in Schedule 1 to the Transfer Regulations is—

- (i) the Higher Judiciary Scheme for offices in Table 1 of Schedule 1,
- (ii) the Circuit Judiciary Scheme for offices in Table 2 of Schedule 1, and
- (iii) the Land Tribunal Scheme and District Judiciary Scheme for offices in Table 3 of Schedule 1

AAS is the appropriate annual salary for the office concerned.

(3) The agreement with the member to purchase further added years in the FPJAYS is cancelled and the member becomes a member of the FPJABS.

(4) If the conversion under paragraph (2) would mean that the maximum number of added units of benefit that the member may purchase specified in regulation 128F would be exceeded, the conversion is limited to that maximum and the member is to be paid a refund in respect of any excess added years or parts thereof together with interest.

### **Variation of added units of benefit after conversion under regulation 128R**

**128S.**—(1) This regulation applies where added years are converted into added units of benefit for a member under regulation 128R.

(2) A retired FPJABS member may—

- (a) purchase more added units of benefit by giving a notice under regulation 128E; or
- (b) decrease the number of added units of benefit by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) If the retired FPJABS member purchases more added units of benefit, the following provisions apply as if the added units of benefit obtained under regulation 128R were included in the member's notice given under regulation 128E—

- (a) regulation 128D(1) (assumed contribution commencement date);
- (b) regulation 128F (limits on maximum purchases);
- (c) regulation 128H (limit on contributions by retired FPJABS members);
- (d) regulation 128J (cost of added units of benefit for retired FPJABS members); and
- (e) regulation 128L (valuation of benefits).

(4) If the retired FPJABS member purchases more added units of benefit, they must pay the additional contribution due, by lump sum payment to the administrators, within 12 months of the date on which they served notice under paragraph (2)(a).

(5) If the retired FPJABS member decreases the number of added units of benefit, they are entitled to a refund of the excess contributions together with interest.

(6) For the purposes of paragraph (5), excess contributions are calculated by reference to the contributions paid by the member for the purchase of the associated added years before conversion.

(7) An unretired FPJABS member may—

- (a) purchase more added units of benefit by giving a notice under regulation 128E; or
- (b) decrease the number of added units of benefit by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(8) If the unretired FPJABS member purchases more added units of benefit the following provisions apply as if the added units of benefit obtained under regulation 128R were included in the member's notice given under regulation 128E—

- (a) regulation 128D(1) (assumed contribution commencement date);
- (b) regulation 128F (limits on maximum purchases);
- (c) regulation 128I (limit on contributions by unretired FPJABS members);
- (d) regulation 128K (cost of added units of benefit for unretired FPJABS members); and
- (e) regulation 128L (valuation of benefits).

(9) If the unretired FPJABS member purchases more added units of benefit, they must either—

- (a) agree to an increase to their periodic contributions so that the appropriate amount is payable by the time of their assumed retirement date; or
- (b) pay the additional contribution due, by lump sum payment to the administrators, within 12 months of the date on which they served notice under paragraph (2)(a).

(10) If the unretired FPJABS member decreases the number of added units of benefit, they are entitled to a refund of the excess contributions together with interest.

(11) For the purposes of paragraph (10), excess contributions are calculated by reference to the contributions paid by the member for the purchase of the associated added years before conversion.



### Variation of added years purchase upon notice by member

**128T.**—(1) Paragraphs (2) to (6) apply where a retired FPJAYS member entered into an agreement to purchase added years before the amendment day.

(2) Subject to paragraph (3), a retired FPJAYS member may increase or decrease the number of added years that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) A retired FPJAYS member may not increase the number of added years that they agreed to purchase to a number that would exceed the maximum number of added years specified in regulation 106(2).

(4) The following provisions apply as if the retired FPJAYS member had included the variation referred to in their notice under paragraph (2) in the number of added years they said that they would like to purchase in their original notice under regulation 104(2)—

- (a) regulation 105(1) (assumed contribution commencement date);
- (b) regulation 106(2) (maximum number of added years);
- (c) regulation 107 (contributions by retired FPJAYS members);
- (d) regulation 108 (retired FPJAYS members: maximum contributions); and
- (e) regulation 109 (valuation of benefits for retired FPJAYS members).

