This Statutory Instrument corrects errors in S.I. 2017/522 and is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under section 29(2A) of the Judicial Pensions and Retirement Act 1993, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2023 No. XXX

PUBLIC SERVICE PENSIONS

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

Made - - - - ***

Coming into force *1st April 2023*

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The Lord Chancellor, in relation to judicial offices for which the Lord Chancellor is the appropriate Minister within the meaning of section 30 of the Judicial Pensions and Retirement Act 1993(**a**) and the Secretary of State in relation to judicial offices for which the Secretary of State is the appropriate Minister within the meaning of section 30 of that Act, make the following Regulations in exercise of the powers conferred by section 18A of that Act(**b**).

A draft of this instrument has been laid before and approved by a resolution of each House of Parliament pursuant to section 29(2A)(**c**) of that Act.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 and come into force on 1st April 2023.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

PART 2

Amendments relating to service before 7th April 2000

Amendment of the Judicial Pensions (Fee-Paid Judges) Regulations 2017

2. The Judicial Pensions (Fee-Paid Judges) Regulations 2017(**d**) ("the 2017 Regulations") are amended in accordance with this Part.

(**a**) 1993 c. 8.
(**b**) Section 18A was inserted by section 78(1) of the Pension Schemes Act 2015 (c. 8).
(**c**) Paragraph (2A) was inserted by section 78(2) of the Pensions Schemes Act 2015.
(**d**) S.I. 2017/522.

Amendment of regulation 2

3. In regulation 2(1) —

(a) in the definition of "the 2017 schemes", for "and the JASAPS" substitute ", the JASAPS and the FPJABS";

(b) after the definition of "the 2017 schemes" insert—

""the FPJABS" means the Fee-Paid Judicial Added Benefits Scheme constituted by Part 14A(**a**);";

(c) after the definition of "the JASAPS" insert—

""JUPRA service" means service in a qualifying judicial office as defined in section 1(6) of the Judicial Pensions and Retirement Act 1993;

"the pre-1995 provisions" means the provisions for the calculation of benefits contained in Part 2B;

"the post-1995 provisions" means the provisions for the calculation of benefits contained in Parts 3 and 6;";

(d) after the definition of "the administrators" insert—

""the amendment day" means 1st April 2023;";

(e) for the definition of "normal pension age" substitute—

""normal pension age" means (except in Part 11)—

(a) for an office in relation to which pension benefits are calculated under the pre-1995 provisions—

(i) for an office listed in Table 1 in Schedule 1, age 70 or the age at which the person has completed 15 years of qualifying judicial service, whichever is earlier,

(ii) for an office listed in Table 2 or Table 3 in Schedule 1, apart from those offices listed in sub-paragraph (iii) of this definition, age 65 or the age at which the person has completed 2 years of qualifying judicial service, whichever is later,

(iii) for the offices of Deputy Circuit Judge, Recorder, Assistant Recorder, Employment Tribunal Chairman and Temporary Judge of the Employment Tribunal (when a legal qualification is a requirement of appointment), age 65, or

(b) for an office in relation to which pension benefits are calculated under the post-1995 provisions, age 65, or the age at which the person has completed 5 years of qualifying judicial service, whichever is later;";

(f) after the definition of "retires" insert—

""service credit day" has the meaning given in regulation 4(3A);

"service credit day multiplier" means 0.67 where the relevant office is that of Deputy Adjudicator HM Land Registry, and otherwise—

(a) 0.5 where the member's appointment to a relevant office is before 1 October 2002, and

(b) 0.53 where the member's appointment to a relevant office is on or after 1 October 2002;

"service limitation date" in relation to an office means a date specified in Schedule 1 in relation to that office after which service may count as qualifying fee-paid service;";

(g) omit the definitions of "surviving adult", "surviving adult's pension", "surviving civil partner" and "surviving spouse".

(**a**) Part 14A is inserted by regulation 65 of these Regulations.

Amendment of regulation 3

4. In regulation 3(1)(a), for "the Schedule" substitute "any of the tables in Schedule 1".

Amendment of regulation 4

5. In regulation 4—

(a) in paragraph (2)—

(i) in sub-paragraph (b) for "7th April 2000" substitute "any service limitation date specified in Schedule 1 in relation to the fee-paid judicial office,",

(ii) after sub-paragraph (b) insert—

"(ba) that the relevant day was not worked by P in an eligible fee-paid judicial office before 31st March 1995, where P had a new appointment, as that term is defined in regulation 11B(2), before 31st March 1995, unless the retirement benefits in relation to that new appointment are to be calculated under the post-1995 provisions or are in relation to JUPRA service;";

(b) in paragraph (3), for "(subject to paragraph (5))" substitute "(subject to paragraphs (3B) and (4))";

(c) after paragraph (3) insert—

"(3A) A service credit day is a day worked by P on or before the service limitation date applicable to an eligible fee-paid judicial office.

(3B) Any service credit days are taken into account in determining P's qualifying fee-paid service under paragraph (3) after multiplying the number of service credit days by the service credit day multiplier in relation to that office.";

(d) in paragraph (4) for "under paragraph (4)" substitute "under paragraph (3)";

(e) after paragraph (4) insert—

"(4A) Where P first held an eligible fee-paid judicial office specified in Tables 1 or 2 of Schedule 1 before 31st March 1995, and benefits in relation to that office are to be calculated under the post-1995 provisions, for the purposes of determining P's qualifying fee-paid service, a multiplier of 1.25 is to be applied to the number of qualifying fee-paid days before the date of any new appointment, as that term is defined in regulation 11B(2), or to the number of qualifying fee-paid days on or before the date any election under regulation 11C takes effect.".

Amendment of regulation 5

6. In regulation 5—

(a) in paragraph (1)(b) for "column 2 of the Schedule" substitute "column 2 of the appropriate table in Schedule 1";

(b) in paragraph (8), in Step 2, for the words from "with the next highest" to "lower appropriate annual salary" substitute "whose inclusion would result in a higher annual rate of pension per year of reckonable service taken into account before judicial offices whose inclusion would result in a lower annual rate of pension per year of reckonable service taken into account";

(c) for paragraph (12) substitute—

"(12) For the purposes of paragraphs (10)(b)(i) and (11)(b)(i) —

(a) the aggregate length of P's reckonable service in the eligible fee-paid judicial offices is to be determined in accordance with the formula in paragraph (1) as though paragraph (2) does not apply; and

(b) for any office which is specified in Tables 1 or 2 of Schedule 1 in relation to which benefits are to be calculated under the pre-1995 provisions, the following

reckonable service in that office is to be multiplied by 20 and divided by 15 to give the amount of P's reckonable service in that office—

(i) any reckonable service in relation to which benefits are to be calculated under the pre-1995 provisions,

(ii) any reckonable service before the date P had a new appointment as that term is defined in regulation 11B(2), and

(iii) any reckonable service before the date a notice under regulation 11C has effect.".

(d) in paragraph (13), for the words from "with a higher appropriate annual salary" to the end, substitute "which result in a higher annual rate of pension per year of reckonable service taken into account is to be taken into account before P's reckonable service in judicial offices which result in a lower annual rate of pension per year of reckonable service taken into account".

Amendment of regulation 6

7. In regulation 6(2), after sub-paragraph (a) insert—

"(aa) it does not matter whether P holds a judicial office on or before any service limitation date applicable to that office;".

Amendment of regulation 7

8. In regulation 7—

(a) in paragraph (2)(b), for "the Schedule" substitute "the appropriate table in Schedule 1";

(b) in paragraph (3), in the opening words, after "salaried judicial office" insert "and benefits are to be calculated under the post-1995 provisions";

(c) after paragraph (3) insert—

"(3A) Where the relevant judicial office is a salaried judicial office and benefits are to be calculated under the pre-1995 provisions, the references are to the last annual salary as that expression applies for the purposes of the Judicial Pensions Act 1981(**a**).".

Amendment of regulation 8

9. In regulation 8—

(a) for paragraph (1) substitute—

"(1) A person who held judicial office on or after 7th April 2000 ("P"), is a member of the principal scheme if P held a fee-paid judicial office at any time before the first relevant date and—

(a) P continued to hold judicial office on the second relevant date;

(b) P ceased to hold judicial office before the second relevant date and condition A is met; or

(c) P died before the second relevant date without having ceased to hold judicial office and condition B is met.";

(b) in paragraph (4)—

(i) in the opening words—

(aa) omit "fee-paid",

(bb) before "relevant date", in both places, insert "second",

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(**a**) 1981 c. 20.

(ii) in sub-paragraph (b), in the first place it occurs, for "that office", substitute "the fee-paid judicial office";

(c) omit paragraphs (5) and (6);

(d) for paragraph (7), substitute—

"(7) For the purposes of this regulation—

"the first relevant date" is—

(a) 1st April 2022 where P—

(i) held a judicial office on 31st March 2012 and on 31st March 2015 and made an election under section 40 of the Public Service Pensions and Judicial Offices Act 2022(**a**), or

(ii) was excluded from being an active member of the scheme established by the Judicial Pensions Regulations 2015 because regulation 14(4)(a) of those Regulations (protected member of existing scheme)(**b**) applied to P, or

(b) 1st April 2015 in any other case;

"the second relevant date" is—

(a) 1st February 2013 where P only held a fee-paid judicial office—

(i) whose jurisdiction is exercised exclusively in relation to Northern Ireland, and

(ii) which is not one of the offices referred to in paragraph 11 of Schedule 2 to the Northern Ireland Act 1998(**c**), or

(b) 2nd December 2012 in all other cases.".

Amendment of regulation 9

10. In regulation 9—

(a) after paragraph (2) insert—

"(2A) If P became a member as a consequence of amendments made to these Regulations coming into effect on 1st April 2023 and opts out on or before 31st October 2023, P is treated as always having been an opted-out member.";

(b) in paragraph (3)(c), at the end insert "or a service credit day".

Amendment of regulation 10

11. In regulation 10, after paragraph (1) insert—

"(1A) A person with any liability to pay contributions for any period before 7th April 2000 as a consequence of amendments made to these Regulations coming into effect on 1st April 2023, may opt out in relation to all or part of that period by sending a notice to the appropriate Minister on or before 31st October 2023.".

Determination of applicable provisions to calculate benefits

12. After regulation 11 (opting back in) insert—

(**a**) 2022 c. 7.
(**b**) S.I. 2015/182.
(**c**) 1998 c. 47; paragraph 11 was amended by section 82(a) of and Schedule 13 to the Justice (Northern Ireland) Act 2002 (c. 26), by paragraph 33 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4) and by S.R. 2010 No. 52.

"PART 2A

Requirements and elections for retirement benefits and death benefits to be calculated under pre-1995 provisions or post-1995 provisions

Calculation of retirement benefits

11A.—(1) Retirement benefits, death benefits and associated contributions for a member ("P") in relation to an eligible fee-paid judicial office must be calculated under the post-1995 provisions, unless P meets the conditions in regulation 11B in relation to that office.

(2) Where benefits in relation to an eligible fee-paid judicial office have been paid to or in respect of P before the amendment day, and those benefits would have been calculated under the pre-1995 provisions if paragraph (1) had been in force on the date of P's retirement or death, benefits and contributions in relation to that office must be re-calculated under the pre-1995 provisions.

Conditions for retirement benefits and death benefits to be calculated under Part 2B

11B.—(1) Retirement benefits, death benefits and associated contributions for P in relation to an eligible fee-paid judicial office which is listed in Table 1, 2 or 3 of Schedule 1 (the "relevant office") are to be calculated under the pre-1995 provisions where P first held the relevant office before 31st March 1995, and also held judicial office on or after 31st March 1995, but P did not have a new appointment on or after 31st March 1995.

(2) P has a "new appointment" in relation to a relevant office upon appointment to another judicial office in place of that relevant office or, if after ceasing to hold the relevant office, P is appointed to another judicial office and in either case that other office is—

(a) a salaried office; or

(b) an eligible fee-paid judicial office with a different pre-1995 judicial pension scheme.

(3) For the purposes of paragraph (2)(b), an eligible fee-paid office has a different pre-1995 judicial pension scheme to the pre-1995 judicial pension scheme of another eligible fee-paid judicial office if it is specified in a different table in Schedule 1 and is not specified in Table 4 in that Schedule.

(4) This regulation is subject to any election under regulation 11C made by P in relation to the relevant office.

Elections available to members

11C.—(1) If the conditions in regulation 11B are met, P, or if P has died, P's personal representative, may nevertheless elect for benefits in relation to the relevant office which would otherwise be calculated under the pre-1995 provisions to be calculated under the post-1995 provisions, by sending a notice to the appropriate Minister.

(2) A notice under this regulation—

(a) must be in the form determined by the appropriate Minister;

(b) must be received by the appropriate Minister within the period of 12 months beginning with the day on which P retires or dies, or, if P has retired or died before this regulation came into force, within the period of 12 months beginning with the amendment day;

(c) has effect the day it is received; and

(d) is irrevocable.

Benefits calculated under both the pre-1995 provisions and the post-1995 provisions

11D.—(1) Where either or both of paragraphs (2) or (3) apply to P, P's benefits must be calculated under the pre-1995 provisions and the post-1995 provisions respectively and aggregated.

(2) P has benefits relating to more than one eligible fee-paid judicial office in relation to which benefits are to be calculated under the pre-1995 provisions and has made an election under regulation 11C for benefits in relation to one or more, but not all, of those offices to be calculated under the post-1995 provisions.

(3) P has benefits relating to more than one eligible fee-paid judicial office and regulation 11B applies in respect of one or more, but not all, of those offices.

PART 2B

Pre-1995 Provisions

CHAPTER 1

Retirement Benefits

Retirement at or after normal pension age: entitlement to ordinary pension

11E.—(1) This regulation applies to a member ("P") whose benefits are to be calculated under the pre-1995 provisions in respect of one or more eligible fee-paid judicial offices (each "a relevant office") where—

(a) P retires; and

(b) on the day on which P retires, P—

(i) has reached normal pension age for a relevant office, and

(ii) has accrued reckonable service in relation to that office.

(2) On the pension start day, P becomes entitled to the payment for life of a pension.

(3) In this regulation "the pension start day" means—

(a) the day after the day on which P retires; or

(b) if later, the amendment day.

Annual rate of ordinary pension

11F.—(1) The annual rate of a pension to which P becomes entitled under regulation 11E is determined under paragraph (3), (5) or (7) (whichever applies).

(2) Paragraph (3) applies where, on retirement, P has reckonable service in only one eligible fee-paid judicial office which is a relevant office.

(3) The annual rate for the relevant office is determined in accordance with the following formula—

$$\frac{R}{JS} \times AF \times S$$

where—

R is P's reckonable service in the relevant office

JS is the number of years of qualifying judicial service that P has subject to a maximum of—

(i) 15 years for an office specified in Table 1 or 2 in Schedule 1, or

(ii) 20 years for an office specified in Table 3 in Schedule 1

AF is the accrual factor specified for the relevant office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to P's qualifying judicial service

S is the appropriate annual salary of the judicial office held by P immediately before retirement.

(4) Paragraph (5) applies where—

(a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and

(b) P did not at any time before retirement hold two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate for any relevant offices is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3) in relation to each relevant office.

Step 2

Add together the annual rates determined under Step 1.

(6) Paragraph (7) applies where—

(a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and

(b) at any time before retirement, P held two or more eligible fee-paid judicial offices simultaneously.

