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PUBLIC SERVICE PENSIONS

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

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SCHEDULE — FEE-PAID OFFICES, ANNUAL DIVISORS

The Lord Chancellor in relation to judicial offices for which she 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 he 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**):

PART 1

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Judicial Pensions (Fee-Paid Judges) Regulations 2017 and come into force on—

(a) 1st April 2017, or

(b) if later, the day after the day on which they are made.

Interpretation

2.—(1) In these Regulations—

"the 1995 Regulations" means the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(**c**);

"the 2017 schemes" means the principal scheme, the JAVC scheme, the FPJAYS and the JASAPS;

"the JAVC scheme" has the meaning given by regulation 90;

"the FPJAYS" means the Fee-Paid Judicial Added Years Scheme constituted by Part 13;

"the JASAPS" means the Fee-Paid Judicial Added Surviving Adult's Pension Scheme constituted by Part 14;

"active member" has the meaning given by regulation 9;

"the administrators" means the administrators entrusted with the administration of the scheme constituted by Part 1 of the Judicial Pensions and Retirement Act 1993;

"appropriate annual salary" has the meaning given by regulation 7;

"benefits" means any pension or lump sum payable under the principal scheme except where the context otherwise requires;

"benefit crystallisation event" has the meaning given by section 216 of the Finance Act 2004(**d**);

"the commencement day" means the date on which these Regulations come into force;

"eligible child" has the meaning given by regulation 40;

"eligible fee-paid judicial office" has the meaning given by regulation 3(2);

"fee-paid judicial office" has the meaning given by regulation 3(1);

(**a**) 1993 c.8.

(**b**) Section 18A was inserted by section 78(1) of the Pension Schemes Act 2015 (c.8).

(**c**) S.I. 1995/639;

(**d**) 2004 c.12. Section 216 was amended by paragraphs 31 and 42 of Schedule 10 to the Finance Act 2005 (c.7); paragraph 30 of Schedule 23 to the Finance Act 2006 (c.25); paragraphs 1, 4 and 5 of Schedule 29 to the Finance Act 2008 (c.9); paragraphs 62 and 73 of Schedule 16 to the Finance Act 2011 (c.11); paragraph 16 of Schedule 1 and paragraph 21 of Schedule 2 to the Taxation of Pensions Act 2014 (c.30); paragraph 4 of Schedule 4 to the Finance Act 2015 (c.11).

"guaranteed minimum pension" has the meaning given in paragraph 1(1) of Schedule 2 to the Judicial Pensions and Retirement Act 1993(**a**);

"the ill-health certification condition" has the meaning given by regulation 23;

"the interim payments amount" has the meaning given by regulation 49;

"judicial office" has the meaning given by regulation 3(1);

"lifetime allowance charge" has the meaning given by section 214 of the Finance Act 2004;

"member" means a person who is a member of the principal scheme under regulation 8;

"normal pension age" means (except in Part 11) age 65, or the age of a member on the date on which that member has completed in aggregate at least 5 years' qualifying judicial service if that date is later than the date on which the member attains the age of 65;

"opted-out member" has the meaning given by regulation 9;

"partial retirement" has the meaning given by regulation 3(4);

"permitted maximum" has the meaning given in section 3(3A) of the Judicial Pensions and Retirement Act 1993(**b**);

"the principal scheme" means the scheme constituted by Parts 1 to 11 of these Regulations;

"qualifying child" in relation to a member means a child who would be an eligible child if the member were dead;

"qualifying fee-paid day" has the meaning given by regulation 4;

"qualifying fee-paid service" has the meaning given by regulation 4;

"qualifying judicial service" has the meaning given by regulation 6;

"reckonable service" has the meaning given by regulation 5;

"registered pension scheme" means a pension scheme that is a registered pension scheme under Chapter 2 of Part 4 of the Finance Act 2004(**c**);

"retires" has the meaning given by regulation 3(3) and cognate expressions are to be construed accordingly;

"surviving adult" has the meaning given by regulation 35(a);

"surviving adult's pension" has the meaning given by regulation 35(d);

"surviving civil partner" has the meaning given by regulation 35(c);

"surviving spouse" has the meaning given by regulation 35(b);

"tax year" has the meaning given in section 4(2) of the Income Tax Act 2007(**d**).

(2) Where a calculation performed under these Regulations—

(a) results in an amount containing a fraction of £1, the amount is to be rounded up to the next whole £1,

(b) results in a period containing a fraction of a year, the period is to be given to four decimal places.

Judicial office, retirement and partial retirement

3.—(1) In these Regulations—

(**a**) The definition of "guaranteed minimum pension" in Schedule 2 to the Judicial Pensions and Retirement Act 1993 was amended by paragraph 46 of Schedule 8 to the Pension Schemes Act 1993 (c.48), and paragraph 43 to Schedule 7 to the Pension Schemes (Northern Ireland) Act 1993 (c.49).

(**b**) Subsection (3A) was inserted, with subsections (3B) to (3E), by S.I. 2006/497.

(**c**) 2004 c. 12.

(**d**) 2007 c. 3.

(a) "judicial office" means an office specified in column 1 of the Schedule ("a specified office"), an office which has been replaced by a specified office, or an office specified in Schedule 1 to the Judicial Pensions and Retirement Act 1993(**a**);

(b) "fee-paid judicial office" means a judicial office held by a person whose service in that office is remunerated by the payment of fees (as opposed to the payment of salary).

(2) For the purposes of these Regulations, a fee-paid judicial office held by a person ("P") is an "eligible fee-paid judicial office" if P satisfies the conditions for membership of the principal scheme under regulation 8(1) or (5) (members) in respect of that office.

(3) For the purposes of these Regulations, P "retires" at the time when P, having held one or more judicial offices—

(a) ceases to hold all such offices, other than by reason of P's death; and

(b) is not immediately afterwards appointed to another judicial office.

(4) In these Regulations, a reference to a member taking "partial retirement" in respect of a fee-paid judicial office is to the member giving notice in relation to that office under regulation 27(2).

Qualifying fee-paid days and qualifying fee-paid service

4.—(1) For the purposes of these Regulations, a day ("the relevant day") is a "qualifying fee-paid day" worked by a member ("P") in an eligible fee-paid judicial office, if—

(a) P received a fee, in P's capacity as the holder of that fee-paid judicial office, in respect of the relevant day; and

(b) the following conditions are met.

(2) The conditions are—

(a) that P is not an opted-out member of the principal scheme on the relevant day;

(b) that the relevant day is on or after 7th April 2000;

(c) that P is not eligible to be a member of the pension scheme established by the Judicial Pensions Regulations 2015(**b**) in relation to the relevant day.

(3) In these Regulations "qualifying fee-paid service", in relation to an eligible fee-paid judicial office held by P, means (subject to paragraph (5)) the total number of qualifying fee-paid days worked by P in that office.

(4) Where the fee paid to P in respect of a qualifying fee-paid day was not paid at the full daily rate for the fee-paid judicial office in question but at a proportion of that rate, only that proportion of the qualifying fee-paid day is to be taken into account under paragraph (4) in determining P's qualifying fee-paid service.

(5) For the purposes of this regulation, "fee" does not include statutory sick pay, statutory maternity pay, statutory paternity pay, statutory adoption pay or statutory shared parental pay.

(6) Where at any time after 1st April 2010 P takes maternity leave during P's appointment to an eligible fee-paid judicial office P's qualifying fee-paid service is to be increased by adding Z days in relation to each period of maternity leave taken by P after that date, where Z is determined in accordance with the following formula—

$$W \times \frac{A}{52}$$

where—

(a) W is the number of weeks of P's maternity leave;

(**a**) Schedule 1 was amended by paragraphs 39 and 40 of Schedule 11 to the Access to Justice Act 1999 (c.22); section 37 of, and paragraphs 226 and 229 of Schedule 4 to the Constitutional Reform Act 2005 (c.4); S.I. 2015/109.

(**b**) S.I.2015/182.

(b) A is the number of qualifying fee-paid days worked by P in the twelve months ending with the day before the fifteenth week before the date notified by P to the Ministry of Justice as P's expected date of childbirth.

(7) For the purposes of paragraph (6), "maternity leave" includes compulsory maternity leave and ordinary maternity leave as defined in section 213 of the Equality Act 2010(**a**).

Reckonable service

5.—(1) In these Regulations, "reckonable service", in relation to an eligible fee-paid judicial office ("the relevant office") held by a member ("P"), means the period, expressed in years and any fraction of a year, determined in accordance with the following formula—

$$\frac{M}{N}$$

where—

(a) M is P's qualifying fee-paid service in the relevant office;

(b) N is the annual divisor for that office specified in column 2 of the Schedule.

(2) But where P's reckonable service in relation to the relevant office, as determined under paragraph (1), is greater than the maximum amount in relation to that office, P's reckonable service is instead that maximum amount.

(3) Paragraph (4) applies where, on the reckonable service date, the only eligible fee-paid judicial office in which P has qualifying fee-paid service is the relevant office.

(4) The maximum amount in relation to the relevant office is the amount determined in accordance with the formula—

$$20 - A$$

(5) Paragraph (6) applies where—

(a) on the reckonable service date, P has qualifying fee-paid judicial service in more than one eligible fee-paid judicial offices, but

(b) the relevant office is the only such office that P holds on that date.

(6) The maximum amount in relation to the relevant office is the amount determined in accordance with the formula—

$$20 - (A + B)$$

(7) Paragraph (8) applies where P ceases to hold one or more eligible fee-paid judicial offices on the reckonable service date.

(8) The maximum amount in relation to each of those eligible fee-paid judicial offices is to be calculated separately by taking the following steps.

Step 1

Calculate the maximum amount for the eligible fee-paid judicial office with the highest appropriate annual salary in accordance with the formula—

$$20 - (A + B)$$

Step 2

Calculate the maximum amount for each of the other eligible fee-paid judicial offices in turn, taking the judicial office with the next highest appropriate annual salary before judicial offices with a lower appropriate annual salary, in accordance with the formula—

$$20 - (A + B + C)$$

(**a**) 2010 c.15.

(9) For the purposes of this regulation, A is—

(a) where P is not entitled to a pension under Part 1 of the Judicial Pensions and Retirement Act 1993 on the reckonable service date and will not become entitled to such a pension at any time after that date, nil;

(b) otherwise, the smaller of—

(i) the aggregate length of P's service in qualifying judicial office (within the meaning of that Part of that Act), and

(ii) 20.

(10) For the purposes of this regulation, B is—

(a) where—

(i) A is 20, or

(ii) P has not, before the reckonable service date, ceased to hold an eligible fee-paid judicial office in respect of which P has taken partial retirement,

nil;

(b) otherwise, the smaller of—

(i) the aggregate length of P's reckonable service in eligible fee-paid judicial offices which P ceased to hold before the reckonable service date and in respect of which P has taken partial retirement, and

(ii) $20 - A$.

(11) For the purposes of this regulation, C is—

(a) where $A + B \geq 20$, nil;

(b) otherwise, the smaller of—

(i) the aggregate length of P's reckonable service in the eligible fee-paid judicial offices which P ceased to hold on the reckonable service date for which the maximum amount of P's reckonable service has already been calculated under paragraph (8), or

(ii) $20 - (A + B)$.

(12) For the purposes of paragraphs (10)(b)(i) and (11)(b)(i), the aggregate length of P's reckonable service in the eligible fee-paid judicial offices referred to in those paragraphs is to be determined in accordance with the formula in paragraph (1) as though paragraph (2) does not apply.

(13) Where paragraph (6) or (8) do not permit all P's reckonable service to be taken into account, P's reckonable service in judicial offices with a higher appropriate annual salary is to be taken into account before P's reckonable service in judicial offices with a lower appropriate annual salary.

(14) Where the maximum amount in relation to the relevant office would (apart from this paragraph) be negative, it is instead nil.

(15) In this regulation "the reckonable service date" means the day on which P ceases to hold the relevant office.

Qualifying judicial service

6.—(1) In these Regulations, "qualifying judicial service", in relation to a member ("P"), means the period during which P holds a judicial office.

(2) For the purposes of determining P's qualifying judicial service—

(a) it does not matter whether P holds a judicial office before or after the commencement day;

(b) where there is more than one period during which P holds a judicial office, all such periods are to be aggregated;

(c) where P holds more than one judicial office during any period, the period is to be counted only once;

(d) any period during which P is an opted-out member of the principal scheme is to be disregarded; and

(e) any period during which P held a fee-paid judicial office which is not an eligible fee-paid judicial office is to be disregarded.

Appropriate annual salary

7.—(1) References in these Regulations to "the appropriate annual salary" of a judicial office ("the relevant judicial office") held by a member ("P"), are to be construed in accordance with paragraphs (2) and (3).

(2) Where the relevant judicial office is a fee-paid judicial office, the references are to the amount determined in accordance with the following formula—

$$F \times N$$

where—

(a) F is the higher of—

(i) the highest daily fee payable to a holder of that office within the period of 3 years ending with—

(aa) where P takes partial retirement in relation to the relevant judicial office, the day on which P takes partial retirement,

(bb) otherwise, the day on which P retires, or

(ii) the daily fee in relation to the period referred to in paragraph (i) which has been determined by an employment tribunal or accepted by the appropriate Minister to be payable to a holder of that office; and

(b) N is the annual divisor for that office specified in column 2 of the Schedule.

(3) Where the relevant judicial office is a salaried judicial office, the references are to the highest salary payable to P in respect of any continuous period of 12 months falling within the period of 3 years ending with—

(a) where P takes partial retirement in relation to the relevant judicial office, the day on which P takes partial retirement,

(b) otherwise, the day on which P retires.

(4) In determining the highest daily fee payable to the holder of a judicial office, no account is to be taken of—

(a) a daily fee which is only payable to a single holder of a particular office at that time, unless that fee was payable to P in respect of the office in question,

(b) any amount added to the fee by way of a London weighting, unless P was at any time in the period referred to in paragraph (2)(a)(i) entitled to a London weighting in respect of the office in question.

(5) In this regulation—

(a) for the purposes of paragraph (2)(a), First-tier Tribunal Judges holding office in different chambers of the First-tier Tribunal are to be treated as holding different judicial offices (but P is not to be treated as taking partial retirement from a relevant office if P leaves a chamber of the First-tier Tribunal, if P continues to be a First-tier Tribunal Judge);

(b) "salaried judicial office" means a judicial office held by a person which is remunerated by payment of a salary.

PART 2

PRINCIPAL SCHEME MEMBERSHIP

Members

8.—(1) A person ("P") is a member of the principal scheme if P held a fee-paid judicial office at any time in the period beginning with 7th April 2000 and ending with 31st March 2015 and either—

(a) P did not cease to hold that office before the relevant date;

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

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

(2) Condition A is that—

(a) P presented a claim under the Part-time Worker (Prevention of Less Favourable Treatment) Regulations 2000(**a**) that P is entitled to a pension by virtue of holding that office ("a relevant claim") to an employment tribunal or an industrial tribunal, and—

(i) the claim was presented before the end of the period of 3 months beginning with the date on which P ceased to hold that office; or

(ii) the tribunal has determined, or the appropriate Minister has accepted, that it is just and equitable to extend time for the presentation of the claim; or

(b) the appropriate Minister has accepted that if P presented a relevant claim, that claim would be in time (taking into account any extension of time).

(3) Condition B is that—

(a) P's personal representatives made a claim to an employment tribunal or an industrial tribunal before the end of the period of 3 months beginning with the date on which P died that benefits are payable in respect of P's death by virtue of P having held that office and that claim has not been rejected before the commencement day, or

(b) an employment tribunal or an industrial tribunal has determined, or the appropriate Minister has accepted, that P's personal representatives are entitled to bring a claim that benefits are payable in respect of P's death by virtue of P having held that office.

(4) Where P ceased to hold a fee-paid judicial office before the relevant date and also died before the relevant date, but—

(a) P had presented a relevant claim which would have satisfied paragraph (2)(a) before death, Condition A is to be treated as satisfied, or

(b) P's personal representatives had made a claim before the end of the period of 3 months beginning with the date on which P ceased to hold that office that benefits are payable in respect of P's death by virtue of P having held that office, Condition B is to be treated as satisfied.