(5) If, as a result of the variation, the total contributions payable are higher than before the variation, the retired FPJAYS member must pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(6) If, as a result of the variation, the total contributions payable are lower than before the variation, the retired FPJAYS member is entitled to a refund of the excess contributions together with interest.

(7) Paragraphs (8) to (13) apply where an unretired FPJAYS member entered into an agreement to purchase added years before the amendment day.

(8) Subject to paragraph (9), an unretired FPJAYS member may increase or decrease the number of added years that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(9) An unretired FPJAYS member may not increase the number of added years that they agreed to purchase to a number that would exceed the maximum number of added years specified in regulation 106(2).

(10) The following provisions apply as if the unretired FPJAYS member had included the variation referred to in their notice under paragraph (8) in the number of added years they said that they would like to purchase in their original notice under regulation 104(2)—

- (a) regulation 110(1)(a) (assumed contribution commencement date);
- (b) regulation 110(1)(b) (assumed retirement age);
- (c) regulation 110(3) (maximum number of added years);
- (d) regulation 111 (contributions by active FPJAYS members);
- (e) regulation 112 (valuation of benefits for active FPJAYS members); and
- (f) regulation 113 (refund of contributions).

(11) If, as a result of the variation, the total contributions payable are higher than before the variation, the unretired FPJAYS member must either—

- (a) agree to an increase to their periodic contributions so that the appropriate amount is payable by the time of their assumed retirement date; or

- (b) pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (8).
- (12) If, as a result of the variation, the total contributions payable are lower than before the variation—
- (a) an unretired FPJAYS member who made lump sum contributions is entitled to a refund of excess contributions together with interest; and
  - (b) for an unretired FPJAYS member who is making periodic contributions, those periodic contributions are reduced so that the appropriate amount of contributions is payable by the time of their assumed retirement date.
- (13) An unretired FPJAYS member who has ceased to make periodic contributions may give a notice under paragraph (8) to vary the number of added years that they originally agreed to purchase but that notice has effect only if that member also makes an application under regulation 112(6) as modified by paragraph (14), which is accepted by the administrators.
- (14) Regulation 112(6) applies in relation to a member of the description in paragraph (13) as if sub-paragraphs (b) and (c) were omitted.

#### **Reduction of FPJAYS purchase where additional reckonable service taken into account**

- 128U.**—(1) Paragraph (2) applies where an FPJAYS member entered into an agreement to purchase added years before the amendment day and as a result of—
- (a) the member’s reckonable service in eligible fee-paid office before 7 April 2000; or
  - (b) an election by the member under section 40 of the Public Service Pensions and Judicial Offices Act 2022,

the additional reckonable service to be taken into account means that the number of added years being purchased by the member would exceed the maximum number of added years referred to in regulation 106(2).

- (2) The administrators must reduce the number of added years purchased by the member to the maximum number of added years determined using the formula set out in regulation 106(2), once the additional reckonable service referred to in paragraph (1) is taken into account.
- (3) In the case of a reduction of added years under paragraph (2), the FPJAYS member is entitled to a refund of contributions as follows—
- (a) for a retired FPJAYS member, the refund must be paid to the member together with interest;
  - (b) for an unretired FPJAYS member the refund must—
    - (i) be paid to the member together with interest, to the extent that it is less than or equal to the amount of any contributions that have been paid,
    - (ii) be applied as a reduction of contributions, in respect of any amount that is in excess of any contributions that have been paid, so that the appropriate amount of contributions is payable by the time of the assumed retirement date.

#### **Variation of existing JASAPS purchase upon notice by member**

- 128V.**—(1) Paragraphs (2) to (6) apply where a retired JASAPS member entered into an agreement to purchase added surviving adult’s pension before the amendment day.
- (2) Subject to paragraph (3), a retired JASAPS member may increase or decrease the number of units of added surviving adult’s pension that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) A retired JASAPS member may not increase the number of units of added surviving adult's pension that they agreed to purchase to a number that would exceed the maximum number of units set out in regulation 119(2).

