

## STATUTORY INSTRUMENTS

# 2017 No. 522

## The Judicial Pensions (Fee-Paid Judges) Regulations 2017

### PART 8

#### CONTRIBUTIONS IN RESPECT OF PRE-COMMENCEMENT SERVICE

##### Modifications etc. (not altering text)

- C1** Pts. 8, 9 excluded (1.4.2021) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2021 \(S.I. 2021/444\)](#), regs. 1(1), **6(1)**
- C2** Pts. 1-11 restricted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), **ss. 90**, 131(1)(2)(f)

##### Interpretation

**52.** In this Part—

- “fee period” means a period specified in column 1 of [<sup>F1</sup>Table 1 of the Contributions Tables];
- [<sup>F2</sup>“the initial pre-commencement dependants’ contributions amount” means the amount payable in accordance with this Part for the period before 7th April 2000;]
- “the pre-commencement contributions amount” has the meaning given by regulation 53(1);
- “P” means a member who is not an opted-out member;
- [<sup>F3</sup>“the Contributions Tables” means Tables 1 to 10 in Schedule 3.]

##### Textual Amendments

- F1** Words in [reg. 52](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **32(a)**
- F2** Words in [reg. 52](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **32(b)**
- F3** Words in [reg. 52](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **32(c)**

##### Liability to pay pre-commencement contributions amount

**53.—(1)** P must pay to the appropriate Minister an amount (“the pre-commencement contributions amount”), being the sum of—

- (a) the pre-commencement personal contributions amount (see regulation 54), and
- (b) the pre-commencement dependants' contributions amount (see regulation 55).
- (2) Paragraph (1) is subject to paragraphs (3) and (4).
- (3) P is not required to pay the pre-commencement contributions amount if P—

**Status:** Point in time view as at 01/04/2023.

**Changes to legislation:** There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART 8. (See end of Document for details)

- (a) retired before the commencement day, and
  - (b) had on retirement less than two years qualifying judicial service.
- (4) P is not required to pay so much of the pre-commencement contributions amount as is represented by the amount mentioned in paragraph (1)(b) if P—
- (a) retired before the commencement day,
  - (b) was not married or in a civil partnership at any time during the period—
    - (i) beginning with the day on which P first held an eligible fee-paid judicial office, and
    - (ii) ending with the day on which P retired; and
  - (c) did not have a qualifying child at any time during that period.

#### **[<sup>F4</sup>Liability to pay initial pre-commencement contributions amount**

**53A.**—(1) P must pay to the appropriate Minister the initial pre-commencement contributions amount being the sum of—

- (a) the initial pre-commencement personal contributions amount in respect of service credit days (see regulation 54A); and
  - (b) the initial pre-commencement dependants' contributions amount (see regulation 55A).
- (2) Paragraph (1) is subject to paragraphs (3) and (4).
- (3) P is not required to pay the initial pre-commencement contributions amount if P had on retirement less than two years qualifying judicial service.
- (4) P is not required to pay the initial pre-commencement dependants' contributions amount if P—
- (a) retired before 31st March 2023,
  - (b) was not married or in a civil partnership at any time during the period—
    - (i) beginning with the day on which P first held an eligible fee-paid judicial office and
    - (ii) ending with the day on which P retired; and
  - (c) did not have a qualifying child at any time during that period.]

#### **Textual Amendments**

**F4** Reg. 53A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **33**

#### **Calculation of pre-commencement personal contributions amount**

**54.** The pre-commencement personal contributions amount in relation to P is determined as follows—

##### *Step 1*

For each fee period, find the total of the fees paid to P in respect of qualifying fee-paid days falling within the period.

##### *Step 2*

Multiply the total found under Step 1 for each fee period by the percentage specified in relation to that fee period in column 2 of [<sup>F5</sup>Table 1 of the Contributions Tables or in column 2 of a table referred to in that column, as the case may be].

### Step 3

Add together the amounts found under Step 2.

#### Textual Amendments

- F5** Words in [reg. 54](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [34](#)

### [<sup>F6</sup>Calculation of initial pre-commencement personal contributions amount: service credit days

**54A.** The initial pre-commencement personal contributions amount in respect of service credit days is determined as follows—

#### Step 1

For the fee period from 1st April 2012 to 31st March 2013, determine the total of fees paid to P in respect of service credit days.

#### Step 2

Multiply the total determined under Step 1 by the percentage specified in relation to that sum in column 2 of Table 9 of the Contributions Tables.

#### Step 3

For the fee period from 1st April 2013 to 31st March 2014, determine the total of fees paid to P in respect of service credit days.

#### Step 4

Multiply the total determined under Step 3 by the percentage specified in relation to that sum in column 2 of Table 10 of the Contributions Tables.

#### Step 5

Add together the amounts determined under Steps 2 and 4.]

#### Textual Amendments

- F6** [Reg. 54A](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [35](#)

### [<sup>F7</sup>Calculation of pre-commencement dependants' contributions amounts

**55.**—(1) The pre-commencement dependants' contribution amount for each eligible fee-paid judicial office held by P is determined under paragraph (2) or (3) as applicable.

(2) For an office specified in Table 1 or 2 of Schedule 1—

#### Step 1

For each fee period from 7th April 2000 to 31st March 2017, determine the total of fees paid to P in respect of qualifying fee-paid days.

#### Step 2

Multiply the totals determined under Step 1 by the percentage specified in relation to the applicable fee period in column 3 of Table 1 of the Contributions Tables or column 3 of a table referred to in that table.