(5) P is also a member of the principal scheme if—

(a) P did not hold a fee-paid judicial office before 1st April 2015;

(b) P is a person in whose case section 18(1) of the 2013 Act or section 18(1) of the 2014 Act (restriction of existing pension schemes) does not apply in relation to an existing scheme by virtue of provision made under section 18(5) or (5A)(**b**) of the 2013 Act or section 18(5) or (6) of the 2014 Act (transitional protection under existing schemes); and

(c) within the period of 5 years beginning with the final day of service in respect of which P is entitled to benefits under the existing scheme mentioned in sub-paragraph (b), P is appointed to a fee-paid judicial office.

(**a**) S.I. 2001/1107.
(**b**) Subsection (5A) of section 18 was inserted by section 512 of the Pensions Act 2014.

(6) In paragraph (5)—

"the 2013 Act" is the Public Service Pensions Act 2013(**a**);

"the 2014 Act" is the Public Service Pensions Act (Northern Ireland) 2014(**b**);

"existing scheme" has the meaning given by section 18(2) of the 2013 Act and section 18(2) of the 2014 Act.

(7) For the purposes of this regulation, "the 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,

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

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

Opted-out members and active members

9.—(1) A member ("P") is an "opted-out member" of the principal scheme on any day if P—

(a) has, on or before that day, opted out of the principal scheme under regulation 10; and

(b) has not opted back in under regulation 11.

(2) If P retired before these Regulations came into force and opts out under regulation 10(1)(b), P is treated as always having been an opted-out member.

(3) P is an "active member" of the principal scheme on any day if—

(a) P is not an opted-out member;

(b) P holds an eligible fee-paid judicial office on that day; and

(c) if P had received a fee in P's capacity as a holder of that office in respect of that day, the day would have been a qualifying fee-paid day.

Opting out

10.—(1) A member who—

(a) has not retired, or

(b) retired before these Regulations came into force,

may opt out by sending a notice to the appropriate Minister.

(2) The notice—

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

(b) must (unless regulation 9(2) applies) specify the date on which the member wishes to opt out.

(3) Subject to regulation 9(2), the member opts out on the date specified under paragraph (2) or, if earlier, 3 months after the date on which the appropriate Minister receives the notice.

Opting back in

11.—(1) A member ("P") who has opted out and who has not retired may apply to the appropriate Minister, in the form determined by the appropriate Minister, to opt back in.

(2) The application must be accompanied by such evidence relating to P's health as the appropriate Minister may require.

(**a**) 2013 c.25.
(**b**) 2014 c.2 (N.I.).
(**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. 2010/52.

(3) P must submit to any medical examination as the appropriate Minister may require in connection with the application.

(4) If the appropriate Minister is satisfied that P is in good health, the appropriate Minister must allow the application.

(5) The appropriate Minister must, within the period of 3 months beginning with the date on which the application is received, send a notice to P specifying—

(a) whether the appropriate Minister has allowed the application; and

(b) the date on which the decision was made.

(6) If the appropriate Minister has allowed the application, the member opts back in on the date specified under paragraph (5)(b), or (if earlier), the date three months after the date on which the application was received.

PART 3

RETIREMENT BENEFITS

Retirement aged 65 or over: entitlement to ordinary pension

12.—(1) This regulation applies where—

(a) a member ("P") retires (whether before, on or after the commencement day); and

(b) on the day on which P retires, P—

(i) has reached the age of 65;

(ii) has at least 5 years' qualifying judicial service, and

(iii) has accrued reckonable service in relation to an eligible fee-paid judicial 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 that on which P retires; or

(b) if later, the commencement day.

Annual rate of ordinary pension

13.—(1) The annual rate of a pension to which a member ("P") becomes entitled under regulation 12 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 ("the relevant office").

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

$$\frac{R}{40} \times S$$

where—

(a) R is P's reckonable service in the relevant office;

(b) 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 is determined in accordance with the following formula—

$$\frac{AR}{40} \times S$$

where—

(a) AR is the aggregate length of P's reckonable service in eligible fee-paid judicial offices;

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

(6) Paragraph (7) applies where—

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

(b) at any time before retirement, P held two or more relevant offices simultaneously.

(7) The annual rate 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, 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 (5) in relation to those relevant offices which P did not hold simultaneously with another relevant office, and for these purposes, in paragraph (5), 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 found under Step 1 and the rate found under Step 2.

(8) Paragraph (9) applies where—

(a) during one or more parts of the period for which P held an eligible fee-paid judicial 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 between the ages of 60 and 65: entitlement to reduced pension

14.—(1) This regulation applies where—

(a) a member ("P") retires (whether before, on or after the commencement day); and

(b) on the day on which P retires, P—

(i) has reached the age of 60 but not the age of 65, and

(ii) has at least 5 years' qualifying judicial service.

(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 that on which P retires; or

(b) if later, the commencement day.

Retirement under age of 60 on removal from judicial office: entitlement to reduced pension

15.—(1) This regulation applies where—

(a) a member ("P") retires (whether before, on or after the commencement day) 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 the age of 60; and

(c) the appropriate Minister recommends to the administrators that P's accrued rights under the principal scheme 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 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; and

(b) P also becomes entitled, on that day, to the amount P would have been entitled to 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 that on which P retires; or

(b) if later, the commencement day.

Annual rate of reduced pension

16.—(1) The annual rate of a pension to which a member ("P") becomes entitled under regulation 14 or 15 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 ("the relevant office").

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

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

where—

(a) R is P's reckonable service in the relevant office;

(b) S is the appropriate annual salary of the judicial office held by P immediately before retirement;

(c) A is the actuarial reduction factor set out in the Table corresponding to P's age on P's birthday preceding the retirement day;

(d) B is the number of days in the period beginning with P's birthday preceding the retirement day and ending with the retirement day;

(e) C is the actuarial reduction factor set out in the Table appropriate to P's age on P's birthday following the retirement day.

(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 is determined in accordance with the following formula—

$$\left(\frac{AR}{40}\times S\right)\times\left(A+\left(\frac{B}{365}\times\left(C-A\right)\right)\right)$$

where—

(a) AR is the aggregate length of P's reckonable service in eligible fee-paid judicial offices;

(b) S is the appropriate annual salary of the judicial office held by P immediately before retirement;

(c) A is the actuarial reduction factor set out in the Table corresponding to P's age on P's birthday preceding the retirement day;

(d) B is the number of days in the period beginning with P's birthday preceding the retirement day and ending with the retirement day;

(e) C is the actuarial reduction factor set out in the Table appropriate to P's age on P's birthday following the retirement day.

(6) Paragraph (7) applies where—

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

(b) at any time before retirement, P held two or more relevant offices simultaneously.

(7) The annual rate 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, 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 (5), in relation to those relevant offices which P did not hold simultaneously with another judicial office, and for these purposes, in paragraph (5) 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 found under Step 1 and the rate found under Step 2.

(8) In this regulation—

(a) "the retirement day" means the day on which P retires;

(b) "the Table" means the Table in the Schedule to the Judicial Pensions (Miscellaneous) Regulations 1995(**a**), as it has effect on the retirement day.

(9) Paragraph (10) applies where—

(a) during one or more parts of the period for which P held an eligible fee-paid judicial 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.

(10) 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 (9)(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 (9)(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 the normal pension age: entitlement to preserved pension

17.—(1) This regulation applies where—

(a) a member ("P") retires (whether before, on or after the commencement day);

(b) if P retires by virtue of having been removed from all judicial offices held by P—

(i) the appropriate Minister makes a recommendation under regulation 15(1)(c), and

(ii) P does not make an election under regulation 15(3); and

(c) on the day on which P retires, P—

(i) has not reached normal pension age,

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

(iii) is not entitled to a pension under regulation 14.

(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 on which P—

(i) reaches the age of 65, or

(ii) (if later) would have completed five years' qualifying judicial service, if P had continued to hold a judicial office; or

(b) if later, the commencement day.

Annual rate of preserved pension

18.—(1) The annual rate of a pension to which a member ("P") is entitled under regulation 17 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

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(**a**) S.I. 1995/632. The Table in the Schedule to these Regulations was substituted by S.I. 2015/533.

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

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

$$\left(\frac{R}{40}\times S\right)\times\frac{Z}{Z+Y}$$

where—

(a) R is the maximum amount of reckonable service which P would be able to accrue if P continued in eligible fee-paid judicial office until the date on which P reaches normal pension age, assuming that P would have accrued reckonable service each year until that date equal to—

$$\frac{N}{Z}$$

where—

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

(ii) 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;

(b) S is the appropriate annual salary of the judicial office held by P immediately before retirement;

(c) Z has the meaning given in sub-paragraph (a)(ii);

(d) 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.

(4) Paragraph (5) applies where—

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

(b) at any time before retirement, P held two or more relevant offices simultaneously.

(5) The annual rate is determined by taking the following steps—

Step 1

Determine the annual rate under paragraph (3) of this regulation in relation to those relevant offices which P did not hold simultaneously with another relevant 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 2

Determine the annual rate under paragraph (3) of this regulation, in relation to each relevant office which P held simultaneously, 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 3

Add together the rate found under Step 1 and each of the rates found under Step 2.

(6) Paragraph (7) applies where—

(a) during one or more parts of the period for which P held an eligible fee-paid judicial 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.

(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 aged 65 or over due to ill-health: entitlement to ill-health ordinary pension

19.—(1) This regulation applies where—

(a) a member ("P") retires (whether before, on or after the commencement day);

(b) on the day on which P retires, P—

(i) has reached the age of 65; and

(ii) has less than 5 years' qualifying judicial service; and

(c) 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.

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

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

(b) if later, the commencement day.

Annual rate of ill-health ordinary pension

20. Regulation 13 applies in relation to the annual rate of a pension to which a member becomes entitled under regulation 19 as it applies in relation to the annual rate of a pension to which a member becomes entitled under regulation 12.

Retirement under 65 due to ill-health: entitlement to ill-health enhanced pension

21.—(1) This regulation applies where—

(a) a member ("P") retires (whether before, on or after the commencement day);

(b) on the day on which P retires, P has not reached the age of 65; and

(c) 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.

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

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

(b) if later, the commencement day.

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

(a) a pension under this regulation, and

(b) a pension under—

(i) regulation 14 (retirement between the ages of 60 and 65: entitlement to reduced pension),

(ii) regulation 15 (retirement under the age of 60 due to removal from judicial office: entitlement to reduced pension), or

(iii) regulation 17 (retirement under the normal pension age: entitlement to preserved pension),

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

Annual rate of ill-health enhanced pension

22.—(1) The annual rate of a pension to which a member ("P") becomes entitled under regulation 21 is determined in accordance with the following steps.

Step 1

Determine the annual rate of the pension to which P is entitled under regulation 13.

Step 2

Determine the annual rate of the enhancement (see paragraph (2)).

Step 3

Add together the rate determined under Step 1, and the rate determined under Step 2.

(2) Subject to paragraph (3), the annual rate of the enhancement is determined in accordance with the following formula—

$$\frac{E}{40} \times S$$

where—

(a) E is the smaller of—

(i) the service enhancement (see paragraph (4)), and

(ii) the amount determined in accordance with the formula $20 - (AR + Z)$;

(b) AR is the aggregate length of P's reckonable service in eligible fee-paid judicial offices (including any eligible fee-paid judicial office in respect of which P has taken partial retirement);

(c) Z is —

(i) where P is not entitled to a pension under Part 1 of the Judicial Pensions and Retirement Act 1993 on the date P retires, nil;

(ii) otherwise, the smaller of—

(aa) the aggregate length of P's service in qualifying judicial office (within the meaning of that Part of that Act), and

(bb) 20;

(d) 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.

(3) Where the judicial office (or one of the judicial offices) held by P immediately before retirement was an office specified in Schedule 1 to the Judicial Pensions and Retirement Act 1993(**a**), the annual rate of the enhancement determined under Step 2 is to be nil.

(**a**) 1993 c.8.

(4) The service enhancement is determined in accordance with the following formula—

$$F \times \frac{X}{Y}$$

where—

(a) F is the period, expressed in years and any fraction of a year, which is one half of the period—

(i) beginning with the day after that on which P retires, and

(ii) ending with the day on which P would reach normal pension age;

(b) X is the aggregate length of P's reckonable service in eligible fee-paid judicial offices (including any eligible fee-paid judicial offices in respect of which P has taken partial retirement) determined in accordance with the formula in regulation 5(1) as though regulation 5(2) does not apply;

(c) Y 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.

Ill-health certification condition

23.—(1) The ill-health certification condition is met in relation to a member ("P") if the appropriate Minister—

(a) has received a medical certificate—

(i) stating that P has suffered a permanent breakdown in health that makes P incapable of discharging the duties of the judicial office or offices which P held immediately before retirement; or

(ii) (where P retired due to ill-health before the commencement day), stating that at the date on which P had retired, P had suffered a permanent breakdown in health that made P incapable of discharging the duties of the judicial office or offices which P held immediately before retirement;

(b) is satisfied as to the matters contained in that certificate; and

(c) has, where the appropriate Minister is the Lord Chancellor, consulted—

(i) the Lord Chief Justice of England and Wales (if P held a judicial office in England and Wales);

(ii) the Lord Chief Justice of Northern Ireland (if P held a judicial office in Northern Ireland).

(2) For the purposes of this regulation P's breakdown in health is "permanent" if it is likely to continue until—

(a) the day on which P reaches the age of 65; or

(b) if later, the day on which, if P had not retired, P would have completed 5 years' qualifying judicial service.

(3) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005(**a**)) to exercise any of his or her functions under this regulation.

(4) The Lord Chief Justice of Northern Ireland may nominate—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002(**a**), or

(**a**) 2005 c.4. Section 109 was amended by paragraph 63 of Schedule 8 to the Tribunals, Courts and Enforcement Act 2007 (c.15).

(b) a Lord Justice of Appeal (as defined in section 88 of that Act(**b**)),

to exercise any of his or her functions under this regulation.

Times at which pension under this Part is payable

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

Lump sum: entitlement and amount

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

(2) At the time P becomes entitled to the payment of the pension, P becomes entitled to a lump sum.

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

$$A \times 2.25$$

where A is the annual rate of the pension payable to P under this Part.

Multiple retirements

26.—(1) This regulation applies where a member ("P") retires and subsequently resumes judicial office.

(2) The resumption of judicial office does not affect the entitlement of P to any payment under the principal scheme in respect of any period before the resumption.

(3) No amounts are payable to or in respect of P under the principal scheme as a result of the retirement mentioned in paragraph (1) in respect of any period after the resumption.

(4) On P's retirement after resuming judicial office—

(a) P's entitlement (and that of any other person) to any payment under the principal scheme; and

(b) the rate or amount of any such payment,

are (subject to paragraph (5)) to be determined as if no amounts had previously been paid under the principal scheme as a result of the retirement mentioned in paragraph (1).

(5) A person to whom a lump sum is paid under the principal scheme as a result of the retirement mentioned in paragraph (1) is not required to refund the lump sum; but if the whole or any part of it is not refunded, an amount equal to so much of it as has not been refunded is to be deducted from any lump sum which subsequently becomes payable to or in respect of that person under the principal scheme.

PART 4

PARTIAL RETIREMENT

Option to take partial retirement in relation to a fee-paid judicial office

27.—(1) Paragraph (2) applies where a member ("P") at any time on or after the commencement day ceases to hold an eligible fee-paid judicial office ("the relevant office") and—

(**a**) 2002 c.26. Schedule 1 was amended by paragraph 122 of Schedule 5 to the Constitutional Reform Act 2005 (c.4); paragraph 35 of Schedule 4 to the Northern Ireland Act 2009 (c.3); Part 1 of Schedule 23 to the Tribunals, Courts and Enforcement Act 2007; S.I. 2005/1117; S.I. 2009/56; S.R. 2006/469.

(**b**) Section 88 was amended by paragraph 14(3) of the Schedule to the Department of Justice Act (Northern Ireland) 2010 (c.3) and paragraph 2 of Schedule 6 to the Public Services Ombudsman Act (Northern Ireland) 2016 (c.4 (N.I.).

(a) P has reckonable service in relation to the relevant office;

(b) either—

(i) at the time P ceases to hold the relevant office, P holds one or more other eligible fee-paid judicial offices, or

(ii) after P ceases to hold the relevant office, P is appointed to another judicial office; and

(c) at the time P ceases to hold the relevant office, P has at least 2 years' qualifying judicial service.