(4) The following provisions apply as if the retired JASAPS member had included the variation referred to in their notice under paragraph (2) in the number of units of added surviving adult's pension they said that they would like to purchase in their original notice under regulation 117(2)—

- (a) regulation 119(1)(a) (assumed contribution commencement date);
- (b) regulation 119(2) (maximum number of units of added surviving adult's pension);
- (c) regulation 120 (cost of added surviving adult's pension);
- (d) regulation 121 (maximum level of contributions); and
- (e) regulation 122 (valuation of benefits).

(5) If, as a result of the variation, the total contributions payable are higher than before the variation, the retired JASAPS member must pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(6) If, as a result of the variation, the total contributions payable are lower than before the variation, the retired JASAPS member is entitled to a refund of the excess contributions together with interest.

(7) Paragraphs (8) to (13) apply where an unretired JASAPS member entered into an agreement to purchase added surviving adult's pension before the amendment day.

(8) Subject to paragraph (9), an unretired JASAPS member may increase or decrease the number of units of added surviving adult's pension they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(9) An unretired JASAPS member may not increase the number of units of added surviving adult's pension that they agreed to purchase to a number that would exceed the maximum number of added units specified in regulation 123(2).

(10) The following provisions apply as if the unretired JASAPS member had included the variation referred to in their notice under paragraph (2) in the number of units of added surviving adult's pension they said that they would like to purchase in their original notice under regulation 117(2)—

- (a) regulation 119(2) (maximum number of units of added surviving adult's pension);
- (b) regulation 123(1)(a) (assumed contribution commencement date);
- (c) regulation 123(1)(b) (assumed retirement age);
- (d) regulation 124 (cost of added surviving adult's pension);
- (e) regulation 125 (contributions); and
- (f) regulation 126 (valuation of benefits).

(11) If, as a result of the variation, the total contributions payable are higher than before the variation, the unretired JASAPS member must either—

- (a) agree to an increase to their periodic contributions so that the appropriate amount of contributions is payable by the time of their assumed retirement date; or
- (b) pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(12) If, as a result of the variation, the total contributions payable are lower than before the variation, the unretired JASAPS member is entitled to a refund of contributions which must—

- (a) be paid to the member together with interest to the extent that it is less than or equal to the amount of any contributions that have been paid; and

(b) be applied as a reduction of contributions in respect of any amount that is in excess of any contributions that have been paid, so that the appropriate amount of contributions is payable by the time of the assumed retirement date.

(13) An unretired JASAPS member who has ceased to make periodic contributions may give a notice under paragraph (2) to vary the number of units of added surviving adult's pension that they originally agreed to purchase, but that notice has effect only if that member also makes an application under regulation 126(7), as modified by paragraph (14) which is accepted by the administrators.

(14) Regulation 126(7) applies in relation to a member of the description in paragraph (13) as if sub-paragraphs (b) and (c) were omitted.

### **Refund of JASAPS contributions when benefits calculated under pre-1995 provisions**

**128W.**—(1) Paragraph (2) applies where a JASAPS member has entered into an agreement to purchase units of added surviving adult's pension, and benefits for all of the member's eligible fee-paid judicial offices are to be calculated under the pre-1995 provisions by virtue of Part 2A.

(2) The administrators must reduce the number of units of added surviving adult's pension to nil and refund the member's contributions together with interest.

### **Conversion of units of benefit into added years**

**128X.**—(1) This regulation applies if, as a result of one or more elections under regulation 11C, an FPJABS member who has purchased added units of benefit no longer has any offices for which benefits are to be calculated under the pre-1995 provisions.

(2) The number of added units of benefit that the member has purchased are converted into added years using the following formula—

$$((AB \times C) \times D) \times (\text{PRSPRS post 1995})$$

where—

A is the sum of contributions made (whether by lump sum or periodic contributions)

B is the total sum of contributions potentially payable by the member (whether by lump sum or periodic contributions) up to the assumed retirement age

C is the number of added units of benefit that the member has contracted to purchase

D is the appropriate service credit figure determined by reference to the age of the member at the member's last birthday at the date of transfer set out in the relevant table in Schedule 1 to the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995 ("the Transfer Regulations")

For the purpose of the definition of D, the relevant table in the Transfer Regulations is—

- (i) the Higher Judiciary Scheme for offices in Table 1 of Schedule 1,
- (ii) the Circuit Judiciary Scheme for offices in Table 2 of Schedule 1, and
- (iii) the Land Tribunal Scheme and District Judiciary Scheme for offices in Table 3 of Schedule 1

PRSPRS post-1995 is obtained as the value of PRS under regulation 128B but as if every reference to the pre-1995 provisions were a reference to the post-1995 provisions.