(7) The annual rate for any relevant offices is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3) in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office, as if—

(i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and

(ii) P held that office (and held no other judicial office) immediately before retirement.

Step 2

Determine the annual rate under paragraph (3) in relation to any relevant office which P did not hold simultaneously with another eligible fee-paid judicial office, and for these purposes, in paragraph (3), S is—

(i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,

(ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

Step 3

Add together each of the rates determined under Steps 1 and 2.

(8) Paragraph (9) applies where—

(a) during one or more parts of the period for which P held a relevant office ("office A"), P held one or more other eligible fee-paid judicial offices simultaneously; and

(b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.

(9) For the purposes of paragraph (7)—

(a) office A is to be treated as two different relevant offices—

(i) the first of which ("the first office") is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(a) and, accordingly, is taken into consideration in Step 1 in paragraph (7), and

(ii) the second of which ("the second office") is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(b) and, accordingly, is taken into consideration in Step 2 in paragraph (7); and

(b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

Retirement under normal pension age on removal from judicial office: entitlement to reduced pension

11G.—(1) This regulation applies to a member ("P") whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each "a relevant office") where—

(a) P retires by virtue of having been removed from all judicial offices held by P;

(b) on the day on which P retires, P has not reached normal pension age for one or more relevant offices; and

(c) the appropriate Minister recommends to the administrators that P's accrued rights under the principal scheme in relation to the relevant offices be given immediate effect.

(2) The administrators must notify P of the recommendation under paragraph (1)(c).

(3) If P elects in writing to the administrators within 3 months of receiving the notice referred to in paragraph (2), that P wishes to receive benefits under this regulation—

(a) P becomes entitled, on the day on which the administrators receive the election, to the payment for life of a pension in respect of the relevant offices; and

(b) P also becomes entitled, on that day, to the amount P would have been entitled to in respect of the relevant offices if P had been entitled under this regulation to the payment of a pension in respect of the period beginning with the pension start day and ending with the day before the day mentioned in sub-paragraph (a).

(4) In this regulation "the pension start day" means—

(a) the day after the day on which P retires; or

(b) if later, the amendment day.

Annual rate of reduced pension

11H.—(1) The annual rate of a pension to which a member ("P") becomes entitled under regulation 11G is determined under paragraph (3), (5) or (7) (whichever applies).

(2) Paragraph (3) applies where on retirement, P has reckonable service in only one eligible fee-paid judicial office which is a relevant office.

(3) The annual rate for the relevant office is determined in accordance with the following formula—

$$\left(\frac{R}{JS} \times AF \times S\right) \times \left(A + \left(\frac{B}{365} \times (C - A)\right)\right)$$

where—

R is P's reckonable service in the relevant office

JS is the number of years of qualifying judicial service that P has, subject to a maximum of—

(i) 15 years for offices specified in Tables 1 and 2 in Schedule 1, and

(ii) 20 years for offices specified in Table 3 in Schedule 1

AF is the accrual factor specified for the relevant office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to P's qualifying judicial service

S is the appropriate annual salary of the judicial office held by P immediately before retirement

A is the actuarial reduction factor set out in the Table in the Schedule to the Judicial Pensions (Miscellaneous) Regulations 1995(**a**) corresponding to P's age on P's birthday preceding the day on which P retires

B is the number of days in the period beginning with P's birthday preceding the day on which P retires and ending with the day on which P retires

C is the actuarial reduction factor set out in the Table in the Schedule to the Judicial Pensions (Miscellaneous) Regulations 1995 corresponding to P's age on P's birthday following the day on which P retires.

(4) Paragraph (5) applies where—

(a) on retirement, P has reckonable service in more than one eligible fee-paid judicial office; and

(b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate for any relevant offices is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3) in relation to each relevant office.

Step 2

Add together each of the annual rates determined under Step 1.

(6) Paragraph (7) applies where—

(a) on retirement P has reckonable service in more than one eligible fee-paid judicial office; and

(b) at any time before retirement, P held two or more eligible fee-paid judicial offices simultaneously.

(7) The annual rate for any relevant offices is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3), in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office as if—

(i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and

(ii) P held that office (and held no other judicial office) immediately before retirement.

Step 2

Determine the annual rate under paragraph (3), in relation to each relevant office which P did not hold simultaneously with another eligible fee-paid judicial office, and for these purposes, in paragraph (3), S is—

(i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,

(ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

Step 3

Add together each of the rates determined under Steps 1 and 2.

(**a**) S.I. 1995/632; the Table was substituted by S.I. 2015/533.

(8) Paragraph (9) applies where—

(a) during one or more parts of the period for which P held a relevant office ("office A"), P held one or more other eligible fee-paid judicial offices simultaneously; and

(b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.

(9) For the purposes of paragraph (7)—

(a) office A is to be treated as two different relevant offices—

(i) the first of which ("the first office") is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(a) and, accordingly, is taken into consideration in Step 1 in paragraph (7), and

(ii) the second of which ("the second office") is held for the period (or the aggregate of the periods) mentioned in paragraph (8)(b) and, accordingly, is taken into consideration in Step 2 in paragraph (7); and

(b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

Retirement under normal pension age: entitlement to preserved pension

11I.—(1) This regulation applies to a member ("P") whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each "a relevant office") where—

(a) P retires;

(b) if P retires by virtue of having been removed from all judicial offices held by P and the appropriate Minister makes a recommendation under regulation 11G(1)(c), P does not make an election under regulation 11G(3); and

(c) on the day on which P retires, P—

(i) has not reached normal pension age for a relevant office, and

(ii) has at least 2 years' qualifying judicial service.

(2) On the pension start day, P becomes entitled to the payment for life of a pension in respect of the relevant office.

(3) In this regulation "the pension start day" means—

(a) the day on which P—

(i) reaches the normal pension age for the relevant office, or

(ii) (if later) would have completed the requirement for qualifying judicial service in relation to the relevant office, if P had continued to hold a judicial office; or

(b) if later, the amendment day.

Annual rate of preserved pension

11J.—(1) The annual rate of preserved pension to which a member ("P") is entitled under regulation 11I is determined under paragraph (3) or (5) (whichever applies).

(2) Paragraph (3) applies where, on retirement—

(a) P has reckonable service in one or more eligible fee-paid judicial offices; and

(b) P did not, at any time before retirement, hold two or more eligible fee-paid judicial offices simultaneously.

(3) The annual rate for any relevant offices is determined by taking the following steps—

Step 1

Determine the annual rate in relation to each relevant office in accordance with the following formula—

$$\left(\frac{N}{JS}\ x\ AF\ x\ S\right)\ x\ \frac{Z}{Z+Y}$$

where—

N is the reckonable service which P accrued, in the relevant office, before the date on which P retired, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is the number of years of qualifying judicial service that P has, subject to a maximum of—

(i) 15 years for offices in Tables 1 or 2 in Schedule 1, and

(ii) 20 years for offices in Table 3 in Schedule 1

AF is the accrual factor specified for the relevant office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to P's qualifying judicial service as if P had continued to hold that office until the date on which P reaches the normal pension age applicable for that office, subject to a maximum of—

(i) 15 years for offices in Tables 1 or 2 in Schedule 1, and

(ii) 20 years for offices in Table 3 in Schedule 1

S is the appropriate annual salary of the judicial office held by P immediately before retirement

Z is the period, or the aggregate of the periods, expressed in years and any fraction of a year during which P held one or more eligible fee-paid judicial offices, disregarding any day in respect of which the conditions in regulation 4(2) (qualifying fee-paid days) are not met

Y is the period, expressed in years and any fraction of a year, beginning with the day on which P retired and ending with the day on which P reaches normal pension age for the relevant office.

Step 2

Add together the annual rates determined under Step 1.

(4) Paragraph (5) applies where—

(a) on retirement P has reckonable service in more than one eligible fee-paid judicial office; and

(b) at any time before retirement, P held two or more eligible fee-paid judicial offices simultaneously.

(5) The annual rate for any relevant offices is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3) of this regulation, in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office, as if—

(i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and

(ii) P held that office (and held no other judicial office) immediately before retirement.

Step 2

Determine the annual rate under paragraph (3) of this regulation in relation to each relevant office which P did not hold simultaneously with another eligible fee-paid judicial office, and for these purposes, in paragraph (3), S is—

(i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,

(ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

Step 3

Add together each of the rates determined under Steps 1 and 2.

(6) Paragraph (7) applies where—

(a) during one or more parts of the period for which P held a relevant office ("office A"), P held one or more other eligible fee-paid judicial offices simultaneously; and

(b) during one or more parts of that period P held no judicial office other than office A.

(7) For the purposes of paragraph (5)—

(a) office A is to be treated as two different relevant offices—

(i) the first of which ("the first office") is held for the period (or the aggregate of the periods) mentioned in paragraph (6)(a), and accordingly, is taken into consideration in Step 1 in paragraph (5), and

(ii) the second of which ("the second office") is held for the period (or the aggregate of the periods) mentioned in paragraph (6)(b) and, accordingly is taken into consideration in Step 2 in paragraph (5); and

(b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

Retirement due to ill-health: entitlement to ill-health ordinary pension

11K.—(1) This regulation applies to a member ("P") whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each "a relevant office") where P retires and the ill-health certification condition is met in relation to P.

(2) On the pension start day, P becomes entitled to the payment for life of a pension in respect of any relevant offices.

(3) In this regulation "the pension start day" means—

(a) the day after that on which P retires; or

(b) if later, the amendment day.

(4) It is not material whether P has reached the normal pension age or met any requirement for qualifying judicial service in relation to a relevant office.

(5) Where apart from this paragraph, P would be entitled to—

(a) a pension under this regulation; and

(b) a pension under—

(i) regulation 11G (retirement under normal pension age on removal from judicial office), or

(ii) regulation 11I (retirement under normal pension age: entitlement to preserved pension)

P is not entitled to any pension mentioned in sub-paragraph (b).

Annual rate of ill-health ordinary pension

11L. Regulation 11F applies in relation to the annual rate of pension to which a person is entitled under regulation 11K as it applies in relation to the annual rate of pension to which a person is entitled under regulation 11E.

Times at which pension under this Part is payable

11M. A pension under this Part is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

Lump sum: entitlement and amount

11N.—(1) This regulation applies where a member ("P") retires on or after the amendment day and becomes entitled to the payment of a pension under this Part.

(2) At the time P becomes entitled to the payment of a pension, P becomes entitled to a lump sum of twice the annual rate of pension payable to P under this Part.

Multiple retirements

11O. Regulation 26 applies to a member whose benefits are calculated under this Part, who retires and subsequently resumes judicial office, as it applies to a member whose benefits are calculated under Part 3.

CHAPTER 2

Death Benefits

Interpretation

11P. In this Chapter—

"surviving adult", in relation to a deceased member ("P"), means P's surviving spouse or surviving civil partner;

"surviving spouse", in relation to P, means a person who—

(i) was married to P on the date of P's death, and

(ii) if P retired before death, entered into the marriage before P retired;

"surviving civil partner", in relation to P, means a person who—

(i) was in a civil partnership with P on the date of P's death, and

(ii) if P retired before death, entered into the civil partnership before P retired;

"surviving adult's pension" means a pension payable to a surviving adult under this Chapter.

Entitlement to surviving adult's pension

11Q.—(1) This regulation applies where a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices, dies leaving a surviving adult.

(2) On the pension start day, the surviving adult becomes entitled to the payment for life of a pension.

(3) For the purposes of paragraph (2) the "pension start day" means—

(a) the day after the day on which P dies; or

(b) if later, the amendment day.

(4) Where the surviving adult marries or enters into a civil partnership, the Treasury may, at any time, direct that payment of the pension be withheld.

(5) The Treasury may, at any time, direct that payment of a pension withheld under paragraph (4) be resumed.

Annual rate of surviving adult's pension

11R.—(1) The annual rate of a pension to which a person becomes entitled under regulation 11Q is equal to one half of the rate of the pension of the deceased member ("P").

(2) For the purposes of this regulation the rate of P's pension is determined as follows.

(3) Where P dies on or after the amendment day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under this Part on the day on which P died.

(4) Where P dies on or after the amendment day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the day after that on which P died if—

(a) on the day on which P died, P had not died but had instead retired; and

(b) the ill-health certification condition were met in relation to P.

(5) Where P dies before the amendment day after having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if P were still alive on that day.

(6) Where P dies before the amendment day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if—

(a) on the day on which P died, P had not died but had instead retired;

(b) the ill-health certification condition were met in relation to P; and

(c) P were still alive on the amendment day.

Annual rate of surviving adult's pension: special provision for surviving civil partners

11S.—(1) Paragraph (2) applies where—

(a) the surviving civil partner in relation to a member ("P") becomes entitled to a pension under regulation 11Q;

(b) P held a judicial office before, and on, 5th December 2005; and

(c) P elects in writing to the administrators, within the period of 6 months beginning with the relevant day, that the annual rate of the surviving civil partner's pension under regulation 11R should be calculated as if P first held a judicial office on 5th December 2005.

(2) The rate of P's pension, for the purposes of regulation 11R, is to be determined on the basis that P first held a judicial office on 5th December 2005.

(3) In this regulation "the relevant day" means—

(a) the amendment day; or

(b) if later, the day on which the civil partnership is entered into.

(4) An election under this regulation is irrevocable.

Payment of a surviving adult's pension

11T. A surviving adult's pension is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

Entitlement to an eligible child's pension

11U.—(1) This regulation applies if a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices, dies leaving one or more eligible children.

(2) On the pension start day, and until such time as there are no more eligible children, the relevant person becomes entitled to the payment of a pension.

(3) In this regulation, the "pension start day" means—

(a) the day after the day on which P dies; or

(b) if later, the amendment day.

(4) In this regulation, the "relevant person" means such person or persons as the Treasury may from time to time direct, and different parts of the pension may be directed to be paid to different persons.

Annual rate of eligible child's pension

11V.—(1) The annual rate of a pension to which a person becomes entitled under regulation 11U, where P dies without leaving a surviving adult, is—

(a) in relation to any period during which there is only one eligible child, an annual rate equal to one third of the rate of P's pension;

(b) in relation to any period during which there are two or more eligible children, an annual rate equal to two thirds of the rate of P's pension.

(2) The annual rate of a pension to which a person becomes entitled under regulation 11U, where P dies leaving a surviving adult, is—

(a) in relation to any period during which there is only one eligible child and the surviving adult is still alive, an annual rate equal to one quarter of the rate of P's pension;

(b) in relation to any period during which there is only one eligible child and the surviving adult is dead, an annual rate equal to one third of the rate of P's pension;

(c) in relation to any period during which there are two or more eligible children and the surviving adult is still alive, an annual rate equal to one half of the rate of P's pension;

(d) in relation to any period during which there are two or more eligible children and the surviving adult is dead, an annual rate equal to two thirds of the rate of P's pension.

(3) The Treasury may direct, where the deceased member leaves a surviving adult who marries or enters into a civil partnership, that the annual rate of the pension is to be calculated under paragraph (1) as if there were no surviving adult in respect of any period during which the surviving adult has a spouse or a civil partner.

(4) The Treasury may, at any time, cancel a direction given under paragraph (3).

(5) For the purposes of this regulation the "rate of P's pension" is determined as follows.

(6) Where P dies on or after the amendment day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under this Part on the day on which P died.

