
STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

PART 7

BENEFITS IN RESPECT OF PERIODS BEFORE COMMENCEMENT

Application of Part

48.—(1) This Part applies where—

- (a) a member (“P”) retired, or died without having retired, before the commencement day, and
- (b) condition A or B is met.

(2) Condition A is that amounts were paid to any person during the pre-commencement period in respect of P’s retirement or death under arrangements made for the purpose of providing benefits during the pre-commencement period corresponding to those under Part 3 or 6.

(3) Condition B is that, if these Regulations had come into force on the day before the day on which P retired or died, amounts would have been payable during the pre-commencement period—

- (a) to P under Part 3, or
- (b) to another person under Part 6,

in respect of P’s retirement or death.

(4) In this Part—

- (a) “the pre-commencement period” means the period—
 - (i) beginning with the day on which P retired or on which P died without having retired, and
 - (ii) ending with the day before the commencement day.
- (b) references to “P” are to a member mentioned in paragraph (1)(a).

Meaning of “the interim payments amount” and “the pre-commencement benefits amount”

49.—(1) In these Regulations “the interim payments amount”, in relation to any person, means the total amount (if any) that was paid to that person under arrangements made for the purpose of providing benefits during the pre-commencement period in respect of P’s retirement or death corresponding to those under Part 3 or 6.

(2) In this Part “the pre-commencement benefits amount”, in relation to any person, means, subject to paragraph (3), the total amount (if any) that would have been payable to that person under Part 3 or 6 during the pre-commencement period in respect of P’s retirement or death if these Regulations had come into force on the day before the day on which P retired or died without having retired.

(3) Where—

- (a) the amount payable to a person in respect of P under paragraph (2) includes a lump sum payable under regulation 45 or 46, and

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(b) P would have been liable to pay the pre-commencement contributions amount referred to in regulation 53(1) if P had survived until the commencement day, the pre-commencement benefits amount payable to that person is to be calculated after deducting the pre-commencement contributions amount (within the meaning of regulation 53(1)) which would have been payable by P if these Regulations had come into force on the day before the day on which P died.

(4) Paragraph (5) applies for the purposes of calculating the pre-commencement benefits amount where P is a transition member (within the meaning of paragraph 1 of Schedule 2 to the Judicial Pensions Regulations 2015) who has continuity of service (within the meaning of paragraph 2 of Schedule 2 to those Regulations).

(5) The pre-commencement benefits amount is to be calculated as though the amendments made to the Judicial Pensions Regulations 2015 by the Judicial Pensions (Amendment) Regulations 2017 (“the 2017 Regulations”) (save for regulations 4, 6, 15 and 16 of the 2017 Regulations) had come into force on the day before the day on which the member retired or died without having retired.

Additional payment where no or insufficient interim payments made

50.—(1) Paragraph (2) applies where the interim payments amount in relation to a person is less than the pre-commencement benefits amount in relation to that person.

(2) The administrators must pay to the person the amount of the difference between the two amounts mentioned in paragraph (1).

Deduction of any excess interim payments

51.—(1) Paragraph (2) applies where the interim payments amount in relation to a person is greater than the pre-commencement benefits amount in relation to that person.

(2) Where the person is entitled to the payment of a pension under Part 3 or 6, the amounts mentioned in paragraph (1) may be deducted from payments of the pension in such instalments as the administrators may decide.

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