
STATUTORY INSTRUMENTS

2022 No. 319

The Judicial Pensions Regulations 2022

PART 8

Death benefits

CHAPTER 1

Pensions for surviving adults

Surviving adults

76. In these Regulations—

“surviving adult”, in relation to a deceased member of this scheme, means the member’s surviving spouse, surviving civil partner or surviving cohabiting partner;

“surviving civil partner”, in relation to a deceased member of this scheme, means a person who was in a civil partnership with the member as at the date of the member’s death; and

“surviving spouse”, in relation to a deceased member of this scheme, means a person who was married to the member as at the date of the member’s death.

Commencement Information

I1 Reg. 76 in force at 1.4.2022, see [reg. 1\(4\)](#)

Meaning of “surviving cohabiting partner”

77. A person (P) is a surviving cohabiting partner of a deceased member of this scheme if P satisfies the scheme manager that immediately before the member’s death—

- (a) P and the member were cohabiting as partners in an exclusive, committed long-term relationship;
- (b) P and the member were not prevented from entering into a marriage or a civil partnership; and
- (c) either P was financially dependent on the member or P and the member were financially interdependent.

Commencement Information

I2 Reg. 77 in force at 1.4.2022, see [reg. 1\(4\)](#)

Meaning of “surviving adult’s pension”

78. In these Regulations, “surviving adult’s pension” means any of the following pensions payable to a surviving adult under this Chapter—

- (a) a dependant’s earned pension;
- (b) a dependant’s ill-health pension.

Commencement Information

I3 Reg. 78 in force at 1.4.2022, see [reg. 1\(4\)](#)

Meaning of dependant’s earned pension

79. A dependant’s earned pension is a pension payable on the death of a member of this scheme if the member was a pensioner member or would have become entitled to a full retirement pension had the member not died.

Commencement Information

I4 Reg. 79 in force at 1.4.2022, see [reg. 1\(4\)](#)

Meaning of dependant’s ill-health pension

80. A dependant’s ill-health pension is a pension payable on the death of a member of this scheme if the member was entitled to the immediate payment of an ill-health pension as at the date of the member’s death.

Commencement Information

I5 Reg. 80 in force at 1.4.2022, see [reg. 1\(4\)](#)

Entitlement to surviving adult’s pension

81.—(1) This regulation applies in relation to a member who, at the date of the member’s death is—

- (a) an active member of this scheme in relation to a continuous period of pensionable service of at least 12 months;
- (b) a deferred member of this scheme; or
- (c) a pensioner member of this scheme.

(2) If the member is a transition member with continuity of service, the continuous period of pensionable service mentioned in paragraph (1)(a) includes the member’s period of pensionable service under a pre-2022 scheme before the closing date.

(3) The surviving adult of the member is entitled to payment for life of a surviving adult’s pension as follows—

- (a) if the member was a pensioner member or would have become entitled to a full retirement pension had the member not died, a dependant’s earned pension;
- (b) if an ill-health pension was payable as at the date of the member’s death, a dependant’s ill-health pension.

- (4) The scheme manager may withhold a surviving adult's pension as follows—
- (a) for a pension that would otherwise be payable to the surviving spouse, if the member and the surviving spouse married less than 6 months before the member's death;
 - (b) for a pension that would otherwise be payable to a surviving civil partner, if the civil partnership was formed less than 6 months before the member's death.

(5) In this regulation a reference to “pensionable service” in relation to the Fee-paid Judges scheme is a reference to qualifying judicial service (within the meaning of regulation 6 (qualifying judicial service) of the FPJR 2017).

Commencement Information

I6 Reg. 81 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of surviving adult's pensions payable on death of pensioner member

82.—(1) This regulation applies on the death of a pensioner member of this scheme (P) and applies in respect of each account held by that member.

- (2) The annual rate of a dependant's earned pension is an amount equal to 37.5% of the sum of—
- (a) the amount of full retirement pension specified in P's full retirement account as at the date of P's death; and
 - (b) the amount of partial retirement earned pension specified in P's partial retirement account as at the date of P's death.

