

EXPLANATORY MEMORANDUM TO
THE PUBLIC SERVICE PENSIONS ACT 2013 (JUDICIAL OFFICES) (AMENDMENT)
ORDER 2015

2015 No. 1483

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends those judicial offices which comprise the judiciary for the purposes of the Public Service Pensions Act 2013. A person holding a judicial office specified in this instrument is eligible to be included in a judicial pension scheme made under that Act.

2.2 The amendment provides for additional judicial offices that have been established as eligible to a judicial pension.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 Paragraph 2 of Schedule 1 of the Public Service Pension Act 2013 confers power on the Lord Chancellor to specify by order those judicial offices eligible for judicial pensions.

5. Territorial Extent and Application

5.1 This instrument applies to England, Wales, Scotland and Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The original order was made to support the implementation of the New Judicial Pension Scheme (NJPS). NJPS is governed by the Judicial Pensions Regulations 2015 made under section 1 of the Public Service Pensions Act 2013 and came into force on 1 April 2015.

7.2 The Welsh Government and the Ministry of Justice have determined that the offices of President or Chairman of the Special Educational Needs Tribunal for Wales and the Chairman of the Residential Property Tribunal Wales are eligible for a judicial pension.

7.3 New offices have also been created which need to be added to the schedule. These are “Appointed Persons” who are appointed to hear appeals against design or trade mark decisions made by the Intellectual Property Office.

8. Consultation outcome

8.1 No consultation has taken place for this instrument due to its specific nature and limited effect.

9. Guidance

9.1 The Government does not intend to produce specific guidance in relation to this instrument due to its specific nature and limited effect.

10. Impact

10.1 An Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There will be a periodic review of eligible judicial offices, particularly in the light of any further litigation outcomes.

13. Contact

Stephanie Oxendale at the Ministry of Justice Tel: 0203 334 6042 or email: Stephanie.oxendale@justice.gsi.gov.uk can answer any queries regarding the instrument.