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STATUTORY INSTRUMENTS

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**2017 No. 522**

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

**PART 3**

**RETIREMENT BENEFITS<sup>[F1]</sup>: Post-1995 Provisions]**

**Annual rate of ordinary pension**

**13.**—(1) The annual rate of a pension to which <sup>[F2]</sup>P becomes entitled under regulation 12 is determined under paragraph (3), (5) or (7) (whichever applies).

(2) Paragraph (3) applies where, on retirement, P has reckonable service in only one eligible fee-paid judicial office <sup>[F3]</sup>which is a relevant office].

(3) The annual rate is determined in accordance with the following formula—

$$\frac{R}{40} \times S$$

where—

- a R is P's reckonable service in the relevant office;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement.

(4) Paragraph (5) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and
- (b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate <sup>[F4]</sup>for any relevant offices] is determined in accordance with the following formula—

$$\frac{AR}{40} \times S$$

where—

- a AR is the aggregate length of P's reckonable service in <sup>[F5]</sup>relevant] offices;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement.

(6) Paragraph (7) applies where—

- (a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office <sup>F6</sup>...; and

(b) at any time before retirement, P held two or more [<sup>F7</sup>eligible fee-paid judicial] offices simultaneously.

(7) The annual rate [<sup>F8</sup>for any relevant offices] is determined by taking the following steps—

*Step 1*

Determine the annual rate under paragraph (3) in relation to each relevant office which P held simultaneously [<sup>F9</sup>with another eligible fee-paid judicial office], as if—

- (i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5); and
- (ii) P held that office (and held no other judicial office) immediately before retirement.

*Step 2*

Determine the annual rate under paragraph (5) [<sup>F10</sup>for any relevant office which P did not hold simultaneously with another eligible fee-paid judicial office], and for these purposes, in paragraph (5), S is—

- (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office;
- (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

*Step 3*

Add together each of the rates found under Step 1 and the rate found under Step 2.

(8) Paragraph (9) applies where—

- (a) during one or more parts of the period for which P held [<sup>F11</sup>a relevant] office (“office A”), P held one or more other eligible fee-paid judicial offices simultaneously, and
- (b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.

(9) For the purposes of paragraph (7)—

- (a) office A is to be treated as two different relevant offices—
  - (i) the first of which (“the first office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(a), and accordingly, is taken into consideration in Step 1 in paragraph (7), and
  - (ii) the second of which (“the second office”) is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(b) and, accordingly is taken into consideration in Step 2 in paragraph (7), and
- (b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

**Textual Amendments**

- F2** Word in [reg. 13\(1\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **15(a)**
- F3** Words in [reg. 13\(2\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), **15(b)**

- F4** Words in reg. 13(5) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(c)(i)**
- F5** Word in reg. 13(5)(a) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(c)(ii)**
- F6** Words in reg. 13(6)(a) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(d)(i)**
- F7** Words in reg. 13(6)(b) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(d)(ii)**
- F8** Words in reg. 13(7) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(e)(i)**
- F9** Words in reg. 13(7) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(e)(ii)**
- F10** Words in reg. 13(7) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(e)(iii)**
- F11** Words in reg. 13(8)(a) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **15(f)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, Section 13.