
STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

[^{F1}PART 14B

Conversions of added benefits etc.

Textual Amendments

- F1** Pts. 14A, 14B inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), reg. 1(1), [Sch.](#)

Interpretation of Part

128Q.—(1) In this Part—

“added years” means added years purchased under Part 13 by a FPJAYS member;

“added units of benefit” means added units of benefits purchased under Part 14A by a FPJABS member;

“together with interest” means with compound interest at the rate announced annually in relation to the Principal Civil Service Pension Scheme.

(2) Expressions defined for the purposes of Parts 13, 14 and 14A apply in this Part in relation to FPJAYS, JASAPS and FPJABS.

Conversion of added years into added units of benefit

128R.—(1) Paragraphs (2) to (4) apply if, by virtue of Part 2A, a member who has purchased added years no longer has any offices in which the member has eligible service between 31st March 1995 and 1st April 2006 for which benefits are to be calculated under the post-1995 provisions.

(2) For each office in relation to which the member purchased added years, the number of added years that the member has purchased are converted into added units of benefit using the following formula—

$$((AB \times C) \div D) \times (AASPRS)$$

where—

A is the sum of contributions made (whether by lump sum or periodic contributions)

B is the total sum of contributions potentially payable by the member (whether by lump sum or periodic contributions) up to the assumed retirement age

C is the number of added years that the member has contracted to purchase in relation to the office

D is the appropriate service credit figure determined by reference to the age of the member at the member’s last birthday at the date of transfer set out in the relevant table in Schedule 1

to the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995 (“the Transfer Regulations”)

For the purpose of the definition of D, the relevant table in Schedule 1 to the Transfer Regulations is—

- (i) the Higher Judiciary Scheme for offices in Table 1 of Schedule 1,
- (ii) the Circuit Judiciary Scheme for offices in Table 2 of Schedule 1, and
- (iii) the Land Tribunal Scheme and District Judiciary Scheme for offices in Table 3 of Schedule 1

AAS is the appropriate annual salary for the office concerned.

(3) The agreement with the member to purchase further added years in the FPJAYS is cancelled and the member becomes a member of the FPJABS.

(4) If the conversion under paragraph (2) would mean that the maximum number of added units of benefit that the member may purchase specified in regulation 128F would be exceeded, the conversion is limited to that maximum and the member is to be paid a refund in respect of any excess added years or parts thereof together with interest.

Variation of added units of benefit after conversion under regulation 128R

128S.—(1) This regulation applies where added years are converted into added units of benefit for a member under regulation 128R.

(2) A retired FPJABS member may—

- (a) purchase more added units of benefit by giving a notice under regulation 128E; or
- (b) decrease the number of added units of benefit by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) If the retired FPJABS member purchases more added units of benefit, the following provisions apply as if the added units of benefit obtained under regulation 128R were included in the member’s notice given under regulation 128E—

- (a) regulation 128D(1) (assumed contribution commencement date);
- (b) regulation 128F (limits on maximum purchases);
- (c) regulation 128H (limit on contributions by retired FPJABS members);
- (d) regulation 128J (cost of added units of benefit for retired FPJABS members); and
- (e) regulation 128L (valuation of benefits).

(4) If the retired FPJABS member purchases more added units of benefit, they must pay the additional contribution due, by lump sum payment to the administrators, within 12 months of the date on which they served notice under paragraph (2)(a).

(5) If the retired FPJABS member decreases the number of added units of benefit, they are entitled to a refund of the excess contributions together with interest.

(6) For the purposes of paragraph (5), excess contributions are calculated by reference to the contributions paid by the member for the purchase of the associated added years before conversion.

(7) An unretired FPJABS member may—

- (a) purchase more added units of benefit by giving a notice under regulation 128E; or
- (b) decrease the number of added units of benefit by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(8) If the unretired FPJABS member purchases more added units of benefit the following provisions apply as if the added units of benefit obtained under regulation 128R were included in the member's notice given under regulation 128E—

- (a) regulation 128D(1) (assumed contribution commencement date);
- (b) regulation 128F (limits on maximum purchases);
- (c) regulation 128I (limit on contributions by unretired FPJABS members);
- (d) regulation 128K (cost of added units of benefit for unretired FPJABS members); and
- (e) regulation 128L (valuation of benefits).

(9) If the unretired FPJABS member purchases more added units of benefit, they must either—

- (a) agree to an increase to their periodic contributions so that the appropriate amount is payable by the time of their assumed retirement date; or
- (b) pay the additional contribution due, by lump sum payment to the administrators, within 12 months of the date on which they served notice under paragraph (2)(a).

(10) If the unretired FPJABS member decreases the number of added units of benefit, they are entitled to a refund of the excess contributions together with interest.

(11) For the purposes of paragraph (10), excess contributions are calculated by reference to the contributions paid by the member for the purchase of the associated added years before conversion.

Variation of added years purchase upon notice by member

128T.—(1) Paragraphs (2) to (6) apply where a retired FPJAYS member entered into an agreement to purchase added years before the amendment day.

