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STATUTORY INSTRUMENTS

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**2017 No. 522**

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

**PART 1**

PRELIMINARY

**Reckonable service**

5.—(1) In these Regulations, “reckonable service”, in relation to an eligible fee-paid judicial office (“the relevant office”) held by a member (“P”), means the period, expressed in years and any fraction of a year, determined in accordance with the following formula—

$$\frac{M}{N}$$

where—

- (a) M is P's qualifying fee-paid service in the relevant office;
- (b) N is the annual divisor for that office specified in [F<sup>1</sup>column 2 of the appropriate table in Schedule 1].

(2) But where P's reckonable service in relation to the relevant office, as determined under paragraph (1), is greater than the maximum amount in relation to that office, P's reckonable service is instead that maximum amount.

(3) Paragraph (4) applies where, on the reckonable service date, the only eligible fee-paid judicial office in which P has qualifying fee-paid service is the relevant office.

(4) The maximum amount in relation to the relevant office is the amount determined in accordance with the formula—

$$20 - A$$

(5) Paragraph (6) applies where—

- (a) on the reckonable service date, P has qualifying fee-paid judicial service in more than one eligible fee-paid judicial offices, but
- (b) the relevant office is the only such office that P holds on that date.

(6) The maximum amount in relation to the relevant office is the amount determined in accordance with the formula—

$$20 - (A + B)$$

(7) Paragraph (8) applies where P ceases to hold one or more eligible fee-paid judicial offices on the reckonable service date.

(8) The maximum amount in relation to each of those eligible fee-paid judicial offices is to be calculated separately by taking the following steps.

*Step 1*

Calculate the maximum amount for the eligible fee-paid judicial office with the highest appropriate annual salary in accordance with the formula—

$$20 - (A + B)$$

*Step 2*

Calculate the maximum amount for each of the other eligible fee-paid judicial offices in turn, taking the judicial office [<sup>F2</sup>whose inclusion would result in a higher annual rate of pension per year of reckonable service taken into account before judicial offices whose inclusion would result in a lower annual rate of pension per year of reckonable service taken into account], in accordance with the formula—

$$20 - (A + B + C)$$

(9) For the purposes of this regulation, A is—

- (a) where P is not entitled to a pension under Part 1 of the Judicial Pensions and Retirement Act 1993 on the reckonable service date and will not become entitled to such a pension at any time after that date, nil;
- (b) otherwise, the smaller of—
  - (i) the aggregate length of P's service in qualifying judicial office (within the meaning of that Part of that Act), and
  - (ii) 20.

(10) For the purposes of this regulation, B is—

- (a) where—
  - (i) A is 20, or
  - (ii) P has not, before the reckonable service date, ceased to hold an eligible fee-paid judicial office in respect of which P has taken partial retirement, nil;
- (b) otherwise, the smaller of—
  - (i) the aggregate length of P's reckonable service in eligible fee-paid judicial offices which P ceased to hold before the reckonable service date and in respect of which P has taken partial retirement, and
  - (ii)

$$20 - A$$

(11) For the purposes of this regulation, C is—

- (a) where  $A + B \geq 20$ , nil;
- (b) otherwise, the smaller of—

- (i) the aggregate length of P's reckonable service in the eligible fee-paid judicial offices which P ceased to hold on the reckonable service date for which the maximum amount of P's reckonable service has already been calculated under paragraph (8), or
- (ii)

$$20 - (A + B)$$

[<sup>F3</sup>(12) For the purposes of paragraphs (10)(b)(i) and (11)(b)(i)—

- (a) the aggregate length of P's reckonable service in the eligible fee-paid judicial offices is to be determined in accordance with the formula in paragraph (1) as though paragraph (2) does not apply; and
- (b) for any office which is specified in Tables 1 or 2 of Schedule 1 in relation to which benefits are to be calculated under the pre-1995 provisions, the following reckonable service in that office is to be multiplied by 20 and divided by 15 to give the amount of P's reckonable service in that office—
  - (i) any reckonable service in relation to which benefits are to be calculated under the pre-1995 provisions,
  - (ii) any reckonable service before the date P had a new appointment as that term is defined in regulation 11B(2), and
  - (iii) any reckonable service before the date a notice under regulation 11C has effect.]

(13) Where paragraph (6) or (8) do not permit all P's reckonable service to be taken into account, P's reckonable service in judicial offices [<sup>F4</sup>which result in a higher annual rate of pension per year of reckonable service taken into account is to be taken into account before P's reckonable service in judicial offices which result in a lower annual rate of pension per year of reckonable service taken into account].

(14) Where the maximum amount in relation to the relevant office would (apart from this paragraph) be negative, it is instead nil.

(15) In this regulation “the reckonable service date” means the day on which P ceases to hold the relevant office.

#### Textual Amendments

- F1** Words in reg. 5(1)(b) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **6(a)**
- F2** Words in reg. 5(8) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **6(b)**
- F3** Reg. 5(12) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **6(c)**
- F4** Words in reg. 5(13) substituted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), **6(d)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, Section 5.