EXPLANATORY MEMORANDUM TO

THE JUDICIAL PENSIONS (WIDOWS', WIDOWERS' AND CHILDREN'S BENEFITS) (AMENDMENT) REGULATIONS 2014

2014 No. 288

1. This explanatory memorandum has been prepared by the Ministry of Justice (the Department) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 This instrument amends the Judicial Pensions (Widows' and Children's Benefit) Regulations 1987 ("the 1987 Regulations") and the Judicial Pensions (Widowers' and Children's Benefit) Regulations 1991 ("the 1991 Regulations") to enable contributions covering the cost of survivor benefits to be taken from certain judicial office-holders, who are members of the Judicial Pensions Act 1981 (c. 20) pension schemes and who enter into a same sex marriage.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Context

4.1 The 1987 Regulations and the 1991 Regulations provide for contributions to be made by holders of certain judicial offices, towards meeting the cost of pensions for widows, widowers and children under Part II of the Judicial Pensions Act 1981.

4.2 If a member of the 1981 Act pension schemes were to marry, the 1987 Regulations or the 1991 Regulations will enable him or her, as appropriate, to make contributions towards the cost of providing survivor benefits either out of their lump sum paid on retirement or death, or, if they so elect, by periodic payments.

5. Territorial Extent and Application

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Marriage (Same Sex Couples) Act 2013 Act (c. 30) received Royal Assent on the 17 July 2013 and provides that same sex married couples are treated in the same way as opposite sex married couples. The date this instrument comes into force is the 13 March 2014, which is the earliest date for giving formal notice of a same sex marriage.

7.2 Judicial pensions under the Judicial Pensions Act 1981 and the benefits paid to survivors of deceased members are the same, irrespective of gender. The cost of survivor benefits are recouped through the payment of members' contributions and the changes made in this instrument are to ensure that those contributions can be made by a scheme member who enters into a same sex marriage.

8. Consultation outcome

8.1 There has been no consultation on this instrument.

9. Guidance

9.1 Guidance to judicial office-holders will be updated to reflect this instrument.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 These changes will have no impact on small businesses.

12. Monitoring and review

12.1 The effect of this instrument will not be subject to monitoring or review.

13. Contact

13.1 Shirley Hales at the Ministry of Justice (tel: 020 3334 3476 or e-mail Shirley.hales@justice.gsi.gov.uk) can answer any queries about this instrument.