
STATUTORY INSTRUMENTS

2023 No. 403

**The Judicial Pensions (Fee-Paid Judges)
(Amendment) Regulations 2023**

PART 3

Benefits in respect of periods before amendment day

Benefits in respect of period before amendments

67.—(1) This Part applies where—

- (a) a member (“P”) retired or died without retiring before the amendment day; and
- (b) condition A or B is met.

(2) Condition A is that amounts were paid to a person before the amendment day in respect of P’s retirement or death under arrangements made for the purpose of providing benefits before the amendment day corresponding to an anticipated increase in benefits (including an increase from zero) payable under the principal scheme as a consequence of amendments made by these Regulations.

(3) Condition B is that if these Regulations had come into force on the day before the day on which P retired or died, there would have been an increase in the benefits which would have been payable to a person in respect of P’s retirement or death, under the principal scheme, as a consequence of amendments made by these Regulations.

(4) In this Part, expressions defined for the purpose of the 2017 Regulations have the same meaning as in those Regulations.

Meaning of “interim amendments payments amount” and “pre-amendment day benefits increase amount”

68. In this Part—

- (a) the “interim amendments payments amount” means the total amount that was paid to a person under arrangements made for the purpose of providing increased benefits before the amendment day in respect of P’s retirement or death under the principal scheme in anticipation of the amendments to be made by these Regulations;
- (b) the “pre-amendment day benefits increase amount” means the total amount of the increase in benefits under the principal scheme that would have been payable before the amendment day in respect of P’s retirement or death, after deduction of any contributions that would have been payable, as a consequence of amendments made by these Regulations, if those amendments had come into force on the day before the day on which P retired or died without having retired.

Additional payment where no or insufficient interim amendments payments made

69.—(1) Paragraph (2) applies where the interim amendments payments amount in relation to a person is less than the pre-amendment day benefits increase amount.

(2) The administrators must pay to the person the amount of the difference between the two amounts mentioned in paragraph (1).

Repayment of any excess interim amendments payments

70.—(1) Paragraph (2) applies where the interim amendments payments amount in relation to a person is greater than the pre-amendment day benefits increase amount.

(2) The administrators may recover the difference between the two amounts mentioned in paragraph (1) from the person, including by way of deduction from any benefits to which P is entitled under the principal scheme, including in such instalments from payments of retirement pension as the administrators may determine.