
STATUTORY INSTRUMENTS

2022 No. 1014 (C. 79)

JUDICIAL APPOINTMENTS AND DISCIPLINE

The Public Service Pensions and Judicial
Offices (Commencement No. 1 and Transitional
and Saving Provision) Regulations 2022

Made - - - - 30th September 2022

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 131(4)(c), (6) and (7) of the Public Service Pensions and Judicial Offices Act 2022(1).

Citation and interpretation

1.—(1) These Regulations may be cited as the Public Service Pensions and Judicial Offices (Commencement No. 1 and Transitional and Saving Provision) Regulations 2022.

(2) In these Regulations, “the Act” means the Public Service Pensions and Judicial Offices Act 2022.

Provisions coming into force on 1st October 2022

2. The following provisions of the Act come into force on 1st October 2022—

- (a) sections 123 to 127 (sitting in retirement offices);
- (b) section 128 (consequential etc provision);
- (c) Schedule 3 (judicial offices);
- (d) Schedule 4 (consequential etc amendments in connection with Part 3), subject to the transitional and saving provision in Regulation 3.

Transitional and saving provision

3.—(1) In relation to deputy circuit judge appointments made under section 24(1) of the Courts Act 1971(2) before 1st October 2022—

(a) the following provisions continue to have effect—

- (i) section 24(2), (3), (5), (5B) from the words “a person appointed” to the end and (6) of the Courts Act 1971, and

(1) 2022 c. 7.
(2) 1971 c. 23.

- (ii) section 26(7)(d) of the Judicial Pensions and Retirement Act 1993⁽³⁾; and
 - (b) paragraphs 11(6)(a) and 12 of Schedule 4 to the Act will not have effect.
- (2) In relation to ex-judges requested to act under section 9(1) of the Senior Courts Act 1981⁽⁴⁾ before 1st October 2022, paragraph 5(2)(a), (d) and (e), and paragraphs 6(2) and 7 of Schedule 4 to the Act will not have effect.
- (3) In relation to deputy or temporary appointments made before 1st October 2022 of persons who were holders of a relevant office under section 91(1ZC) of the Senior Courts Act 1981—
- (a) paragraph 5(3) of Schedule 4 to the Act will not have effect, and
 - (b) section 26(7)(f) of the Judicial Pensions and Retirement Act 1993 continues to have effect.
- (4) In relation to deputy district judge appointments made under section 102(1) of the Senior Courts Act 1981 before 1st October 2022, section 102(1B) and (3) of the Senior Courts Act 1981 and section 26(7)(g) of the Judicial Pensions and Retirement Act 1993 continue to have effect.
- (5) In relation to appointments made before 1st October 2022 to offices listed in Schedule 5 of the Judicial Pensions and Retirement Act 1993, paragraph 8(3)(a)-(h) of Schedule 4 to the Act will not have effect.

30th September 2022

Brandon Lewis
Lord Chancellor
Ministry of Justice

⁽³⁾ 1993 c. 8.
⁽⁴⁾ 1981 c. 54.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first Commencement Regulations made under the Public Service Pensions and Judicial Offices Act 2022 (“the Act”). It brings into force sections 123 to 128 of, and Schedules 3 and 4 (subject to transitional and saving provisions) to, the Act.

Regulation 2(a) brings into force sections 123 to 127 of the Act which create the new sitting in retirement offices and contains further provisions as to the appointment and discipline of persons eligible to sit in these offices.

Regulation 2(b) brings into force section 128 of the Act which contains provisions to make consequential amendments.

Regulation 2(c) brings into force Schedule 3 to the Act which contains the list of judicial offices for which there is to be a corresponding sitting in retirement office.

Regulation 2(d) brings into force Schedule 4 to the Act, subject to transitional and saving provisions, which contains consequential amendments in connection with Part 3 of the Act.

Regulation 3 contains transitional and saving provisions.

Regulation 3(1) preserves the office of deputy circuit judge for persons appointed to office before 1st October 2022, and the related remuneration and retirement provisions for such persons.

Regulation 3(2) retains provisions relating to ex-judges requested under section 9(1) of the Senior Courts Act 1981 before 1st October 2022, so that they may be able to continue to sit in retirement under the terms of their pre-existing requests to act.

Regulation 3(3) retains provisions relating to deputy or temporary appointments of former holders of a relevant office appointed before 1st October 2022, so that they may be able to continue to sit in retirement under the terms of their pre-existing appointments.

Regulation 3(4) retains provisions relating to former district judges appointed to the office of deputy district judge of the High Court before 1st October 2022, so that the concurrence of the Lord Chancellor is still required for such appointments and the retirement provisions are preserved.

Regulation 3(5) retains references to the retirement provisions relating to deputy or temporary appointments of former holders of a relevant office appointed before 1st October 2022. It also retains references to the retirement provisions relating to deputy district judges of the High Court appointed before 1st October 2022.