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STATUTORY INSTRUMENTS

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**2017 No. 522**

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

**PART 6**

**DEATH BENEFITS**

**Annual rate of surviving adult's pension**

**37.**—(1) The annual rate of a pension to which a person becomes entitled under regulation 36 is equal to one half of the rate of the pension of the deceased member ( “ P ”).

(2) For the purposes of this regulation the rate of P's pension is determined as follows.

(3) Where P dies on or after the commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under Part 3 on the day on which P died.

(4) Where P dies on or after the commencement day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the day after that on which P died if—

- (a) on the day on which P died, P had not died but had instead retired, and
- (b) the ill-health certification condition were met in relation to P.

(5) Where P dies before the commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the commencement day if P were still alive on that day.

(6) Where P dies before the commencement day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under Part 3 on the commencement day if—

- (a) on the day on which P died, P had not died but had instead retired,
- (b) the ill-health certification condition were met in relation to P, and
- (c) P were still alive on the commencement day.

**Status:**

Point in time view as at 10/03/2022.

**Changes to legislation:**

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, Section 37.