(2) Subject to paragraph (3), a retired FPJAYS member may increase or decrease the number of added years that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) A retired FPJAYS member may not increase the number of added years that they agreed to purchase to a number that would exceed the maximum number of added years specified in regulation 106(2).

(4) The following provisions apply as if the retired FPJAYS member had included the variation referred to in their notice under paragraph (2) in the number of added years they said that they would like to purchase in their original notice under regulation 104(2)—

- (a) regulation 105(1) (assumed contribution commencement date);
- (b) regulation 106(2) (maximum number of added years);
- (c) regulation 107 (contributions by retired FPJAYS members);
- (d) regulation 108 (retired FPJAYS members: maximum contributions); and
- (e) regulation 109 (valuation of benefits for retired FPJAYS members).

(5) If, as a result of the variation, the total contributions payable are higher than before the variation, the retired FPJAYS member must pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(6) If, as a result of the variation, the total contributions payable are lower than before the variation, the retired FPJAYS member is entitled to a refund of the excess contributions together with interest.

(7) Paragraphs (8) to (13) apply where an unretired FPJAYS member entered into an agreement to purchase added years before the amendment day.

(8) Subject to paragraph (9), an unretired FPJAYS member may increase or decrease the number of added years that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(9) An unretired FPJAYS member may not increase the number of added years that they agreed to purchase to a number that would exceed the maximum number of added years specified in regulation 106(2).

(10) The following provisions apply as if the unretired FPJAYS member had included the variation referred to in their notice under paragraph (8) in the number of added years they said that they would like to purchase in their original notice under regulation 104(2)—

- (a) regulation 110(1)(a) (assumed contribution commencement date);
- (b) regulation 110(1)(b) (assumed retirement age);
- (c) regulation 110(3) (maximum number of added years);
- (d) regulation 111 (contributions by active FPJAYS members);
- (e) regulation 112 (valuation of benefits for active FPJAYS members); and
- (f) regulation 113 (refund of contributions).

(11) If, as a result of the variation, the total contributions payable are higher than before the variation, the unretired FPJAYS member must either—

- (a) agree to an increase to their periodic contributions so that the appropriate amount is payable by the time of their assumed retirement date; or
- (b) pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (8).

(12) If, as a result of the variation, the total contributions payable are lower than before the variation—

- (a) an unretired FPJAYS member who made lump sum contributions is entitled to a refund of excess contributions together with interest; and
- (b) for an unretired FPJAYS member who is making periodic contributions, those periodic contributions are reduced so that the appropriate amount of contributions is payable by the time of their assumed retirement date.

(13) An unretired FPJAYS member who has ceased to make periodic contributions may give a notice under paragraph (8) to vary the number of added years that they originally agreed to purchase but that notice has effect only if that member also makes an application under regulation 112(6) as modified by paragraph (14), which is accepted by the administrators.

(14) Regulation 112(6) applies in relation to a member of the description in paragraph (13) as if sub-paragraphs (b) and (c) were omitted.

Reduction of FPJAYS purchase where additional reckonable service taken into account

128U.—(1) Paragraph (2) applies where an FPJAYS member entered into an agreement to purchase added years before the amendment day and as a result of—

- (a) the member's reckonable service in eligible fee-paid office before 7 April 2000; or
- (b) an election by the member under section 40 of the Public Service Pensions and Judicial Offices Act 2022,

the additional reckonable service to be taken into account means that the number of added years being purchased by the member would exceed the maximum number of added years referred to in regulation 106(2).

(2) The administrators must reduce the number of added years purchased by the member to the maximum number of added years determined using the formula set out in regulation 106(2), once the additional reckonable service referred to in paragraph (1) is taken into account.

(3) In the case of a reduction of added years under paragraph (2), the FPJAYS member is entitled to a refund of contributions as follows—

- (a) for a retired FPJAYS member, the refund must be paid to the member together with interest;
- (b) for an unretired FPJAYS member the refund must—
 - (i) be paid to the member together with interest, to the extent that it is less than or equal to the amount of any contributions that have been paid,
 - (ii) be applied as a reduction of contributions, in respect of any amount that is in excess of any contributions that have been paid, so that the appropriate amount of contributions is payable by the time of the assumed retirement date.

Variation of existing JASAPS purchase upon notice by member

128V.—(1) Paragraphs (2) to (6) apply where a retired JASAPS member entered into an agreement to purchase added surviving adult's pension before the amendment day.

(2) Subject to paragraph (3), a retired JASAPS member may increase or decrease the number of units of added surviving adult's pension that they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(3) A retired JASAPS member may not increase the number of units of added surviving adult's pension that they agreed to purchase to a number that would exceed the maximum number of units set out in regulation 119(2).

(4) The following provisions apply as if the retired JASAPS member had included the variation referred to in their notice under paragraph (2) in the number of units of added surviving adult's pension they said that they would like to purchase in their original notice under regulation 117(2)—

- (a) regulation 119(1)(a) (assumed contribution commencement date);
- (b) regulation 119(2) (maximum number of units of added surviving adult's pension);
- (c) regulation 120 (cost of added surviving adult's pension);
- (d) regulation 121 (maximum level of contributions); and
- (e) regulation 122 (valuation of benefits).