(3) The annual rate of a dependant's ill-health pension is an amount equal to 37.5% of the annual rate of ill-health pension, calculated without subtracting the commutation amount (if any) and the total allocation amount (if any).

(4) In accordance with section 7(4) (administrative provisions) of PIA 1971, for the purposes of this scheme there is to be disregarded any increase in the annual rate of a pension since the beginning date for that pension.

Commencement Information

I7 Reg. 82 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of surviving adult's pensions payable on death of deferred member

83.—(1) This regulation applies on the death of a deferred member of this scheme and applies in respect of each account held by that member.

(2) The annual rate of a dependant's earned pension is an amount equal to 37.5% of the provisional amount of deferred pension specified in the deferred member's account.

Commencement Information

I8 Reg. 83 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of surviving adult's pensions payable on death of active member (death in service)

84.—(1) This regulation applies on the death of an active member of this scheme in relation to a continuous period of pensionable service of at least 12 months.

(2) This regulation applies in respect of each account held by the active member.

(3) If the member is a transition member with continuity of service, the continuous period of pensionable service mentioned in paragraph (1) includes the member's period of pensionable service under a pre-2022 scheme before the closing date.

(4) The annual rate of a dependant's earned pension is an amount equal to 37.5% of the amount of full retirement pension that would have been specified in the member's full retirement account under regulation 39(2) had P become entitled to the immediate payment of a full retirement pension on the date of P's death.

(5) When calculating the amount of a member's full retirement pension (except in relation to a member who before the member's death was entitled under regulation 51(a) to the immediate payment of a partial retirement pension)—

(a) the accrued pension includes an additional amount equal to the lesser of—

(i) the amount of accrued pension; and

(ii) the enhancement fraction of the amount mentioned in paragraph (i);

(b) if the member is a transition member with continuity of service, the accrued pension includes an additional amount equal to the lesser of—

(i) the total amount of accrued pension under this scheme and the equivalent of accrued pension earned under a pre-2022 scheme which is not attributable to a transfer value payment; and

(ii) the enhancement fraction of the amount mentioned in sub-paragraph (a)(i); and

(c) the early payment reduction (if any), the commutation amount (if any) and the total allocation amount (if any) are not subtracted.

(6) In this regulation—

“the enhancement fraction” means:

$$\frac{X}{Y}$$

where—

X is the lower of—

(a) the member's assumed period of pensionable service; and

(b) 10;

Y is the lower of—

(a) the number of years (expressed in years and a fraction of a year, determined by complete months) for which the member has been an active member of this scheme; and

(b) the number of scheme years (expressed in years and a fraction of a year, determined by complete months) in relation to which an amount of earned pension was specified in the active member's account;

“the member's assumed period of pensionable service” means the period (expressed in years and a fraction of a year, determined by complete months)—

(a) beginning with the day after the date of the member's death; and

- (b) ending with—
 - (i) for a member appointed for a fixed term, the day on which that term would have ended; and
 - (ii) for all other appointments, the day before the day on which the member would have reached prospective normal pension age if the member had lived until that age; and
- “complete month” includes an incomplete month that consists of at least 16 days.

(7) In this regulation a reference to “pensionable service” in relation to the Fee-Paid Judges Scheme is a reference to qualifying judicial service.

Commencement Information

19 Reg. 84 in force at 1.4.2022, see [reg. 1\(4\)](#)

Reduction in pensions in cases of wide age disparity

85.—(1) This regulation applies if, on the death of a member of this scheme, a surviving adult’s pension is payable to a person (“the surviving adult”) who is more than 12 years younger than the member.

(2) The annual rate of the surviving adult’s pension is reduced by the lower of—

- (a) 50% of the amount of the annual rate of the pension calculated under regulation [82](#), [83](#) or [84](#) as applicable; and
- (b) $2.5 \times (N - 12) \%$ of the amount of the annual rate of the pension so calculated,

where N is the number of whole years by which the surviving adult is younger than the member.

Commencement Information

110 Reg. 85 in force at 1.4.2022, see [reg. 1\(4\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions Regulations 2022, CHAPTER 1.