(7) Where P dies on or after the amendment day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the day after that on which P died if—

(a) on the day on which P died, P had not died but had instead retired; and

(b) the ill-health certification condition were met in relation to P.

(8) Where P dies before the amendment day after having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if P were still alive on that day.

(9) Where P dies before the amendment day without having retired, the rate of P's pension is the annual rate of the pension to which P would have become entitled under this Part on the amendment day if—

(a) on the day on which P died, P had not died but had instead retired;

(b) the ill-health certification condition were met in relation to P; and

(c) P were still alive on the amendment day.

Payment and application of an eligible child's pension

11W.—(1) A pension to which a person is entitled under regulation 11U is payable at such intervals, not exceeding 3 months, as the Treasury may determine.

(2) A person to whom a pension or part of a pension under regulation 11U is paid must apply the pension for the benefit of—

(a) all eligible children of the deceased member; or

(b) such eligible children of the deceased member as the Treasury may direct.

Lump sum on death: death in service

11X.—(1) Paragraph (2) applies where a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each "a relevant office"), dies without having retired.

(2) Unless a lump sum is payable on P's death under any provision of—

(a) the Judicial Pensions Act 1981;

(b) the Judicial Pensions and Retirement Act 1993;

(c) a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014(**a**); or

(d) a scheme under section 1 of the Public Service Pensions Act 2013(**b**),

on the day after that on which P dies, the relevant person becomes entitled to a lump sum.

(3) The amount of the lump sum to which the relevant person becomes entitled under paragraph (2) is determined under paragraph (5), (7) or (9) (whichever applies).

(4) Paragraph (5) applies where, on P's death, P has reckonable service in only one eligible fee- paid judicial office which is a relevant office.

(5) The amount of the lump sum is the greater of—

(a) twice the annual pension that P would have received in respect of the office if P had retired on ill-health grounds on the day of P's death; and

(b) a sum determined in accordance with the following formula—

$$S \, x \, \frac{RS}{JS}$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

RS is the amount of reckonable service P had in the relevant office at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

(**a**) 2014 c. 2.
(**b**) 2013 c. 25.

JS is P's qualifying judicial service, expressed in years and any fraction of a year.

(6) Paragraph (7) applies where—

(a) on P's death, P has reckonable service in more than one eligible fee-paid judicial office; and

(b) P did not, at any time before death, hold more than one eligible fee-paid judicial office simultaneously.

(7) The amount of the lump sum is the greater of—

(a) twice the annual pension that P would have received in respect of any relevant offices if P had retired on ill-health grounds on the day of P's death; and

(b) a sum determined in accordance with the following formula—

$$S\ x\ \frac{ARS}{JS}$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

ARS is the amount of reckonable service P had in all relevant offices at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P's qualifying judicial service expressed in years and any fraction of a year.

(8) Paragraph (9) applies where—

(a) on P's death, P has reckonable service in more than one eligible fee-paid judicial office; and

(b) at any time before death, P held two or more eligible fee-paid judicial offices simultaneously.

(9) The amount of the lump sum in respect of any relevant offices is determined by taking the following steps—

Step 1

Determine the lump sum under paragraph (5) in relation to each relevant office which P held simultaneously with another eligible fee-paid office, as if that office were the only eligible fee-paid relevant office held by P.

Step 2

Determine the lump sum under paragraph (7) in relation to those relevant offices which P did not hold simultaneously with another eligible fee-paid office and, for these purposes, in paragraph (7)(b), S is—

(i) where P held a single eligible fee-paid judicial office immediately before P's death, the appropriate annual salary of that judicial office, determined as if P had retired on the date of P's death;

(ii) where P held more than one eligible fee-paid judicial office immediately before P's death, the highest appropriate annual salary of those offices, determined as if P had retired on the date of P's death.

Step 3

Add together each of the lump sums determined under Step 1 and the lump sum determined under Step 2.

(10) Paragraph (11) applies where—

(a) during one or more parts of the period for which P held a relevant office ("office A"), P held one or more other eligible fee-paid judicial offices simultaneously; and

(b) during one or more parts of that period P held no eligible fee-paid judicial office other than office A.

(11) For the purposes of paragraph (9)—

(a) office A is to be treated as two different relevant offices—

(i) the first of which ("the first office") is held for the period (or the aggregate of the periods) mentioned in paragraph (10)(a), and accordingly, is taken into consideration in Step 1 in paragraph (9), and

(ii) the second of which ("the second office") is held for the period (or the aggregate of the periods) mentioned in paragraph (10)(b) and, accordingly is taken into consideration in Step 2 in paragraph (9); and

(b) P's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

(12) In this regulation "the relevant person" means—

(a) the person nominated by P for the purpose of this regulation by notice in writing to the administrators; or

(b) in default of such nomination, P's personal representatives, on behalf of P's estate.

Lump sum on death: death after retirement of member with preserved pension

11Y.—(1) Paragraph (2) applies if—

(a) a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each "a relevant office"), dies having retired;

(b) where P retires on or after the amendment day, P is not, on retirement, an opted-out member; and

(c) if P had not died P would, on reaching normal pension age for one or more relevant offices, have become entitled to a pension under regulation 11I.

(2) On the day after that on which P dies, P's personal representatives become entitled to a lump sum on behalf of P's estate.

(3) The amount of the lump sum is twice the notional annual rate of pension determined in accordance with regulation 11J as though P had reached normal pension age for each relevant office on the day P died.

Lump sum on death: death soon after retirement of member entitled to pension

11Z.—(1) Paragraph (2) applies if—

(a) a member ("P"), whose benefits are to be calculated under this Part in respect of one or more eligible fee-paid judicial offices (each a "relevant office"), dies having retired;

(b) where P retires on or after the amendment day, P is not, on retirement, an opted-out member;

(c) immediately before death, P was entitled to the payment of a pension under this Part in respect of the relevant offices; and

(d) the total benefits received are less than the minimum benefits amount.

(2) On the day after that on which P dies, P's personal representatives become entitled on behalf of P's estate to a lump sum equal to the difference between the total benefits received in respect of the relevant offices and the minimum benefits amount.

(3) In this regulation "the total benefits received" means the amount determined in accordance with the following formula—

$$A + B + C - D$$

where—

A is the interim amendments payments amount (if any) in relation to P in respect of the relevant offices

B is the amount (if any) payable to P where no, or an insufficient interim amendments payments amount has been made in respect of the relevant offices

C is the total of the sums paid or payable to P under this Part on account of the pension (including any increases under the Pensions (Increase) Act 1971(**a**))), and by way of lump sum in respect of the relevant offices, in relation to the period after the amendment day

D is the amount (if any) payable by P where an excess interim amendments payments amount has been made in respect of the relevant offices.

(4) In this regulation—

"interim amendments payments amount" has the same meaning as in Part 3 of the Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023;

"the minimum benefits amount" means the amount the relevant person would have been entitled to under regulation 11X if P had died without retiring.".

Insertion of new regulation 11Z1

13. In Part 3, in the Part-heading preceding regulation 12, at the end insert ": Post-1995 Provisions" and before that regulation insert—

"Application and interpretation of Part 3

11Z1.—(1) This Part applies to the calculation of benefits for a member ("P") in respect of one or more eligible fee-paid judicial offices where in accordance with regulation 11A, those benefits are to be calculated under the post-1995 provisions.

(2) In this Part, each of the offices described in paragraph (1) is referred to as a "relevant office".".

Amendment of regulation 12

14. In regulation 12—

(a) in paragraph (1)—

(i) in the opening words, after "applies" insert "in respect of one or more relevant offices",

(ii) in sub-paragraph (a), for "a member ("P")" substitute "P",

(iii) in sub-paragraph (b)(iii) for "an eligible fee-paid judicial" substitute "the relevant";

(b) in paragraph (2), for "the pension start" substitute "a pension start";

(c) for paragraph (3), substitute—

"(3) In this regulation "pension start day" means—

(a) in respect of pension payable in respect of qualifying fee-paid service on or after 7 April 2000—

(i) the day after that on which P retires, or

(ii) if later, the commencement day;

(b) in respect of pension payable in respect of qualifying fee-paid service before 7 April 2000—

(i) the day after that on which P retires, or

(ii) if later, the amendment day.".

(**a**) 1971 c. 56.

Amendment of regulation 13

15. In regulation 13—

(a) in paragraph (1), for "a member ("P")" substitute "P";

(b) in paragraph (2), for "("the relevant office")" substitute "which is a relevant office";

(c) in paragraph (5)—

(i) in the opening words, after "rate" insert "for any relevant offices",

(ii) in sub-paragraph (a), for "eligible fee-paid judicial" substitute "relevant";

(d) in paragraph (6)—

(i) in sub-paragraph (a), omit "("the relevant offices")",

(ii) in sub-paragraph (b), for "relevant" substitute "eligible fee-paid judicial";

(e) in paragraph (7)—

(i) in the opening words, after "rate" insert "for any relevant offices",

(ii) in Step 1, after "simultaneously" insert "with another eligible fee-paid judicial office",

(iii) in Step 2, in the opening words, for "in relation to those relevant offices which P did not hold simultaneously with another relevant office" substitute "for any relevant office which P did not hold simultaneously with another eligible fee-paid judicial office";

(f) in paragraph (8)(a), for "an eligible fee-paid judicial" substitute "a relevant".

Amendment of regulation 14

16. In regulation 14—

(a) in paragraph (1)(a), for "a member ("P")" substitute "P";

(b) in paragraph (2), at the end insert "in respect of any relevant offices".

Amendment of regulation 15

17. In regulation 15—

(a) in paragraph (1)(a), for "a member ("P")" substitute "P";

(b) in paragraph (3)—

(i) in sub-paragraph (a), after "pension" insert "in respect of any relevant offices",

(ii) in sub-paragraph (b), after "pension" insert "in respect of any relevant offices".

Amendment of regulation 16

18. In regulation 16—

(a) in paragraph (1), for "a member ("P")" substitute "P";

(b) in paragraph (2), for "("the relevant office")" substitute "which is a relevant office";

(c) in paragraph (3), for the formula, substitute—

"$$\left(\frac{R}{40}\ x\ S\right)\ x\ \left(A + \left(\frac{B}{365}\ x\ (C - A)\right)\right)$$"

(d) in paragraph (5)—

(i) in the opening words, after "annual rate" insert "for any relevant offices",

(ii) in the definition of "AR" in sub-paragraph (a), for "eligible fee-paid judicial" substitute "relevant";

(e) in paragraph (6)—

(i) in sub-paragraph (a), omit "("the relevant offices")",

(ii) in sub-paragraph (b), for "relevant" substitute "eligible fee-paid judicial";

(f) in paragraph (7)—

(i) in the opening words, after "rate" insert "for any relevant offices",

(ii) in Step 1, in the opening words, after "simultaneously" insert "with another eligible fee-paid judicial office",

(iii) in Step 2, in the opening words, after "with another" insert "eligible fee-paid";

(g) in paragraph (9)(a), for "an eligible fee-paid judicial" substitute "a relevant".

Amendment of regulation 17

19. In regulation 17—

(a) in paragraph (1)—

(i) in sub-paragraph (a), for "a member ("P")" substitute "P",

(ii) in sub-paragraph (c)(i), at the end insert "for one or more relevant offices";

(b) in paragraph (2), at the end insert "in respect of the relevant offices".

Amendment of regulation 18

20. In regulation 18—

(a) in paragraph (1), for "a member ("P")" substitute "P";

(b) in paragraph (3)—

(i) in the opening words, after "rate" insert "for any relevant office",

(ii) in sub-paragraph (a), in the definition of "R"—

(aa) after "able to accrue" insert "in the relevant offices",

(bb) for "in eligible fee-paid judicial office" substitute "to hold those offices",

(cc) in paragraph (i), in the definition of "N", after "accrued" insert "in the relevant offices";

(c) in paragraph (4)—

(i) in sub-paragraph (a), omit "("the relevant offices")",

(ii) in sub-paragraph (b) for "relevant" substitute "eligible fee-paid judicial";

(d) for paragraph (5) substitute—

"(5) The annual rate for any relevant office is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3) of this regulation, in relation to each relevant office which P held simultaneously with another eligible fee-paid judicial office, as if—

(i) that office were the only office in which P had reckonable service on retirement (except in determining the maximum amount in relation to that office under regulation 5), and

(ii) P held that office (and held no other judicial office) immediately before retirement.

Step 2

Determine the annual rate under paragraph (3) of this regulation in relation to those relevant offices which P did not hold simultaneously with another fee-paid judicial office, and for these purposes, in paragraph (3)(b), S is—

(i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office,

(ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices.

Step 3

Add together the rate determined under Step 1 and each of the rates determined under Step 2.";

(e) in paragraph (6)(a), for "an eligible fee-paid judicial" substitute "a relevant".

Amendment of regulation 19

21. In regulation 19—

(a) in paragraph (1)(a), for "a member ("P")" substitute "P has accrued reckonable service in relation to one or more relevant offices and";

(b) in paragraph (2), at the end insert "in respect of the relevant offices".

Amendment of regulation 21

22. In regulation 21—

(a) in paragraph (1)(a), for "a member ("P")" substitute "P has accrued reckonable service in relation to one or more relevant offices and";

(b) in paragraph (2), at the end insert "in respect of the relevant offices".

Amendment of regulation 22

23. In regulation 22—

(a) in paragraph (1), for "a member ("P")" substitute "P";

(b) in paragraph (4), in sub-paragraph (b), in the definition of "X", for "eligible fee-paid judicial", on both occasions, substitute "relevant".

Amendment of regulation 23

24. In regulation 23(1)—

(a) in the opening words, for "a member ("P")" substitute "P";

(b) in sub-paragraph (a)(ii), after "commencement day" insert "or, as applicable, before the amendment day".

Amendment of regulation 25

25. In regulation 25(1), for "a member ("P")" substitute "P".

Amendment of regulation 26

26. In regulation 26(1) for "a member ("P")" substitute "P".

Amendment of regulation 28

27. In regulation 28(2), omit the "and" after sub-paragraph (a), and after sub-paragraph (b) insert—

"(c) Part 2A, and

(d) Part 2B (apart from regulation 11O).".

Amendment of regulation 35

28.—(1) In the heading to Part 6 preceding regulation 35, at the end insert ": Post-1995 Provisions".

(2) In the heading to regulation 35, at the end insert "and application of Part".

(3) In regulation 35—

(a) the existing text is re-numbered as paragraph (1);

(b) in the opening words of paragraph (1), as so re-numbered, for "these Regulations" substitute "this Part";

(c) at the end insert—

"(2) This Part applies in respect of P where P is a person to whom Part 3 would have applied if P had retired on the day P died.".

Amendment of regulation 45

29. In regulation 45—

(a) for paragraph (1) substitute—

"(1) Paragraph (2) applies where a member ("P"), whose benefits are to be calculated under the post-1995 provisions in respect of one or more eligible fee-paid judicial offices (each "a relevant office"), dies (on or after the commencement day) without having retired. ";

(b) for paragraph (2) substitute—

"(2) Unless a lump sum is payable on P's death under—

(a) the Judicial Pensions Act 1981;

(b) section 4(3) of the Judicial Pensions and Retirement Act 1993;

(c) a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; or

(d) a scheme under section 1 of the Public Service Pensions Act 2013,

on the day after that on which P dies, the relevant person is entitled to a lump sum.";

(c) in paragraph (4), for "("the relevant office")" substitute "which is a relevant office";

(d) for paragraph (5) substitute—

"(5) The amount of the lump sum is to be determined in accordance with the following formula—

$$S \times 2 \times \frac{RS}{JS}$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

RS is the amount of reckonable service P had in the relevant office at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P's qualifying judicial service expressed in years and any fraction of a year.";

(e) for paragraph (7) substitute—

"(7) The amount of the lump sum is to be determined in accordance with the following formula—

$$S \times 2 \times \frac{ARS}{JS}$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P's death, determined as if P had retired on the date of P's death

ARS is the amount of reckonable service P had in all relevant offices at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P's qualifying judicial service expressed in years and any fraction of a year.".

