

SCHEDULE 3

Modifying provisions and amendments

PART 2

Amendments

Amendments to the Judicial Pensions Regulations 2015

4.—(1) The 2015 Regulations are amended as follows.

(2) In regulation 9(2) (scheme advisory board: establishment), after “making changes to this scheme” insert “and the scheme established by the Judicial Pensions Regulations 2022”.

(3) For regulation 41(2) (closure of active member’s account) substitute—

“(2) The scheme manager must re-establish an active member’s account under this Chapter when the scheme manager closes a deferred member’s account under regulation 46.”

(4) Omit regulation 49 (closure of full retirement account).

(5) In regulation 56(1)(b) (entitlement to full retirement pension) for “pensionable service under this scheme” substitute “qualifying judicial office”.

(6) After regulation 56(6) insert—

“(7) Where P resumes service in qualifying judicial office, this will not affect any entitlement under this regulation.”

(7) Omit regulation 59 (full retirement pension ceases to be payable).

(8) In regulation 60 (exercise of partial retirement option)—

(a) in paragraph (1)(c), for “annual rate” substitute “amount”,

(b) in paragraph (2), after “part only of P’s accrued pensions” insert—

“in respect of a particular office”, and

(c) after paragraph (3), insert—

“(4) Where P holds more than one judicial office—

(a) P may exercise a partial retirement option separately in relation to each office held; and

(b) P may only access the pension accrued in relation to the particular office or offices in respect of which P is exercising the partial retirement option.

(5) For the purposes of calculating P’s annual pensionable earnings in relation to paragraph (1)(c) where P is a fee-paid office holder, the amount of pensionable earnings that P receives in respect of a particular office is calculated as follows—

Z per annum, where:

$$Z = \frac{J}{K}$$

where—

Changes to legislation: There are currently no known outstanding effects for the
The Judicial Pensions Regulations 2022, PART 2. (See end of Document for details)

J means the total fee-paid income in respect of that office over the preceding three years, or, if less than three years, over the period since P was first appointed to that office;

K means the lesser of—

- (a) 3; or
- (b) the period in years (and a fraction of a year, determined by complete months) from the first sitting day in that particular office until the date of partial retirement,

“complete month” includes an incomplete month that consists of at least 16 days; and

Z means the annualised total of fees from that particular office.

(6) Where P holds multiple assignments within the First-tier Tribunal or the Upper Tribunal—

- (a) the reduction in earnings in paragraph (1)(c) refers to service in each chamber of the relevant tribunal; and
- (b) in paragraph (5) references to an office are to be taken as references to an assignment to a tribunal chamber.”

(9) In regulation 61 (partial retirement option notice)—

- (a) in paragraph (2)(a)(i) after “pensions” insert—
“to which the office relates”, and
- (b) in paragraph (2)(a)(ii) after “pensions” insert—
“to which the office relates”, and
- (c) at the end of paragraph (2)(b) insert—
“, and

- (d) if P holds more than one office, the office or offices in respect of which P is exercising the partial retirement option.”

(10) In regulation 64 (annual rate of partial retirement pension) at the end of paragraph (1) insert “in the office from which P is taking partial retirement.”.

(11) In regulation 65 (annual rate of full retirement pension) at the end of paragraph (1) insert “in the office from which P is taking partial retirement.”.

(12) Omit regulation 144 (appointment of scheme actuary and actuarial valuations)(1).

(13) After regulation 167 insert—

“Financial provision

168.—(1) Except as otherwise provided in this regulation, any pension or lump sum payable under this scheme to or in respect of a person who has held an office specified in Part 1 of Schedule 1 to the Judicial Pensions and Retirement Act 1993 is to be charged on, and paid out of, the Consolidated Fund.

(2) Paragraph (1) does not apply in relation to any pension or other benefits payable in respect of—

- (a) payments for added pension or effective pension age;
- (b) special payments to buy out the early payment reduction;

(1) Since valuation provisions are included in these scheme regulations, section 11(1A) of the Act mean that the 2015 Regulations are not required to include valuation provisions.

- (c) a transferred pension;
 - (d) a partnership pension account.
- (3) This regulation is treated as having come into force on 1st April 2015.”

Commencement Information

- I1** Sch. 3 para. 4(1)-(12) in force at 1.4.2022, see [reg. 1\(4\)](#)
- I2** Sch. 3 para. 4(13) in force at 18.3.2022, see [reg. 1\(2\)](#)

Amendments to the Judicial Pensions (Additional Voluntary Contributions) Regulations 2017

5.—(1) The Judicial Pensions (Additional Voluntary Contributions) Regulations 2017(2) are amended as follows.

- (2) In regulation 2 (interpretation)—
 - (a) in the appropriate places, insert—
 - ““the 2022 Regulations” means the Judicial Pensions Regulations 2022;”;
 - ““the 2022 Scheme” means the Judicial pension scheme created by the 2022 Regulations;”;and
 - (b) in the definition of “active member”, insert at the end “or the 2022 scheme”.

Commencement Information

- I3** Sch. 3 para. 5 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, PART 2.