(3) The number of added years determined under paragraph (2) are to be allocated to the eligible fee-paid judicial offices held by the member for which benefits are calculated under the post-1995 provisions, in the same proportion as the member's existing reckonable service in those offices.

(4) The agreement with the member to purchase further added units of benefit in the FPJABS is cancelled and the member becomes a member of the FPJAYS.

(5) If the conversion under paragraph (2) would mean that the maximum number of added years that an FPJAYS member may purchase specified in regulation 106(2) would be exceeded, the conversion is limited to that maximum and the member is entitled to a refund in respect of contributions for any excess added units of benefit together with interest.]

## PART 15

### APPEALS

#### Appeals

**129.**—(1) If any person to whom this regulation applies is aggrieved by any decision of the administrators concerning—

- (a) the interpretation of the provisions of the 2017 schemes; or
- (b) the exercise of any discretion under the 2017 schemes,

that person has a right of appeal to the appropriate Minister against that decision.

(2) On deciding an appeal under this regulation, the appropriate Minister may give to the administrators such directions as the appropriate Minister considers appropriate or expedient for implementing the decision.

(3) The administrators are entitled to appear and be heard on any appeal under this regulation.

(4) The persons to whom this regulation applies are the following—

- (a) a member of the principal scheme;
- (b) the surviving adult in relation to a deceased member;
- (c) the eligible child in relation to a deceased member;
- (d) where the decision relates to the question whether a person who claims to be a person mentioned in sub-paragraph (a), (b) or (c) is such a person, the person making that claim.

(5) In regulation 3 of the Judicial Pensions (Appeals) Regulations 1995 <sup>F270</sup> (application of regulations), after paragraph (i) insert—

“(j) regulation 129 of the Judicial Pensions (Fee-Paid Judges) Regulations 2017;”.

#### Textual Amendments

**F270** [S.I.1995/635](#).

*Elizabeth Truss*  
Lord Chancellor

*David Mundell*  
Secretary of State for Scotland

## [F271] SCHEDULE 1

Regulations 3, 5 and 7

## Judicial offices

**Textual Amendments**

**F271** Sch. substituted for Schs. 1-3 (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), 66

**Table 1**

<i>Judicial office</i>	<i>Divisor</i>
Lord Justice of Appeal (fee-paid) England and Wales	220
Lord Justice of Appeal (fee-paid) Northern Ireland	218
High Court Judge (fee-paid) England and Wales	210
High Court Judge (fee-paid) Northern Ireland	218
Deputy High Court Judge England and Wales	210
Deputy High Court Judge Northern Ireland	218
Temporary Judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978	218
Temporary Judge (Scotland)	210

**Table 2**

<i>Judicial office</i>	<i>Divisor</i>
Deputy Circuit Judge	210
Recorder	210
Assistant Recorder	210
Temporary Sheriff Principal (Scotland)	215
Re-employed former Sheriff Principal (Scotland)	215
Re-employed former Appeal Sheriff (Scotland)	215
Deputy Social Security Commissioner	220
Deputy Child Support Commissioner	220
Chairman of VAT & Duties Tribunal	220
Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment)	220

<i>Judicial office</i>	<i>Divisor</i>
Judge of the Industrial Tribunal	220
Employment Tribunal Chairman	220
Industrial Tribunal Chairman	220
Temporary Judge of the Employment Appeal Tribunal (where a legal qualification is a requirement of appointment)	220
Deputy Social Security Commissioner for Northern Ireland	218
Deputy County Court Judge (Northern Ireland)	218
Deputy Child Support Commissioner for Northern Ireland	218