Amendment of regulation 47

30. In regulation 47—

(a) in paragraph (3)—

(i) for sub-paragraph (a) substitute—

"(a) A is the sum of the interim payments amount (if any), and any interim amendments payments amount (as that expression is defined in regulation 68 of the Amendment Regulations) in relation to P in respect of benefits corresponding to those under the post-1995 provisions;",

(ii) in paragraph (b), after "regulation 50" insert "and regulation 69 of the Amendment Regulations in respect of benefits corresponding to those under the post-1995 provisions",

(iii) in paragraph (d), after "regulation 51" insert "and regulation 70 of the Amendment Regulations in respect of benefits corresponding to those under the post-1995 provisions";

(b) at the end insert—

"(5) In this regulation, "the Amendment Regulations" means the Judicial Pensions (Fee-paid Judges) (Amendment) Regulations 2023.".

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(**a**), the Judicial Pensions (Contributions) Regulations 1995(**b**), or the Judicial Pensions (Contributions) Regulations 2012(**c**);

(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.

(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)(**d**) 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.".

(**a**) S.I. 1995/639; regulation 4.6 was amended by S.I. 2006/747.
(**b**) S.I. 1995/638 which were revoked by S.I. 1998/1219.
(**c**) S.I. 2012/516, amended by S.I. 2013/484, 2014/483 and 2016/30.
(**d**) Regulation 4.2(2) was substituted by S.I. 2006/747.

Amendment of regulation 52

32. In regulation 52—

(a) in the definition of "fee period", for "the Contributions Table" substitute "Table 1 of the Contributions Tables";

(b) after the definition of "fee period" insert—

""the initial pre-commencement dependants' contributions amount" means the amount payable in accordance with this Part for the period before 7th April 2000;"

(c) for the definition of "the Contributions Table" substitute—

""the Contributions Tables" means Tables 1 to 10 in Schedule 3.".

Insertion of new regulation 53A

33. After regulation 53 insert—

"Liability to pay initial pre-commencement contributions amount

53A.—(1) P must pay to the appropriate Minister the initial pre-commencement contributions amount being the sum of—

(a) the initial pre-commencement personal contributions amount in respect of service credit days (see regulation 54A); and

(b) the initial pre-commencement dependants' contributions amount (see regulation 55A).

(2) Paragraph (1) is subject to paragraphs (3) and (4).

(3) P is not required to pay the initial pre-commencement contributions amount if P had on retirement less than two years qualifying judicial service.

(4) P is not required to pay the initial pre-commencement dependants' contributions amount if P—

(a) retired before 31st March 2023,

(b) was not married or in a civil partnership at any time during the period—

(i) beginning with the day on which P first held an eligible fee-paid judicial office and

(ii) ending with the day on which P retired; and

(c) did not have a qualifying child at any time during that period.".

Amendment of regulation 54

34. In regulation 54, in Step 2, for "the Contributions Table" substitute "Table 1 of the Contributions Tables or in column 2 of a table referred to in that column, as the case may be".

Insertion of new regulation 54A

35. After regulation 54 insert—

"Calculation of initial pre-commencement personal contributions amount: service credit days

54A. The initial pre-commencement personal contributions amount in respect of service credit days is determined as follows—

Step 1

For the fee period from 1st April 2012 to 31st March 2013, determine the total of fees paid to P in respect of service credit days.

Step 2

Multiply the total determined under Step 1 by the percentage specified in relation to that sum in column 2 of Table 9 of the Contributions Tables.

Step 3

For the fee period from 1st April 2013 to 31st March 2014, determine the total of fees paid to P in respect of service credit days.

Step 4

Multiply the total determined under Step 3 by the percentage specified in relation to that sum in column 2 of Table 10 of the Contributions Tables.

Step 5

Add together the amounts determined under Steps 2 and 4.".

Substitution of regulation 55

36. For regulation 55 substitute—

"Calculation of pre-commencement dependants' contributions amounts

55.—(1) The pre-commencement dependants' contribution amount for each eligible fee-paid judicial office held by P is determined under paragraph (2) or (3) as applicable.

(2) For an office specified in Table 1 or 2 of Schedule 1—

Step 1

For each fee period from 7th April 2000 to 31st March 2017, determine the total of fees paid to P in respect of qualifying fee-paid days.

Step 2

Multiply the totals determined under Step 1 by the percentage specified in relation to the applicable fee period in column 3 of Table 1 of the Contributions Tables or column 3 of a table referred to in that table.

(3) For offices specified in Table 3 or 4 of Schedule 1—

Step 1

For each fee period from 7th April 2000 to 31st March 2017 determine the total of fees paid to P in respect of qualifying fee-paid days.

Step 2

Multiply the totals determined under Step 1 by the percentage specified in relation to the applicable fee period in column 4 of Table 1 of the Contributions Tables or column 4 of a table referred to in that table.

Step 3

Determine the total of fees paid to P in respect of any service credit days.

Step 4

Multiply the total determined under Step 3 by the appropriate percentage specified in Table 8.

Step 5

Add together the amounts determined under Steps 2 and 4.".

Insertion of new regulation 55A

37. After regulation 55 insert—

"Calculation of initial pre-commencement dependants' contributions amount

55A.—(1) The initial pre-commencement dependants' contributions amount in relation to each eligible office held by P is determined under paragraph (2) or (3) as applicable.

(2) For an office specified in Table 1 or Table 2 of Schedule 1—

Step 1

Determine the total of fees paid to P in respect of qualifying fee-paid days falling within the period before 7th April 2000.

Step 2

Multiply the total determined under Step 1 by the percentage specified in column 3 of the first row of Table 1 of the Contributions Tables.

(3) For offices specified in Table 3 or Table 4 of Schedule 1—

Step 1

Determine the total of any fees paid to P in respect of qualifying fee-paid days falling within the period before 7th April 2000.

Step 2

Multiply the total determined under Step 1 by the percentage specified in column 4 of the first row of Table 1 of the Contributions Tables.

Step 3

Determine the total of any fees paid to P in respect of any service credit days.

Step 4

Multiply the total determined under Step 3 by the appropriate percentage specified in Table 8.

Step 5

Add together the amounts determined under Steps 2 and 4.".

Amendment of regulation 56

38. In regulation 56(1), for "regulations 54 and 55" substitute "regulations 54, 54A, 55 and 55A".

Omission of regulation 57

39. Omit regulation 57.

Insertion of new regulation 58A

40. After regulation 58 insert—

"Payment of initial pre-commencement contributions

58A.—(1) Contributions payable under regulations 53A, 54A or 55A may be paid—

(a) by way of a lump sum at any time during the period of 6 months beginning with 1st April 2023;

(b) by way of such deductions from fees paid to P in respect of fee-paid days as may be specified in an agreement between P and the appropriate Minister.

(2) For the purposes of paragraph (1)(b), a "fee-paid day" means a day in respect of which P receives a fee in P's capacity as a holder of an eligible fee-paid judicial office.

(3) The deductions specified under paragraph (1)(b)—

(a) must be of fixed monetary amounts; and

(b) must be the same for each fee.

(4) A new agreement under paragraph (1)(b) may be entered into at any time after the end of the period of 12 months beginning with the day on which the previous agreement was entered into.

(5) Regulation 65 applies as if the references to pre-commencement dependants' contributions included any contributions paid under regulations 54A and 55A.

(6) Except to the extent that contributions payable under regulations 53A, 54A or 55A have already been paid under paragraph (1), they are to be paid by way of deduction from—

(a) any lump sum payable to P under regulation 11N or Part 3; or

(b) where P dies before retiring, any lump sum payable for death in service in respect of P under regulations 11X or 45, or under regulation 102 of the Judicial Pensions Regulations 2022(**a**)."

Amendment of regulation 62

41. In regulation 62—

(a) in paragraph (2)—

(i) omit "(see column 1 of the table)",

(ii) for "the table in regulation 63" substitute "Tables 1 to 7 in Schedule 3";

(b) in paragraph (3)—

(i) omit "(see column 1 of the table)",

(ii) for "column 3 of the same row of the same table" substitute "the relevant column in Tables 1 to 7 in Schedule 3",

(iii) at the end insert "and for this purpose the relevant column is determined under paragraph (3ZA) or (3ZB)";

(c) after paragraph (3) insert—

"(3ZA) If the fee was for an office specified in Table 1 or Table 2 of Schedule 1, the relevant column is column 3.

(3ZB) If the fee was for an office specified in Table 3 or 4 of Schedule 1, the relevant column is column 4.";

(d) omit paragraphs (3A), (3B), (3C)(**b**), (4), (5) and (6);

(e) in paragraph (7), omit the definition of "consumer prices index".

Omission of regulation 63

42. Omit regulation 63.

Commutation of small pensions

43. After regulation 69 insert—

(**a**) S.I. 2022/319.
(**b**) Paragraphs (3A), (3B) and (3C) were inserted by S.I. 202/386.

"PART 10A

Commutation of small pensions

Commutation of small pensions

69A.—(1) This regulation applies if the cash value of the retirement benefits of a member who retires on or after 1st April 2023, or of such a member's beneficiary, does not exceed the small pensions commutation maximum.

(2) The administrators must, subject to paragraph (3) and after taking appropriate actuarial advice, pay the member or the member's beneficiary a lump sum of such amount as represents the cash value of the retirement benefits if—

(a) the member or the member's beneficiary consents to receipt of a lump sum in place of the retirement benefits; and

(b) the requirements of the commutation provisions that apply in the circumstances, had this scheme been a registered pension scheme, are met.

(3) The administrators may not pay a lump sum to a member under paragraph (2) which would be a trivial commutation lump sum had this scheme been a registered pension scheme where—

(a) the member has been paid a trivial commutation lump sum from any registered pension scheme; and

(b) a period of 12 months has elapsed from the date of that payment (or the earlier or earliest such payment where there is more than one).

(4) The administrators must, after taking appropriate actuarial advice, pay the member or the member's beneficiary a lump sum of such amount as represents the cash value of the retirement benefits if—

(a) the member or the member's beneficiary consents to receipt of a lump sum in place of the retirement benefits; and

(b) the cash value of the retirement benefits is less than £10,000.

(5) A lump sum under this regulation may only be paid—

(a) on or after the date when the member or member's beneficiary is entitled to payment of a pension; and

(b) before the first payment of the pension is made.

(6) The payment of a lump sum under this regulation in place of a pension discharges all liabilities under this scheme in respect of that pension.

(7) In this regulation—

"beneficiary" includes a transferee within the meaning of regulation 29(1);

"the commutation provisions" means the provisions permitting the commutation of pensions set out in—

(a) paragraph 7 of Schedule 29 (registered pension schemes: authorised lump sums - supplementary) to the Finance Act 2004 (which defines trivial commutation lump sums for the purposes of Part 4 of that Act)(**a**) and, in relation to a pension payable under Part 8, paragraph 20 of that Schedule (which defines trivial commutation lump sum death benefit for the purposes of Part 4 of that Act)(**b**); and

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(**a**) 2004 c. 12; paragraph 7 was amended by Finance Act 2011 (c. 11), Schedule 16 paragraphs 23 and 29 and Schedule 18 paragraphs 1, 3 and 4, the Finance Act 2014 (c. 26) section 42(1), the Taxation of Pensions Act 2014 (c. 30) Schedule 1, Part 5, paragraph 71(1)(a), (b) and (c), the Finance Act 2016 (c. 24) Schedule 5, paragraph 7(1), (2) and (3),the Finance Act 2021 (c. 26) Schedule 5, paragraph 21(1) and (6) and S.I. 2006/572 (as amended by S.I. 2009/1172).

(**b**) Paragraph 20 was amended by Finance Act 2011 (c. 11), Schedule 16 paragraphs 32 and 39 and Schedule 18 paragraphs 1, 3 and 6.

(b) Part 2 (commutation payments) of the Registered Pension Schemes (Authorised Payments) Regulations 2009(**a**);

"retirement benefits" means all benefits payable under these Regulations, including any additional benefits purchased by the member;

"the small pensions commutation maximum" means the amount that is permitted to be commuted taking account of all sources of pension and having regard to the commutation provisions that apply in the circumstances, had this scheme been a registered pension scheme.".

Amendment of regulation 72

44. In regulation 72, in paragraph (2)(c)(i), for "the commencement day" substitute "the amendment day (in which case the restriction in regulation 79 does not apply to P)".

Amendment of regulation 84

45. In regulation 84—

(a) in paragraph (3), in the opening words, at the beginning insert "Unless paragraph (4) applies to P";

(b) after paragraph (3) insert—

"(4) If P meets the requirement in regulation 83(1), P may make a request in writing within the period of one year beginning with the amendment day and must nominate a date on which the transfer is to take effect, between 6th February 2013 and the amendment day, which must be a day on which P would have met the requirements set out in paragraph (3)(b) and (c).".

Amendment of regulation 103

46. In regulation 103—

(a) in paragraph (1)—

(i) omit the definition of "active FPJAYS member",

(ii) in the definition of "assumed retirement date", for "active" substitute "unretired",

(iii) in the definition of "judicial pension scheme", after "2015" insert "or 2022",

(iv) in the definition of "retired FPJAYS member", omit "before the commencement day",

(v) at the end insert—

""unretired FPJAYS member" means an FPJAYS member who continues to hold judicial office.";

(b) after paragraph (1) insert—

"(1A) In relation to fee-paid days between 1st April 2015 and 31st March 2022, regulation 4 applies for the purposes of this Part as if paragraph (2)(c) were omitted.

(1B) References in this Part to reckonable service and to qualifying fee-paid days are to be read as including a reference to fee-paid days in judicial office after 31st March 2022 as if the principal scheme had not been closed to further accruals.".

Amendment of regulation 104

47. In regulation 104—

(**a**) S.I. 2009/1171, amended by the Finance Act 2014 (c. 26), section 42(6), the Taxation of Pensions Act 2014 (c. 30), Schedule 1 paragraph 73(3), S.I. 2011/1751, S.I. 2012/522 and 2013/1818.

(a) for paragraph (1) substitute—

"(1) Membership of the FPJAYS is open to unretired and retired members of the principal scheme (but not to opted-out members) who have service in an eligible fee-paid judicial office between 31st March 1995 and 5th April 2006 and whose benefits under the principal scheme in relation to at least one such office are, or are to be, calculated under the post-1995 provisions.";

(b) in paragraph (2), for "commencement day" substitute "amendment day".

Amendment of regulation 105

48. In regulation 105—

(a) in paragraph (2) for "7th April 2000" substitute "31st March 1995";

(b) in paragraph (3), for "active" substitute "unretired".

Amendment of regulation 107

49. In regulation 107(3)—

(a) in sub-paragraph (b), after "R accrued" insert "in any office in relation to which benefits are calculated under the post-1995 provisions";

(b) in sub-paragraph (c), after "period" insert "and for the offices".

