
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a pension scheme for the benefit of those people who have held an eligible fee-paid judicial office in the period between 7th April 2000 and 31st March 2015 (“the principal scheme”). The Regulations also establish the Fee-Paid Judicial Added Voluntary Contributions Scheme, the Fee-Paid Judicial Added Years Scheme and the Fee-paid Judicial Added Surviving Adult's Pension Scheme to enable members of the principal scheme to pay voluntary contributions towards the costs of additional benefits under one or more of these additional schemes.

Part 1 (Preliminary matters: regulations 1 to 7) defines the main concepts used in these Regulations. In particular, “reckonable service”, which will determine the level of pension to which a fee-paid judge is entitled, is defined as the total number of qualifying fee-paid days the judge has worked in a fee-paid office, divided by the annual divisor specified in column 2 of the Schedule. This is subject to a maximum amount (provided for in regulation 5) of 20 years, less any other pensionable service to which the judge is entitled.

Part 2 (scheme membership: regulations 8 to 11) sets out who may be a member of the principal scheme and how a member of the scheme may opt out of it.

Part 3 (retirement benefits: regulations 12 to 26) provides for the benefits available under the principal scheme: a pension for life and a lump sum. It sets out how the annual rate of the pension is to be calculated. This will depend the age at which the judge retires, either voluntarily or on ill-health grounds (a judge who retires between the ages of 60 and 65 will be entitled to a reduced pension, and a judge who retires under the age of 60 will be entitled to a preserved pension). Where a judge retires due to ill-health the annual rate of their pension may be enhanced (see regulations 21 and 22). Provision is made for an ill-health certification condition (see regulation 23), and for the case where a judge retires and subsequently resumes judicial office (see regulation 26).

Part 4 (partial retirement: regulations 27 to 28) sets out how the provisions on retirement benefits will apply where a judge ceases to hold an eligible fee-paid judicial office and is immediately appointed to another judicial office, or a judge who holds more than one eligible fee-paid offices ceases to hold one of them.

Part 5 (benefits for persons entitled to pension credits: regulations 29 to 34) gives effect to pension credits created when a pension sharing order is made under Part 4 of the Welfare Reform and Pensions Act 1999 or the Welfare Reform and Pensions (Northern Ireland) Order 1999 following the end of a marriage or civil partnership in relation to rights of a member of the principal scheme. It sets out what benefits will be received by the beneficiary of such a pension sharing order.

Part 6 (death benefits: regulations 35 to 47) makes provision for the benefits which will be received by the surviving spouse or civil partner of a fee-paid judge who is a member of the principal scheme following the death of the judge. They also provide for the benefits which will be received in respect of a child if the judge dies.

Part 7 (benefits in respect of periods before commencement: regulations 48 to 51) concerns the amounts due to fee-paid judges who retired or died before these Regulations came into force. It applies where a judge has received interim payments to provide benefits during that period, or where a judge would have received benefits if these Regulations were in force before the judge retired or died.

Part 8 (contributions for pre-commencement service: regulations 52 to 58) makes provision for the contributions which would have been due in relation to pre-commencement benefits, identifying those members who are liable to pay such contributions, and setting out how the amount of the contributions is to be calculated.

Changes to legislation: *There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017. (See end of Document for details)*

Part 9 (contributions for service on or after commencement day: regulations 59 to 64) provides for the contributions which must be paid from fees earned by fee-paid judges in relation to service after the commencement of these Regulations.

Part 10 (repayment of dependants' benefits contributions: regulations 65 to 69) provides for contributions paid by a fee-paid judge in respect of dependants' benefits to be repaid where the judge has not married, entered a civil partnership or had an eligible child. It also provides for repayment for any such contributions paid after a judge ceased to be married, in a civil partnership or to have an eligible child.

Part 11 (transfers: regulations 70 to 89) set out the circumstances in which a member of the principal scheme is entitled to take the cash equivalent of their benefits under the scheme and transfer them to another scheme, or transfer rights accrued under a registered pension scheme into the principal scheme.

Part 12 (judicial added voluntary contribution scheme: regulations 90 to 102) provide for a separate pension scheme into which a member may choose to make additional voluntary contributions in return for additional benefits. Membership of the scheme is only open to active members of the principal scheme.

Part 13 (fee-paid judicial added years scheme: regulations 103 to 115) provides for another pension scheme which enables members to purchase additional years which will increase the length of their reckonable service (and therefore the amount of their pension). Membership of the scheme is open to retired and active members of the principal scheme (but not members who have opted out of that scheme) who held a qualifying judicial office before 6th April 2006.

Part 14 (the fee-paid judicial added surviving adult's pension scheme: regulations 116 to 128) provides for another separate pension scheme, which just like the added years scheme, is open to members of the principal scheme who held qualifying judicial office before 6th April 2006. The scheme enables members to buy added units of surviving adult pension. Each unit adds £1,000 to the value of the pension the member's surviving spouse or civil partner would receive on the member's death.

Part 15 (appeals: regulation 129) provides for a right of appeal to the Minister against any decision concerning one of the schemes provided for in these Regulations.

An impact assessment has not been produced for this instrument as no significant impact on the costs of business or the voluntary sector is foreseen.

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