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STATUTORY INSTRUMENTS

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**2023 No. 403**

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

**PART 4**

**Partial Retirement: pre-commencement day cessation**

**Option to take partial retirement: pre-commencement day cessation**

**71.**—(1) For the purposes of regulation 28 of the 2017 Regulations, a member is to be treated as having taken partial retirement in relation to an eligible fee-paid judicial office (“the relevant office”) if—

- (a) the member ceased to hold the relevant office before the commencement day;
- (b) the member would, but for the date of cessation, have satisfied the conditions in regulation 27(1) of the 2017 Regulations;
- (c) before the coming into force of these Regulations, the member was paid amounts in respect of partial retirement in relation to the relevant office (despite not having an entitlement to such payments under regulation 27 of the 2017 Regulations);
- (d) no notice of rescission under paragraph (3) has been given by the member,

and accordingly benefits paid to or in respect of the member under Part 3 or 6 of the 2017 Regulations (whether before or after the coming into force of these Regulations) on the basis of the member’s reckonable service in the relevant office are to be treated as lawfully paid.

(2) A member to whom paragraph (1) applies is deemed to have given a notice under regulation 27(2) of the 2017 Regulations, received by the appropriate Minister on the date when entitlement to pension payments for the relevant office commenced.

(3) Where a member has received benefits in the circumstances described in paragraph (1), that member may rescind the taking of partial retirement by giving notice in writing to the appropriate Minister, in the form determined by the appropriate Minister, before 1st November 2023.

(4) A member is not to be treated as having ceased to hold a judicial office for the purposes of paragraph (1) or (2) if they would not be so treated for the purposes of regulation 27 of the 2017 Regulations (see paragraph (5) of that regulation).

(5) Where benefits have been paid to or in respect of a member under Part 3 or 6 of the 2017 Regulations in the circumstances described in paragraph (1), regulation 17(3) of the 2017 Regulations applies in relation to the member as if “the pension start day” meant the day on which the notice referred to in paragraph (2) has effect.

(6) In regulation 27(1) of the 2017 Regulations, omit “on or after the commencement day”.

(7) In this regulation expressions defined for the purpose of the 2017 Regulations have the same meaning as in those Regulations.