Amendment of regulation 108

50. In regulation 108—

(a) in paragraph (1)(a), after "question" insert "in any office in relation to which benefits are calculated under the post-1995 provisions";

(b) in paragraph (2), after "fee-paid days" insert "in the offices referred to in that paragraph".

Amendment of regulation 109

51. In regulation 109(3)—

(a) after "If the reckonable service" insert "in relation to which benefits are to be calculated under the post-1995 provisions";

(b) for "the eligible fee paid" substitute "those".

Amendment of regulation 110

52.—(1) In the heading to Chapter 3 preceding regulation 110, for "active" substitute "unretired".

(2) In the heading to regulation 110, for "active" substitute "unretired".

(3) In regulation 110—

(a) in the opening words of paragraph (1), for "active" substitute "unretired";

(b) in paragraph (1)(c), after "each year" insert "in any office in relation to which benefits are to be calculated under the post-1995 provisions";

(c) in paragraph (3)(a), after "retirement date" insert "and for this purpose regulation 103(1A) and (1B) does not apply".

Amendment of regulation 111

53. In regulation 111—

(a) in the regulation heading and in the opening words of paragraph (1), for "active" substitute "unretired";

(b) in paragraph (3)(b), after "fees" insert "or salary";

(c) in paragraph (4)(a)(i), after "question" insert "for any office in relation to which benefits are to be calculated under the post-1995 provisions";

(d) in paragraph (5), after "fee-paid days" insert "in any office in relation to which benefits are to be calculated under the post-1995 provisions".

Amendment of regulation 112

54. In regulation 112, in the regulation heading and in the opening words of paragraph (1), for "active" substitute "unretired".

Amendment of regulation 113

55. In regulation 113—

(a) in paragraph (1), for "active" substitute "unretired";

(b) after paragraph (4) insert—

"(4A) If a retired member purchases a number of added years ("AY") after making an election under regulation 11C, the member is entitled to a refund of the difference between—

(a) the contribution payable for AY under regulation 107; and

(b) the total contribution that would have been payable if, before making the election, the member had—

(i) purchased enough added units of benefit under Part 14A for them to be converted into AY, or,

(ii) if that number of added units of benefit would have exceeded the limit set out in regulation 128F, purchased the maximum number of added units of benefit that would have been available to the member under regulation 128F together with enough added years under regulation 107 to make up AY.".

Amendment of regulation 116

56. In regulation 116—

(a) the text after "In this Part" is numbered as paragraph (a);

(b) in paragraph (a), as so numbered—

(i) omit the definition of "active JASAPS member",

(ii) in the definition of "retired JASAPS member", omit "before the commencement day",

(iii) at the end insert—

""unretired JASAPS member" means a JASAPS member who continues to hold judicial office.";

(c) after paragraph (a), as so numbered, insert—

"(b) in relation to fee-paid days between 1st April 2015 and 31st March 2022, regulation 4 applies for the purposes of this Part as if paragraph (2)(c) were omitted;

(c) references to reckonable service and to qualifying fee-paid days in this Part are to be read as including a reference to fee-paid days in judicial office after 31st March 2022 as if the principal scheme had not been closed to further accruals.".

Amendment of regulation 117

57. In regulation 117—

(a) for paragraph (1) substitute—

"(1) Membership of the JASAPS is open to unretired and retired members of the principal scheme (but not to opted-out members)—

(a) who have service in an eligible fee-paid judicial office between 31st March 1995 and 5th April 2006;

(b) whose benefits under the principal scheme in relation to at least one such office are, or are to be, calculated under the post-1995 provisions; and

(c) who have a spouse or civil partner to whom benefits could be paid under this Part." .

(b) in paragraph (2), for "commencement day" substitute "amendment day".

Amendment of regulation 118

58. In regulation 118—

(a) in paragraph (2), for "7th April 2000" substitute "31st March 1995";

(b) in paragraph (3), for "active" substitute "unretired".

Amendment of regulation 119

59. In regulation 119(2)(b), after "reckonable service" insert "in any office in relation to which benefits are calculated under the post-1995 provisions".

Amendment of regulation 121

60. In regulation 121—

(a) in paragraph (1)(b)(i), after "question" insert "in any office in relation to which benefits are calculated under the post-1995 provisions";

(b) in paragraph (2), after "fee-paid days" insert "in any office in relation to which benefits are calculated under the post-1995 provisions".

Amendment of regulation 123

61.—(1) In the heading to Chapter 3 preceding regulation 123, for "active" substitute "unretired".

(2) In the heading to regulation 123, for "active" substitute "unretired".

(3) In regulation 123—

(a) in paragraphs (1), in the opening words, for "active" substitute "unretired";

(b) in paragraph (1)(c), after "fee-paid days" insert "in any office in relation to which benefits are to be calculated under the post-1995 provisions";

(c) in paragraph (2), in the opening words, for "active" substitute "unretired";

(d) in paragraph (2)(b)—

(i) after "reckonable service" insert "in any office in relation to which benefits are to be calculated under the post-1995 provisions",

(ii) for "(or 7th April 2000 if later) and date on which M reaches M's assumed retirement age" substitute "and the date on which M reaches M's assumed retirement age as if the principal scheme had not closed to further accruals".

Amendment of regulation 124

62. In regulation 124, in the regulation heading and in paragraph (1), for "active" substitute "unretired".

Amendment of regulation 125

63. In regulation 125—

(a) in the regulation heading and in the opening words of paragraph (1), for "active" substitute "unretired";

(b) in paragraph (1)(b), after "fees" insert "or salary";

(c) in paragraph (2)(a)(i), after "question" insert "in any office in relation to which benefits are to be calculated under the post-1995 provisions";

(d) in paragraph (3), after "paid to M" insert "for any office in relation to which benefits are to be calculated under the post-1995 provisions".

Amendment of regulation 126

64. In regulation 126, in the regulation heading and in paragraph (1), for "active" substitute "unretired".

Insertion of new Parts 14A and 14B

65. The provisions contained in the Schedule to these Regulations are inserted after the end of Part 14 as Parts 14A and 14B.

Schedules

66. For the Schedule to the 2017 Regulations substitute—

"SCHEDULE 1 Regulations 3, 5 and 7

Judicial offices

Table 1

Judicial office	*Divisor*
Lord Justice of Appeal (fee-paid) England and Wales	220
Lord Justice of Appeal (fee-paid) Northern Ireland	218
High Court Judge (fee-paid) England and Wales	210
High Court Judge (fee-paid) Northern Ireland	218
Deputy High Court Judge England and Wales	210
Deputy High Court Judge Northern Ireland	218
Temporary Judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978	218
Temporary Judge (Scotland)	210

Table 2

Judicial office	*Divisor*
Deputy Circuit Judge	210
Recorder	210
Assistant Recorder	210
Temporary Sheriff Principal (Scotland)	215

Re-employed former Sheriff Principal (Scotland)	215
Re-employed former Appeal Sheriff (Scotland)	215
Deputy Social Security Commissioner	220
Deputy Child Support Commissioner	220
Chairman of VAT & Duties Tribunal	220
Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment)	220
Judge of the Industrial Tribunal	220
Employment Tribunal Chairman	220
Industrial Tribunal Chairman	220
Temporary Judge of the Employment Appeal Tribunal (where a legal qualification is a requirement of appointment)	220
Deputy Social Security Commissioner for Northern Ireland	218
Deputy County Court Judge (Northern Ireland)	218
Deputy Child Support Commissioner for Northern Ireland	218

Table 3

Judicial office	*Divisor*
Deputy Supreme Court Master	210
Deputy Supreme Court Registrar	210
Deputy Master of the Senior Courts	210
Deputy Taxing Master	210
Deputy Master of the King's Bench Division	210
Deputy Master of the Chancery Division	210
Deputy Bankruptcy Registrar	210
Deputy Costs Judge	210
Deputy Insolvency and Companies Court Judge	210
Deputy District Judge (Magistrates' Court)	215
Deputy Stipendiary Magistrate England and Wales	215
Part-time Stipendiary Magistrate (Scotland)	210
Deputy District Judge of the Principal Registry of the Family Division	210
Deputy District Judge	215
Deputy District Judge (Magistrates' Court) Northern Ireland	218
Commissioner for the Special Purposes of the Income Tax Acts	220
Deputy Commissioner for the Special Purposes of the Income Tax Acts	220
Part-time Sheriff (Scotland)	215
Temporary Sheriff (Scotland)	215
Part-time Summary Sheriff (Scotland)	215

Re-employed former Sheriff Principal, Sheriff or part-time Sheriff acting as Sheriff (Scotland)	215
Re-employed retired Sheriff Principal or Sheriff acting as Sheriff (Scotland)	215
Re-employed former Judge (Scotland)	210
Judge of the Medical Appeal Tribunal	220
Chairman of the Medical Appeal Tribunal	220
Chairman Social Security Appeals Tribunal	220
Judge Social Security Appeals Tribunal	220
Judge Child Support Appeal Tribunal	220
Chairman of the Child Support Appeal Tribunal	220
Judge of the Disability Appeal Tribunal	220
Deputy Commissioner Child Support Appeal Tribunal	220
Chairman of the Disability Appeal Tribunal	220
Deputy Resident Magistrate (Northern Ireland)	218
Surveyor member (Chair only) of the Lands Tribunal	220
Deputy Statutory Officer (Northern Ireland)	218
Temporary Additional Statutory Officer (Northern Ireland)	218
Member of a panel constituted under Article 7(1) of the Social Security (Northern Ireland) Order 1998 who is appointed to serve as a member of that panel and is a barrister or solicitor	218

Table 4

Judicial office	*Divisor*	*Service limitation date*
Immigration Adjudicator	220	31st March 1995
First-tier Tribunal Judge (Social Entitlement Chamber) Asylum Support	220	31st March 2007
Asylum Support Adjudicator	220	31st March 2007
Judge of the Immigration and Asylum Tribunal	220	
Legal Member of the Immigration and Asylum Tribunal	220	
Legal Chair Criminal Injuries Compensation Appeals Panel	220	2nd November 2008
Non-legal Chair Criminal Injuries Compensation Appeals Panel	220	2nd November 2008
Member (Chair only) First-tier Tribunal (Social Entitlement Chamber) Criminal Injuries Compensation	220	2nd November 2008
First-tier Tribunal Judge (Social Entitlement Chamber) Criminal Injuries Compensation	220	2nd November 2008
Temporary Assistant Judge Advocate General	220	

Member (Chair only) First-tier Tribunal (Property Chamber) Residential Property	220	30th June 2013
Deputy Adjudicator HM Land Registry	220	1st January 2009
First-tier Tribunal Judge (Property Chamber) Land Registration	220	1st January 2009
First-tier Tribunal Judge (Property Chamber) Residential Property	220	30th June 2013
First-tier Tribunal Judge (Property Chamber) Agricultural Land and Drainage	220	30th June 2013
Re-employed former Summary Sheriff, or part-time Summary Sheriff acting as Summary Sheriff (Scotland)	215	
Deputy Coroner (Northern Ireland)	218	3rd April 2006
Member of a panel of Chairmen of Industrial Tribunals	218	
Member of a panel of Chairmen of Fair Employment Tribunal	218	
Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)	218	
Deputy Chair National Security Certificate Appeals Tribunal (Northern Ireland)	218	
President of the Rent Assessment Committees Wales	220	
Legal Member of the Rent Assessment Committee Wales	220	
Legal Member Mental Health Review Tribunal for Wales (where a legal qualification is a requirement of appointment)	220	
Legal Chair Special Educational Needs Tribunal Wales (where a legal qualification is a requirement of appointment)	220	
President of Special Educational Needs Tribunal Wales	220	
Legal Chair Education Tribunal Wales	220	
President of Education Tribunal Wales	220	
President Welsh Language Tribunal	220	
Legal Member Welsh Language Tribunal	220	
Legal Member Adjudication Panel for Wales	220	
President of the Adjudication Panel for Wales	220	

President of the Mental Health Review Tribunal for Wales	220	
President of Welsh Tribunals	210	
Deputy District Judge (Northern Ireland)	218	31st March 1995
Legal Chair Competition Appeal Tribunal	210	
Deputy Chair Copyright Tribunal	220	
Appointed Person for Design Right Appeals	220	
Appointed Person for Trademark Appeals	220	
Legal Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	220	
Senior Legal Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	220	
Legal Chair Reserve Forces Appeal Tribunal	220	
Legal Chair Reinstatement Committee	220	
Chairman Information Tribunal	220	
Deputy Chairman Information Tribunal	220	
Chairman Pensions Appeal Tribunals	220	
Legal Member of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943(**a**)	220	
Legal Chair Pensions Appeal Tribunal	220	
Legal Member Pensions Appeal Tribunal	220	
President and Deputy President of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2B of the Schedule to the Pensions Appeal Tribunals Act 1943	220	
First-tier Tribunal Judge (where a legal qualification is a requirement of appointment)	220	
Upper Tribunal Judge (where a legal qualification is a requirement of appointment)	220	
Deputy Judge Upper Tribunal (where a legal qualification is a	220	

(**a**) 1943 c. 39.

requirement of appointment)	
Surveyor member (Chair only) Upper Tribunal Lands	220
Legal Chairman Mental Health Review Tribunal	220
Legal Member Mental Health Review Tribunal	220
Legal Chairman Special Educational Needs and Disability Tribunal	220
Legal Chairman Care Standards Tribunal	220
Legal Member Care Standards Tribunal	220
Immigration Judge	220
Legal Member Appeals Service	220
Legal Member Transport Tribunal	220

SCHEDULE 2 Regulations 11F, 11H and 11J

Accrual rates for pension calculations under Part 2B

Table 1

Accrual factors for offices included in Table 1 of Schedule 1

Complete years of qualifying judicial service	*Accrual factor*
1	0.2500
2	0.2500
3	0.2500
4	0.2500
5	0.2500
6	0.2750
7	0.3000
8	0.3250
9	0.3500
10	0.3750
11	0.4000
12	0.4250
13	0.4500
14	0.4750
15	0.5000

Table 2

Accrual factors for offices included in Table 2 of Schedule 1

Complete years of qualifying judicial service	*Accrual factor*
1	0.1500
2	0.1500
3	0.1500
4	0.1500
5	0.2500
6	0.2750
7	0.3000
8	0.3250
9	0.3500
10	0.3750
11	0.4000
12	0.4250
13	0.4500
14	0.4750
15	0.5000

Table 3

Accrual factors for offices included in Table 3 of Schedule 1

Complete years of qualifying judicial service	*Accrual factor*
1	0.0000
2	0.0000
3	0.0750
4	0.0750
5	0.1875
6	0.2000
7	0.2125
8	0.2250
9	0.2375
10	0.2500
11	0.2750
12	0.3000
13	0.3250
14	0.3500
15	0.3750
16	0.4000
17	0.4250
18	0.4500
19	0.4750
20	0.5000