(2) P may take partial retirement in relation to the relevant office by giving notice in writing to the appropriate Minister.

(3) The notice—

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

(b) must be received by the appropriate Minister within the period of 6 months beginning with the day on which P ceases to hold the relevant office.

(4) A notice under this regulation has effect on the day on which it is received by the appropriate Minister, and is irrevocable.

(5) For the purposes of this regulation, P is not treated as ceasing to hold a judicial office if—

(a) P's appointment to a judicial office in one chamber of the First-tier Tribunal changes to a judicial office in another chamber of that Tribunal, or

(b) P's appointment to a judicial office in one chamber of the Upper Tribunal changes to a judicial office in another chamber of that Tribunal.

Effect of partial retirement

28.—(1) Where a member ("P") takes partial retirement in relation to an eligible fee-paid judicial office ("the relevant office"), P is treated for the purposes of the relevant provisions as if P had retired on the day on which P ceased to hold the relevant office.

(2) In this regulation "the relevant provisions" means—

(a) Part 3 (retirement benefits) apart from regulation 26 (multiple retirements), and

(b) Part 6 (death benefits).

(3) In the application of the relevant provisions in relation to P's deemed retirement under paragraph (1), P is treated as having reckonable service only in the relevant office.

(4) The application of the relevant provisions in relation to P's deemed retirement under paragraph (1) (and P's pension under Part 3 in respect of that deemed retirement) does not prevent their application in relation to P's actual retirement (and P's pension under Part 3 in respect of that retirement).

(5) In the application of the relevant provisions in relation to P's actual retirement, P is treated as having no reckonable service in the relevant office.

PART 5

BENEFITS FOR PERSONS ENTITLED TO PENSION CREDITS

Application of Part and interpretation

29.—(1) This Part applies where—

(a) a person ("the transferee") becomes entitled to a pension credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999(**a**) ("the 1999 Act") or under Article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999(**b**) ("the 1999 Order"); and

(b) that pension credit is derived from the rights of another person ("P") under the principal scheme.

(2) In this Part "the transferee", "the 1999 Act", "the 1999 Order" and "P" have the meanings given by paragraph (1).

Pension credit derived from the principal scheme: entitlement to pension

30.—(1) On the pension start day the transferee becomes entitled to the payment for life of a pension.

(2) In paragraph (1) "the pension start day" means—

(a) the day on which the transferee reaches the age of 65, or

(b) if later, the day after the last day of the implementation period as determined in accordance with section 34 of the 1999 Act(**c**) or Article 31 of the 1999 Order(**d**).

Annual rate of pension under regulation 30

31.—(1) The annual rate of the pension to which the transferee is entitled under regulation 30 is the rate in relation to which the following condition is met.

(2) The condition is that the sum of—

(a) the value of the pension, and

(b) the value of any lump sum to which the transferee is entitled under this Part,

equals the amount of the pension credit.

(3) For this purpose, the value of the pension and of any lump sum must be calculated—

(a) in accordance with regulations made by the Secretary of State under paragraph 5(b) of Schedule 5 to the 1999 Act, or

(b) (in any case where the 1999 Order applies) in accordance with regulations made by the Department for Communities under paragraph 5(b) of Schedule 5 to the 1999 Order,

and any regulations made by the Secretary of State or by the Department for Communities for the purposes of those provisions apply accordingly.

(4) The annual rate of the pension must be calculated in in such manner as may be approved by the Government Actuary or by an actuary authorised by the Government Actuary to act on behalf of the Government Actuary for that purpose.

Lump sum for transferee at age 65

32.—(1) This regulation applies if the transferee becomes entitled to the pension credit before P becomes entitled to a lump sum under Part 3.

(2) At the time the transferee becomes entitled to a pension under regulation 30, the transferee becomes entitled to a lump sum.

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

$$A \times 2.25$$

where A is the annual rate of the pension to which the transferee is entitled under this Part.

(**a**) 1999 c.30.
(**b**) S.I.1999/3147 (N.I.11).
(**c**) Section 34 was amended by paragraph 160 of Schedule 27 and Schedule 30 to the Civil Partnership Act 2004 (c.33).
(**d**) Article 31 was amended by paragraph 111 of Schedule 29 and Schedule 30 to the Civil Partnership Act 2004.

Lump sum where transferee dies before age 65

33.—(1) This regulation applies if the transferee dies before reaching the normal pension age.

(2) On the day after that on which the transferee dies the relevant person becomes entitled to a lump sum.

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

$$A \times 2.25$$

where A is the annual rate of the pension to which the transferee would have been entitled under regulation 30 if the transferee had become entitled to a pension under that regulation on the day on which the transferee died.

(4) In paragraph (2) "the relevant person" means—

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

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

Exclusions

34. The appropriate Minister has no power to accept for the benefit of a member of the principal scheme—

(a) a payment under paragraph 1(3) of Schedule 5 to the 1999 Act or paragraph 1(3) of Schedule 5 to the 1999 Order,

(b) a payment under section 95 of the Pension Schemes Act 1993(**a**) or section 91 of the Pensions Schemes (Northern Ireland) Act 1993(**b**), or

(c) any other payment,

to the extent that that payment directly or indirectly represents a pension credit.

PART 6

DEATH BENEFITS

Interpretation

35. In these Regulations—

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

(b) "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;

(c) "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;

(d) "surviving adult's pension" means a pension payable to a surviving adult under this Part.

(**a**) 1993 c. 48. Section 95 was amended by section 68 of, and paragraph 9 of Schedule 4 to, the Pension Schemes Act 2015 (c.8).

(**b**) 1993 c. 49. Section 91 was amended by section 71 of, and paragraph 55 of Schedule 4 to, the Pensions Scheme Act 2015.

Entitlement to a surviving adult's pension

36.—(1) This regulation applies where a member ("P") dies (whether before, on or after the commencement day) 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 commencement 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

37.—(1) The annual rate of a pension to which a person becomes entitled under regulation 36 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 commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under Part 3 on the day on which P died.

(4) Where P dies on or after the commencement 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 Part 3 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 commencement 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 Part 3 on the commencement day if P were still alive on that day.

(6) Where P dies before the commencement 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 Part 3 on the commencement 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 commencement day.

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

38.—(1) Paragraph (2) applies where—

(a) the surviving civil partner in relation to a member ("P") becomes entitled to a pension under regulation 36;

(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 37 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 37, 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 commencement 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

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

Meaning of "eligible child"

40.—(1) In these Regulations, "eligible child", in relation to a deceased member, means a person who meets the age condition or the occupation condition (see regulation 41) and who is—

(a) a natural child of the deceased member,

(b) a person who was adopted by the deceased member before the deceased member retired or, where paragraph (2) applies, after the deceased member retired,

(c) a person who is a child of the deceased member by virtue of a parental order made before the deceased member retired or, where paragraph (2) applies, after the deceased member retired, or

(d) a step-child of the deceased member.

(2) This paragraph applies where the Treasury have issued a direction to the effect that they are satisfied that—

(a) the deceased member had, before the deceased member retired, formed the intention of adopting, or applying for a parental order in respect of, the person; and

(b) immediately before the deceased member retired, the person was wholly or mainly dependent on the deceased member.

(3) In a case where the deceased member died while holding an eligible fee-paid judicial office, the references in paragraphs (1) and (2) to things done before the deceased member's retirement are to be read as references to things done before the deceased member's death.

(4) For the purposes of this regulation a person ("C") is a "natural child" of person ("P") if P is C's genetic father or mother (including anyone who is to be treated as C's father, mother or parent under Part 2 of the Human Fertilisation and Embryology Act 2008(**a**) ("the 2008 Act"), but not including anyone who is not to be so treated under that Part of that Act).

(5) For the purposes of this regulation a person ("C") is a "step-child" of a person ("P") if C—

(a) is not a natural child of P, adopted by P or a child of P by virtue of a parental order, and

(b) meets any of the following conditions.

(6) The first condition is that C—

(a) is a natural child of a person who was at any time the spouse or civil partner of P, and

(b) at the time the marriage or civil partnership was entered into, had been born or conceived.

(7) The second condition is that C—

(a) was adopted by a person who was at any time the spouse or civil partner of P; and

(b) was so adopted—

(i) before the time the marriage or civil partnership was entered into, or

(ii) after the time the marriage or civil partnership was entered into in a case where the adoption proceedings were pending at the time of the marriage or civil partnership.

(8) The third condition is that—

(a) C is, by virtue of a parental order, a child of a person who was at any time the spouse or civil partner of P; and

(b) the parental order was made—

(**a**) 2008 c.22.

(i) before the time the marriage or civil partnership was entered into, or

(ii) after the time the marriage or civil partnership was entered into in a case where the parental order proceedings were pending at the time of the marriage or civil partnership.

(9) In this regulation a "parental order" means an order made under section 54 of the 2008 Act(**a**).

Meaning of "eligible child": the age condition and the occupation condition

41.—(1) The age condition is that the person has not reached the age of 16.

(2) The occupation condition is that the person ("C") has, at all times since reaching the age of 16, been—

(a) in full-time education, or

(b) undergoing eligible training for a trade, profession or vocation.

(3) For the purposes of this regulation training is "eligible" if—

(a) it is full-time;

(b) its duration is at least 2 years; and

(c) the rate of pay (if any) receivable by C, or payable by the employer in respect of C, in relation to the training does not exceed the specified maximum.

(4) In this regulation—

"pay" means any salary, fees, wages, perquisites, profits or gains and includes the value of any free board, lodging or clothing;

"the specified maximum" at any time means an annual rate equal to that at which a pension of £250 a year—

(a) first awarded under the Principal Civil Service Pension Scheme on 1st June 1972; and

(b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971(**b**) to such a pension,

would (as so increased) be payable at that time.

(5) Where a premium has been paid in respect of C's training, all emoluments receivable by C, or payable by the employer in respect of C, are to be taken, for the purposes of paragraph (3)(c), as receivable or payable by way of return of the premium, unless and to the extent that the amount of those emoluments exceeds the amount of the premium.

(6) Where the Treasury are satisfied that C's full-time education ought not be regarded as completed, the Treasury may direct that any period during which a person is not in full-time education and is not undergoing eligible training for a trade, profession or vocation, is to be disregarded for the purposes of this regulation.

Entitlement to an eligible child's pension

42.—(1) This regulation applies if a member ("P") dies (whether before, on or after the commencement day) 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 commencement day.

(**a**) Section 54 was amended by paragraph 206 of Schedule 11 to the Crime and Courts Act 2013 (c.22).
(**b**) 1971 c.56.

(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

43.—(1) The annual rate of a pension to which a person becomes entitled under regulation 42, 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 42, 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 commencement day after having retired, the rate of P's pension is the annual rate of the pension to which P was entitled under Part 3 on the day on which P died.

(7) Where P dies on or after the commencement 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 Part 3 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 commencement 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 Part 3 on the commencement day if P were still alive on that day.

(9) Where P dies before the commencement 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 Part 3 on the commencement 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 had survived until the commencement day.

Payment and application of an eligible child's pension

44.—(1) A pension to which a person is entitled under regulation 42 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 42 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

45.—(1) Paragraph (2) applies where—

(a) a member ("P") dies (on or after the commencement day) without having retired; and

(b) P is (immediately before death) an active member of the principal scheme.

(2) 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 ("the relevant office").

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

$$S \times 2 \times \frac{M \div N}{JS}$$

where—

(a) 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;

(b) M is P's qualifying fee-paid service in the relevant office; and

(c) N is the annual divisor for that office specified in column 2 of the Schedule;

(d) JS is P's qualifying judicial service after 6th April 2000, 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 to be determined in accordance with the following formula—

$$S \times 2 \times \frac{AM \div N}{JS}$$

where—

(a) 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;

(b) AM is the aggregate length of P's qualifying fee-paid service in eligible fee-paid judicial offices;

(c) JS is P's qualifying judicial service after 6th April 2000, expressed in years and any fraction of a year.

(8) Paragraph (9) applies where—

(a) immediately before death P held more than one eligible fee-paid judicial office ("the relevant offices"), and

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

(9) The amount of the lump sum 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, 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, and for these purposes, in paragraph (7)(a), 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 found under Step 1 and the lump sum found under Step 2.

(10) Paragraph (11) applies where—

(a) during one or more parts of the period for which P held an eligible fee-paid judicial 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

46.—(1) Paragraph (2) applies if—

(a) a member ("P") dies (on or after the commencement day) having retired (whether before, on or after the commencement day);

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

(c) if P had not died P would, on reaching normal pension age have become entitled to a pension under regulation 17.

(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 to be determined in accordance with the following formula—

$$A \times 2.25$$

where A is a notional annual rate of pension determined in accordance with regulation 18 as though P had reached normal pension age on the day P died.

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

47.—(1) Paragraph (2) applies if—

(a) a member ("P") dies (on or after the commencement day) having retired (whether before, on or after the commencement day);

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

(c) immediately before death, P was entitled to the payment of a pension under Part 3 (retirement benefits); 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 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) A is the interim payments amount (if any) in relation to P;

(b) B is the amount (if any) paid or payable to P under regulation 50;

(c) C is the total of the sums paid or payable to P under Part 3 on account of the pension (including any increases under the Pensions (Increase) Act 1971(**a**)), and by way of lump sum, in relation to the period after commencement day;

(d) D is the amount (if any) paid or payable by P under regulation 51.

(4) In this regulation "the minimum benefits amount" means the amount determined in accordance with the following formula—

$$E \times 5$$

where E is the annual rate of the pension payable to P under Part 3 immediately before P's death.

PART 7

BENEFITS IN RESPECT OF PERIODS BEFORE COMMENCEMENT

Application of Part

48.—(1) This Part applies where—

(a) a member ("P") retired, or died without having retired, before the commencement day, and

(b) condition A or B is met.

(2) Condition A is that amounts were paid to any person during the pre-commencement period in respect of P's retirement or death under arrangements made for the purpose of providing benefits during the pre-commencement period corresponding to those under Part 3 or 6.

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

(3) Condition B is that, if these Regulations had come into force on the day before the day on which P retired or died, amounts would have been payable during the pre-commencement period—

(a) to P under Part 3, or

(b) to another person under Part 6,

in respect of P's retirement or death.

(4) In this Part—

(a) "the pre-commencement period" means the period—

(i) beginning with the day on which P retired or on which P died without having retired, and

(ii) ending with the day before the commencement day.

(b) references to "P" are to a member mentioned in paragraph (1)(a).

Meaning of "the interim payments amount" and "the pre-commencement benefits amount"

49.—(1) In these Regulations "the interim payments amount", in relation to any person, means the total amount (if any) that was paid to that person under arrangements made for the purpose of providing benefits during the pre-commencement period in respect of P's retirement or death corresponding to those under Part 3 or 6.

(2) In this Part "the pre-commencement benefits amount", in relation to any person, means, subject to paragraph (3), the total amount (if any) that would have been payable to that person under Part 3 or 6 during the pre-commencement period in respect of P's retirement or death if these Regulations had come into force on the day before the day on which P retired or died without having retired.

(3) Where—

(a) the amount payable to a person in respect of P under paragraph (2) includes a lump sum payable under regulation 45 or 46, and

(b) P would have been liable to pay the pre-commencement contributions amount referred to in regulation 53(1) if P had survived until the commencement day,

the pre-commencement benefits amount payable to that person is to be calculated after deducting the pre-commencement contributions amount (within the meaning of regulation 53(1)) which would have been payable by P if these Regulations had come into force on the day before the day on which P died.

(4) Paragraph (5) applies for the purposes of calculating the pre-commencement benefits amount where P is a transition member (within the meaning of paragraph 1 of Schedule 2 to the Judicial Pensions Regulations 2015) who has continuity of service (within the meaning of paragraph 2 of Schedule 2 to those Regulations).

(5) The pre-commencement benefits amount is to be calculated as though the amendments made to the Judicial Pensions Regulations 2015 by the Judicial Pensions (Amendment) Regulations 2017 ("the 2017 Regulations") (save for regulations 4, 6, 15 and 16 of the 2017 Regulations) had come into force on the day before the day on which the member retired or died without having retired.

Additional payment where no or insufficient interim payments made

50.—(1) Paragraph (2) applies where the interim payments amount in relation to a person is less than the pre-commencement benefits amount in relation to that person.

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

Deduction of any excess interim payments

51.—(1) Paragraph (2) applies where the interim payments amount in relation to a person is greater than the pre-commencement benefits amount in relation to that person.

