
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Judicial Pensions Regulations 2015

PART 6

Retirement benefits

CHAPTER 4

Ill-health benefits

Meaning of “permanent breakdown in health”

66. For the purposes of this Chapter, a member’s breakdown in health is “permanent” if it is likely to continue until the member reaches prospective normal pension age.

Meaning of “incapacity for employment”

67. For the purposes of this Chapter, a member’s permanent breakdown in health involves “incapacity for employment” if, as a result of the breakdown, the member is incapable of discharging the duties of their qualifying judicial office.

Entitlement to ill-health pension

68.—(1) An active member of this scheme who has not reached normal pension age under this scheme is entitled to immediate payment of an ill-health pension under this scheme, in accordance with the provisions of this Chapter, if the following conditions are met—

- (a) a member has claimed payment of an ill-health pension;
- (b) a medical certificate states that the member has suffered a permanent breakdown in health involving incapacity for employment; and
- (c) either—
 - (i) the member has at least 2 years qualifying service, or
 - (ii) where the member has less than 2 years qualifying service, the scheme manager determines that the member is entitled to an ill-health pension.

(2) A member who is entitled to immediate payment of an ill-health pension is entitled to a full retirement added pension of any description if the full retirement account specifies an amount of full retirement added pension of that description.

(3) The annual rate of an ill-health pension and any added pension payable under this regulation is calculated in accordance with regulation 69.

Annual rate of ill-health pension

69.—(1) The annual rate of an ill-health pension is the sum of—

- (a) the annual rate of full retirement earned pension, calculated in the same way as for an active member under regulation 57, but without subtracting the early payment reduction; and
 - (b) an ill-health enhancement.
- (2) The annual rate of a full retirement added pension of any description payable with an ill-health pension is calculated in the same way as for an active member under regulation 57, but without subtracting the early payment reduction.
- (3) In this regulation—
- “an ill-health enhancement” means half the annual rate of a full retirement earned pension calculated in respect of a member’s assumed period of pensionable service and based on the member’s pensionable earnings as at the date their pensionable service ceases;
- “the member’s assumed period of pensionable service” means the period (expressed in years)
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- (a) beginning with the day after the member’s continuous period of pensionable service ceased; and
 - (b) ending with—
 - (i) for a member appointed for a fixed term, the day with which that term ends; or
 - (ii) for all other appointments, the day before the day on which the member will reach prospective normal pension age (assuming that the member lives until that age).

Deferment of accrued earned pension attributable to a transfer value payment

- 70.**—(1) This regulation applies in relation to a member of this scheme—
- (a) who is entitled to payment of an ill-health pension; and
 - (b) whose active member’s account as at the end of the last day of pensionable service specifies an amount of accrued earned pension attributable in whole or in part to a transfer value payment received by this scheme in relation to the member in the 24 months before that last day.
- (2) If the scheme manager so directs, the member becomes a deferred member of this scheme in respect of that amount of accrued earned pension and accordingly—
- (a) a deferred member’s account must be established under Part 5;
 - (b) that amount of accrued earned pension must be specified in the deferred member’s account as the provisional amount of deferred earned pension; and
 - (c) that amount of accrued earned pension is not included in the calculation of the annual rate of full retirement earned pension.

Deferment of added pension attributable to recent payments

- 71.**—(1) This regulation applies in relation to a member of this scheme—
- (a) who is entitled to payment of an ill-health pension; and
 - (b) whose active member’s account as at the end of the last day of pensionable service specifies an amount of accrued added pension that is attributable in whole or in part to a lump sum payment for added pension made under Schedule 1 within the 12 months before the relevant day.
- (2) The member becomes a deferred member of this scheme in respect of that amount of accrued added pension and accordingly—
- (a) a deferred member’s account must be established under Part 5;

- (b) that amount of accrued added pension must be specified in the deferred member's account as the provisional amount of the relevant description of deferred added pension; and
 - (c) that amount of accrued added pension is not included in the calculation of the annual rate of full retirement added pension payable with the ill-health pension.
- (3) In paragraph (1), "the relevant day" means—
- (a) the day on which a medical certificate is produced in accordance with regulation 68(1) by virtue of which the member is entitled to payment of the ill-health pension; or
 - (b) if the member was on sick leave on that day and did not return to service from that leave, the day on which that leave began.