SCHEDULE 3

Regulation 52

Contribution rates

Table 1

Contribution rates payable

Fee period	*Contribution (personal) (%)*	*Contribution (dependants) (%)*	*Contribution (dependants) (%)*
Before 1st April 2006	0.00	2.40	1.80
1st April 2006 to 31st March 2012	0.00	2.40	1.80
1st April 2012 to 31st March 2013	1.28	2.40	1.80
1st April 2013 to 31st March 2014	2.56	2.40	1.80
1st April 2014 to 31st March 2015	3.20	2.40	1.80
1st April 2015 to 31st March 2016	See Table 2		
1st April 2016 to 31st March 2017	See Table 3		
1st April 2017 to 31st March 2018	See Table 4		
1st April 2018 to 31st March 2020	See Table 5		
1st April 2020 to 31st March 2021	See Table 6		
1st April 2021 to 31st March 2022	See Table 7		

Table 2

1st April 2015 to 31st March 2016

Total fee (£)	*Contribution (Personal) (%)*	*Contribution (dependants) (%)*	*Contribution (dependants) (%)*
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,001	0.96	2.40	1.80
21,001 to but not including 47,001	1.47	2.40	1.80
47, 001 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	1.80

Table 3

1st April 2016 to 31st March 2017

Total fee (£)	*Contribution (Personal) (%)*	*Contribution (dependants) (%)*	*Contribution (dependants) (%)*
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,211	0.96	2.40	1.80
21,211 to but not	1.47	2.40	1.80

including 48,472			
48,472 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	1.80

Table 4

1st April 2017 to 31st March 2018

Annualised fee (£)	*Contribution (Personal) (%)*	*Contribution (dependants) (%)*	*Contribution (dependants) (%)*
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,637	0.96	2.40	1.80
21,637 to but not including 51,516	1.47	2.40	1.80
51,516 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

Table 5

1st April 2018 to 31st March 2020

Annualised fee (£)	*Contribution (Personal) (%)*	*Contribution (dependants) (%)*	*Contribution (dependants) (%)*
Up to but not including 22,005	0.96	2.40	1.80
22,005 to but not including 52,392	1.47	2.40	1.80
52, 392 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

Table 6

1st April 2020 to 31st March 2021

Annualised fee (£)	*Contribution (Personal) (%)*	*Contribution (dependants) (%)*	*Contribution (dependants) (%)*
Up to but not including 22,005	0.96	2.40	1.80
22,005 to but not including 52,392	1.47	2.40	1.80
52,392 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

Table 7

1st April 2021 to 31st March 2022

Annualised fee (£)	*Contribution (Personal) (%)*	*Contribution (dependants) (%)*	*Contribution (dependants) (%)*
Up to but not including 22,116	0.96	2.40	1.80
22,116 to but not including 52,654	1.47	2.40	1.80
52,654 to but not	2.61	2.40	1.80

including 150,001			
150,001 and above	4.43	0.00	0.00

Table 8

Service credit day contribution rate: dependants

Service credit day multiplier applicable	*Contribution (%)*
0.5	0.9
0.53 or 0.67	2.10

Table 9

Service credit day contributions rates: personal contributions 1st April 2012 to 31st March 2013

Total fees paid to the member in respect of service credit days	*Contribution (%)*
Up to £15,000	0.00
£15,001 to £21,000	0.36
£21,001 to £30,000	0.72
£30,001 to £50,000	0.96
£50,001 to £60,000	1.20
£60,001 and over	1.44

Table 10

Service credit day contributions rates: personal contributions 1st April 2013 to 31st March 2014

Total fees paid to the member in respect of service credit days	*Contribution (%)*
Up to £15,000	0.00
£15,001 to £21,000	0.72
£21,001 to £30,000	1.43
£30,001 to £50,000	1.90
£50,001 to £60,000	2.38
£60,001 and over	2.85”

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.

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.

Signed on behalf of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Ministry of Justice

Date

Signed on behalf of the Secretary of State for Scotland

Name
Parliamentary Under Secretary of State
Office of the Secretary of State for Scotland

Date

SCHEDULE

Regulation 65

"PART 14A

FEE-PAID JUDICIAL ADDED BENEFITS SCHEME

Interpretation

128A.—(1) In this Part—

"additional voluntary contributions scheme" means—

(a) the Judicial Additional Voluntary Contributions Scheme constituted by the 1995 Regulations, and

(b) the Fee-Paid Judicial Additional Voluntary Contribution Scheme constituted by Part 12;

"additional benefits scheme" means—

(a) the Judicial Added Years Scheme constituted by the 1995 Regulations,

(b) the Judicial Added Benefits Scheme constituted by the 1995 Regulations,

(c) the FPJAYS, and

(d) the FPJABS;

"aggregated retirement benefit" means the total amount of all benefits, excluding any attributable to the pension of a surviving adult or eligible child, and other than retained benefits, that may be paid to a retired member including the pension equivalent of any lump sum, determined by the administrators by aggregating—

(a) any benefits under a judicial pension scheme except the schemes established by the Judicial Pensions Regulations 2015 and the Judicial Pensions Regulations 2022,

(b) any benefits under an additional benefits scheme, and

(c) any benefits from an additional voluntary contributions scheme;

"assumed contribution commencement date" has the meaning given in regulation 128D(1);

"assumed retirement age" has the meaning given in regulation 128D(3);

"assumed retirement date" means the date on which an unretired FPJABS member reaches the assumed retirement age;

"FPJABS member" means a member of the FPJABS;

"judicial pension scheme" means—

(a) a scheme constituted by the County Courts Act (Northern Ireland) 1959(**a**),

(b) a scheme constituted by the District Judges (Magistrates' Court) Pensions Act (Northern Ireland) 1960(**b**),

(c) a scheme constituted by the Sheriffs' Pensions (Scotland) Act 1961(**c**),

(d) a scheme constituted by the Judicial Pensions Act 1981,

(e) a scheme constituted by or under the Judicial Pensions and Retirement Act 1993,

(f) a scheme constituted by or under the Public Service Pensions Act 2013, and

(g) a scheme constituted by or under the Public Service Pensions Act (Northern Ireland) 2014;

"lump sum benefit" means the aggregate of the lump sum benefits that may be paid to the member from the following sources—

(a) a judicial pension scheme,

(b) an additional benefits scheme, and

(c) an additional voluntary contributions scheme;

"membership notice" has the meaning given in regulation 128C(2) and "the date of a member's membership notice" means the date on which that member gave the notice to the administrators;

"PRS" has the meaning given in regulation 128B;

"retained benefits" are benefits determined by the administrators as satisfying the definition of that expression in regulation 2.3 of the 1995 Regulations on the assumed contribution commencement date for the FPJABS member as those Regulations had effect on that date;

(**a**) 1959 c. 25.

(**b**) 1960 c. 2; this was enacted as the Resident Magistrates' Pensions Act (Northern Ireland) 1960 but article 3(2) of the District Judges (Magistrates' Court) Order (Northern Ireland) 2008 (S.R. 2008 No. 54) provides that it may be cited as here.

(**c**) 1961 c. 42.

"retired FPJABS member" means an FPJABS member who retired and who was not at the time of retirement an opted-out member of the principal scheme;

"together with interest" means with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme;

"unretired FPJABS member" means an FPJABS member who is continuing to hold judicial office and has not opted out of the principal scheme.

(2) In relation to fee-paid days between 1st April 2015 and 31st March 2022, regulation 4 applies for the purposes of this Part as if paragraph (2)(c) were omitted.

(3) References to reckonable service and to qualifying fee-paid days in this Part are to be read as including a reference to fee-paid days in judicial office after 31st March 2022 as if the principal scheme had not been closed to accruals.

(4) Any reference to added units of benefit in this Part includes a reference to parts of added units of benefit.

(5) Any decimal fraction required for the purposes of this Part is to be calculated to four decimal places.

Determination of PRS value for use in this Part

128B.—(1) In this Part, PRS means the pro-rated salary value determined using the following formula—

$$PRS = \frac{RS}{JS} \, x \, WS$$

where—

RS is determined in accordance with paragraph (2)

JS is determined in accordance with paragraph (3)

WS is determined in accordance with paragraphs (4) to (10).

(2) RS is the amount of reckonable service for which benefits are to be calculated under the pre-1995 provisions that a FPJABS member had at their retirement date.

(3) JS is the number of years of qualifying judicial service that a FPJABS member had at their retirement date, subject to a maximum of 20 years.

(4) WS is determined under paragraph (5), (7), or (9) (whichever applies).

(5) WS is determined in accordance with paragraph (6) where, at the member's retirement—

(a) the FPJABS member has reckonable service in only one eligible fee-paid judicial office; or

(b) the FPJABS member—

(i) has reckonable service in more than one eligible fee-paid judicial office; but

(ii) did not at any time before their retirement hold two or more eligible fee-paid judicial offices simultaneously.

(6) WS is the appropriate annual salary of the judicial office held by the FPJABS member immediately before their retirement.

(7) Except in a case to which paragraph (9) applies, WS is determined in accordance with paragraph (8) where—

(a) immediately before their retirement, the FPJABS member has reckonable service in more than one eligible fee-paid judicial office; and

(b) at any time before their retirement, the FPJABS member held two or more eligible fee-paid judicial offices simultaneously.

(8) WS is the value determined in Step 5, determined by taking the following steps—

Step 1

Determine a weighting value for each eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions and which was held simultaneously with another eligible fee-paid judicial office by dividing the member's reckonable service in that office by RS.

Step 2

Determine a WS component value for each of the offices in Step 1 by multiplying the weighting value for that office by the appropriate annual salary for that office as if—

(i) that office were the only office in which the FPJABS member had reckonable service immediately before their retirement, and

(ii) the FPJABs member held that office (and held no other judicial office) immediately before their retirement.

Step 3

Determine a weighting value for each eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions and which was not held simultaneously with another eligible fee-paid judicial office by dividing the member's reckonable service in that office by RS.

Step 4

Determine a WS component value for each of the offices in Step 3 by multiplying the weighting value for that office by the appropriate annual salary for that office which for this purpose is—

(i) where the FPJABS member held a single judicial office immediately before their retirement the appropriate annual salary of that judicial office,

(ii) where the FPJABS member held more than one judicial office immediately before their retirement, the highest appropriate annual salary of those offices.

Step 5

Add together the WS component values determined under Steps 2 and 4.

(9) WS is determined in accordance with paragraph (10) where—

(a) during one or more parts of the period for which the FPJABS member held an eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions ("office A"), the FPJABS member held one or more other eligible fee-paid judicial offices simultaneously; and

(b) during one or more parts of that period the FPJABS member held no eligible fee-paid judicial office other than office A.

(10) WS is determined by taking the steps in paragraph (8) but—

(a) office A is to be treated as two different eligible fee-paid judicial offices—

(i) the first of which ("the first office") is held for the period (or the aggregate of the periods) mentioned in paragraph (9)(a), and accordingly, is taken into consideration in Steps 1 and 2 in paragraph (8), and

(ii) the second of which ("the second office") is held for the period (or the aggregate of the periods) mentioned in paragraph (9)(b) and, accordingly is taken into consideration in Steps 3 and 4 in paragraph (8);

(b) the FPJABS member's reckonable service in office A is to be apportioned between the first and the second offices in the same proportion as that between the period P held the first office and the period P held the second office.

(11) This regulation is subject to the modification of the calculation of the values of RS, WS and JS as specified in regulation 128K(1) for the purposes of that regulation.

(12) For the purpose of this regulation, the date of death of an unretired member is treated as the date of that member's retirement.

Membership

128C.—(1) Membership of the FPJABS is open to unretired and retired members of the principal scheme (but not to opted out members) for whom benefits are to be calculated under the pre-1995 provisions in respect of one or more eligible fee-paid judicial offices in which the member has qualifying fee-paid service between 31st March 1995 and 5th April 2006.

(2) A person to whom membership of the FPJABS is open may become an FPJABS member by giving notice in writing (a "membership notice") to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) Subject to the provisions of this Part, an FPJABS member has the right to purchase added units of benefit in relation to one or more eligible fee-paid judicial offices for which benefits are to be calculated under the pre-1995 provisions.

Assumed dates etc.

128D.—(1) A FPJABS member must nominate a date (the "assumed contribution commencement date") from which contributions are assumed to have been payable by the member in relation to any added units of benefit.

(2) The assumed contribution commencement date must be between 31st March 1995 and 5th April 2006.

(3) An unretired FPJABS member must nominate an age between the member's earliest normal pension age under the pre-1995 provisions and the age at which the member would be required by any enactment to vacate all judicial offices held, at which that member intends to retire (the "assumed retirement age").

Notice to purchase added units of benefit

128E.—(1) A membership notice given by a retired FPJABS member must specify—

(a) the assumed contribution commencement date;

(b) the date the member retired; and

(c) the number of added units of benefit the member would like to purchase.

(2) A membership notice given by an unretired FPJABS member must specify—

(a) the assumed contribution commencement date;

(b) the assumed retirement age;

(c) the number of qualifying fee-paid days which the member proposes to work, in eligible fee-paid offices for which benefits are to be calculated under the pre-1995 provisions, each year to the period ending with the date on which the member reaches the assumed retirement age; and

(d) the number of added units of benefit the member would like to purchase.

Limits on maximum purchases

128F.—(1) The maximum number of added units of benefit that an FPJABS member may purchase under the FPJABS is the amount that will provide benefits such that the limits set out in paragraphs (2), (3) and (5) are not exceeded.

(2) The aggregated retirement benefit must not exceed the figure equal to the lesser of —

(a) the amount referred to in paragraph (3)(a), (b) or (c) as appropriate; or

(b) the greater of—

(i) 2/3rds of the amount determined in accordance with the following formula—

$$PRS - RB$$

where—

RB is the member's retained benefits, and

(ii) 1/60th of the value of PRS for each year of qualifying judicial service, subject to a maximum of 40 years of qualifying judicial service.

(3) The amount referred to in paragraph (2)(a) is—

(a) where the member retires at or after the member's earliest normal pension age under the pre-1995 provisions, the amount calculated by applying the appropriate fraction (determined in accordance with the table below, into which a fraction of a year is to be interpolated in accordance with paragraph (4)) to the value of PRS—

Complete years of qualifying judicial service	*Appropriate fraction*
1	1/60
2	2/60
3	3/60
4	4/60
5	5/60
6	8/60
7	16/60
8	24/60
9	32/60
10 or more	40/60

(b) where the member retires before the member's earliest normal pension age under the pre-1995 provisions on the grounds of ill-health, the amount determined in accordance with sub-paragraph (a) which the member could have received had the member remained in service until the member's earliest normal pension age under the pre-1995 provisions;

(c) where the member retires before the member's earliest normal pension age under the pre-1995 provisions on any other ground, an amount determined by adding together the amount for each of the member's offices for which benefits are to be calculated under the pre-1995 provisions, determined in accordance with the following formula—

$$\left(\frac{N}{JS} \; x \; AF \; x \; S\right) \; x \; \frac{Z}{Z + Y}$$

where—

N is the reckonable service which the member accrued in the office before the date on which the member retired, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is the number of years of qualifying judicial service that the member has, subject to a maximum of—

(i) 15 years for an office specified in Table 1 or 2 in Schedule 1, or

(ii) 20 years for an office specified in Table 3 in Schedule 1

AF is the accrual factor specified for the office in column 2 of Table 1, 2 or 3, as the case may be, of Schedule 2, relating to the member's qualifying judicial service as if the member had continued to hold the office until the date on which the member reaches the normal pension age applicable for that office, subject to a maximum of—

(i) 15 years for an office specified in Table 1 or 2 in Schedule 1, or

(ii) 20 years for an office specified in Table 3 in Schedule 1

S is the appropriate annual salary of the judicial office held by the member immediately before their retirement and where the member held more than one judicial office immediately before retirement, reference is to the highest appropriate annual salary of those offices

Z is the period, or the aggregate of the periods, expressed in years and any fraction of a year during which the member held one or more eligible fee-paid judicial offices, disregarding any day in respect of which the conditions in regulation 4(2) (qualifying fee-paid days) are not met

Y is the period, expressed in years and any fraction of a year, beginning with the day on which the member retired and ending with the day on which the member reached the earliest normal pension age under the pre-1995 provisions.