(2) Where the person is entitled to the payment of a pension under Part 3 or 6, the amounts mentioned in paragraph (1) may be deducted from payments of the pension in such instalments as the administrators may decide.

PART 8

CONTRIBUTIONS IN RESPECT OF PRE-COMMENCEMENT SERVICE

Interpretation

52. In this Part—

"fee period" means a period specified in column 1 of the Contributions Table;

"the pre-commencement contributions amount" has the meaning given by regulation 53(1);

"P" means a member who is not an opted-out member;

"the Contributions Table" means the table set out in regulation 57(1).

Liability to pay pre-commencement contributions amount

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

(a) the pre-commencement personal contributions amount (see regulation 54), and

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

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

(3) P is not required to pay the pre-commencement contributions amount if P—

(a) retired before the commencement day, and

(b) had on retirement less than two years qualifying judicial service.

(4) P is not required to pay so much of the pre-commencement contributions amount as is represented by the amount mentioned in paragraph (1)(b) if P—

(a) retired before the commencement day,

(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.

Calculation of pre-commencement personal contributions amount

54. The pre-commencement personal contributions amount in relation to P is determined as follows—

Step 1

For each fee period, find the total of the fees paid to P in respect of qualifying fee-paid days falling within the period.

Step 2

Multiply the total found under Step 1 for each fee period by the percentage specified in relation to that fee period in column 2 of the Contributions Table.

Step 3

Add together the amounts found under Step 2.

Calculation of pre-commencement dependants' contributions amount

55. The pre-commencement dependants' contributions amount in relation to P is determined as follows—

Step 1

For each fee period, find the total of the fees paid to P in respect of qualifying fee-paid days falling within the period.

Step 2

Multiply the total found under Step 1 for each fee period by the percentage specified in relation to that fee period in column 3 of the Contributions Table.

Step 3

Add together the amounts found under Step 2.

Qualifying fee-paid days disregarded if they do not add to reckonable service

56.—(1) A qualifying fee-paid day worked in an eligible fee-paid judicial office is disregarded for the purposes of regulations 54 and 55 if P's reckonable service in relation to that office would have been equal to or greater than the maximum amount in relation to that office, had P retired on the day before that day.

(2) The reference in paragraph (1) to the maximum amount in relation to an office is to that amount as determined in accordance with regulation 5 (reckonable service).

The Contributions Table

57.—(1) The Contributions Table is as follows.

Fee Period	*Contribution (personal)*	*Contribution (dependants)*
7th April 2000 to 31st March 2012	0%	1.80%
1st April 2012 to 31st March 2013	1.28%	1.80%
1st April 2013 to 31st March 2014	2.56%	1.80%
1st April 2014 to 31st March 2015	3.20%	1.80%
1st April 2015 to 31st March 2016	X%	1.80%
1st April 2016 to 31st March 2017	Y%	1.80%

(2) In the entry in that table for the fee period beginning on 1st April 2015, "X%" means the percentage specified in column 2 of the table in paragraph (4), in the row relating to P's annualised fees for that period.

(3) In the entry in that table for the fee period beginning on 1st April 2016 ("the final fee period"), Y% means the percentage specified in column 2 of the table in paragraph (5), in the row relating to P's annualised fees for that period.

(4) The table mentioned in paragraph (2) is as follows—

Annualised fees	*Contribution (personal)*
Up to but not including £15,001	0.96%
£15,001 to but not including £21,001	0.96%
£21,001 to but not including £47,001	1.47%
£47,001 to but not including £150,001	2.61%
£150,001 and above	4.43%

(5) The table mentioned in paragraph (3) is as follows—

Annualised fees	*Contribution (personal)*
Up to but not including £15,001	0.96%
£15,001 to but not including £21,211	0.96%
£21,211 to but not including £48,472	1.47%
£48,472 to but not including £150,001	2.61%
£150,001 and above	4.43%

Payment of pre-commencement contributions amount

58.—(1) The pre-commencement contributions amount, or any part of it, may be paid—

(a) by way of a lump sum at any time during the period of 6 months beginning with the commencement day;

(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,

and for the purposes of paragraph (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.

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

(a) must be of fixed monetary amounts, and

(b) must be the same for each fee.

(3) 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.

(4) Except to the extent that the pre-commencement contributions amount has already been paid under paragraph (1), it is to be paid by way of a deduction from—

(a) the lump sum payable to P under Part 3, or

(b) where P dies before retiring, the lump sum payable in respect of P under Part 6.

PART 9

CONTRIBUTIONS IN RESPECT OF SERVICE ON OR AFTER COMMENCEMENT DAY

Interpretation

59. In this Part—

"fee year" means the period beginning with 1st April in any year and ending with the 31st March in the following year; and

"P" means an active member.

Liability to pay contributions on fees in respect of qualifying fee-paid days

60. P must pay a contribution to the appropriate Minister on any fee paid to P in respect of a qualifying fee-paid day where the day is, or is after, the commencement day.

Qualifying fee-paid days disregarded if they do not add to reckonable service

61.—(1) Regulation 60 does not require P to pay a contribution in respect of a qualifying fee-paid day worked in an eligible fee-paid judicial office if P's reckonable service in relation to that

office would have been equal to or greater than the maximum amount in relation to that office, had P retired on the day before that day.

(2) The reference in paragraph (1) to the maximum amount in relation to an office is to that amount as determined in accordance with regulation 5 (reckonable service).

Amount of contribution

62.—(1) The amount of the contribution payable on a fee under regulation 60 is the sum of—

(a) the personal benefits contribution, and

(b) the dependants' benefits contribution.

(2) The amount of the personal benefits contribution is the amount of the fee multiplied by the percentage specified in column 2 of the table in regulation 63 for the relevant fee year, in the row relating to P's annualised fees for that year.

(3) The amount of the dependants' benefits contribution is the amount of the fee multiplied by the percentage specified in column 3 of the same row of the same table.

(4) P's annualised fees for the relevant fee year are determined in accordance with the following formula—

$$F \times \frac{365}{N}$$

where—

(a) F is the amount of the fee;

(b) N is the number of days in the applicable payment period.

(5) For the purposes of paragraph (4) the "applicable payment period" means—

(a) where the qualifying fee-paid day in respect of which the fee is paid is the first qualifying fee-paid day to occur in the relevant fee year, the period—

(i) beginning with the first day of the relevant fee year, and

(ii) ending with the day before the qualifying fee-paid day;

(b) where the qualifying fee-paid day in respect of which the fee is paid is the second, or a later, qualifying fee-paid day to occur in the relevant fee year, the period—

(i) beginning with the most recent previous qualifying fee-paid day, and

(ii) ending with the day before the qualifying fee-paid day.

(6) If the relevant fee year is a leap year, the formula in paragraph (4) has effect as if for "365" there were substituted "366".

(7) In this regulation "the relevant fee year" means the fee year in which the qualifying fee-paid day in respect of which the fee is paid falls.

Contribution rates for fee years

63.—(1) The table for the fee year 1st April 2017 to 31st March 2018 is—

Annualised fees	*Contribution (personal)*	*Contribution (dependants')*
Up to but not including £15,001	0.96%	1.80%
£15,001 to but not including £21,423	0.96%	1.80%
£21,423 to but not including £51,006	1.47%	1.80%
£51,006 to but not including £150,001	2.61%	1.80%
£150,001 and above	4.43%	0%

(2) The table for the fee year 1st April 2018 to 31st March 2019 is—

Annualised fees	*Contribution (personal)*	*Contribution (dependants')*
Up to but not including £15,001	0.96%	1.80%
£15,001 to but not including £21,637	0.96%	1.80%
£21,637 to but not including £51,516	1.47%	1.80%
£51,516 to but not including £150,001	2.61%	1.80%
£150,001 and above	4.43%	0%

Payment of contribution

64. A contribution payable under this Part is to be paid by way of deduction from the fee to which it relates.

PART 10

REPAYMENT OF DEPENDANTS' BENEFITS CONTRIBUTIONS

Full repayment of dependants' benefits contributions on retirement

65.—(1) This regulation applies where—

(a) a member ("P") retires on or after the commencement day, and

(b) conditions A and B are met.

(2) On the day after that on which P retires, P becomes entitled to a payment from the appropriate Minister.

(3) The amount of the payment under paragraph (2) is the sum of—

(a) the amount previously paid by P under Part 8 to the extent that it consists of the pre-commencement dependants' contributions amount; and

(b) the total of the contributions previously paid by P under Part 9 to the extent that they represent dependants' benefits contributions.

(4) Condition A is that, on the day on which P retires—

(a) P is not married and is not in a civil partnership; and

(b) P does not have a qualifying child.

(5) Condition B is that, at all times since P first held an eligible fee-paid judicial office (or if later, since 7th April 2000)—

(a) P was not married and was not in a civil partnership, and

(b) P did not have a qualifying child.

(6) In this Part—

"the pre-commencement dependants' contributions amount" means the amount determined under regulation 55;

"dependants' benefits contribution" means the amount determined under regulation 62(3).

Partial repayment of dependants' benefits contributions on retirement

66.—(1) This regulation applies where—

(a) a member ("P") retires (whether before, on or after the commencement day), and

(b) conditions A and B are met.

(2) On the relevant day, P becomes entitled to a payment from the appropriate Minister.

(3) In paragraph (2) "the relevant day" means—

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

(b) if later, the commencement day.

(4) The amount of the payment under paragraph (2) is the sum of—

(a) the amount previously paid by P under Part 8 which consists of so much of the pre-commencement dependants' contributions amount as is attributable to qualifying fee-paid days falling after the specified date; and

(b) the total of the contributions previously paid by P under Part 9 which represent dependants' benefits contributions paid on fees in respect of qualifying fee-paid days falling after the specified date.

(5) Condition A is that, on the day on which P retires—

(a) P is not married and is not in a civil partnership; and

(b) P does not have a qualifying child.

(6) Condition B is that, on any day during the period beginning with the day on which P first held an eligible fee-paid judicial office (or 7 April 2000 if later) and ending with the day on which P retires—

(a) P was married or was in a civil partnership, or

(b) P had a qualifying child.

(7) In this regulation "the specified date" means the last day in respect of which condition B is met.

Full repayment of dependants' benefits contributions on partial retirement

67.—(1) This regulation applies where—

(a) a member ("P") takes partial retirement in relation to an eligible fee-paid judicial office ("the relevant office"), and

(b) conditions A and B are met.

(2) On the day after that on which P takes partial retirement, P becomes entitled to a payment from the appropriate Minister.

(3) The amount of the payment under paragraph (2) is the sum of—

(a) the amount previously paid by P under Part 8 which consists of so much of the pre-commencement dependants' contributions amount as is attributable to qualifying fee-paid days worked in the relevant office; and

(b) the total of the contributions previously paid by P under Part 9 which represent dependants' benefits contributions paid on fees in respect of qualifying fee-paid days worked in the relevant office.

(4) Condition A is that, on the day on which P takes partial retirement—

(a) P is not married and is not in a civil partnership; and

(b) P does not have a qualifying child.

(5) Condition B is that, at all times since P first held the relevant office (or if later, since 7th April 2000)—

(a) P was not married and was not in a civil partnership, and

(b) P did not have a qualifying child.

Partial repayment of dependants' benefits contributions on partial retirement

68.—(1) This regulation applies where—

(a) a member ("P") takes partial retirement in relation to an eligible fee-paid judicial office ("the relevant office"), and

(b) conditions A and B are met.

(2) On the day after that on which P takes partial retirement, P becomes entitled to a payment from the appropriate Minister.

(3) The amount of the payment under paragraph (2) is the sum of—

(a) the amount previously paid by P under Part 8 which consists of so much of the pre-commencement dependants' contributions amount as is attributable to qualifying fee-paid days that—

(i) were worked in the relevant office; and

(ii) fell after the specified date; and

(b) the total of the contributions previously paid by P under Part 9 to the extent that they consist of dependants' benefits contributions and were paid on fees in respect of qualifying fee-paid days that—

(i) were worked in the relevant office; and

(ii) fell after the specified date.

(4) Condition A is that, in the day on which P takes partial retirement in relation to the relevant office—

(a) P is not married and is not in a civil partnership; and

(b) P does not have a qualifying child.

(5) Condition B is that, on any day during the period beginning with the day on which P first held the relevant office and ending with the day on which P takes partial retirement—

(a) P was married or was in a civil partnership, or

(b) P had a qualifying child.

(6) In this regulation "the specified date" means the last day in respect of which condition B is met.

Repayments under this Part to be paid with compound interest

69. Where the appropriate Minister makes a payment to a member under this Part, it must be paid together with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

PART 11

TRANSFERS

CHAPTER 1

GENERAL

Interpretation

70.—(1) In this Part—

"authorised insurer" means—

(a) a person who has permission under Part 4A of the Financial Services and Markets Act 2000(**a**) to effect or carry out contracts of long-term insurance (within the meaning of article 3(1) of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(**b**)), or

(b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for

(**a**) 2000 c.8. Part 4A was substituted for Part 4 by section 1 of the Financial Services Act 2012 (c.21).
(**b**) S.I. 2001/544, to which there are amendments not relevant to these Regulations.

authorisation under paragraph 12 of that Schedule(**a**)) to effect or carry out contracts of long-term insurance;

"last day of reckonable service" has the meaning given in regulation 72;

"market level adjustment" has the meaning given in regulation 78;

"normal pension age" means the earliest age at which, if a person's qualifying judicial service had continued until retirement at that age, a member might have been entitled to receive a pension under the principal scheme, otherwise than by reason of meeting the ill-health certification condition;

"occupational pension scheme" has the meaning given by section 1 of the Pension Schemes Act 1993(**b**) or, in relation to Northern Ireland, section 1 of the Pension Schemes (Northern Ireland) Act 1993(**c**);

"the option" has the meaning given by regulation 74(1);

"P" means a member;

"personal pension scheme" has the meaning given by section 1 of the Pension Schemes Act 1993 or, in relation to Northern Ireland, section 1 of Pension Schemes (Northern Ireland) Act 1993;

"relevant date"—

(a) when used in Chapter 2, has the meaning given by regulation 73;

(b) when used in Chapter 3, has the meaning given by regulation 83;

"relevant schemes" means the principal scheme, the FPJAYS and the JASAPS.

(2) In this Part, references to numbered Tables are to the Tables in Schedule 2 to the Judicial Pensions (Transfer of Accrued Benefits) Regulations 1995(**d**).

(3) The definition of "authorised insurer" in paragraph (1) must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any relevant order under that section;

(**a**) Paragraph 15 of Schedule 3 was amended by S.I. 2003/2066; 2007/3253; 2012/1906; 2013/1881; 2015/575. Paragraph 12 was amended by S.I. 2007/126; 2007/3253; 2012/1906.

(**b**) 1993 (c. 48). Section 1 was amended by section 239 of the Pensions Act 2004 (c.35); paragraph 23(1) of Schedule 20, and Part 3(2) of Schedule 27 to the Finance Act 2007 (c.11); S.I. 1999/1820 and S.I. 2007/3014.

(**c**) 1993 (c.49). Section 1 was amended by S.I. 1999/3147 (N.I.11); S.R. 2000/133.

(**d**) S.I. 1995/637. The tables in Schedule 12 to the Regulations were amended by S.I. 2005/3325.

(c) Schedule 2 to that Act(**a**).

Disapplication of other provisions about transfers

71. Chapter 1 of Part 4ZA of the Pension Schemes Act 1993 (transfer rights: general)(**b**) and Chapter 1 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993 (transfer rights: general)(**c**) do not apply in relation to the relevant schemes.

CHAPTER 2

TRANSFERS OUT

Transfers out

72.—(1) Where the conditions set out in paragraph (2) are met, regulations 73 to 82 apply to P—

(a) to or in respect of whom benefits are payable under one or more of the relevant schemes; and

(b) the last day which counts towards P's reckonable service ("last day of reckonable service") or the last day on which P held an eligible fee-paid judicial office is on or after the commencement day.

(2) The conditions are that—

(a) P has not retired;

(b) on P's last day of reckonable service—

(i) P has accrued rights to benefits under the principal scheme; or

(ii) P would have such rights if P's qualifying judicial service had also ended on that date, and

(c) either—

(i) P's age on 6th February 2013 was more than one year under normal pension age, and P exercises the option within twelve months of the commencement day; or

(ii) P's age on the date P exercises the option is at least one year under normal pension age.