**Table 3**

<i>Judicial office</i>	<i>Divisor</i>
Deputy Supreme Court Master	210
Deputy Supreme Court Registrar	210
Deputy Master of the Senior Courts	210
Deputy Taxing Master	210
Deputy Master of the King's Bench Division	210
Deputy Master of the Chancery Division	210
Deputy Bankruptcy Registrar	210
Deputy Costs Judge	210
Deputy Insolvency and Companies Court Judge	210
Deputy District Judge (Magistrates' Court)	215
Deputy Stipendiary Magistrate England and Wales	215
Part-time Stipendiary Magistrate (Scotland)	210
Deputy District Judge of the Principal Registry of the Family Division	210
Deputy District Judge	215
Deputy District Judge (Magistrates' Court) Northern Ireland	218
Commissioner for the Special Purposes of the Income Tax Acts	220
Deputy Commissioner for the Special Purposes of the Income Tax Acts	220
Part-time Sheriff (Scotland)	215
Temporary Sheriff (Scotland)	215

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

<i>Judicial office</i>	<i>Divisor</i>
Part-time Summary Sheriff (Scotland)	215
Re-employed former Sheriff Principal, Sheriff or part-time Sheriff acting as Sheriff (Scotland)	215
Re-employed retired Sheriff Principal or Sheriff acting as Sheriff (Scotland)	215
Re-employed former Judge (Scotland)	210
Judge of the Medical Appeal Tribunal	220
Chairman of the Medical Appeal Tribunal	220
Chairman Social Security Appeals Tribunal	220
Judge Social Security Appeals Tribunal	220
Judge Child Support Appeal Tribunal	220
Chairman of the Child Support Appeal Tribunal	220
Judge of the Disability Appeal Tribunal	220
Deputy Commissioner Child Support Appeal Tribunal	220
Chairman of the Disability Appeal Tribunal	220
Deputy Resident Magistrate (Northern Ireland)	218
Surveyor member (Chair only) of the Lands Tribunal	220
Deputy Statutory Officer (Northern Ireland)	218
Temporary Additional Statutory Officer (Northern Ireland)	218
Member of a panel constituted under Article 7(1) of the Social Security (Northern Ireland) Order 1998 who is appointed to serve as a member of that panel and is a barrister or solicitor	218

**Table 4**

<i>Judicial office</i>	<i>Divisor</i>	<i>Service limitation date</i>
Immigration Adjudicator	220	31st March 1995
First-tier Tribunal Judge (Social Entitlement Chamber) Asylum Support	220	31st March 2007
Asylum Support Adjudicator	220	31st March 2007
Judge of the Immigration and Asylum Tribunal	220	
Legal Member of the Immigration and Asylum Tribunal	220	
Legal Chair Criminal Injuries Compensation Appeals Panel	220	2nd November 2008



<i>Judicial office</i>	<i>Divisor</i>	<i>Service limitation date</i>
Non-legal Chair Criminal Injuries 220 Compensation Appeals Panel		2nd November 2008
Member (Chair only) First-tier Tribunal 220 (Social Entitlement Chamber) Criminal Injuries Compensation		2nd November 2008
First-tier Tribunal Judge (Social 220 Entitlement Chamber) Criminal Injuries Compensation		2nd November 2008
Temporary Assistant Judge Advocate 220 General		
Member (Chair only) First-tier Tribunal 220 (Property Chamber) Residential Property		30th June 2013
Deputy Adjudicator HM Land Registry 220		1st January 2009
First-tier Tribunal Judge (Property 220 Chamber) Land Registration		1st January 2009
First-tier Tribunal Judge (Property 220 Chamber) Residential Property		30th June 2013
First-tier Tribunal Judge (Property 220 Chamber) Agricultural Land and Drainage		30th June 2013
Re-employed former Summary Sheriff, 215 or part-time Summary Sheriff acting as Summary Sheriff (Scotland)		
Deputy Coroner (Northern Ireland) 218		3rd April 2006
Member of a panel of Chairmen of 218 Industrial Tribunals		
Member of a panel of Chairmen of Fair 218 Employment Tribunal		
Legal Chair National Security Certificate 218 Appeals Tribunal (Northern Ireland)		
Deputy Chair National Security 218 Certificate Appeals Tribunal (Northern Ireland)		
President of the Rent Assessment 220 Committees Wales		
Legal Member of the Rent Assessment 220 Committee Wales		
Legal Member Mental Health Review 220 Tribunal for Wales (where a legal qualification is a requirement of appointment)		