(4) Where the number of years of qualifying judicial service at retirement is less than ten and is not an exact number of years, the interpolation referred to in paragraph (3)(a) is to be effected as follows—

(a) where the number of complete years of qualifying judicial service is less than five, 1/365 of a sixtieth for each additional day is to be added to the appropriate fraction;

(b) where the number of complete years of qualifying judicial service is five, 3/365 of a sixtieth for each additional day is to be added to the appropriate fraction;

(c) where the number of complete years of qualifying judicial service is greater than five, 8/365 of a sixtieth for each additional day is to be added to the appropriate fraction.

(5) The lump sum benefit must not exceed the figure calculated in accordance with sub-paragraphs (a) or (c) as appropriate—

(a) on retirement before the member's earliest normal pension age under the pre-1995 provisions other than on the ground of ill health, or at or after the member's earliest normal pension age under the pre-1995 provisions, the fraction of PRS obtained under subparagraph (b);

(b) the fraction is determined in accordance with the scale set out in the Occupational Pension Schemes (Maximum Rate Lump Sum) Regulations 1987(**a**), but for the 'period of service' in that scale using the member's qualifying judicial service;

(c) on retirement before the member's earliest normal pension age under the pre-1995 provisions on the ground of ill-health, the fraction of PRS obtained under sub-paragraph (d);

(d) the fraction is determined in accordance with the scale set out in the Occupational Pension Schemes (Maximum Rate Lump Sum) Regulations 1987, but for the 'period of service' in that scale using a value for the member's qualifying judicial service as if the member had continued in eligible fee-paid judicial office until the date on which they reached their earliest normal pension age under the pre-1995 provisions.

(6) Where the maximum number of added units of benefit would (apart from this paragraph) be negative, it is instead nil.

(7) Any unit of added benefit purchased must not be taken into account for the purposes of determining the amount of the member's reckonable service, or the length of the member's qualifying judicial service.

(**a**) S.I. 1987/1513.

Contributions

128G.—(1) The contribution to the FPJABS which the FPJABS member must make is to be paid in accordance with this regulation.

(2) The contribution to the FPJABS for a retired FPJABS member must be made by a single lump sum payment to the administrators, within 12 months of the date of the retired FPJABS member's membership notice (or by such later date as the administrators may agree).

(3) An unretired FPJABS member may make contributions by way of up to three lump sum payments, made within three years beginning with the date of the unretired FPJABS member's membership notice (but no more than one lump sum payment may be made in each calendar year), in respect of any contributions relating to the period beginning with the assumed contribution commencement date and ending with the date agreed under paragraph (4).

(4) The date on which an unretired FPJABS member may start payment of periodic contributions ("the periodic contributions start date") must—

(a) be within 12 months of the date of the unretired FPJABS member's membership notice (or by such later date as the administrators may agree); and

(b) be agreed between the unretired FPJABS member and the administrators.

(5) Periodic contributions to the FPJABS must be made by way of deductions from fees or salary.

(6) Periodic contributions continue until the unretired FPJABS member—

(a) reaches the assumed retirement age;

(b) retires before the assumed retirement age;

(c) dies; or

(d) notifies the administrators that the member wishes the contributions to cease,

whichever occurs first.

Limit on contributions by retired FPJABS members

128H.—(1) The total contributions made by a retired FPJABS member under regulation 128G may not exceed the amount which is equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the date on which the FPJABS member retired in accordance with the following formula—

$$\frac{15\ x\ FI}{100} - C$$

where—

FI is the FPJABS member's annual fee income for eligible fee-paid offices for the tax year in question, which is subject to income tax, or if lower, the permitted maximum for that tax year

C is the sum of any contributions made by the FPJABS member to any other judicial pension scheme or additional voluntary contributions scheme in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012.

(2) For the purposes of paragraph (1), the FPJABS member's "annual fee income" is the total of the fees paid to the FPJABS member in respect of qualifying fee-paid days in offices in relation to which benefits are to be calculated under the pre-1995 provisions, in the tax year concerned.

Limits on contributions by unretired FPJABS members

128I.—(1) The aggregate amount of the lump sum payments an unretired FPJABS member may make is the smaller of—

(a) the amount equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date in accordance with the following formula—

$$\left(\frac{15\ x\ FI}{100}\right)\ x\ C$$

where—

FI is the unretired FJABS member's annual fee income for the tax year in question which is subject to income tax, or if lower, the permitted maximum for that tax year

C is the sum of any contributions made by the unretired FPJABS member to any other judicial pension scheme in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012; and

(b) the amount determined in accordance with the formula—

$$\left(\frac{C\ x\ D}{E}\right)\ x\ F$$

where—

C is the cost of one added unit of benefit

D is the number of added units of benefit which the unretired FPJABS member has notified to the administrators that the member would like to purchase

E is the period beginning with the assumed contribution commencement date and ending with the assumed retirement date, expressed in years and any fraction of a year

F is the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date, expressed in years and any fraction of a year.

(2) The unretired FPJABS member's "annual fee income" for the purposes of paragraph (1) is the total of the fees paid to that member in eligible fee-paid offices for which benefits are to be calculated under the pre-1995 provisions in respect of qualifying fee-paid days in the tax year concerned.

(3) The maximum aggregate amount of periodic contributions an unretired FPJABS member may make is calculated in accordance with the formula—

$$\left(\left(\frac{C\ x\ D}{E}\right)\ x\ F\right) + X$$

where—

C is the cost of one added unit of benefit

D is the number of added units of benefit which the unretired FPJABS member has notified to the administrators that the member would like to purchase

E is the period beginning with the assumed contribution commencement date and ending with the assumed retirement date, expressed in years and any fraction of a year

F is the period beginning with the unretired FPJABS member's periodic contributions start date and ending with the assumed retirement date, expressed in years and any fraction of a year

X is the difference between the maximum amount which the unretired FPJABS member could have contributed under regulation 128G(3) and the amount the member actually contributed under that provision.

(4) In this regulation, "the periodic contributions start date" has the same meaning as in regulation 128G(4).

Cost of added units of benefit for retired FPJABS members

128J.—(1) For a retired FPJABS member, where on the date the member retired they had a spouse, civil partner or qualifying child, the cost of added units of benefit is to be determined in accordance with the formula—

$$\left(\left(\frac{A \div 100}{B}\right) x\ C\right) x\ D$$

where—

A is the sum of the personal benefits and family benefits percentage figures set out in the appropriate table in Schedule 3 to the 1995 Regulations on the assumed contribution commencement date, which correspond to the reckonable service specified in the definition of B

B is the amount of reckonable service in eligible fee-paid office for which benefits are to be calculated under the pre-1995 provisions, which the member accrued in the period beginning with the assumed contribution commencement date and ending with the date on which the member retired, calculated in accordance with regulation 5(1) as though paragraph (2) of that regulation does not apply

C is the total of the fees paid to the member in respect of qualifying fee-paid days in the period referred to in B

D is the number of added units of benefit which the unretired FPJABS member has notified to the administrators that the member would like to purchase.

(2) For a retired FPJABS member, where on the date the member retired they did not have a spouse, civil partner or qualifying child at any point in the period beginning with the assumed contribution commencement date and ending with the date the member retired, the cost of added units of benefit is to be determined in accordance with paragraph (1) as if in the definition of A, instead of referring to the personal benefits and family benefits percentage figures, it referred only to the personal benefits percentage figure.

(3) For a retired FPJABS member who did not have a spouse, civil partner or qualifying child on the date on which they retired, but did at some point in the period beginning with the assumed contribution commencement date and ending with the date they retired, the cost of added units of benefit is to be determined in accordance with the formula—

$$E + F$$

where—

E is the cost for the period beginning with the assumed contribution commencement date and ending with the date on which the member last had a spouse, civil partner or qualifying child, determined in accordance with paragraph (1) as if "C" referred to the total of fees paid to the member in respect of qualifying fee-paid days in that period

F is the cost for the period beginning with the day after the date the member last had a spouse, civil partner or qualifying child ("the start date") and ending with the date the member retired, determined in accordance with paragraph (2) as if "C"

referred to the total of fees paid to the member in respect of qualifying fee-paid days in that period.

Cost of added units of benefit for unretired FPJABS members

128K.—(1) The cost of each added unit of benefit is determined in accordance with the following formula—

$$\left(\frac{A \div 100}{B}\right) x\ PRS$$

where—

A is the sum of the personal benefits and family benefits percentage figures set out in the first table in Schedule 3 to the 1995 Regulations on the assumed contribution commencement date, which correspond to the length of time between the assumed contribution commencement date and the assumed retirement date

B is the length of time referred to in the definition of A, in years and fractions of a year, subject to the limit on total contributions allowed in any one year by regulation 128I

For the purposes of this regulation, PRS is to be determined as if—

(i) the value of WS were determined as if references to the member's retirement were instead references to the assumed commencement date,

(ii) the value of RS were determined on the assumption that the member would retire at the assumed retirement date having worked the number of qualifying fee-paid days which they specified in their membership notice that they propose to work each year,

(iii) the value of JS were determined on the assumption that the member retires at their assumed retirement age, subject to a maximum of 20 years.

(2) For each part unit of added benefit purchased the cost is that determined in paragraph (1) multiplied by the appropriate decimal fraction, to a minimum of £0.01.

Valuation of benefits

128L.—(1) If an FPJABS member retires, the administrators must—

(a) calculate the number of added units of benefit that the member has purchased by dividing the total contributions made by the member under regulation 128G by the cost of an added unit of benefit as determined under regulation 128K; and

(b) notify the member of that amount.

(2) Any added unit of benefit that the member has purchased entitles them to—

(a) an additional pension benefit under the pre-1995 provisions of 1/40th of the value of PRS; and

(b) an additional lump sum of 2/40ths of the value of PRS.

(3) A surviving adult in relation to an FPJABS member is, in respect of any added unit of benefit purchased by the member, entitled to an additional pension of 1/80th of the value of PRS.

(4) A relevant person in relation to an FPJABS member is, in respect of any added unit of benefit purchased by the member, entitled to an additional children's pension as follows—

(a) where there is no surviving adult in relation to the deceased FPJABS member, or where there is but the surviving adult subsequently dies—

(i) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to two thirds of the rate of the member's pension, the eligible child's pension is increased by 1/60th of PRS,

(ii) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to one third of the rate of the member's pension, the eligible child's pension is increased by 1/120th of PRS;

(b) where there is a surviving adult in relation to the deceased FPJABS member—

(i) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to one half of the annual rate of the member's pension, the eligible child's pension is increased by 1/80th of PRS,

(ii) where, and for so long as, an eligible child's pension is payable under regulation 11V at an annual rate equal to one quarter of the rate of the member's pension, the eligible child's pension is increased by 1/160th of PRS.

(5) The FPJABS member, surviving adult, or relevant person in respect of an eligible child are entitled to proportionate benefits for any part of an added unit of benefit that has been purchased.

(6) If an unretired FPJABS member retires on the ground of ill health or dies before their earliest normal pension age under the pre-1995 provisions, they are to be credited with the number of added units of benefit for which they are paying contributions.

(7) If an unretired FPJABS member ceases making contributions before their earliest normal pension age under the pre-1995 provisions, for reasons other than death or retirement on the ground of ill-health—

(a) the administrators must—

(i) calculate the number of added units of benefit that the member has purchased by the date of cessation, by dividing the total contribution made by the member under regulation 128G by the cost of an added unit of benefit as determined under regulation 128K, and

(ii) notify the member of that amount;

(b) at the date of cessation, the member must be credited with added units of benefit equivalent to the number calculated under sub-paragraph (a).

Resumption of contributions

128M.—(1) If an unretired FPJABS member ceases to make periodic contributions, they may apply to the administrators to resume making periodic contributions but any such application—

(a) must not be accepted if the member has reached the assumed retirement age;

(b) must not result in the member making contributions at a rate that is higher than the rate at which they were contributing before they ceased to pay periodic contributions; and

(c) must be accompanied by a declaration signed by the member stating that they have no reason to believe that health may prevent continuation of service until the assumed retirement age.

(2) If a member who has ceased to participate in the FPJABS under regulation 128G(6)(d), subsequently starts to pay contributions again, this regulation and regulations 128G, 128K, 128L, 128N and 128O apply separately to those contributions and the value of benefits purchased with them.

(3) If an application by a member under paragraph (1) to resume making contributions has been accepted and the member subsequently—

(a) dies or retires on the ground of ill-health within 12 months of the date on which they started to pay periodic contributions again; or

(b) dies or retires on the ground of ill-health because of an incapacity to which they became subject within 12 months of that date,

regulation 128L(6) does not apply unless the administrators are satisfied that the declaration given under paragraph (1)(c) was made in good faith.

Refund of contributions: family benefits

128N.—(1) If an unretired member of FPJABS who has bought units of added benefit is not married or in a civil partnership and has no qualifying children, at the time they retire, die, or otherwise cease to be a member of the principal scheme, they or their estate is entitled to a refund in accordance with this regulation.

(2) The amount to be refunded to a member of the FPJABS is calculated by applying the percentage figure determined in accordance with the formula below to the member's annual fee income for each year for any offices in relation to which benefits are calculated under the pre-1995 provisions, during the period from the date they ceased to have a spouse or civil partner, or eligible child, until the date of retirement—

$$\frac{A \div 100}{B}$$

where—

A is the family benefits percentage figure set out in the appropriate table in Schedule 3 to the 1995 Regulations which corresponds to the length of time between the assumed contribution commencement date and the assumed retirement date

B is the length of time referred to in the definition of A, in years and fractions of a year.

(3) Where a refund is payable under this regulation it must be paid together with interest.

Refund of contributions: excess contributions

128O.—(1) If the total contributions paid by an unretired FPJABS member exceed the smaller of—

(a) the amount necessary to purchase the number of added units of benefit notified to the administrators by the member in the member's membership notice; and

(b) the amount necessary to purchase the maximum number of added units of benefit permissible under this Part (calculated on the basis that the assumed retirement age were the age of the member on actual retirement),

the member is entitled to a refund of the excess contributions.

(2) Where a refund is payable under this regulation, it must be paid together with interest.

Reduction of benefits

128P.—(1) This regulation applies where the administrators pay the whole or any part of the lifetime allowance charge arising on a benefit crystallisation event relating to the FPJABS in relation to a FPJABS member.

(2) The pensions or other benefits payable under this Part to or in respect of the FPJABS member may (notwithstanding any other provision of these Regulations) be reduced by such amount as, in accordance with normal actuarial practice, reflects the amount of the payments made.

PART 14B

Conversions of added benefits etc.

Interpretation of Part

128Q.—(1) In this Part—

"added years" means added years purchased under Part 13 by a FPJAYS member;

"added units of benefit" means added units of benefits purchased under Part 14A by a FPJABS member;

"together with interest" means with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

(2) Expressions defined for the purposes of Parts 13, 14 and 14A apply in this Part in relation to FPJAYS, JASAPS and FPJABS.