Qualifying member's right to a transfer payment

73.—(1) On P's last day of reckonable service, P acquires a right to the cash equivalent at the relevant date of any benefits which have accrued to, or in respect of P, under the relevant schemes.

(2) In this Chapter "the relevant date" means the date of any application which P has made under regulation 80 and which has not been cancelled.

Method of taking cash benefit

74.—(1) P may only exercise the right in regulation 73(1) by exercising the option conferred by this paragraph ("the option").

(2) The option is that of requiring the Treasury to use the cash equivalent in whichever of the following ways P chooses—

(a) for acquiring transfer credits allowed under the rules of another occupational pension scheme—

(**a**) Schedule 2 was amended by paragraph 1 of Schedule 2 to the Dormant Bank and Building Society Accounts Act 2008 (c.31).

(**b**) Part 4ZA was inserted by paragraph 8 of Schedule 4 to the Pension Schemes Act 2015 (c.8).

(**c**) Chapter 4 of Part 4 of the Pension Schemes (Northern Ireland) Act 1993 was renumbered as Chapter 1 of Part 4 ZA of that Act by paragraph 50 of Schedule 4 to the Pension Schemes Act 2015.

(i) whose trustees or managers are able and willing to accept the transfer; and

(ii) which satisfies the requirements in regulation 75;

(b) for acquiring rights allowed under the rules of a personal pension scheme—

(i) whose trustees or managers are able and willing to accept the transfer; and

(ii) which satisfies the requirements in regulation 75;

(c) for purchasing one or more annuities satisfying the requirements in regulation 75 from one or more authorised insurers—

(i) chosen by P, and

(ii) willing to accept payment on P's account from the Treasury;

(d) for subscribing to other pension arrangements which satisfy the requirements in regulation 75.

(3) P may exercise the option in different ways in relation to different portions of P's cash equivalent.

(4) If P exercises the option P must do so in relation to the whole of P's cash equivalent.

(5) In this regulation, "transfer credits" has the meaning given by section 181(1) of the Pension Schemes Act 1993, or in relation to Northern Ireland, section 176(1) of the Pension Schemes (Northern Ireland) Act 1993(**a**).

Requirements to be satisfied by schemes

75. The requirements to be satisfied by an occupational pension scheme, personal pension scheme, annuity or other pension arrangement referred to in regulation 74(2) are that the scheme, annuity or arrangement is—

(a) a registered pension scheme, or

(b) a pension arrangement that is a qualifying recognised overseas pensions scheme for the purposes of Part 4 (pension schemes etc) of the Finance Act 2004.

Calculation of cash equivalents

76.—(1) The cash equivalent of accrued benefits is to be calculated in accordance with the formula—

(a) $MLA \times \left(p \times PF + I \times L + w \times SF - \left(2 \times g78 + g88\right) \times GMP\right)$ where P is married or a civil partner at the date of leaving the relevant schemes; or

(b) $MLA \times \left(p \times PF + I \times L + \left(g78 + 2 \times g88\right) \times SF - \left(2 \times g78 + g88\right) \times GMP\right)$ where P is male and neither married nor a civil partner at the date of leaving the relevant schemes;

(c) $MLA \times \left(p \times PF + I \times L + g88 \times SF - \left(2 \times g78 + g88\right) \times GMP\right)$ where P is female and neither married nor a civil partner at the date of leaving the relevant schemes.

(2) For the purpose of the calculations in paragraph (1)—

(a) MLA is the market level adjustment;

(b) p is the accrued annual pension to which P would be entitled under these Regulations, together with pensions increases under the Pensions (Increase) Acts 1971(**b**) and 1974(**c**) and the Pensions (Increase) Act (Northern Ireland) 1971(**d**) between the date of leaving the relevant schemes and the relevant date;

(**a**) Sections 181(1) of the Pension Schemes Act 1993 and 176(1) of the Pension Schemes (Northern Ireland) Act 1993 have been amended, but the amendments are not relevant to these Regulations.
(**b**) 1971 c.56.
(**c**) 1974 c.9.
(**d**) 1971 c.35 (N.I.).

(c) PF is the pension factor set out in Table 3 applicable to P's age last birthday as at the relevant date;

(d) I is the accrued lump sum under the relevant schemes of P (less any deductions in respect of unpaid contributions payable under Part 9 of these Regulations, or any other sum payable under these Regulations), together with pensions increases under the Pensions (Increase) Acts 1971 and 1974 and the Pensions (Increase) Act (Northern Ireland) 1971 between the date of leaving the relevant schemes and the relevant date;

(e) L is the lump sum factor set out in Table 3 applicable to P's age last birthday as at the relevant date;

(f) w is the accrued annual surviving adult's pension which would apply under the relevant schemes if P were dead, together with pensions increases under the Pensions (Increase) Acts 1971 and 1974 and the Pensions (Increase) Act (Northern Ireland) 1971 between the date of leaving the relevant schemes and the relevant date;

(g) SF is the spouse's or civil partner's factor applicable to P's age last birthday as at the relevant date set out under the heading—

(i) WM in Table 3 where P is married or a civil partner at the date of leaving the relevant schemes;

(ii) GSM in Table 3 where P is male and neither married nor a civil partner at the date of leaving the relevant schemes;

(iii) GSF in Table 3 where P is female and neither married nor a civil partner at the date of leaving the relevant schemes;

(h) g78 is the guaranteed minimum pension per annum accrued prior to 6th April 1988, together with any increases under section 148 of the Social Security Administration Act 1992(**a**) or, in relation to Northern Ireland, section 130 of the Social Security Administration (Northern Ireland) Act 1992(**b**) in the period between leaving the relevant scheme and the relevant date;

(i) g88 is the guaranteed minimum pension per annum accrued on or after 6th April 1988, together with any increases under section 148 of the Social Security Administration Act 1992 or, in relation to Northern Ireland, section 130 of the Social Security Administration (Northern Ireland) Act 1992 in the period between leaving the relevant scheme and the relevant date;

(j) GMP is the guaranteed minimum pension factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—

(i) GM in Table 5 where P is male; and

(ii) GF in Table 5 where P is female.

Delayed payments

77. When the transfer payment is, without good reason, not made within 6 months of the relevant date, the transfer payment is the greater of—

(a) the value of the cash equivalent as at the relevant date increased with interest on a daily basis over the period from the relevant date to the date of payment at the rate set out in regulation 10(2) of the Occupational Pension Schemes (Transfer Values) Regulations 1996(**c**) or, in relation to Northern Ireland, regulation 10(2) of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996(**d**), as amended from time to time; and

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(**a**) 1992 c.5. Section 148 was amended by paragraph 27 of Schedule 8 to the Pension Schemes Act 1993 (c.48) and section 37 of the Child Support, Pensions and Social Security Act 2000 (c.19).
(**b**) 1992 c.8. Section 130 was amended by S.I. 1995/3213 (N.I.22).
(**c**) S.I. 1996/1847.
(**d**) S.I. 1996/619.

(b) the value of the cash equivalent recalculated as if the date of payment had been the relevant date.

Calculation of market level adjustment

78.—(1) For the purposes of regulations 76 and 88 the market level adjustment is the figure calculated in accordance with the formula—

$$A \times B + (1 - A) \times C$$

rounded up to four decimal places, where—

(a) A is the decimal part of the yield on index-linked stocks;

(b) B is the adjustment factor set out in Table 1 in the row relating to P's age last birthday as at the relevant date and in the column headed by the full percentage figure immediately above the percentage figure for the yield on index-linked stocks; and

(c) C is the adjustment factor set out in Table 1 which is in the row relating to P's age last birthday as at the relevant date and which appears in the column headed by the full percentage figure which is equal to or immediately below the percentage figure for the yield on index linked stocks.

(2) In this regulation "the yield on index-linked stocks" means the real yield to redemption on the Financial Times-Actuaries Index of index-linked Government securities with 5 or more years to redemption assuming 5% inflation, in respect of the first working day of the month in which the relevant date falls as published in the Financial Times.

Time within which option must be exercised

79.—(1) P may only exercise the option on or before the last option date.

(2) The last option date is the later of—

(a) the date which falls one year before the date on which P reaches normal pension age;

(b) the last day of the period of 6 months beginning with the day after P's last day of reckonable service.

(3) P loses the right to any cash equivalent under this Chapter if—

(a) P's pension under these Regulations becomes payable before P reaches normal pension age; or

(b) P fails to exercise the option on or before the last option date.

Option to be exercised in writing

80.—(1) P may only exercise the option by making an application in writing to the administrators for submission to the Treasury.

(2) If the Treasury receive an application under this regulation, the Treasury must do what is needed to comply with the choice made by P in exercising the option—

(a) within 12 months of the date on which it receives P's application, or

(b) no later than the date on which P attains normal pension age,

whichever is earlier.

Options: discharge of responsibility

81. In any case where—

(a) P has exercised the option, and

(b) the Treasury have done what is needed to comply with the choice made by P in exercising the option,

the Treasury are discharged from any obligation to provide benefits to which the cash equivalent related.

Cancellation of exercise of option

82.—(1) P may cancel the exercise of the option by giving the Treasury notice in writing that P no longer wishes it to be exercised.

(2) A notice given under paragraph (1) does not have effect if it is given to the Treasury at a time when, in order to comply with the choice made by P in exercising the option, the Treasury have entered into an agreement with a third party to use the whole or part of P's cash equivalent in a way specified in regulation 74(2).

(3) The cancellation of the exercise of an option by P under paragraph (1) does not affect P's right to make another application under regulation 80.

CHAPTER 3

TRANSFERS IN

Application of Chapter and interpretation

83.—(1) This Chapter applies in relation to P if—

(a) P has accrued rights under a registered pension scheme, and

(b) P's age on 6th February 2013 was more than one year under normal pension age.

(2) In this Chapter—

"additional pension" has the meaning given in regulation 88;

"derivative benefit" has the meaning given in regulation 87;

"the relevant date" means the date on which a transfer payment is received by the administrators;

"transfer payment" has the meaning given by regulation 84.

Application to accept payment into scheme

84.—(1) P may ask the administrators to accept a payment into the principal scheme ("a transfer payment") representing the cash equivalent of P's accrued rights in any registered pension scheme.

(2) The administrators may refuse to accept the payment or any part of it.

(3) A request under paragraph (1) must be made—

(a) in writing;

(b) before P has reached normal pension age; and

(c) not less than one year before P becomes entitled to a pension under these Regulations on retirement from P's eligible fee-paid judicial office.

Cancellation of request

85.—(1) P may, by notice in writing given to the administrators, cancel a request made under regulation 84 at any time before it has been accepted.

(2) If P cancels a request, P may make another.

Manner of accepting payment

86. Payments into the principal scheme must be made directly from the trustees or administrators of the registered pension scheme and in no other manner.

Benefits to be provided

87.—(1) The benefits to be provided to P in respect of a transfer payment into the principal scheme are—

(a) an annual pension payable to P from the same date and at the same intervals as P's pension under the principal scheme; and

(b) derivative benefits payable at the same intervals and to the same persons as the benefits under the principal scheme are payable.

(2) In this Chapter, "derivative benefit" means—

(a) a lump sum under regulation 25,

(b) a surviving adult's pension under regulation 36, and

(c) a children's pension under regulation 42.

Calculation of benefits in respect of transfer payments

88.—(1) This regulation applies for the purposes of calculating the annual pension and derivative benefits to be provided to P to reflect a transfer payment into the principal scheme ("the additional pension").

(2) In this regulation—

(a) the guaranteed minimum pension used in the calculations is that provided by the Department for Work and Pensions, or, in relation to Northern Ireland, the Department for Communities which corresponds to the application of revaluation orders under section 148 of the Social Security Administration Act 1992(**a**) or section 130 of the Social Security Administration (Northern Ireland) Act 1992(**b**);

(b) the transfer payment is to include the amount of any limited revaluation premium (as defined in section 55 of the Pension Schemes Act 1993(**c**) and section 51 of the Pension Schemes (Northern Ireland) Act 1993(**d**)) paid by a previous scheme (as those provisions had effect before they were repealed).

(3) The additional pension in respect of a transfer payment is to be calculated in accordance with the formula—

(a) $\left(\frac{TP}{MLA} + (2 \times g78 + g88) \times GMP\right) \div (PF + 2.25 \times L + 0.5 \times SF1)$ where P is married or a civil partner at the relevant date; or

(b) $\left(\frac{TP}{MLA} - (g78 + 2 \times g88) \times SF2 + (2 \times g78 + g88) \times GMP)\right) \div (PF + 2.25 \times L + 0.5 \times SF1)$ where P is male and neither married nor a civil partner at the relevant date; or

(c) $\left(\frac{TP}{MLA} - g88 \times SF2 + (2 \times g78 + g88) \times GMP\right) \div (PF + 2.25 \times L + 0.5 \times SF1)$ where P is female and neither married nor a civil partner at the relevant date.

(4) For the purpose of the calculations in paragraph (3)—

(a) TP is the transfer payment from the scheme from which P is transferring;

(b) MLA is the market level adjustment;

(c) PF is the pension factor set out in Table 5 applicable to P's age last birthday as at the relevant date;

(**a**) 1992 (c.5). Section 148 was amended by paragraph 27 of Schedule 8 to the Pension Schemes Act 1993 (c.48) and section 37 of the Child Support, Pensions and Social Security Act 2000 (c.19).
(**b**) 1992 (c.8). Section 130 was amended by S.I. 1995/3213 (N.I.22).
(**c**) Section 55 was repealed by paragraph 37 of Schedule 13 to the Pensions Act 2014 (c.19).
(**d**) Section 51 was repealed by paragraph 37 of Schedule 13 to the Pensions Act (Northern Ireland) 2015 (c.5).

(d) L is the lump sum factor set out in Table 5 applicable to P's age last birthday as at the relevant date;

(e) SF1 is the spouse's or civil partner's factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—

(i) WM in Table 5 where P is married or a civil partner at the relevant date;

(ii) WS in Table 5 where P is neither married nor a civil partner at the relevant date;

(f) SF2 is the spouse's or civil partner's factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—

(i) GSM in Table 5 where P is male and neither married nor a civil partner at the relevant date;

(ii) GSF in Table 5 where P is female and neither married nor a civil partner at the relevant date;

(g) g78 is the guaranteed minimum pension per annum accrued prior to 6th April 1988;

(h) g88 is the guaranteed minimum pension per annum accrued on or after 6th April 1988;

(i) GMP is the guaranteed minimum pension factor applicable to P's age last birthday as at the relevant date set out in the column under the heading—

(i) GM in Table 5 where P is male; and

(ii) GF in Table 5 where P is female.

(5) The lump sum payable under regulation 25 in respect of the transfer payment is $2.25\times$ the additional pension.

(6) The surviving adult's pension payable under regulation 36 in respect of the transfer payment is $0.5\times$ the additional pension.

(7) The children's pension payable under regulation 42 in respect of the transfer payment bears the same proportion to the additional pension as the rate of the children's pension payable under that regulation under the principal scheme bears to the rate of the P's pension under that scheme as set out in regulation 43.

Refusal to accept

89. Where the additional pension available to be transferred into the scheme is less than twice the aggregate accrued annual rate of the guaranteed minimum pension (if any) of P at the relevant date, the transfer payment must be rejected by the administrators.

PART 12

FEE-PAID JUDICIAL ADDITIONAL VOLUNTARY CONTRIBUTION SCHEME

Interpretation

90. In this Part—

"the 2004 Act" means the Finance Act 2004(**a**);

"authorised provider" has the same meaning as in section 1(9) of the Superannuation Act 1972(**b**);

"historic contributions" mean contributions which a JAVC member would have been able to make to the JAVC scheme during the period beginning with 7th April 2000 and ending with

(**a**) 2004 c. 12

(**b**) 1972 c. 11; section 1(9) was amended by S.I. 2001/3649 and paragraph 35 of Schedule 18 to the Financial Services Act 2012 (c. 21).

the day before the commencement day if the JAVC scheme had been established on 7th April 2000;

"JAVC member" means a member of the principal scheme who has given a notice under regulation 91(2);

"the JAVC scheme" means the Fee-Paid Judicial Additional Voluntary Contributions Scheme constituted by this Part;

"judicial pension scheme" means the scheme constituted by the Judicial Pensions Regulations 2015(**a**), or any scheme constituted by the 1995 Regulations;

"qualifying recognised overseas pension scheme" has the meaning given in section 169(2) of the 2004 Act(**b**);

"scheme assets" means the total value of A minus B, where—

(a) A is the sum of the realisable value of the investments made by the authorised provider with the JAVC member's contributions under regulation 94 and any transfer payment accepted under regulation 96; and

(b) B is the sum of—

(i) any amount deducted in respect of tax under regulation 101;

(ii) the fees or charges of an authorised provider in relation to those investments defrayed in accordance with regulation 102; and

(iii) any amount that has been transferred out of the scheme under regulation 100;

"scheme contributions" means the total of payments made under regulation 94(2).

