
STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

PART 1

PRELIMINARY

Qualifying fee-paid days and qualifying fee-paid service

4.—(1) For the purposes of these Regulations, a day (“the relevant day”) is a “qualifying fee-paid day” worked by a member (“P”) in an eligible fee-paid judicial office, if—

- (a) P received a fee, in P's capacity as the holder of that fee-paid judicial office, in respect of the relevant day; and
- (b) the following conditions are met.

(2) The conditions are—

- (a) that P is not an opted-out member of the principal scheme on the relevant day;
- (b) that the relevant day is on or after [^{F1}any service limitation date specified in Schedule 1 in relation to the fee-paid judicial office,];
- [^{F2}(ba) that the relevant day was not worked by P in an eligible fee-paid judicial office before 31st March 1995, where P had a new appointment, as that term is defined in regulation 11B(2), before 31st March 1995, unless the retirement benefits in relation to that new appointment are to be calculated under the post-1995 provisions or are in relation to JUPRA service;]
- (c) that P is not eligible to be a member of the pension scheme established by the Judicial Pensions Regulations 2015 ^{F3} in relation to the relevant day.

(3) In these Regulations “qualifying fee-paid service”, in relation to an eligible fee-paid judicial office held by P, means [^{F4}(subject to paragraphs (3B) and (4))] the total number of qualifying fee-paid days worked by P in that office.

[^{F5}(3A) A service credit day is a day worked by P on or before the service limitation date applicable to an eligible fee-paid judicial office.

(3B) Any service credit days are taken into account in determining P's qualifying fee-paid service under paragraph (3) after multiplying the number of service credit days by the service credit day multiplier in relation to that office.]

(4) Where the fee paid to P in respect of a qualifying fee-paid day was not paid at the full daily rate for the fee-paid judicial office in question but at a proportion of that rate, only that proportion of the qualifying fee-paid day is to be taken into account [^{F6}under paragraph (3)] in determining P's qualifying fee-paid service.

[^{F7}(4A) Where P first held an eligible fee-paid judicial office specified in Tables 1 or 2 of Schedule 1 before 31st March 1995, and benefits in relation to that office are to be calculated under the post-1995 provisions, for the purposes of determining P's qualifying fee-paid service, a multiplier of 1.25 is to be applied to the number of qualifying fee-paid days before the date of any

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new appointment, as that term is defined in regulation 11B(2), or to the number of qualifying fee-paid days on or before the date any election under regulation 11C takes effect.]

(5) For the purposes of this regulation, “fee” does not include statutory sick pay, statutory maternity pay, statutory paternity pay, statutory adoption pay or statutory shared parental pay.

(6) Where at any time after 1st April 2010 P takes maternity leave during P's appointment to an eligible fee-paid judicial office P's qualifying fee-paid service is to be increased by adding Z days in relation to each period of maternity leave taken by P after that date, where Z is determined in accordance with the following formula—

$$W \times \frac{A}{52}$$

where—

- a W is the number of weeks of P's maternity leave;
- b A is the number of qualifying fee-paid days worked by P in the twelve months ending with the day before the fifteenth week before the date notified by P to the Ministry of Justice as P's expected date of childbirth.

(7) For the purposes of paragraph (6), “maternity leave” includes compulsory maternity leave and ordinary maternity leave as defined in section 213 of the Equality Act 2010 ^{F8}.

Textual Amendments

- F1 Words in [reg. 4\(2\)\(b\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [5\(a\)\(i\)](#)
- F2 [Reg. 4\(2\)\(ba\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [5\(a\)\(ii\)](#)
- F3 [S.I.2015/182](#).
- F4 Words in [reg. 4\(3\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [5\(b\)](#)
- F5 [Reg. 4\(3A\)\(3B\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [5\(c\)](#)
- F6 Words in [reg. 4\(4\)](#) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [5\(d\)](#)
- F7 [Reg. 4\(4A\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), [5\(e\)](#)
- F8 [2010 c.15](#).

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