*Status: Point in time view as at 01/04/2023.*

*Changes to legislation: There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART 8. (See end of Document for details)*

(3) For offices specified in Table 3 or 4 of Schedule 1—

*Step 1*

For each fee period from 7th April 2000 to 31st March 2017 determine the total of fees paid to P in respect of qualifying fee-paid days.

*Step 2*

Multiply the totals determined under Step 1 by the percentage specified in relation to the applicable fee period in column 4 of Table 1 of the Contributions Tables or column 4 of a table referred to in that table.

*Step 3*

Determine the total of fees paid to P in respect of any service credit days.

*Step 4*

Multiply the total determined under Step 3 by the appropriate percentage specified in Table 8.

*Step 5*

Add together the amounts determined under Steps 2 and 4.]

**Textual Amendments**

**F7** Reg. 55 substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **36**

**[<sup>F8</sup>Calculation of initial pre-commencement dependants' contributions amount**

**55A.**—(1) The initial pre-commencement dependants' contributions amount in relation to each eligible office held by P is determined under paragraph (2) or (3) as applicable.

(2) For an office specified in Table 1 or Table 2 of Schedule 1—

*Step 1*

Determine the total of fees paid to P in respect of qualifying fee-paid days falling within the period before 7th April 2000.

*Step 2*

Multiply the total determined under Step 1 by the percentage specified in column 3 of the first row of Table 1 of the Contributions Tables.

(3) For offices specified in Table 3 or Table 4 of Schedule 1—

*Step 1*

Determine the total of any fees paid to P in respect of qualifying fee-paid days falling within the period before 7th April 2000.

*Step 2*

Multiply the total determined under Step 1 by the percentage specified in column 4 of the first row of Table 1 of the Contributions Tables.

*Step 3*

Determine the total of any fees paid to P in respect of any service credit days.

*Step 4*

Multiply the total determined under Step 3 by the appropriate percentage specified in Table 8.

*Step 5*

Add together the amounts determined under Steps 2 and 4.]

**Textual Amendments**

**F8** Reg. 55A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **37**

**Qualifying fee-paid days disregarded if they do not add to reckonable service**

**56.**—(1) A qualifying fee-paid day worked in an eligible fee-paid judicial office is disregarded for the purposes of [F9 regulations 54, 54A, 55 and 55A] if P's reckonable service in relation to that office would have been equal to or greater than the maximum amount in relation to that office, had P retired on the day before that day.

(2) The reference in paragraph (1) to the maximum amount in relation to an office is to that amount as determined in accordance with regulation 5 (reckonable service).

**Textual Amendments**

**F9** Words in reg. 56(1) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **38**

**The Contributions Table**

<sup>F10</sup>**57.** . . . . .

**Textual Amendments**

**F10** Reg. 57 omitted (1.4.2023) by virtue of [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **39**

**Payment of pre-commencement contributions amount**

**58.**—(1) The pre-commencement contributions amount, or any part of it, may be paid—

- (a) by way of a lump sum at any time during the period of 6 months beginning with the commencement day;
- (b) by way of such deductions from fees paid to P in respect of fee-paid days as may be specified in an agreement between P and the appropriate Minister,

and for the purposes of paragraph (b), a “fee-paid” day means a day in respect of which P receives a fee in P's capacity as a holder of an eligible fee-paid judicial office.

(2) The deductions specified under paragraph (1)(b)—

- (a) must be of fixed monetary amounts, and
- (b) must be the same for each fee.

(3) A new agreement under paragraph (1)(b) may be entered into at any time after the end of the period of 12 months beginning with the day on which the previous agreement was entered into.

(4) Except to the extent that the pre-commencement contributions amount has already been paid under paragraph (1), it is to be paid by way of a deduction from—

- (a) the lump sum payable to P under Part 3, or

*Status: Point in time view as at 01/04/2023.*

*Changes to legislation: There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART 8. (See end of Document for details)*

(b) where P dies before retiring, the lump sum payable in respect of P under Part 6.

**Modifications etc. (not altering text)**

**C3** Reg. 58(4) applied (with modifications) (1.4.2022) by [The Judicial Pensions Regulations 2022 \(S.I. 2022/319\)](#), reg. 1(4), **Sch. 1 para. 13** (with reg. 120)

**[<sup>F11</sup>Payment of initial pre-commencement contributions**

**58A.**—(1) Contributions payable under regulations 53A, 54A or 55A may be paid—

- (a) by way of a lump sum at any time during the period of 6 months beginning with 1st April 2023;
- (b) by way of such deductions from fees paid to P in respect of fee-paid days as may be specified in an agreement between P and the appropriate Minister.

(2) For the purposes of paragraph (1)(b), a “fee-paid day” means a day in respect of which P receives a fee in P’s capacity as a holder of an eligible fee-paid judicial office.

(3) The deductions specified under paragraph (1)(b)—

- (a) must be of fixed monetary amounts; and
- (b) must be the same for each fee.

(4) A new agreement under paragraph (1)(b) may be entered into at any time after the end of the period of 12 months beginning with the day on which the previous agreement was entered into.

(5) Regulation 65 applies as if the references to pre-commencement dependants’ contributions included any contributions paid under regulations 54A and 55A.

(6) Except to the extent that contributions payable under regulations 53A, 54A or 55A have already been paid under paragraph (1), they are to be paid by way of deduction from—

- (a) any lump sum payable to P under regulation 11N or Part 3; or
- (b) where P dies before retiring, any lump sum payable for death in service in respect of P under regulations 11X or 45, or under regulation 102 of the Judicial Pensions Regulations 2022.]

**Textual Amendments**

**F11** Reg. 58A inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **40**

**Status:**

Point in time view as at 01/04/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART 8.