Membership

91.—(1) Membership of the JAVC scheme is open to active members of the principal scheme.

(2) A person to whom membership of the JAVC scheme is open may become a member of the JAVC scheme by giving notice in writing to the administrators within 12 months of the commencement day (or by such later date as the administrators may agree).

(3) A notice under paragraph (2) must include such information as the administrators may, for the purposes of carrying out functions under the JAVC scheme, require.

Further information

92.—(1) A JAVC member must, if requested by the administrators, provide or authorise to be provided such information as is requested by the administrators—

(a) relating to the JAVC member's medical history and state of health;

(b) about any benefits which the JAVC member may have which are derived from a registered pension scheme including information about any such benefits which have been transferred to another scheme, whether or not in the United Kingdom.

(2) The administrators may only request information under paragraph (1)(b) which relates to benefits accrued other than through contributions to a judicial pension scheme.

Disclosure of information

93. The administrators may disclose any information obtained under regulation 91 or 92 to—

(a) the Commissioners for Her Majesty's Revenue and Customs (or to the officers of the Commissioners for Her Majesty's Revenue and Customs);

(**a**) S.I. 2015/182.
(**b**) Section 169 was amended by section 53(5)(a) of the Finance Act 2013 (c. 29).

(b) any authorised provider, or the servants or agents of that provider, who is, or may be, concerned in the investment of the funds or the provision of benefits under the JAVC scheme.

Contributions: JAVC members

94.—(1) A JAVC member ("M") must inform the administrators by notice in writing as to the level and form of contributions that the JAVC member wishes to make.

(2) M may—

(a) make contributions to the JAVC scheme by way of—

(i) regular payments of the same amount;

(ii) lump sum payments made from time to time of the same or a different amount;

(b) if paragraph (4) applies, make historic contributions to the JAVC scheme by way of lump sum payments of the same or a different amount; or

(c) make a combination of contributions under paragraphs (a) and (b).

(3) Contributions made under paragraph (2)(a) must be made by way of a deduction from fees which M has received in M's capacity as a holder of an eligible fee-paid judicial office ("M's fees").

(4) M may make historic contributions to the JAVC scheme by way of lump sum payments provided that—

(a) the lump sum payments are made within 3 years of the commencement day (and no more than one lump sum payment may be made in each year), and

(b) the total historic contributions made by M do not exceed the maximum amount permitted under regulation 95.

(5) A notice under paragraph (1) must specify—

(a) in the case of a regular payment, the amount of each regular payment or, if expressed as a percentage of M's fees, that percentage;

(b) in the case of a lump sum, the amount of the contribution.

(6) M's scheme contributions in any tax year must not exceed that amount which, when aggregated with all contributions by M to any other registered pension scheme in the same tax year, bring M's total contributions for that tax year up to the maximum amount of relief as calculated under section 190 of the 2004 Act(**a**).

(7) Contributions made by M in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012(**b**) are not to be taken into account for the purposes of calculating the total contributions in paragraph (6).

Historic contributions

95.—(1) The historic contributions made by a JAVC member ("M") must not exceed that amount which is equal to the sum of the amounts determined for each tax year during the period from 6th April 2000 to the commencement day, in accordance with the following formula—

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

where—

(a) FI is M'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, and

(**a**) Part of section 190 was repealed by the Finance Act 2013 (c. 29).
(**b**) S.I. 2012/516. Regulation 3 was substituted by S.I. 2016/30.

(b) C is the sum of any contributions made by M 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.

(2) For the purposes of paragraph (1)(a), M's "annual fee income" is the total of the fees paid to M in respect of qualifying fee-paid days in the tax year concerned.

Transfers in

96.—(1) A JAVC member may, at any time before the JAVC member reaches the age of 55, make, or arrange for the making of, a payment representing the cash equivalent of the JAVC member's accrued rights in any other registered pension scheme or a qualifying recognised overseas pension scheme (the "transferring scheme") to be invested in the JAVC scheme.

(2) A JAVC member to whom paragraph (3) applies may also, within one year after the commencement day, make, or arrange for the making of, a payment representing the cash equivalent of the JAVC member's accrued rights in a transferring scheme on the day before the JAVC member reached the age of 55 to be invested in the JAVC scheme.

(3) This paragraph applies to a JAVC member whose age on 6th February 2013 was more than one year under the age of 55.

(4) A payment under paragraph (1) or (2) from a registered pension scheme may be accepted by the administrators only if the administrator of the registered pension scheme certifies that the payment is a recognised transfer as defined in section 169 of the 2004 Act(**a**).

Investment of funds

97.—(1) The administrators must, as soon as reasonably practicable, invest any contributions made by a JAVC member under regulation 94 and any transfer payment accepted under regulation 96 with an authorised provider for the purpose of providing benefits under regulation 98.

(2) Where the authorised provider offers more than one type of investment the JAVC member must elect that those sums be paid into particular types of investments.

(3) The administrators are not required to give effect to an election made under paragraph (2) if it is not reasonably practicable to do so.

(4) The investments made in respect of a JAVC member with the authorised provider may be realised and reinvested with the authorised provider at the request of the JAVC member, in such amounts, at such times, and in such manner as may be specified by the administrators with the approval of the authorised provider.

(5) The administrators may require an authorised provider to surrender the whole or part of the value of the sums referred to in paragraph (1).

(6) The administrators must re-invest a sum surrendered under paragraph (5) in accordance with paragraph (1).

Benefits which may be provided

98.—(1) A JAVC member is entitled to the benefits attributable to the scheme assets.

(2) The administrators must provide only benefits authorised by or under Chapter 3 of Part 4 of the 2004 Act.

(3) Where the JAVC member wishes, from time to time, to take benefits under this scheme the member must give notice in writing to the administrators.

(4) A notice under paragraph (3) must specify—

(**a**) Amended by paragraph 36 of Schedule 10 to the Finance Act 2005 (c.7), paragraph 66(a) and (b) of Schedule 16 to the Finance Act 2011 (c.11), section 53(3), (4), (5), (6) and (7), of the Finance Act 2013 (c.29), paragraph 92 of Schedule 1 and paragraph 23(a) of Schedule 7 to the Finance Act 2014 (c.26), and paragraphs 8 and 92 of Schedule 1 and paragraph 4 of Schedule 2 to the Taxation of Pensions Act 2014 (c. 30).

(a) the proportion of the JAVC member's benefits referred to in paragraph (1) to which the notice relates;

(b) the JAVC member's preference as to the benefits to be provided under paragraph (2) in relation to that proportion; and

(c) if the JAVC member wishes a combination of benefits to be provided, what proportion of the JAVC member's benefits the member wishes to be allocated to each type of benefit.

Death

99.—(1) Where a JAVC member dies, any lump sum payable to that JAVC member under the JAVC scheme must be paid to the person (if any) nominated by that JAVC member for the purposes of this paragraph by notice in writing to the administrators.

(2) If no such nomination is made, the administrators must pay the amount payable to the personal representatives of the JAVC member.

Transfers out

100.—(1) A JAVC member may cease to be a member of the JAVC scheme in relation to all or part of the scheme assets at any time before those benefits are provided under regulation 98.

(2) Subject to Chapters 1 and 2 of Part 4ZA of the Pension Schemes Act 1993(**a**), or Chapters 1 and 2 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993(**b**), the JAVC member must, on leaving the JAVC scheme, request the administrators (in such manner as may be specified by the administrators) to take one or more of the following actions—

(a) to transfer all or part of the JAVC member's scheme assets to any other registered pension scheme or a qualifying recognised overseas pension scheme in which the JAVC member may be participating (provided that the other pension scheme is willing and able to accept such a transfer value);

(b) to use all or part of the value of the JAVC member's scheme assets to purchase one or more insurance policies of the type described in section 95(2)(c) of the Pension Schemes Act 1993(**c**) or section 91(2)(c) of the Pension Schemes (Northern Ireland) Act 1993;

(c) if the JAVC member's reckonable service, together with any service whilst a member of another registered pension scheme or a qualifying recognised overseas pension scheme from which a transfer value has been paid to the JAVC scheme is less than 2 years, to pay the JAVC member the value of the JAVC member's scheme assets;

(d) to use all or part of the JAVC member's scheme assets in any other way which is not an unauthorised payment within the meaning of section 160(5) of the 2004 Act(**d**).

Tax

101. Whenever the appropriate Minister is liable for any tax in respect of any payment made to any person under this Part, the administrators must deduct sums equal in total to such tax out of the realisable value of any investments made by the authorised provider with the JAVC member's scheme contributions under regulation 94 and any transfer payment accepted under regulation 96.

(**a**) 1993 c.48; Part 4, Chapters 4 and 5 were renumbered as Part 4ZA Chapters 1 and 2 by paragraph 50 of Schedule 4 to the Pension Schemes Act 2015 (c.8), and amended by S.I. 1996/1847, 2001/3649, 2015/182, the Pension Schemes Act 1993 (c.48), the Pensions Act 2004 (c.34), the Pensions Act 2014 (c.19).

(**b**) 1993 c.49; Part 4 Chapters 4 and 5 were renumbered as Part 4ZA Chapters 1 and 2 by the Pension Schemes Act 2015 (c.8), and section 91(2)(c) was amended by article 133 of S.I. 2001/3649.

(**c**) Part 4, Chapters 4 and 5 of the 1993 (c.48) were renumbered as Part 4ZA Chapters 1 and 2 by the Pension Schemes Act 2015 (c.8), and section 95(2)(c) was amended by article 121 of S.I. 2001/3649.

(**d**) Sections 160(2) and (4) relevant to this definition were amended by the Finance Act 2006 (c.25) and the Finance Act 2007 (c.11)

Administrative expenses

102. Any administrative expenses incurred by an authorised provider by virtue of acting as such under this Part may be defrayed, to the extent agreed by the administrators, out of the realisable value of any investments made by the authorised provider with the JAVC member's scheme contributions under regulation 94 and any transfer payment accepted under regulation 96.

PART 13

THE FEE-PAID JUDICIAL ADDED YEARS SCHEME

CHAPTER 1

INTRODUCTION

Interpretation and appointment of actuary

103.—(1) In this Part—

"active FPJAYS member" means an FPJAYS member who is an active member of the principal scheme;

"assumed contribution commencement date" has the meaning given in regulation 105(1);

"assumed retirement age" has the meaning given in regulation 105(3);

"assumed retirement date" means the date on which an active FPJAYS member reaches the assumed retirement age;

"equivalent value of any retained benefits" means a period of time expressed in years and any fraction of a year determined by the FPJAYS actuary to represent the value of any retained benefits;

"FPJAYS" is the scheme constituted by this part of the Regulations;

"FPJAYS actuary" means the actuary appointed by the appropriate Minister under paragraph (2) of this regulation;

"FPJAYS member" means a member of the FPJAYS;

"judicial pension scheme" means the scheme constituted by the Judicial Pensions Regulations 2015(**a**), or any scheme constituted by the 1995 Regulations;

"periodic contributions start date" has the meaning given in regulation 110(2);

"retained benefits" are benefits determined by the administrators as satisfying the definition of that expression for the purposes of the 1995 Regulations as those Regulations were first in force;

"retired FPJAYS member" means an FPJAYS member who has retired from an eligible fee-paid judicial office before the commencement day and who was not an opted-out member of the principal scheme;

"Table 1" means the table in Schedule 1 to the 1995 Regulations

(2) The appropriate Minister must appoint an actuary who appears to the Minister to be appropriately qualified to act as the FPJAYS actuary for the purposes of this Part.

Membership

104.—(1) Membership of the FPJAYS is open to active and retired members of the principal scheme (but not to opted-out members) who held an eligible fee-paid judicial office before 6th April 2006.

(**a**) S.I. 2015/182.

(2) A person to whom membership of the FPJAYS is open may become an FPJAYS member by giving notice in writing to the administrators within 12 months of the commencement day (or by such later date as the administrators may agree).

(3) Subject to the provisions of this Part, an FPJAYS member has the right to purchase pension credits in the form of added years.

Assumed dates etc

105.—(1) For the purposes of this Part, an FPJAYS 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 those credits.

(2) The date nominated under paragraph (1) must be no earlier than the date on which the FPJAYS member first held an eligible fee-paid judicial office and in any event must be between 7th April 2000 and 5th April 2006.

(3) For the purposes of this Part, an active FPJAYS member must nominate an age between the age of 60 and the member's compulsory retirement age at which that member intends to retire ("the assumed retirement age").

CHAPTER 2

RETIRED FPJAYS MEMBERS

Purchase of added years by retired FPJAYS members

106.—(1) A notice given under regulation 104(2) by a retired FPJAYS member ("R") must specify—

(a) R's assumed contribution commencement date;

(b) the date R retired; and

(c) the number of added years R would like to purchase.

(2) The maximum number of added years that R may purchase under the FPJAYS is to be determined in accordance with the formula $20-\left(A+B+C\right)$ where—

(a) A is the aggregate length of R's reckonable service in eligible fee-paid judicial offices held by R;

(b) B is the aggregate length of R's service in qualifying judicial office (within the meaning of Part 1 of the Judicial Pensions and Retirement Act 1993); and

(c) C is the equivalent value of any retained benefits to which R was entitled at the assumed contribution commencement date.

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

Contributions by retired FPJAYS members

107.—(1) The contribution to the FPJAYS for a retired FPJAYS member ("R") must be made by lump sum payment to the administrators, within 12 months of the date on which R served notice under regulation 104(2).

(2) The total contribution to the FPJAYS which R must make is to be calculated in accordance with this regulation, subject to the limit on the level of contributions in regulation 108.

(3) Where on the date R retired, R had a spouse, civil partner or qualifying child, the contribution is to be determined in accordance with the formula—

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

where—

(a) A is the relevant benefits figure (see paragraph (4));

(b) B is the amount of reckonable service which R accrued in the period beginning with the assumed contribution commencement date and ending with the date on which R retired, calculated in accordance with regulation 5(1) as though paragraph (2) of that regulation does not apply;

(c) C is the total of the fees paid to R in respect of qualifying fee-paid days in the period referred to in B;

(d) D is the number of added years R would like to purchase.

(4) The relevant benefits figure is determined by taking the following steps—

Step 1

Use the salary which would have been R's appropriate annual salary on the assumed contribution commencement date (or if R held more than one eligible fee-paid judicial office on that date, the salary which would have been the highest appropriate annual salary) if R had retired on that date to determine which is the applicable salary group for R specified in Table 1.

Step 2

From the part of Table 1 for R's salary group, determine which entry in column 1 describes the period referred to in B (ignoring the heading of the column).

Step 3

Add together the personal benefits and family benefits percentage figures corresponding to the entry in column 1 referred to in Step 2.

(5) Where R did not have a spouse, civil partner or qualifying child at any point in the period beginning with R's assumed contribution commencement date and ending with the date R retired, the contribution is to be determined in accordance with paragraphs (3) and (4) as if Step 3 were—"Use the personal benefits figure corresponding to the entry in column 1 referred to in Step 2".

(6) Where R did not have a spouse, civil partner or qualifying child on the date on which R retired, but did at some point in the period beginning with the assumed contribution commencement date and ending with the date R retired, the contribution due is to be determined in accordance with the formula $E + F$ where—

(a) E is the contribution for the period beginning with R's assumed contribution commencement date and ending with the date on which R last had a spouse, civil partner or qualifying child, determined in accordance with paragraphs (3) and (4), as if in paragraph (3)(c), "C" refers to the total of fees paid to R in respect of qualifying fee-paid days in that period;

(b) F is the contribution for the period beginning with the day after the date R last had a spouse, civil partner or qualifying child ("the start date") and ending with the date R retired, determined in accordance with paragraph (5) as if the period referred to in paragraph (3)(c) as applied in paragraph (5) started on the start date.