Conversion of added years into added units of benefit

128R.—(1) Paragraphs (2) to (4) apply if, by virtue of Part 2A, a member who has purchased added years no longer has any offices in which the member has eligible service between 31st March 1995 and 1st April 2006 for which benefits are to be calculated under the post-1995 provisions.

(2) For each office in relation to which the member purchased added years, the number of added years that the member has purchased are converted into added units of benefit using the following formula—

$$\left(\left(\frac{A}{B}\ x\ C\right)\ \div D\right)\ x\left(\frac{AAS}{PRS}\right)$$

where—

A is the sum of contributions made (whether by lump sum or periodic contributions)

B is the total sum of contributions potentially payable by the member (whether by lump sum or periodic contributions) up to the assumed retirement age

C is the number of added years that the member has contracted to purchase in relation to the office

D is the appropriate service credit figure determined by reference to the age of the member at the member's last birthday at the date of transfer set out in the relevant table in Schedule 1 to the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995(**a**) ("the Transfer Regulations")

For the purpose of the definition of D, the relevant table in Schedule 1 to the Transfer Regulations is—

(i) the Higher Judiciary Scheme for offices in Table 1 of Schedule 1,

(ii) the Circuit Judiciary Scheme for offices in Table 2 of Schedule 1, and

(iii) the Land Tribunal Scheme and District Judiciary Scheme for offices in Table 3 of Schedule 1

AAS is the appropriate annual salary for the office concerned.

(3) The agreement with the member to purchase further added years in the FPJAYS is cancelled and the member becomes a member of the FPJABS.

(**a**) S.I. 1995/636.

(4) If the conversion under paragraph (2) would mean that the maximum number of added units of benefit that the member may purchase specified in regulation 128F would be exceeded, the conversion is limited to that maximum and the member is to be paid a refund in respect of any excess added years or parts thereof together with interest.

Variation of added units of benefit after conversion under regulation 128R

128S.—(1) This regulation applies where added years are converted into added units of benefit for a member under regulation 128R.

(2) A retired FPJABS member may—

(a) purchase more added units of benefit by giving a notice under regulation 128E; or

(b) decrease the number of added units of benefit by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) If the retired FPJABS member purchases more added units of benefit, the following provisions apply as if the added units of benefit obtained under regulation 128R were included in the member's notice given under regulation 128E—

(a) regulation 128D(1) (assumed contribution commencement date);

(b) regulation 128F (limits on maximum purchases);

(c) regulation 128H (limit on contributions by retired FPJABS members);

(d) regulation 128J (cost of added units of benefit for retired FPJABS members); and

(e) regulation 128L (valuation of benefits).

(4) If the retired FPJABS member purchases more added units of benefit, they must pay the additional contribution due, by lump sum payment to the administrators, within 12 months of the date on which they served notice under paragraph (2)(a).

(5) If the retired FPJABS member decreases the number of added units of benefit, they are entitled to a refund of the excess contributions together with interest.

(6) For the purposes of paragraph (5), excess contributions are calculated by reference to the contributions paid by the member for the purchase of the associated added years before conversion.

(7) An unretired FPJABS member may—

(a) purchase more added units of benefit by giving a notice under regulation 128E; or

(b) decrease the number of added units of benefit by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(8) If the unretired FPJABS member purchases more added units of benefit the following provisions apply as if the added units of benefit obtained under regulation 128R were included in the member's notice given under regulation 128E—

(a) regulation 128D(1) (assumed contribution commencement date);

(b) regulation 128F (limits on maximum purchases);

(c) regulation 128I (limit on contributions by unretired FPJABS members);

(d) regulation 128K (cost of added units of benefit for unretired FPJABS members); and

(e) regulation 128L (valuation of benefits).

(9) If the unretired FPJABS member purchases more added units of benefit, they must either—

(a) agree to an increase to their periodic contributions so that the appropriate amount is payable by the time of their assumed retirement date; or

(b) pay the additional contribution due, by lump sum payment to the administrators, within 12 months of the date on which they served notice under paragraph (2)(a).

(10) If the unretired FPJABS member decreases the number of added units of benefit, they are entitled to a refund of the excess contributions together with interest.

(11) For the purposes of paragraph (10), excess contributions are calculated by reference to the contributions paid by the member for the purchase of the associated added years before conversion.

Variation of added years purchase upon notice by member

128T.—(1) Paragraphs (2) to (6) apply where a retired FPJAYS member entered into an agreement to purchase added years before the amendment day.

(2) Subject to paragraph (3), a retired FPJAYS member may increase or decrease the number of added years that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) A retired FPJAYS member may not increase the number of added years that they agreed to purchase to a number that would exceed the maximum number of added years specified in regulation 106(2).

(4) The following provisions apply as if the retired FPJAYS member had included the variation referred to in their notice under paragraph (2) in the number of added years they said that they would like to purchase in their original notice under regulation 104(2)—

(a) regulation 105(1) (assumed contribution commencement date);

(b) regulation 106(2) (maximum number of added years);

(c) regulation 107 (contributions by retired FPJAYS members);

(d) regulation 108 (retired FPJAYS members: maximum contributions); and

(e) regulation 109 (valuation of benefits for retired FPJAYS members).

(5) If, as a result of the variation, the total contributions payable are higher than before the variation, the retired FPJAYS member must pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(6) If, as a result of the variation, the total contributions payable are lower than before the variation, the retired FPJAYS member is entitled to a refund of the excess contributions together with interest.

(7) Paragraphs (8) to (13) apply where an unretired FPJAYS member entered into an agreement to purchase added years before the amendment day.

(8) Subject to paragraph (9), an unretired FPJAYS member may increase or decrease the number of added years that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(9) An unretired FPJAYS member may not increase the number of added years that they agreed to purchase to a number that would exceed the maximum number of added years specified in regulation 106(2).

(10) The following provisions apply as if the unretired FPJAYS member had included the variation referred to in their notice under paragraph (8) in the number of added years they said that they would like to purchase in their original notice under regulation 104(2)—

(a) regulation 110(1)(a) (assumed contribution commencement date);

(b) regulation 110(1)(b) (assumed retirement age);

(c) regulation 110(3) (maximum number of added years);

(d) regulation 111 (contributions by active FPJAYS members);

(e) regulation 112 (valuation of benefits for active FPJAYS members); and

(f) regulation 113 (refund of contributions).

(11) If, as a result of the variation, the total contributions payable are higher than before the variation, the unretired FPJAYS member must either—

(a) agree to an increase to their periodic contributions so that the appropriate amount is payable by the time of their assumed retirement date; or

(b) pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (8).

(12) If, as a result of the variation, the total contributions payable are lower than before the variation—

(a) an unretired FPJAYS member who made lump sum contributions is entitled to a refund of excess contributions together with interest; and

(b) for an unretired FPJAYS member who is making periodic contributions, those periodic contributions are reduced so that the appropriate amount of contributions is payable by the time of their assumed retirement date.

(13) An unretired FPJAYS member who has ceased to make periodic contributions may give a notice under paragraph (8) to vary the number of added years that they originally agreed to purchase but that notice has effect only if that member also makes an application under regulation 112(6) as modified by paragraph (14), which is accepted by the administrators.

(14) Regulation 112(6) applies in relation to a member of the description in paragraph (13) as if sub-paragraphs (b) and (c) were omitted.

Reduction of FPJAYS purchase where additional reckonable service taken into account

128U.—(1) Paragraph (2) applies where an FPJAYS member entered into an agreement to purchase added years before the amendment day and as a result of—

(a) the member's reckonable service in eligible fee-paid office before 7 April 2000; or

(b) an election by the member under section 40 of the Public Service Pensions and Judicial Offices Act 2022,

the additional reckonable service to be taken into account means that the number of added years being purchased by the member would exceed the maximum number of added years referred to in regulation 106(2).

(2) The administrators must reduce the number of added years purchased by the member to the maximum number of added years determined using the formula set out in regulation 106(2), once the additional reckonable service referred to in paragraph (1) is taken into account.

(3) In the case of a reduction of added years under paragraph (2), the FPJAYS member is entitled to a refund of contributions as follows—

(a) for a retired FPJAYS member, the refund must be paid to the member together with interest;

(b) for an unretired FPJAYS member the refund must—

(i) be paid to the member together with interest, to the extent that it is less than or equal to the amount of any contributions that have been paid,

(ii) be applied as a reduction of contributions, in respect of any amount that is in excess of any contributions that have been paid, so that the appropriate amount of contributions is payable by the time of the assumed retirement date.

Variation of existing JASAPS purchase upon notice by member

128V.—(1) Paragraphs (2) to (6) apply where a retired JASAPS member entered into an agreement to purchase added surviving adult's pension before the amendment day.

(2) Subject to paragraph (3), a retired JASAPS member may increase or decrease the number of units of added surviving adult's pension that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) A retired JASAPS member may not increase the number of units of added surviving adult's pension that they agreed to purchase to a number that would exceed the maximum number of units set out in regulation 119(2).

(4) The following provisions apply as if the retired JASAPS member had included the variation referred to in their notice under paragraph (2) in the number of units of added surviving adult's pension they said that they would like to purchase in their original notice under regulation 117(2)—

(a) regulation 119(1)(a) (assumed contribution commencement date);

(b) regulation 119(2) (maximum number of units of added surviving adult's pension);

(c) regulation 120 (cost of added surviving adult's pension);

(d) regulation 121 (maximum level of contributions); and

(e) regulation 122 (valuation of benefits).

(5) If, as a result of the variation, the total contributions payable are higher than before the variation, the retired JASAPS member must pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(6) If, as a result of the variation, the total contributions payable are lower than before the variation, the retired JASAPS member is entitled to a refund of the excess contributions together with interest.

(7) Paragraphs (8) to (13) apply where an unretired JASAPS member entered into an agreement to purchase added surviving adult's pension before the amendment day.

(8) Subject to paragraph (9), an unretired JASAPS member may increase or decrease the number of units of added surviving adult's pension they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(9) An unretired JASAPS member may not increase the number of units of added surviving adult's pension that they agreed to purchase to a number that would exceed the maximum number of added units specified in regulation 123(2).

(10) The following provisions apply as if the unretired JASAPS member had included the variation referred to in their notice under paragraph (2) in the number of units of added surviving adult's pension they said that they would like to purchase in their original notice under regulation 117(2)—

(a) regulation 119(2) (maximum number of units of added surviving adult's pension);

(b) regulation 123(1)(a) (assumed contribution commencement date);

(c) regulation 123(1)(b) (assumed retirement age);

(d) regulation 124 (cost of added surviving adult's pension);

(e) regulation 125 (contributions); and

(f) regulation 126 (valuation of benefits).

(11) If, as a result of the variation, the total contributions payable are higher than before the variation, the unretired JASAPS member must either—

(a) agree to an increase to their periodic contributions so that the appropriate amount of contributions is payable by the time of their assumed retirement date; or

(b) pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(12) If, as a result of the variation, the total contributions payable are lower than before the variation, the unretired JASAPS member is entitled to a refund of contributions which must—

(a) be paid to the member together with interest to the extent that it is less than or equal to the amount of any contributions that have been paid; and

(b) be applied as a reduction of contributions in respect of any amount that is in excess of any contributions that have been paid, so that the appropriate amount of contributions is payable by the time of the assumed retirement date.

(13) An unretired JASAPS member who has ceased to make periodic contributions may give a notice under paragraph (2) to vary the number of units of added surviving adult's pension that they originally agreed to purchase, but that notice has effect only if that member also makes an application under regulation 126(7), as modified by paragraph (14) which is accepted by the administrators.

(14) Regulation 126(7) applies in relation to a member of the description in paragraph (13) as if sub-paragraphs (b) and (c) were omitted.

Refund of JASAPS contributions when benefits calculated under pre-1995 provisions

128W.—(1) Paragraph (2) applies where a JASAPS member has entered into an agreement to purchase units of added surviving adult's pension, and benefits for all of the member's eligible fee-paid judicial offices are to be calculated under the pre-1995 provisions by virtue of Part 2A.

(2) The administrators must reduce the number of units of added surviving adult's pension to nil and refund the member's contributions together with interest.

Conversion of units of benefit into added years

128X.—(1) This regulation applies if, as a result of one or more elections under regulation 11C, an FPJABS member who has purchased added units of benefit no longer has any offices for which benefits are to be calculated under the pre-1995 provisions.

(2) The number of added units of benefit that the member has purchased are converted into added years using the following formula—

$$\left(\left(\frac{A}{B}\ x\ C\right)\ x\ D\right)\ x\left(\frac{PRS}{PRS\ post\ 1995}\right)$$

where—

A is the sum of contributions made (whether by lump sum or periodic contributions)

B is the total sum of contributions potentially payable by the member (whether by lump sum or periodic contributions) up to the assumed retirement age

C is the number of added units of benefit that the member has contracted to purchase

D is the appropriate service credit figure determined by reference to the age of the member at the member's last birthday at the date of transfer set out in the relevant table in Schedule 1 to the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995 ("the Transfer Regulations")

For the purpose of the definition of D, the relevant table in the Transfer Regulations is—

(i) the Higher Judiciary Scheme for offices in Table 1 of Schedule 1,

(ii) the Circuit Judiciary Scheme for offices in Table 2 of Schedule 1, and

(iii) the Land Tribunal Scheme and District Judiciary Scheme for offices in Table 3 of Schedule 1

PRS post-1995 is obtained as the value of PRS under regulation 128B but as if every reference to the pre-1995 provisions were a reference to the post-1995 provisions.

(3) The number of added years determined under paragraph (2) are to be allocated to the eligible fee-paid judicial offices held by the member for which benefits are calculated under the post-1995 provisions, in the same proportion as the member's existing reckonable service in those offices.

(4) The agreement with the member to purchase further added units of benefit in the FPJABS is cancelled and the member becomes a member of the FPJAYS.

(5) If the conversion under paragraph (2) would mean that the maximum number of added years that an FPJAYS member may purchase specified in regulation 106(2) would be exceeded, the conversion is limited to that maximum and the member is entitled to a refund in respect of contributions for any excess added units of benefit together with interest."

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of these Regulations amends the Judicial Pensions (Fee-Paid Judges) Regulations 2017 ("the 2017 Regulations") to allow fee-paid service prior to 7th April 2000 to count as reckonable service for the pension scheme constituted under those Regulations. Regulation 12 inserts two new Parts into the 2017 Regulations to provide for eligible fee-paid judicial office holders to have pension benefits calculated on a basis that mirrors the pension provisions under the Judicial Pensions Act 1981 that were available to salaried judges. Other provisions in Part 2 make consequential amendments including provision for the purchase of additional benefits by members of the scheme constituted under the 2017 Regulations.

Regulation 43 introduces a right to commutation of small pensions under the 2017 Regulations.

Regulation 66 replaces the Schedule to the 2017 Regulations, including insertion of a new Schedule 3 which consolidates the contributions rates which have been applicable for all periods of operation of the pension scheme under those Regulations.

Part 3 of these Regulations makes provision for entitlement to benefits arising from the amendments made by Part 2 before these Regulations have effect.

Part 4 of these Regulations deems persons who retired from judicial offices before 1st April 2017 and who were treated as if they were entitled to partial retirement under regulation 27 of the 2017 Regulations, as being so entitled. Consequently, pensions paid to such persons are not considered to have been overpaid or liable to recovery action.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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