
STATUTORY INSTRUMENTS

1995 No. 639

**The Judicial Pensions (Additional
Voluntary Contributions) Regulations 1995**

PART IV

**JUDICIAL ADDED YEARS SCHEME, JUDICIAL ADDED BENEFITS SCHEME
AND JUDICIAL ADDED SURVIVING SPOUSE'S PENSION SCHEME**

Valuation of benefits under the JAYS

4.10.—(1) If a member leaves qualifying judicial service or makes an election under section 13 of the 1993 Act on or after reaching the assumed retirement age, any added years that he has purchased shall count as full years service for the purpose of determining the length of his service in qualifying judicial office under the 1993 Act.

(2) If a member retires on the ground of ill-health or dies before the assumed retirement age, he shall, for the purposes of calculating the appropriate annual rate of pension under section 3 of the 1993 Act, be credited with the full amount of added years for which he is paying contributions, provided that where—

- (a) he retires on the ground of ill health or dies within twelve months of contracting to purchase added years; or
- (b) he dies or retires on the ground of ill health because of an incapacity to which he became subject within twelve months of that date;

the administrators are satisfied that the declaration given in accordance with regulation 4.6(2) was made in good faith.

(3) If a member ceases making contributions before reaching the assumed retirement age for reasons other than death or retirement on the ground of ill-health, then, at the date that he so ceases he shall be credited with added years of service in accordance with the formula $A \times (B/C)$ where —

- (a) A is the number of added years for which he had contracted to pay contributions;
- (b) B is the period (expressed in years and days) over which he has paid contributions for those added years; and
- (c) C is the period (expressed in years and days) calculated from the date of commencement of contributions, over which he would have paid contributions for those added years if he had continued in service until the assumed retirement age.

(4) If a member who has ceased to participate in the scheme under paragraph (3), subsequently starts to pay contributions again, this regulation and regulations 4.6 and 4.13 shall apply separately to those contributions and the value of benefits purchased with them.

(5) For the purposes of this regulation, parts of added years purchased by a member shall be valued on a pro-rata basis.