Retired FPJAYS members: maximum contributions

108.—(1) The total contributions made by a retired FPJAYS member ("R") under regulation 107 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 R retired in accordance with the following formula—

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

where—

(a) FI is R'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, and

(b) C is the sum of any contributions made by R 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(**a**).

(2) For the purposes of paragraph (1)(a), R's "annual fee income" is the total of the fees paid to R in respect of qualifying fee-paid days in the tax year concerned.

Valuation of benefits for retired FPJAYS members

109.—(1) Any pension credits in the form of added years that have been purchased by a retired FPJAYS member ("R") are to be treated for the purposes of paragraph (2) as if they were periods of reckonable service.

(2) If the addition of the years of reckonable service mentioned in paragraph (1) would, were they to be years of reckonable service accrued other than by the purchase of pension credits, lead to the payment of additional payments under the principal scheme, then benefits of an equivalent nature to those that would have been so payable under that scheme are to be paid under the FPJAYS instead.

(3) If the reckonable service which R accrued in the period between the assumed contribution date and the date on which R retired otherwise than by the purchase of pension credits ("R's existing reckonable service") includes reckonable service in two or more eligible judicial offices which R held simultaneously, the pension credits purchased by R shall be divided between the eligible fee paid offices held by R in that period in the same proportion as R's existing reckonable service.

CHAPTER 3

ACTIVE FPJAYS MEMBERS

Purchase of added years by active FPJAYS members

110.—(1) A notice given by an active FPJAYS member ("M") under regulation 104(2) must specify—

(a) M's assumed contribution commencement date;

(b) M's assumed retirement age;

(c) the number of qualifying fee-paid days which M proposes to work each year to the period ending with the date on which M reaches M's assumed retirement age; and

(d) the number of added years M intends to purchase.

(2) The date on which M is to start payment of periodic contributions ("the periodic contributions start date") must—

(a) be within 12 months of the date on which M gives the notice, and

(b) be agreed between M and the administrators.

(3) The maximum number of added years that M may purchase under the FPJAYS is to be determined in accordance with the formula $20-(A+B+C)$ where—

(a) A is the aggregate length of reckonable service in eligible fee-paid judicial offices that M would have at M's assumed retirement date, assuming that M works the number of qualifying fee-paid days notified under paragraph (1)(c);

(b) B is the aggregate length of service in qualifying judicial office (within the meaning of Part 1 of the Judicial Pensions and Retirement Act 1993) that M would have at M's assumed retirement date; and

(c) C is the equivalent value of any retained benefits to which M was entitled at the assumed contribution commencement date.

(**a**) S.I. 2012/516. Regulation 3 was substituted by S.I. 2016/30.

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

Contributions by active FPJAYS members

111.—(1) The cost for an active FPJAYS member ("M") of purchasing each added year is to be determined in accordance with the formula—

$$\frac{A}{100} \times B$$

where—

(a) A is the relevant benefits figure (see paragraph (2));

(b) B is the salary which would have been M's appropriate annual salary on the assumed contribution commencement date if M had retired on that date.

(2) The relevant benefits figure is calculated by taking the following steps—

Step 1

Use the salary that would have been M's appropriate annual salary on the assumed contribution commencement date, if M had retired on that date, to determine which is the applicable salary group for M specified in Table 1;

Step 2

In the part of Table 1 for M's salary group, determine which entry in column 1 describes the period expressed in years and any fraction of a year beginning with the assumed contribution commencement date and ending with M's assumed retirement date (ignoring the heading of that column);

Step 3

Add together the personal benefits and family benefits percentage figures which correspond to the entry in column 1 referred to in Step 2.

(3) M may make contributions to purchase added years by way of—

(a) up to three lump sum payments, made within three years beginning with the date on which M gave notice under regulation 104(2) (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 day before the periodic contributions start date; and

(b) periodic deductions from fees, which commence on the periodic contributions start date, in relation to contributions relating to the period beginning with the periodic contributions start date and ending with M's assumed retirement date.

(4) The aggregate amount of the lump sum payments M may make under paragraph (3)(a) 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—

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

where—

(i) FI is M'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, and

(ii) C is the sum of any contributions made by M 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—

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

where—

(i) C is the cost of one added year, determined in accordance with paragraph (1),

(ii) D is the number of added years which M has notified to the administrators under regulation 110(1)(c) that M intends to purchase,

(iii) E is the period beginning with the assumed contribution commencement date and ending with M's assumed retirement date, expressed in years and any fraction of a year,

(iv) 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.

(5) M's "annual fee income" for the purposes of paragraph (4)(a)(i), is the total of the fees paid to M in respect of qualifying fee-paid days in the tax year concerned.

(6) The maximum aggregate amount of periodic contributions M may make under paragraph (3)(b) is calculated in accordance with the formula—

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

where—

(a) C is the cost of one added year, determined in accordance with paragraph (1);

(b) D is the number of added years which M has specified M intends to purchase;

(c) E is the period beginning with the assumed contribution commencement date and ending with M's assumed retirement date, expressed in years and any fraction of a year;

(d) F is the period beginning with the periodic contributions start date and ending with M's assumed retirement date, expressed in years and any fraction of a year;

(e) X is the difference between the maximum amount which M could have contributed under paragraph (3)(a) and the amount M actually contributed under that provision.

(7) The requirement to make periodic contributions to the FPJAYS continues until M—

(a) reaches the assumed retirement age;

(b) retires;

(c) notifies the administrators that M wishes the contributions to cease; or

(d) dies.

Valuation of benefits for active FPJAYS members

112.—(1) If an active FPJAYS member ("M") retires or otherwise leaves the principal scheme on or after reaching the assumed retirement age the administrators must—

(a) calculate the amount of added years that M has purchased, by dividing the total contributions made by M under regulation 111(3) by the cost of an added year as determined under regulation 111(1); and

(b) notify M of that amount.

(2) Any pension credits in the form of added years that have been purchased by or credited to M are to be treated for the purposes of paragraph (3) as if they were years of reckonable service.

(3) If the addition of the years of reckonable service mentioned in paragraph (2) would, were they to be years of reckonable service accrued other than by the purchase or credit of pension credits, lead to the payment of additional payments under the principal scheme, then benefits of an

equivalent nature to those that would have been so payable under that scheme are to be paid under the FPJAYS instead.

(4) If M retires on the ground of ill-health or dies before the assumed retirement age, M must, for the purposes of calculating the benefits payable under paragraph (3), be credited with pension credits equivalent to the number of added years that M intended to purchase notified to the administrators by M under regulation 110(1)(c).

(5) Paragraph (4) does not apply during any period where M has ceased making periodic contributions.

(6) If M ceases to make periodic contributions M may apply to the administrators to resume making periodic contributions but any such application—

(a) must not be accepted if M has reached the assumed retirement age;

(b) must not result in M making contributions at a rate that is higher than the rate at which M was contributing before M ceased to pay periodic contributions; and

(c) must be accompanied by a declaration signed by M stating that M has no reason to believe that health may prevent continuation of service until the assumed retirement age.

(7) If M's application under paragraph (6) is accepted by the administrators, this regulation and regulations 111 and 113 apply separately to those contributions and the value of benefits purchased with them.

(8) If an application by M under paragraph (6) to resume making contributions has been accepted and M subsequently—

(a) retires on the ground of ill-health or dies within 12 months of the date on which M started to pay periodic contributions again; or

(b) dies or retires on the ground of ill-health because of an incapacity to which M became subject within 12 months of that date,

paragraph (4) does not apply unless the administrators are satisfied that the declaration given in accordance with paragraph (6)(c) was made in good faith.

(9) If M ceases making periodic contributions before reaching assumed retirement age for reasons other than death or retirement on the ground of ill-health—

(a) the administrators must—

(i) calculate the amount of added years that M has purchased by the date of cessation, by dividing the total contributions made by M under regulation 111(3) up to the date of cessation by the cost of an added year as determined under regulation 111(1), and

(ii) notify M of that amount; and

(b) at the date of cessation M must be credited by the administrators with pension credits equivalent to the number of added years M has purchased, as calculated under sub-paragraph (a).

(10) For the purposes of this regulation, parts of added years purchased by M must be valued on a pro-rata basis.

Refund of contributions

113.—(1) If an active FPJAYS member ("M") who is paying periodic contributions under the FPJAYS is neither married nor a civil partner and has no qualifying children at the time M retires, dies or otherwise leaves the principal scheme, M, or M's estate, is entitled to a refund in accordance with this regulation.

(2) The amount to be refunded must be determined in accordance with the formula $\left(A \div 100\right) \times S \times \frac{B}{C} \times D$ where—

(a) A is the relevant family benefits percentage (see paragraph (3));

(b) S is the salary that would have been M's appropriate annual salary on the assumed contribution commencement date if M had retired on that date ("the relevant salary");

(c) B is the period beginning with the day after the date M last ceased to have a spouse or a civil partner or qualifying child and ending with the date M ceased to make contributions, expressed in years and any fraction of a year;

(d) C is the period beginning with the assumed contribution date and ending with the date M ceased to make contributions, expressed in years and any fraction of a year;

(e) D is the number of added years M has purchased, calculated in accordance with regulation 112(1).

(3) The relevant family benefits percentage is determined as follows—

Step 1

Use the relevant salary to determine which is the applicable salary group for M specified in Table 1.

Step 2

In the part of Table 1 for M's salary group, determine which entry in column 1 describes the period mentioned in paragraph (2)(d) (ignoring the heading of that column).

Step 3

Use the family benefits percentage figure which corresponds to the entry in column 1 referred to in step 2.

(4) If M's total contributions to the FPJAYS exceed the smaller of—

(a) the amount necessary to purchase the number of added years notified to the administrators by the member under regulation 110(1)(c); and

(b) the amount necessary to purchase the maximum number of added years permissible under regulation 110(3) (calculated on the basis that the assumed retirement date referred to in that paragraph is M's actual retirement date),

M is entitled to a refund of the excess contributions.

(5) Where a refund is payable under this regulation, it must be paid together with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

CHAPTER 4

GENERAL

Limit on children's pension benefits

114. Any benefits that are paid under the FPJAYS in the form of a children's pension under regulation 42 cease to be payable on the date that the recipient attains the age of 23.

Reduction of benefits

115.—(1) This regulation applies where the administrators of the FPJAYS pay the whole or any part of the lifetime allowance charge arising on a benefit crystallisation event relating to the FPJAYS in relation to a FPJAYS member.

(2) The pensions or other benefits payable under this Part to or in respect of the FPJAYS 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 14

THE FEE-PAID JUDICIAL ADDED SURVIVING ADULT'S PENSION SCHEME

CHAPTER 1

INTRODUCTION

Interpretation

116. In this Part—

"active JASAPS member" means a JASAPS member who is an active member of the principal scheme;

"added surviving adult's pension" has the meaning given in regulation 117(3);

"assumed contribution commencement date" has the meaning given in regulation 118(1);

"assumed retirement age" has the meaning given in regulation 118(3);

"assumed retirement date" means the date on which an active JASAPS member reaches the assumed retirement age;

"JASAPS" means the scheme constituted by this Part of the Regulations;

"JASAPS member" means a member of the JASAPS;

"periodic contributions start date" has the meaning given in regulation 123(3);

"retired JASAPS member" means a JASAPS member who has retired from fee-paying judicial office before the commencement day;

"Table 2" means the table in Schedule 2 to the 1995 Regulations(**a**).

Membership

117.—(1) Membership of the JASAPS is open to active and retired members of the principal scheme (but not to opted-out members) who held an eligible fee-paid judicial office before 6th April 2006 and who have a spouse or civil partner to whom benefits could be paid under this Part.

(2) A person to whom membership of the JASAPS is open may become a JASAPS member by giving notice in writing to the administrators within 12 months of the commencement day (or by such later date as the administrators may agree).

(3) A JASAPS member has the right to purchase added units of surviving adult's pension ("added surviving adult's pension") in accordance with the provisions of this Part.

Assumed dates etc

118.—(1) For the purposes of this Part, a JASAPS member must nominate a date ("the assumed contribution commencement date") from which contributions are assumed to have been payable in relation to added surviving adult's pension.

(2) The date nominated under paragraph (1) must be no earlier than the date on which the JASAPS member first held an eligible fee-paid judicial office and in any event must be between 7th April 2000 and 5th April 2006.

(3) For the purposes of this Part, an active JASAPS member must nominate an age between the age of 60 and the member's compulsory retirement age at which that member intends to retire ("the assumed retirement age").

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a) S.I. 1995/637. The tables in Schedule 2 were substituted by S.I. 1996/52.

CHAPTER 2

RETIRED JASAPS MEMBERS

Notice to purchase added surviving adult's pension by retired JASAPS members

119.—(1) A notice given under regulation 117(2) by a retired JASAPS member ("R") must specify—

(a) R's assumed contribution commencement date;

(b) the date on which R retired; and

(c) the number of units of added surviving adult's pension which R would like to purchase.

(2) The maximum number of units of added surviving adult's pension R may purchase is the number determined by the administrators which, after added years under Part 13 are taken into account, would provide a pension under these Regulations equal to a sum calculated in accordance with the formula—

$$\frac{A \times Y}{45}$$

where—

(a) A 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, and

(b) Y is R's reckonable service on the date R retired.

Cost of added surviving adult's pension for retired JASAPS members

120.—(1) If the date on which a retired JASAPS member ("R") retired fell on R's birthday, the contribution payable by R for each unit of £1,000 of added surviving adult's pension is to be determined in accordance with the formula $A \times 12$ where A is determined by taking the following steps—

Step 1

In Table 2 treat—

(i) the reference to the age last birthday at the date of commencement of contributions as a reference to R's age last birthday on the assumed contribution commencement date, and

(ii) the reference to the assumed retirement age as a reference to R's age on the date R retired.

Step 2

Use Table 2 to work out A by reference to R's age last birthday at the assumed contribution commencement date and R's age on the date R retired.

(2) If R's retirement date did not fall on R's birthday, A is determined in accordance with the formula—

$$X + Z\left(\frac{Y - X}{12}\right)$$

where—

(a) X is determined by taking the following steps—

Step 1

In Table 2 treat the reference to age last birthday at the date of commencement of contributions as a reference to R's age last birthday at the assumed contribution commencement date.

Step 2

In Table 2 treat the reference to the assumed retirement age as a reference to R's age on R's last birthday before R retired.

Step 3

Use Table 2 to work out X by reference to R's age last birthday at the assumed contributions commencement date and R's age last birthday before R retired; and

(b) Y is determined as follows—

Step 1

In Table 2 treat the reference to age last birthday at the date of commencement of contributions as a reference to R's age last birthday at the assumed contribution commencement date.

Step 2

In Table 2 treat the reference to the assumed retirement age as a reference to R's age on R's next birthday after R's actual retirement date.

Step 3

Use Table 2 to work out Y by reference to R's age last birthday at the assumed contribution commencement date and R's age on R's next birthday after R's actual retirement date; and

(c) Z is the number of complete months between R's last birthday before R retired and the date on which R retired.

(3) The contribution payable by R for each part unit of added surviving adult's pension is to be the amount calculated in accordance with the preceding paragraphs multiplied by the appropriate decimal fraction.

Contributions by retired JASAPS members

121.—(1) The maximum contribution that may be made to the JASAPS by a retired JASAPS member ("R") is the smaller of—

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

$$N \times C$$

where—

(i) N is the maximum number of units which R is entitled to purchase under regulation 119(2), and

(ii) C is the contribution payable by R for each unit of £1,000 of added surviving adult's pension under regulation 120(1) or 120(2).

(b) 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 on which R retired in accordance with the following formula—

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

where—

(i) FI is R'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, and

(ii) C is the sum of any contributions made by R to any other judicial pension scheme (including voluntary contributions schemes) in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012(**a**).

(2) For the purposes of paragraph (1)(b)(i), R's "annual fee income" is the total of the fees paid to R in respect of qualifying fee-paid days in the tax year concerned.

(3) Contributions to the JASAPS by R must be made by lump sum payment made by R to the administrators within 12 months from the date on which R served notice under regulation 117(2).

Valuation of benefits for retired JASAPS members

122.—(1) When a retired JASAPS member ("R") who has purchased added surviving adult's pension dies, R's surviving spouse or surviving civil partner is entitled to receive additional pension under the JASAPS.

