
STATUTORY INSTRUMENTS

1995 No. 632

PENSIONS

The Judicial Pensions (Miscellaneous) Regulations 1995

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>31st March 1995</i>

The Lord Chancellor and, in relation to judicial offices whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, in exercise of the powers conferred on them by sections 1(2), (3) and (4), 2(7)(e), 3(4) and 3(5) of the Judicial Pensions and Retirement Act 1993⁽¹⁾, and with the concurrence of the Treasury in relation to Parts III, IV, and V, hereby make the following Regulations:—

PART I

Preliminary

Title and commencement

1. These Regulations may be cited as the Judicial Pensions (Miscellaneous) Regulations 1995 and shall come into force on 31st March 1995.

Interpretation

2. In these Regulations—

“the 1993 Act” means the Judicial Pensions and Miscellaneous Retirement Act 1993, and any reference to a Part or section by number alone shall be construed as a reference to the Part or section so numbered in that Act;

(1) 1993 c. 8; the power to make these regulations is vested in “the appropriate Minister” which expression is defined in section 30(1) as (a) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, or, (b) subject to (a), the Lord Chancellor.

PART II

Election for new pension arrangements

Interpretation

3. In this Part, “election” means an election under section 1(2) of the 1993 Act by or in respect of a person to whom that provision applies.

Method and date of making election

4.—(1) A person shall make an election by notifying the appropriate Minister in writing of his wish that Part I should apply to him or, where the election is being made by a personal representative, that Part I should apply to the deceased person; and the election shall be made on the date that the appropriate Minister receives the notification.

(2) A notice given under paragraph (1) shall be signed and dated by the person making the election and shall contain his full name and his current qualifying judicial office or, where appropriate, the qualifying judicial office of the deceased person at the date of death.

(3) A personal representative shall supply with the notice of election evidence of his entitlement to act as personal representative.

(4) The election shall take effect from the date of the notice.

Time limit for making election

5. Any election shall be made no later than—

- (a) the date six months after the date on which the person in respect of whom it is made has ceased to hold qualifying judicial office; or
- (b) the day before the date upon which any payment of pension or other benefit has been made under a judicial pension scheme in respect of his service in such office,

whichever shall be the earlier.

Election by Personal Representatives

6. Where an election is made by a personal representative, the deceased person shall be treated for the purposes of sections 4(3) and 5 to 8 as if Part I had applied to him at the date of death.

PART III

Actuarial reduction of appropriate annual rate

Annual rate of pension

7. The annual rate of pension payable to a person to whom section 2(2) or (4) applies shall be calculated, as at the date of retirement, in accordance with the formula

$$[4 + (B/365 \times (C - A))] \times \text{the appropriate annual rate attributable to the person}$$

the appropriate annual rate attributable to the person where—

- a A is the actuarial reduction factor set out in the Table in the Schedule to these Regulations (“the Table”) appropriate to the age of the member at his last birthday;
- b B is the number of days between the exact age of the member and his age last birthday; and

- c C is the actuarial reduction factor set out in the Table appropriate to the member at his age next birthday.

PART IV

Service for notional period

Calculation of pensionable pay and pension-capped salary: failure to serve for period of 12 consecutive months

8.—(1) For the purposes of calculating a person’s pensionable pay and pension-capped salary where the circumstances mentioned in section 3(4) apply, he shall be treated as if he had served in his qualifying judicial office (whether full-time or part-time) for a period of twelve consecutive months ending with the day on which he ceased to participate in the scheme constituted by Part I (“the notional period”).

(2) For the purposes of paragraph (1) above, a person’s qualifying judicial office shall be taken to be that which he was holding on the day his participation in the scheme ceased.

(3) Subject to paragraph (4), a person’s salary in respect of service in any qualifying judicial office referred to in paragraph (2) shall be taken to be a salary of an amount determined by reference to the annual rate of salary payable in his case in respect of service in that office during the notional period.