(5) If, as a result of the variation, the total contributions payable are higher than before the variation, the retired JASAPS member must pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(6) If, as a result of the variation, the total contributions payable are lower than before the variation, the retired JASAPS member is entitled to a refund of the excess contributions together with interest.

(7) Paragraphs (8) to (13) apply where an unretired JASAPS member entered into an agreement to purchase added surviving adult's pension before the amendment day.

(8) Subject to paragraph (9), an unretired JASAPS member may increase or decrease the number of units of added surviving adult's pension they agreed to purchase by giving notice in writing to the administrators before 1st April 2024 (or by such later date as the administrators may agree).

(9) An unretired JASAPS member may not increase the number of units of added surviving adult's pension that they agreed to purchase to a number that would exceed the maximum number of added units specified in regulation 123(2).

(10) The following provisions apply as if the unretired JASAPS member had included the variation referred to in their notice under paragraph (2) in the number of units of added surviving adult's pension they said that they would like to purchase in their original notice under regulation 117(2)—

- (a) regulation 119(2) (maximum number of units of added surviving adult's pension);
- (b) regulation 123(1)(a) (assumed contribution commencement date);
- (c) regulation 123(1)(b) (assumed retirement age);
- (d) regulation 124 (cost of added surviving adult's pension);
- (e) regulation 125 (contributions); and
- (f) regulation 126 (valuation of benefits).

(11) If, as a result of the variation, the total contributions payable are higher than before the variation, the unretired JASAPS member must either—

- (a) agree to an increase to their periodic contributions so that the appropriate amount of contributions is payable by the time of their assumed retirement date; or
- (b) pay the additional amount by lump sum payment to the administrators, within 12 months of the date on which the member served notice under paragraph (2).

(12) If, as a result of the variation, the total contributions payable are lower than before the variation, the unretired JASAPS member is entitled to a refund of contributions which must—

- (a) be paid to the member together with interest to the extent that it is less than or equal to the amount of any contributions that have been paid; and
- (b) be applied as a reduction of contributions in respect of any amount that is in excess of any contributions that have been paid, so that the appropriate amount of contributions is payable by the time of the assumed retirement date.

(13) An unretired JASAPS member who has ceased to make periodic contributions may give a notice under paragraph (2) to vary the number of units of added surviving adult's pension that they originally agreed to purchase, but that notice has effect only if that member also makes an application under regulation 126(7), as modified by paragraph (14) which is accepted by the administrators.

(14) Regulation 126(7) applies in relation to a member of the description in paragraph (13) as if sub-paragraphs (b) and (c) were omitted.

Refund of JASAPS contributions when benefits calculated under pre-1995 provisions

128W.—(1) Paragraph (2) applies where a JASAPS member has entered into an agreement to purchase units of added surviving adult's pension, and benefits for all of the member's eligible fee-paid judicial offices are to be calculated under the pre-1995 provisions by virtue of Part 2A.

(2) The administrators must reduce the number of units of added surviving adult's pension to nil and refund the member's contributions together with interest.

Conversion of units of benefit into added years

128X.—(1) This regulation applies if, as a result of one or more elections under regulation 11C, an FPJABS member who has purchased added units of benefit no longer has any offices for which benefits are to be calculated under the pre-1995 provisions.

(2) The number of added units of benefit that the member has purchased are converted into added years using the following formula—

$$((AB \times C) \times D) \times (PRSPRS \text{ post } 1995)$$

where—

A is the sum of contributions made (whether by lump sum or periodic contributions)

B is the total sum of contributions potentially payable by the member (whether by lump sum or periodic contributions) up to the assumed retirement age

C is the number of added units of benefit that the member has contracted to purchase

D is the appropriate service credit figure determined by reference to the age of the member at the member's last birthday at the date of transfer set out in the relevant table in Schedule 1 to the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995 ("the Transfer Regulations")

For the purpose of the definition of D, the relevant table in the Transfer Regulations is—

- (i) the Higher Judiciary Scheme for offices in Table 1 of Schedule 1,
- (ii) the Circuit Judiciary Scheme for offices in Table 2 of Schedule 1, and
- (iii) the Land Tribunal Scheme and District Judiciary Scheme for offices in Table 3 of Schedule 1

PRS post-1995 is obtained as the value of PRS under regulation 128B but as if every reference to the pre-1995 provisions were a reference to the post-1995 provisions.

(3) The number of added years determined under paragraph (2) are to be allocated to the eligible fee-paid judicial offices held by the member for which benefits are calculated under the post-1995 provisions, in the same proportion as the member's existing reckonable service in those offices.

(4) The agreement with the member to purchase further added units of benefit in the FPJABS is cancelled and the member becomes a member of the FPJAYS.

(5) If the conversion under paragraph (2) would mean that the maximum number of added years that an FPJAYS member may purchase specified in regulation 106(2) would be exceeded, the conversion is limited to that maximum and the member is entitled to a refund in respect of contributions for any excess added units of benefit together with interest.]

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART14B.