

STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

[^{F1}PART 2A

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

Textual Amendments

F1 Pts. 2A, 2B inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), regs. 1(1), 12

Calculation of retirement benefits

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

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

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

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

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

(a) a salaried office; or

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

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

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

Elections available to members

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

(2) A notice under this regulation—

- (a) must be in the form determined by the appropriate Minister;
- (b) must be received by the appropriate Minister within the period of 12 months beginning with the day on which P retires or dies, or, if P has retired or died before this regulation came into force, within the period of 12 months beginning with the amendment day;
- (c) has effect the day it is received; and
- (d) is irrevocable.

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

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

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

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

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART 2A.