(4) In any case where that qualifying judicial office comes into being on a date after the first day of the notional period—

- (a) that office shall be treated as if it had existed throughout the notional period; and
- (b) for the purposes of the calculation in paragraph (3) above—
 - (i) the rate of the person’s salary for the part of the notional period before the date on which that office came into being shall be taken to be the rate that was in force on that date; and
 - (ii) the rate of the person’s salary for the remainder of the notional period shall be the rate actually payable in respect of service in that office.

PART V

Part-time service

Interpretation

9. In this Part “part-time service” means continuous service consisting of at least one day’s service a week in qualifying judicial office on a salaried basis within the meaning of section 1(7).

Application

10. This Part shall apply for the purpose of determining a person’s pensionable pay in any case where the service in qualifying judicial office of a person to whom Part I applies is, or has at some time included, part-time service.

Calculation of pensionable pay

11.—(1) Pensionable pay shall be calculated in accordance with the formula

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$$\frac{P \times ((A \times 1/5) + (B \times 3/10) + (C \times 2/5) + (D \times 1/2) + (E \times 3/5) + (F \times 7/10) + (G \times 4/5) + (H \times 9/10) + (I \times 1))}{T}$$

where—

- a P is the pensionable pay that the person would have received had he held his qualifying judicial office on a full-time basis, calculated either—
- (i) in accordance with section 3(3), or
 - (ii) where the circumstances mentioned in section 3(4) apply, in accordance with regulation 8;
- b A is the period of part-time service of 1 day a week;
- c B is the period of part-time service of 1 1/2 days a week;
- d C is the period of part-time service of 2 days a week;
- e D is the period of part-time service of 2 1/2 days a week;
- f E is the period of part-time service of 3 days a week;
- g F is the period of part-time service of 3 1/2 days a week;
- h G is the period of part-time service of 4 days a week;
- i H is the period of part-time service of 4 1/2 days a week;
- j I is the period of full-time service; and
- k T is the aggregate length of service of 1 day a week or more.

(2) For the purposes of the calculation, all periods of service shall be expressed in years or fractions of a year as appropriate.

Dated 6th March 1995

Mackay of Clashfern, C.

Ian Lang
One of Her Majesty's Principle Secretaries of
State

Dated 7th March 1995

We concur

Andrew Mitchell,
Timothy Wood
Two of the Lords Commissioners of Her
Majesty's Treasury

Dated 7th March 1995

SCHEDULE

Regulation 7

TABLE

Age	Actuarial Reduction Factor
30	0.232
31	0.241
32	0.249
33	0.257
34	0.265
35	0.273
36	0.282
37	0.291
38	0.300
39	0.309
40	0.318
41	0.328
42	0.339
43	0.350
44	0.361
45	0.374
46	0.387
47	0.400
48	0.415
49	0.431
50	0.448
51	0.467
52	0.487
53	0.510
54	0.534
55	0.562
56	0.592
57	0.624
58	0.659
59	0.697
60	0.737
61	0.781

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Age	Actuarial Reduction Factor
62	0.829
63	0.881
64	0.937
65	1.000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for certain matters in relation to the Judicial Pensions and Retirement Act 1993 as follows.

Part II of the Regulation sets out the circumstances in which, and the conditions, subject to which, a person holding qualifying judicial office under Part I of the 1993 Act may elect for Part I to apply to him. There is provision for an election to be made by the personal representatives of a deceased judicial officer.

Part III prescribes the formula for determining the annual rate of a judicial pension under Part I of the 1993 Act where the appropriate annual rate is to be actuarially reduced in certain cases; the cases are where a person has completed 5 years' service, but retires between the ages of 60 and 65; and where the person may or may not have completed 5 years' service, but has not attained the age of 60 and is removed from office, and his accrued rights are to be given immediate effect.

Part IV makes provision for cases in which a member of the judicial pension scheme constituted by Part I of the 1993 Act is appointed to qualifying judicial office but fails to work for a period of 12 consecutive months before ceasing to participate in the scheme.

Part V applies for the purposes of calculating the pensionable pay of a person who is a member of the judicial pension scheme constituted by Part I of the 1993 Act but who works, or has worked on a part-time basis only.