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

<i>Judicial office</i>	<i>Divisor</i>	<i>Service limitation date</i>
Legal Chair Special Educational Needs Tribunal Wales (where a legal qualification is a requirement of appointment)	220	
President of Special Educational Needs Tribunal Wales	220	
Legal Chair Education Tribunal Wales	220	
President of Education Tribunal Wales	220	
President Welsh Language Tribunal	220	
Legal Member Welsh Language Tribunal	220	
Legal Member Adjudication Panel for Wales	220	
President of the Adjudication Panel for Wales	220	
President of the Mental Health Review Tribunal for Wales	220	
President of Welsh Tribunals	210	
Deputy District Judge (Northern Ireland)	218	31st March 1995
Legal Chair Competition Appeal Tribunal	210	
Deputy Chair Copyright Tribunal	220	
Appointed Person for Design Right Appeals	220	
Appointed Person for Trademark Appeals	220	
Legal Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	220	
Senior Legal Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	220	
Legal Chair Reserve Forces Appeal Tribunal	220	
Legal Chair Reinstatement Committee	220	
Chairman Information Tribunal	220	
Deputy Chairman Information Tribunal	220	
Chairman Pensions Appeal Tribunals	220	
Legal Member of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943	220	

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

<i>Judicial office</i>	<i>Divisor</i>	<i>Service limitation date</i>
Legal Chair Pensions Appeal Tribunal	220	
Legal Member Pensions Appeal Tribunal	220	
President and Deputy President of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943	220	
First-tier Tribunal Judge (where a legal qualification is a requirement of appointment)	220	
Upper Tribunal Judge (where a legal qualification is a requirement of appointment)	220	
Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment)	220	
Surveyor member (Chair only) Upper Tribunal Lands	220	
Legal Chairman Mental Health Review Tribunal	220	
Legal Member Mental Health Review Tribunal	220	
Legal Chairman Special Educational Needs and Disability Tribunal	220	
Legal Chairman Care Standards Tribunal	220	
Legal Member Care Standards Tribunal	220	
Immigration Judge	220	
Legal Member Appeals Service	220	
Legal Member Transport Tribunal	220	

SCHEDULE 2

Regulations 11F, 11H and 11J

Accrual rates for pension calculations under Part 2B

**Table 1**

**Accrual factors for offices included in Table 1 of Schedule 1**

<i>Complete years of qualifying judicial service</i>	<i>Accrual factor</i>
1	0.2500

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

<i>Complete years of qualifying judicial service</i>	<i>Accrual factor</i>
2	0.2500
3	0.2500
4	0.2500
5	0.2500
6	0.2750
7	0.3000
8	0.3250
9	0.3500
10	0.3750
11	0.4000
12	0.4250
13	0.4500
14	0.4750
15	0.5000

**Table 2**

**Accrual factors for offices included in Table 2 of Schedule 1**

<i>Complete years of qualifying judicial service</i>	<i>Accrual factor</i>
1	0.1500
2	0.1500
3	0.1500
4	0.1500
5	0.2500
6	0.2750
7	0.3000
8	0.3250
9	0.3500
10	0.3750
11	0.4000
12	0.4250
13	0.4500
14	0.4750
15	0.5000

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

**Table 3**

**Accrual factors for offices included in Table 3 of Schedule 1**

<i>Complete years of qualifying judicial service</i>	<i>Accrual factor</i>
1	0.0000
2	0.0000
3	0.0750
4	0.0750
5	0.1875
6	0.2000
7	0.2125
8	0.2250
9	0.2375
10	0.2500
11	0.2750
12	0.3000
13	0.3250
14	0.3500
15	0.3750
16	0.4000
17	0.4250
18	0.4500
19	0.4750
20	0.5000

SCHEDULE 3

Regulation 52

Contribution rates

**Table 1**

**Contribution rates payable**

<i>Fee period</i>	<i>Contribution (personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
Before 1st April 2006	0.00	2.40	1.80
1st April 2006 to 31st March 2012	0.00	2.40	1.80

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

<i>Fee period</i>	<i>Contribution (personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
1st April 2012 to 31st March 2013	1.28	2.40	1.80
1st April 2013 to 31st March 2014	2.56	2.40	1.80
1st April 2014 to 31st March 2015	3.20	2.40	1.80
1st April 2015 to 31st March 2016	See Table 2		
1st April 2016 to 31st March 2017	See Table 3		
1st April 2017 to 31st March 2018	See Table 4		
1st April 2018 to 31st March 2020	See Table 5		
1st April 2020 to 31st March 2021	See Table 6		
1st April 2021 to 31st March 2022	See Table 7		

