

This Statutory Instrument has in part been printed to correct errors in S.I. 2015/580 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2021 No. 36

PUBLIC SERVICE PENSIONS

**The Public Service Pensions Act 2013 (Judicial Offices)
(Amendment etc.) Regulations 2021**

<i>Made</i>	- - - -	<i>11th January 2021</i>
<i>Laid before Parliament</i>		<i>18th January 2021</i>
<i>Coming into force</i>	- -	<i>1st April 2021</i>

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 3(1), section 25(3) and (8) and paragraph 2 of Schedule 1 to the Public Service Pensions Act 2013 (“the 2013 Act”)(a).

In accordance with section 21(1) of the 2013 Act, the Lord Chancellor has consulted representatives of such persons as appear to him likely to be affected by these Regulations.

In relation to regulation 3, pursuant to section 24(1)(c) of the 2013 Act, the Judicial Pension Board(b) has stated that it considers the regulation to be minor or wholly beneficial.

In accordance with section 3(5) of the 2013 Act, these Regulations are made with the consent of the Treasury.

Citation and commencement

1. These Regulations may be cited as the Public Service Pensions Act 2013 (Judicial Offices) (Amendment etc.) Regulations 2021 and come into force on 1st April 2021.

Amendments to the Public Service Pensions Act 2013 (Judicial Offices) Order 2015

2.—(1) The Schedule (specified judicial offices) to the Public Service Pensions Act 2013 (Judicial Offices) Order 2015(c) is amended as follows.

- (2) After the entry for “Assistant Judge Advocate General” insert the following entries—
- ““Chair of the Agricultural Land Tribunal for Wales holding office on or after 1st April 2021”
 - “Chair of the Health Service Products (Pricing, Cost Control and Information) Appeals

(a) 2013 c. 25.

(b) The Judicial Pension Board is established under regulation 6 of the Judicial Pensions Regulations 2015 (S.I. 2015/182).

(c) S.I. 2015/580, amended by S.I. 2015/1483 and 2018/186.

Tribunal holding office on or after 1st April 2021”

“Chair of the Reinstatement Committee holding office on or after 1st April 2021””.

(3) In each of the entries for “Chairman of the National Security Certificate Tribunal (Northern Ireland)” and “Deputy Chairman of the National Security Certificate Tribunal (Northern Ireland)” after “Certificate” insert “Appeals”.

(4) Omit the entries for “Chairman of the Mental Health Review Tribunal for Wales” and “Chairman of the Residential Property Tribunal Wales”.

(5) After the entry for “Deputy Admiralty Registrar” insert “Deputy Chair of the Agricultural Land Tribunal for Wales holding office on or after 1st April 2021”.

(6) After the entry for “Judge of the Supreme Court” insert “Legal member of the Adjudication Panel for Wales holding office on or after 1st April 2021”.

(7) After the entry for “Legal member of the Mental Health Review Tribunal for Wales” insert the following entries—

““Legal member of the Rent Assessment Committee Wales holding office on or after 1st April 2021”

“Legal member of the Welsh Language Tribunal holding office on or after 1st April 2021”

”.

(8) After the entry for “Master of the Rolls” insert “Other member of the First-tier Tribunal, where the office is held by a person who sits as a Chairman in the Property Chamber (Residential Property) holding office on or after 1st April 2021”.

(9) After the entry for “Other member of the First-tier Tribunal, where the office is held on a salaried basis” insert “Other member of the Upper Tribunal, where the office is held by a person who sits as a Chairman in the Lands Chamber and is a Member or Fellow of the Royal Institution of Chartered Surveyors holding office on or after 1st April 2021”.

(10) Before the entry for “President or Chairman of the Special Educational Needs Tribunal for Wales” insert “President of the Adjudication Panel for Wales holding office on or after 1st April 2021”.

(11) After the entry for “President of the Queen’s Bench Division” insert “President of the Rent Assessment Committees Wales holding office on or after 1st April 2021”.

(12) After the entry for “President of the Valuation Tribunal for England” insert the following entries—

““President of the Welsh Language Tribunal holding office on or after 1st April 2021”

“President of the Welsh Tribunals holding office on or after 1st April 2021””.