(2) Such additional pension is payable at the same time and intervals and in the same manner as the surviving adult's pension under the principal scheme.

(3) The annual amount of additional pension per unit is £1,000.

(4) Part units of added surviving adult's pension purchased by R are to be valued on a pro-rata basis.

CHAPTER 3

ACTIVE JASAPS MEMBERS

Purchase of added surviving adult's pension by active JASAPS members

123.—(1) A notice given under regulation 117(2) by an active JASAPS member ("M") must specify—

(a) M's assumed contribution commencement date;

(b) M's assumed retirement age;

(c) the number of qualifying fee-paid days which M proposes to work each year to the period ending with the date on which M reaches M's assumed retirement age; and

(d) the number of units of added surviving adult's pension which M intends to purchase.

(2) The maximum number of units which an active member may purchase in the JASAPS is the amount which the administrators determine would produce a pension equal to a sum calculated in accordance with the formula—

$$\frac{A \times (Y + Z)}{45}$$

where—

(a) A is—

(i) where M held a single judicial office on the assumed contribution date, the salary which would have been M's appropriate annual salary if M had retired on that date;

(ii) where M held more than one judicial office on the assumed contribution date, the salary which would have the highest appropriate salary of these offices if M had retired on that date; and

(b) Y is M's reckonable service between the date on which M first held eligible fee-paid judicial office (or 7th April 2000 if later) and date on which M reaches M's assumed retirement age (assuming that M works the number of qualifying fee-paid days notified under paragraph (1)(c)) expressed in years and fractions of a year to four decimal places;

(**a**) S.I. 2012/516. Regulation 3 was substituted by S.I. 2016/30.

(c) Z is—

(i) if M is purchasing added years, the number of added years which M would have purchased by the date on which M reaches M's assumed retirement age, or

(ii) if M is not purchasing added years, nil.

(3) The date on which M is to start payment of periodic contributions ("the periodic contributions start date") must—

(a) be within 12 months of the date on which M gives the notice, and

(b) be agreed between M and the administrators.

Cost of added surviving adult's pension by active JASAPS members

124.—(1) The contribution payable by an active JASAPS member ("M") for each unit of £1,000 of added surviving adult's pension is to be determined in accordance with the formula $A \times 12$.

(2) If M's assumed retirement date fall's on M's birthday, A is determined as follows—

Step 1

In Table 2, treat the reference to the age last birthday at the date of commencement of contributions as a reference to M's age last birthday on the assumed contribution commencement date.

Step 2

Use Table 2 to work out A by reference to M's age last birthday at the assumed contribution commencement date and M's assumed retirement age.

(3) If M's assumed retirement date does not fall on M's birthday, A is determined in accordance with the formula—

$$X + Z\left(\frac{Y - X}{12}\right)$$

where—

(a) X is determined as follows—

Step 1

In Table 2 treat the reference to the age last birthday at the date of commencement of contributions as a reference to M's age last birthday at the assumed contribution commencement date,

Step 2

In Table 2 treat the reference to the assumed retirement age as a reference to M's age last birthday before M's assumed retirement date,

Step 3

Use Table 2 to work out X by reference to M's age last birthday at the assumed contribution commencement date and M's age last birthday before M's assumed retirement date.

(b) Y is determined as follows—

Step 1

In Table 2 treat the reference to the age last birthday at the date of commencement of contributions as a reference to the age last birthday at the assumed contribution commencement date,

Step 2

In Table 2 treat the reference to the assumed retirement age as a reference to M's age next birthday after M's assumed retirement date,

Step 3

Use Table 2 to work out Y by reference to M's age last birthday at the assumed contribution commencement date and M's age next birthday after the assumed retirement date.

(c) Z is the number of complete months between M's last birthday before M's assumed retirement date and M's assumed retirement date.

(4) The contribution payable for a part unit of added surviving adult's pension is to be the amount determined in accordance with the preceding paragraphs multiplied by the appropriate decimal fraction.

Contributions by active JASAPS members

125.—(1) An active JASAPS member ("M") may purchase added surviving adult pension by way of—

(a) up to three lump sum payments, made within three years beginning with the date on which M gave notice under regulation 117(2) (but no more than one lump sum payment may be made in one calendar year), in respect of contributions relating to the period beginning with the assumed contribution commencement date and ending with the day before the periodic contributions start date; and

(b) periodic deductions from fees, beginning on the periodic contributions start date, in relation to contributions relating to the period beginning with that date and ending with M's assumed retirement date.

(2) The aggregate amount of lump sum payments which M may make under paragraph (1)(a) 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 formula—

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

where—

(i) FI is M'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, and

(ii) C is the sum of any contributions made by M to any other judicial pension scheme (including voluntary contributions schemes) 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 calculated in accordance with the formula—

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

where—

(i) C is the cost of one unit of added surviving adult's pension (an "added unit"), determined in accordance with regulation 124(1);

(ii) D is the number of added units which M has notified to the administrators under regulation 123(1)(c);

(iii) E is the period between the assumed contribution commencement date and M's assumed retirement date, expressed in years and any fraction of a year;

(iv) 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.

(3) For the purposes of paragraph (2)(a)(i), M's "annual fee income" is the total of the fees paid to M in respect of qualifying fee-paid days in the tax year concerned

(4) The maximum aggregate amount of periodic contributions M may make under paragraph (1)(b) is calculated in accordance with the formula—

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

where—

(a) C is the cost of one added unit, determined in accordance with regulation 124(1);

(b) D is the number of added units which M has notified to the administrators under regulation 123(1)(c);

(c) E is the period between the assumed contribution commencement date and M's assumed retirement date, expressed in years and any fraction of a year;

(d) F is the period beginning with the periodic contributions start date and ending with M's assumed retirement date, expressed in years and fraction of a year;

(e) X is the difference between the maximum amount which M could have contributed under paragraph (2) and the amount M actually contributed under that paragraph.

(5) M may only make periodic contributions to the JASAPS during any period when M has a spouse or civil partner to whom benefits could be paid under the JASAPS.

Valuation of benefits for active JASAPS members

126.—(1) When an active JASAPS member ("M") who has purchased units of added surviving adult's pension dies, M's surviving spouse or surviving civil partner is entitled to receive additional pension under the JASAPS.

(2) When M dies, the administrators must calculate the number of units of added surviving adult's pension M has purchased by dividing the total contributions made by M under regulation 125(1) by the cost of a unit of added surviving adult's pension determined under regulation 124(1), and notify the surviving spouse or civil partner of that amount.

(3) The annual amount of additional pension per unit is £1,000.

(4) Added surviving adult's pension is payable at the same times and intervals and in the same manner as the surviving adult's pension under the principal scheme.

(5) If M retires on the ground of ill-health or dies before the assumed retirement age, M is to be credited with the number of units of added surviving adult's pension notified to the administrators by M under regulation 123(1)(c).

(6) Paragraph (5) does not apply during any period where M has ceased making periodic contributions.

(7) If M ceases to make periodic contributions M may apply to the administrators to make periodic contributions again but any application to start to make periodic contributions again—

(a) may not be accepted if M has reached the assumed retirement age;

(b) may not result in M purchasing more added units than were being purchased before M ceased to pay periodic contributions; and

(c) must be accompanied by a declaration signed by M stating that M has no reason to believe that health may prevent continuation of service until the assumed retirement age.

(8) If M's application under paragraph (7) is accepted by the administrators, this Chapter applies separately to those contributions and the value of the surviving adult's pension purchased with them.

(9) If an application by M under paragraph (7) to resume making contributions has been accepted and M subsequently—

(a) retires on the ground of ill-health or dies within 12 months of the date of starting to make periodic contributions again, or

(b) dies or retires on the ground of ill-health because of an incapacity which M became subject to within 12 months of that date,

paragraph (5) does not apply unless the administrators are satisfied that the declaration given in accordance with paragraph (7)(c) was made in good faith.

(10) If M ceases making periodic contributions before reaching assumed retirement age for reasons other than death or retirement on the ground of ill-health—

(a) then the administrators must—

(i) calculate the amount of units of added surviving adult's pension ("added units") that M has purchased by the date of cessation, by dividing the total contributions made by M under regulation 125(1) up to the date of cessation by the cost of an added unit as determined under regulation 124(1);

(ii) notify M of that amount, and

(b) at the date of cessation M must be credited with the number of added units of benefit calculated under sub-paragraph (a).

(11) For the purposes of this regulation, part units of added surviving adult's pension purchased by a member must be valued on a pro-rata basis.

Refund of contributions

127. If M's total contributions exceed the amount necessary to purchase the smaller of—

(a) the amount of added surviving adult's pension notified to the administrators by M under regulation 123(1)(c), or

(b) the maximum amount of added surviving adult's pension permissible under regulation 123(2),

the administrators must refund the excess contributions to M's estate.

CHAPTER 4

GENERAL

Reduction of benefits

128.—(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 JASAPS in relation to a JASAPS member.

(2) The pensions or other benefits payable under this Part to or in respect of the JASAPS 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 15

APPEALS

Appeals

129.—(1) If any person to whom this regulation applies is aggrieved by any decision of the administrators concerning—

(a) the interpretation of the provisions of the 2017 schemes; or

(b) the exercise of any discretion under the 2017 schemes,

that person has a right of appeal to the appropriate Minister against that decision.

(2) On deciding an appeal under this regulation, the appropriate Minister may give to the administrators such directions as the appropriate Minister considers appropriate or expedient for implementing the decision.

(3) The administrators are entitled to appear and be heard on any appeal under this regulation.

(4) The persons to whom this regulation applies are the following—

(a) a member of the principal scheme;

(b) the surviving adult in relation to a deceased member;

(c) the eligible child in relation to a deceased member;

(d) where the decision relates to the question whether a person who claims to be a person mentioned in sub-paragraph (a), (b) or (c) is such a person, the person making that claim.

(5) In regulation 3 of the Judicial Pensions (Appeals) Regulations 1995(**a**) (application of regulations), after paragraph (i) insert—

"(j) regulation 129 of the Judicial Pensions (Fee-Paid Judges) Regulations 2017;".

Name
Date — Lord Chancellor

Name
Date — One of Her Majesty's Principal Secretaries of State

SCHEDULE

Regulations 3, 5 and 7

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(**a**) S.I.1995/635.
(**b**) 1978 c.23. Subsection (3) of section 7 was substituted by paragraph 12 of Schedule 4 to the Northern Ireland Act 2009 (c.3).

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(**a**) 1943 c.39. Paragraph 2 to the Schedule to this Act was amended by paragraph 39 of Schedule 6 to the Judicial Pensions and Retirement Act 1993 (c. 8); s. 60(1) of the Child Support, Pensions and Social Security Act 2000 (c.19); paragraph 28(3) of Schedule 4 to the Constitutional Reform Act 2005 (c.4) and by S.I. 2008/2833.

(**b**) Paragraph 2B of the Schedule was inserted by s. 60(3) of the Child Support, Pensions and Social Security Act 2000 and amended by paragraph 28(5) to the Constitutional Reform Act 2005 and by S.I. 2008/2833.

(**c**) S.I. 1998/1506 (N.I. 10). Article 7(1) was amended by paragraph 30(2) of Schedule 4 to the Northern Ireland Act 2009 (c.3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for a pension scheme for the benefit of those people who have held an eligible fee-paid judicial office in the period between 7th April 2000 and 31st March 2015 ("the principal scheme"). The Regulations also establish the Fee-Paid Judicial Added Voluntary Contributions Scheme, the Fee-Paid Judicial Added Years Scheme and the Fee-paid Judicial Added Surviving Adult's Pension Scheme to enable members of the principal scheme to pay voluntary contributions towards the costs of additional benefits under one or more of these additional schemes.

Part 1 (Preliminary matters: regulations 1 to 7) defines the main concepts used in these Regulations. In particular, "reckonable service", which will determine the level of pension to which a fee-paid judge is entitled, is defined as the total number of qualifying fee-paid days the judge has worked in a fee-paid office, divided by the annual divisor specified in column 2 of the Schedule. This is subject to a maximum amount (provided for in regulation 5) of 20 years, less any other pensionable service to which the judge is entitled.

Part 2 (scheme membership: regulations 8 to 11) sets out who may be a member of the principal scheme and how a member of the scheme may opt out of it.

Part 3 (retirement benefits: regulations 12 to 26) provides for the benefits available under the principal scheme: a pension for life and a lump sum. It sets out how the annual rate of the pension is to be calculated. This will depend the age at which the judge retires, either voluntarily or on ill-health grounds (a judge who retires between the ages of 60 and 65 will be entitled to a reduced pension, and a judge who retires under the age of 60 will be entitled to a preserved pension). Where a judge retires due to ill-health the annual rate of their pension may be enhanced (see regulations 21 and 22). Provision is made for an ill-health certification condition (see regulation 23), and for the case where a judge retires and subsequently resumes judicial office (see regulation 26).

Part 4 (partial retirement: regulations 27 to 28) sets out how the provisions on retirement benefits will apply where a judge ceases to hold an eligible fee-paid judicial office and is immediately appointed to another judicial office, or a judge who holds more than one eligible fee-paid offices ceases to hold one of them.

Part 5 (benefits for persons entitled to pension credits: regulations 29 to 34) gives effect to pension credits created when a pension sharing order is made under Part 4 of the Welfare Reform and Pensions Act 1999 or the Welfare Reform and Pensions (Northern Ireland) Order 1999 following the end of a marriage or civil partnership in relation to rights of a member of the principal scheme. It sets out what benefits will be received by the beneficiary of such a pension sharing order.

Part 6 (death benefits: regulations 35 to 47) makes provision for the benefits which will be received by the surviving spouse or civil partner of a fee-paid judge who is a member of the principal scheme following the death of the judge. They also provide for the benefits which will be received in respect of a child if the judge dies.

Part 7 (benefits in respect of periods before commencement: regulations 48 to 51) concerns the amounts due to fee-paid judges who retired or died before these Regulations came into force. It applies where a judge has received interim payments to provide benefits during that period, or where a judge would have received benefits if these Regulations were in force before the judge retired or died.

Part 8 (contributions for pre-commencement service: regulations 52 to 58) makes provision for the contributions which would have been due in relation to pre-commencement benefits, identifying those members who are liable to pay such contributions, and setting out how the amount of the contributions is to be calculated.

Part 9 (contributions for service on or after commencement day: regulations 59 to 64) provides for the contributions which must be paid from fees earned by fee-paid judges in relation to service after the commencement of these Regulations.

Part 10 (repayment of dependants' benefits contributions: regulations 65 to 69) provides for contributions paid by a fee-paid judge in respect of dependants' benefits to be repaid where the judge has not married, entered a civil partnership or had an eligible child. It also provides for repayment for any such contributions paid after a judge ceased to be married, in a civil partnership or to have an eligible child.

Part 11 (transfers: regulations 70 to 89) set out the circumstances in which a member of the principal scheme is entitled to take the cash equivalent of their benefits under the scheme and transfer them to another scheme, or transfer rights accrued under a registered pension scheme into the principal scheme.

Part 12 (judicial added voluntary contribution scheme: regulations 90 to 102) provide for a separate pension scheme into which a member may choose to make additional voluntary contributions in return for additional benefits. Membership of the scheme is only open to active members of the principal scheme.

Part 13 (fee-paid judicial added years scheme: regulations 103 to 115) provides for another pension scheme which enables members to purchase additional years which will increase the length of their reckonable service (and therefore the amount of their pension). Membership of the scheme is open to retired and active members of the principal scheme (but not members who have opted out of that scheme) who held a qualifying judicial office before 6th April 2006 (and were not contributing to any other registered pension scheme before the commencement day).

Part 14 (the fee-paid judicial added surviving adult's pension scheme: regulations 116 to 128) provides for another separate pension scheme, which just like the added years scheme, is open to members of the principal scheme who held qualifying judicial office before 6th April 2006. The scheme enables members to buy added units of surviving adult pension. Each unit adds £1,000 to the value of the pension the member's surviving spouse or civil partner would receive on the member's death.

Part 15 (appeals: regulation 129) provides for a right of appeal to the Minister against any decision concerning one of the schemes provided for in these Regulations.

An impact assessment has not been produced for this instrument as no significant impact on the costs of business or the voluntary sector is foreseen.

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