
STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

PART 2

PRINCIPAL SCHEME MEMBERSHIP

Members

8.—^[F1](1) A person who held judicial office on or after 7th April 2000 (“P”), is a member of the principal scheme if P held a fee-paid judicial office at any time before the first relevant date and—

- (a) P continued to hold judicial office on the second relevant date;
- (b) P ceased to hold judicial office before the second relevant date and condition A is met; or
- (c) P died before the second relevant date without having ceased to hold judicial office and condition B is met.]

(2) Condition A is that—

- (a) P presented a claim under the Part-time Worker (Prevention of Less Favourable Treatment) Regulations 2000 ^{F2} that P is entitled to a pension by virtue of holding that office (“a relevant claim”) to an employment tribunal or an industrial tribunal, and—
 - (i) the claim was presented before the end of the period of 3 months beginning with the date on which P ceased to hold that office; or
 - (ii) the tribunal has determined, or the appropriate Minister has accepted, that it is just and equitable to extend time for the presentation of the claim; or
- (b) the appropriate Minister has accepted that if P presented a relevant claim, that claim would be in time (taking into account any extension of time).

(3) Condition B is that—

- (a) P's personal representatives made a claim to an employment tribunal or an industrial tribunal before the end of the period of 3 months beginning with the date on which P died that benefits are payable in respect of P's death by virtue of P having held that office and that claim has not been rejected before the commencement day, or
- (b) an employment tribunal or an industrial tribunal has determined, or the appropriate Minister has accepted, that P's personal representatives are entitled to bring a claim that benefits are payable in respect of P's death by virtue of P having held that office.

(4) Where P ceased to hold a ^{F3}... judicial office before the [^{F4}second] relevant date and also died before the [^{F4}second] relevant date, but—

- (a) P had presented a relevant claim which would have satisfied paragraph (2)(a) before death, Condition A is to be treated as satisfied, or
- (b) P's personal representatives had made a claim before the end of the period of 3 months beginning with the date on which P ceased to hold [^{F5}the fee-paid judicial office] that

benefits are payable in respect of P's death by virtue of P having held that office, Condition B is to be treated as satisfied.

F⁶(5)

F⁷(6)

[F⁸(7) For the purposes of this regulation—

“the first relevant date” is—

- (a) 1st April 2022 where P—
 - (i) held a judicial office on 31st March 2012 and on 31st March 2015 and made an election under section 40 of the Public Service Pensions and Judicial Offices Act 2022, or
 - (ii) was excluded from being an active member of the scheme established by the Judicial Pensions Regulations 2015 because regulation 14(4)(a) of those Regulations (protected member of existing scheme) applied to P, or

(b) 1st April 2015 in any other case;

“the second relevant date” is—

- (a) 1st February 2013 where P only held a fee-paid judicial office—
 - (i) whose jurisdiction is exercised exclusively in relation to Northern Ireland, and
 - (ii) which is not one of the offices referred to in paragraph 11 of Schedule 2 to the Northern Ireland Act 1998, or
- (b) 2nd December 2012 in all other cases.]

Textual Amendments

- F1** Reg. 8(1) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(a)**
- F2** S.I. 2001/1107.
- F3** Word in reg. 8(4) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(b)(i)(aa)**
- F4** Word in reg. 8(4) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(b)(i)(bb)**
- F5** Words in reg. 8(4)(b) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(b)(ii)**
- F6** Reg. 8(5) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(c)**
- F7** Reg. 8(6) omitted (1.4.2023) by virtue of The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(c)**
- F8** Reg. 8(7) substituted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **9(d)**

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, Section 8.