(13) After the entry for “Registrar of Civil Appeals” insert “Senior Chair of the Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal holding office on or after 1st April 2021”.

Amendments to the Judicial Pensions Regulations 2015

3.—(1) Regulation 3 (establishment and scope) of the Judicial Pensions Regulations 2015(a) is amended as follows.

(2) After paragraph (1) insert—

“(1A) Where such a determination is made, these Regulations apply to those persons to which paragraph (1)(b) applies, subject to paragraph (1B).

(1B) The Lord Chancellor may by direction modify the provisions of these Regulations in their application to those persons to which paragraph (1)(b) applies, for a purpose specified in section 25(8) of the Act.”.

(3) After paragraph (2)(d) insert—

(a) S.I. 2015/182, amended by S.I. 2017/508; there are other amending instruments but none is relevant.

- “(e) Chair of the Agricultural Land Tribunal for Wales holding office on or after 1st April 2015 and before 1st April 2021;
- (f) Chair of the Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal holding office on or after 1st April 2015 and before 1st April 2021;
- (g) Chair of the Reinstatement Committee holding office on or after 1st April 2015 and before 1st April 2021;
- (h) Deputy Chair of the Agricultural Land Tribunal for Wales holding office on or after 1st April 2015 and before 1st April 2021;
- (i) Legal member of the Adjudication Panel for Wales holding office on or after 1st April 2015 and before 1st April 2021;
- (j) Legal member of the Rent Assessment Committee Wales holding office on or after 1st April 2015 and before 1st April 2021;
- (k) Legal member of the Welsh Language Tribunal holding office on or after 1st April 2015 and before 1st April 2021;
- (l) Other member of the First-tier Tribunal, where the office is held by a person who sits as a Chairman in the Property Chamber (Residential Property) holding office on or after 1st April 2015 and before 1st April 2021;
- (m) Other member of the Upper Tribunal, where the office is held by a person who sits as a Chairman in the Lands Chamber and is a Member or Fellow of the Royal Institution of Chartered Surveyors holding office on or after 1st April 2025 and before 1st April 2021;
- (n) President of the Adjudication Panel for Wales holding office on or after 1st April 2015 and before 1st April 2021;
- (o) President of the Rent Assessment Committees Wales holding office on or after 1st April 2015 and before 1st April 2021;
- (p) President of the Welsh Language Tribunal holding office on or after 1st April 2015 and before 1st April 2021;
- (q) President of the Welsh Tribunals holding office on or after 1st April 2015 and before 1st April 2021;
- (r) Senior Chair of the Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal holding office on or after 1st April 2015 and before 1st April 2021.”.

11th January 2021

Robert Buckland
Lord Chancellor

We consent to the making of these Regulations

6th January 2021

Two of the Lords Commissioners of Her Majesty’s Treasury

Michael Tomlinson
James Morris

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Public Service Pensions Act 2013 (Judicial Offices) Order 2015 (S.I. 2015/580) (“the 2015 Order”). The 2015 Order specifies those judicial offices which

comprise “the judiciary” for the purposes of the Public Service Pensions Act 2013 (c. 25). A person holding a judicial office specified in the Schedule to the 2015 Order may be eligible to be included in a judicial pension scheme made under that Act.

Regulation 2 adds various judicial offices (“the new judicial offices”) to the list of specified judicial offices in the 2015 Order so that holders of those offices can participate in the Judicial Pension Scheme 2015 (“the Scheme”) (established under the Judicial Pensions Regulations 2015 (S.I. 2015/182) (“the 2015 Regulations”)) from 1st April 2021. Regulation 2 also corrects errors in the 2015 Order by omitting two erroneous entries and making other amends.

These Regulations also amend the 2015 Regulations so that at the same time as these new judicial offices are included in the Scheme from 1st April 2021, a mechanism is provided for the Lord Chancellor to provide for service in the same roles between 1st April 2015 and 31st March 2021 to be pensionable, even though those judicial offices were not included in the Scheme during that time.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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