

STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

PART 3

RETIREMENT BENEFITS^[F1]: Post-1995 Provisions]

Annual rate of reduced pension

16.—(1) The annual rate of a pension to which ^[F2]P becomes entitled under regulation 14 or 15 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 ^[F3]which is a relevant office].

(3) The annual rate is determined in accordance with the following formula—
^[F4]

$$(R40 \times S) \times (A + (B365 \times (C - A)))$$

]

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;
- c A is the actuarial reduction factor set out in the Table corresponding to P's age on P's birthday preceding the retirement day;
- d B is the number of days in the period beginning with P's birthday preceding the retirement day and ending with the retirement day;
- e C is the actuarial reduction factor set out in the Table appropriate to P's age on P's birthday following the retirement day.

(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 ^[F5]for any relevant offices] is determined in accordance with the following formula—

$$\left(\frac{AR}{40} \times S \right) \times \left(A + \left(\frac{B}{365} \times (C - A) \right) \right)$$

where—

- a AR is the aggregate length of P's reckonable service in [^{F6}relevant] offices;
- b S is the appropriate annual salary of the judicial office held by P immediately before retirement;
- c A is the actuarial reduction factor set out in the Table corresponding to P's age on P's birthday preceding the retirement day;
- d B is the number of days in the period beginning with P's birthday preceding the retirement day and ending with the retirement day;
- e C is the actuarial reduction factor set out in the Table appropriate to P's age on P's birthday following the retirement day.

(6) Paragraph (7) applies where—

- (a) on retirement P has reckonable service in more than one eligible fee-paid judicial office ^{F7} ...; and
- (b) at any time before retirement, P held two or more [^{F8}eligible fee-paid judicial] offices simultaneously.

(7) The annual rate [^{F9}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 [^{F10}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), in relation to those relevant offices which P did not hold simultaneously with another [^{F11}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) In this regulation—

- (a) “the retirement day” means the day on which P retires;
- (b) “the Table” means the Table in the Schedule to the Judicial Pensions (Miscellaneous) Regulations 1995 ^{F12}, as it has effect on the retirement day.

(9) Paragraph (10) applies where—

- (a) during one or more parts of the period for which P held [^{F13}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.

(10) 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 (9)(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 (9)(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. 16(1) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(a)**
- F3** Words in reg. 16(2) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(b)**
- F4** Reg. 16(3) formula substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(c)**
- F5** Words in reg. 16(5) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(d)(i)**
- F6** Word in reg. 16(5) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(d)(ii)**
- F7** Words in reg. 16(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), **18(e)(i)**
- F8** Words in reg. 16(6)(b) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(e)(ii)**
- F9** Words in reg. 16(7) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(f)(i)**
- F10** Words in reg. 16(7) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(f)(ii)**
- F11** Words in reg. 16(7) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(f)(iii)**
- F12** S.I. 1995/632. The Table in the Schedule to these Regulations was substituted by S.I. 2015/533.
- F13** Words in reg. 16(9)(a) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **18(g)**

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, Section 16.