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STATUTORY INSTRUMENTS

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**2023 No. 403**

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

**PART 2**

Amendments relating to service before 7th April 2000

**Refund of excess contributions**

**31.** After Part 7 insert—

**“PART 7A**

**Refund of Excess Contributions**

**Application of Part**

**51A.** This Part applies where on 1st April 2023, a member (“P”)—

- (a) has or had a liability to pay contributions under Part 8 or 9; and
- (b) has made an excess contributions payment.

**Definitions**

**51B.—(1)** In this Part—

- (a) “contributions” means any contribution paid under Part 8 or 9 of these Regulations, regulation 4.6 of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(1), the Judicial Pensions (Contributions) Regulations 1995(2), or the Judicial Pensions (Contributions) Regulations 2012(3);
- (b) “excess contributions payment” means the amount of contributions paid by P during an excess contributions period;
- (c) “excess contributions period” means any period during which P paid contributions after the aggregate length of P’s reckonable service and JUPRA service exceeded 20 years;
- (d) “interim contributions refund” means the total amount (if any) that was paid to any person under arrangements made for the purpose of refunding excess contributions payments before the amendment day.

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(1) S.I. 1995/639; regulation 4.6 was amended by S.I. 2006/747.

(2) S.I. 1995/638 which were revoked by S.I. 1998/1219.

(3) S.I. 2012/516, amended by S.I. 2013/484, 2014/483 and 2016/30.

- (2) For the purposes of the definition of “excess contributions period”—
- (a) reckonable service means the aggregate length of P’s reckonable service in eligible fee-paid judicial offices, including any eligible fee-paid offices in respect of which P has taken partial retirement, determined in accordance with regulation 5 but as if regulation 5(2) did not apply;
  - (b) reckonable service includes added years of pension credit purchased under regulation 4.2(2)(4) of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995;
  - (c) any contributions made by P under regulation 4.6 of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995 are deemed to have been the most recent contributions made by P, regardless of when they were actually made (except for the purpose of calculating interest under regulation 51C(1)); and
  - (d) reckonable service in any office which P held before 31st March 1995 which is specified in Tables 1 or 2 of Schedule 1 is multiplied by 20 and divided by 15.

#### **Additional payment of refund**

**51C.**—(1) Paragraph (2) applies where the interim contributions refund in relation to P is less than the excess contributions payment plus compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

(2) The administrators must apply the difference between the two amounts mentioned in paragraph (1) as follows—

- (a) to discharge any liability P has under regulation 53(1) (liability to pay pre-commencement contributions);
- (b) to discharge any liability P has under regulation 53A(1) (liability to pay initial pre-commencement contributions); and
- (c) to pay any sum remaining thereafter to P.

#### **Recovery of excess refund**

**51D.**—(1) Paragraph (2) applies where the interim contributions refund in relation to P is greater than the excess contributions payment.

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