**Table 2**

**1st April 2015 to 31st March 2016**

<i>Total fee (£)</i>	<i>Contribution (Personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,001	0.96	2.40	1.80
21,001 to but not including 47,001	1.47	2.40	1.80
47,001 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	1.80

**Table 3**

**1st April 2016 to 31st March 2017**

<i>Total fee (£)</i>	<i>Contribution (Personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
Up to but not including 15,001	0.96	2.40	1.80

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

<i>Total fee (£)</i>	<i>Contribution (Personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
15,001 to but not including 21,211	0.96	2.40	1.80
21,211 to but not including 48,472	1.47	2.40	1.80
48,472 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	[ <sup>F272</sup> 0.00]

#### Textual Amendments

**F272** Word in [Sch. 3 Table 3](#) substituted (with effect in accordance with [Sch. para. 6\(2\)](#) of the amending S.I.) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 6](#)

**Table 4**

**1st April 2017 to 31st March 2018**

<i>Annualised fee (£)</i>	<i>Contribution (Personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,637	0.96	2.40	1.80
21,637 to but not including 51,516	1.47	2.40	1.80
51,516 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Table 5**

**1st April 2018 to 31st March 2020**

<i>Annualised fee (£)</i>	<i>Contribution (Personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
Up to but not including 22,005	0.96	2.40	1.80
22,005 to but not including 52,392	1.47	2.40	1.80
52,392 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)

**Table 6****1st April 2020 to 31st March 2021**

<i>Annualised fee (£)</i>	<i>Contribution (Personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
Up to but not including 22,005	0.96	2.40	1.80
22,005 to but not including 52,392	1.47	2.40	1.80
52,392 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Table 7****1st April 2021 to 31st March 2022**

<i>Annualised fee (£)</i>	<i>Contribution (Personal) (%)</i>	<i>Contribution (dependants) (%)</i>	<i>Contribution (dependants) (%)</i>
Up to but not including 22,116	0.96	2.40	1.80
22,116 to but not including 52,654	1.47	2.40	1.80
52,654 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Table 8****Service credit day contribution rate: dependants**

<i>Service credit day multiplier applicable</i>	<i>Contribution (%)</i>
0.5	0.9
0.53 or 0.67	2.10

**Table 9****Service credit day contributions rates: personal contributions 1st April 2012 to 31st March 2013**

<i>Total fees paid to the member in respect of service credit days</i>	<i>Contribution (%)</i>
Up to £15,000	0.00
£15,001 to £21,000	0.36
£21,001 to £30,000	0.72



<i>Total fees paid to the member in respect of service credit days</i>	<i>Contribution (%)</i>
£30,001 to £50,000	0.96
£50,001 to £60,000	1.20
£60,001 and over	1.44

**Table 10****Service credit day contributions rates: personal contributions 1st April 2013 to 31st March 2014**

<i>Total fees paid to the member in respect of service credit days</i>	<i>Contribution (%)</i>
Up to £15,000	0.00
£15,001 to £21,000	0.72
£21,001 to £30,000	1.43
£30,001 to £50,000	1.90
£50,001 to £60,000	2.38
£60,001 and over	2.85]

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for a pension scheme for the benefit of those people who have held an eligible fee-paid judicial office in the period between 7th April 2000 and 31st March 2015 (“the principal scheme”). The Regulations also establish the Fee-Paid Judicial Added Voluntary Contributions Scheme, the Fee-Paid Judicial Added Years Scheme and the Fee-paid Judicial Added Surviving Adult’s Pension Scheme to enable members of the principal scheme to pay voluntary contributions towards the costs of additional benefits under one or more of these additional schemes.

Part 1 (Preliminary matters: regulations 1 to 7) defines the main concepts used in these Regulations. In particular, “reckonable service”, which will determine the level of pension to which a fee-paid judge is entitled, is defined as the total number of qualifying fee-paid days the judge has worked in a fee-paid office, divided by the annual divisor specified in column 2 of the Schedule. This is subject to a maximum amount (provided for in regulation 5) of 20 years, less any other pensionable service to which the judge is entitled.

