
STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

PART 3

RETIREMENT BENEFITS

Annual rate of preserved pension

18.—(1) The annual rate of a pension to which a member (“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 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 if P continued in eligible fee-paid judicial office 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 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) at retirement P has reckonable service in more than one eligible fee-paid judicial office (“the relevant offices”), and
- (b) at any time before retirement, P held two or more relevant offices simultaneously.

- (5) The annual rate is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3) of this regulation in relation to those relevant offices which P did not hold simultaneously with another relevant 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 2

Determine the annual rate under paragraph (3) of this regulation, in relation to each relevant office which P held simultaneously, 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 3

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

- (6) Paragraph (7) 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.
- (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.