
STATUTORY INSTRUMENTS

1995 No. 632

The Judicial Pensions (Miscellaneous) Regulations 1995

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.