Part 2 (scheme membership: regulations 8 to 11) sets out who may be a member of the principal scheme and how a member of the scheme may opt out of it.

Part 3 (retirement benefits: regulations 12 to 26) provides for the benefits available under the principal scheme: a pension for life and a lump sum. It sets out how the annual rate of the pension is to be calculated. This will depend the age at which the judge retires, either voluntarily or on ill-health grounds (a judge who retires between the ages of 60 and 65 will be entitled to a

reduced pension, and a judge who retires under the age of 60 will be entitled to a preserved pension). Where a judge retires due to ill-health the annual rate of their pension may be enhanced (see regulations 21 and 22). Provision is made for an ill-health certification condition (see regulation 23), and for the case where a judge retires and subsequently resumes judicial office (see regulation 26).

Part 4 (partial retirement: regulations 27 to 28) sets out how the provisions on retirement benefits will apply where a judge ceases to hold an eligible fee-paid judicial office and is immediately appointed to another judicial office, or a judge who holds more than one eligible fee-paid offices ceases to hold one of them.

Part 5 (benefits for persons entitled to pension credits: regulations 29 to 34) gives effect to pension credits created when a pension sharing order is made under Part 4 of the Welfare Reform and Pensions Act 1999 or the Welfare Reform and Pensions (Northern Ireland) Order 1999 following the end of a marriage or civil partnership in relation to rights of a member of the principal scheme. It sets out what benefits will be received by the beneficiary of such a pension sharing order.

Part 6 (death benefits: regulations 35 to 47) makes provision for the benefits which will be received by the surviving spouse or civil partner of a fee-paid judge who is a member of the principal scheme following the death of the judge. They also provide for the benefits which will be received in respect of a child if the judge dies.

Part 7 (benefits in respect of periods before commencement: regulations 48 to 51) concerns the amounts due to fee-paid judges who retired or died before these Regulations came into force. It applies where a judge has received interim payments to provide benefits during that period, or where a judge would have received benefits if these Regulations were in force before the judge retired or died.

Part 8 (contributions for pre-commencement service: regulations 52 to 58) makes provision for the contributions which would have been due in relation to pre-commencement benefits, identifying those members who are liable to pay such contributions, and setting out how the amount of the contributions is to be calculated.

Part 9 (contributions for service on or after commencement day: regulations 59 to 64) provides for the contributions which must be paid from fees earned by fee-paid judges in relation to service after the commencement of these Regulations.

Part 10 (repayment of dependants' benefits contributions: regulations 65 to 69) provides for contributions paid by a fee-paid judge in respect of dependants' benefits to be repaid where the judge has not married, entered a civil partnership or had an eligible child. It also provides for repayment for any such contributions paid after a judge ceased to be married, in a civil partnership or to have an eligible child.

Part 11 (transfers: regulations 70 to 89) set out the circumstances in which a member of the principal scheme is entitled to take the cash equivalent of their benefits under the scheme and transfer them to another scheme, or transfer rights accrued under a registered pension scheme into the principal scheme.

Part 12 (judicial added voluntary contribution scheme: regulations 90 to 102) provide for a separate pension scheme into which a member may choose to make additional voluntary contributions in return for additional benefits. Membership of the scheme is only open to active members of the principal scheme.

Part 13 (fee-paid judicial added years scheme: regulations 103 to 115) provides for another pension scheme which enables members to purchase additional years which will increase the length of their reckonable service (and therefore the amount of their pension). Membership of the scheme is open to retired and active members of the principal scheme (but not members who have opted out of that scheme) who held a qualifying judicial office before 6th April 2006.

Part 14 (the fee-paid judicial added surviving adult's pension scheme: regulations 116 to 128) provides for another separate pension scheme, which just like the added years scheme, is open to members of the principal scheme who held qualifying judicial office before 6th April 2006. The scheme enables members to buy added units of surviving adult pension. Each unit adds £1,000

to the value of the pension the member's surviving spouse or civil partner would receive on the member's death.

Part 15 (appeals: regulation 129) provides for a right of appeal to the Minister against any decision concerning one of the schemes provided for in these Regulations.

An impact assessment has not been produced for this instrument as no significant impact on the costs of business or the voluntary sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017.