
STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

[^{F1}PART 14A

FEE-PAID JUDICIAL ADDED BENEFITS SCHEME

[^{F1}Determination of PRS value for use in this Part

128B.—(1) In this Part, PRS means the pro-rated salary value determined using the following formula—

$$\text{PRS} = \text{RSJS} \times \text{WS}$$

where—

RS is determined in accordance with paragraph (2)

JS is determined in accordance with paragraph (3)

WS is determined in accordance with paragraphs (4) to (10).

(2) RS is the amount of reckonable service for which benefits are to be calculated under the pre-1995 provisions that a FPJABS member had at their retirement date.

(3) JS is the number of years of qualifying judicial service that a FPJABS member had at their retirement date, subject to a maximum of 20 years.

(4) WS is determined under paragraph (5), (7), or (9) (whichever applies).

(5) WS is determined in accordance with paragraph (6) where, at the member's retirement—

(a) the FPJABS member has reckonable service in only one eligible fee-paid judicial office; or

(b) the FPJABS member—

(i) has reckonable service in more than one eligible fee-paid judicial office; but

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

(6) WS is the appropriate annual salary of the judicial office held by the FPJABS member immediately before their retirement.

(7) Except in a case to which paragraph (9) applies, WS is determined in accordance with paragraph (8) where—

(a) immediately before their retirement, the FPJABS member has reckonable service in more than one eligible fee-paid judicial office; and

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

(8) WS is the value determined in Step 5, determined by taking the following steps—

Step 1

Determine a weighting value for each eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions and which was held simultaneously with another eligible fee-paid judicial office by dividing the member's reckonable service in that office by RS.

Step 2

Determine a WS component value for each of the offices in Step 1 by multiplying the weighting value for that office by the appropriate annual salary for that office as if—

- (i) that office were the only office in which the FPJABS member had reckonable service immediately before their retirement, and
- (ii) the FPJABS member held that office (and held no other judicial office) immediately before their retirement.

Step 3

Determine a weighting value for each eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions and which was not held simultaneously with another eligible fee-paid judicial office by dividing the member's reckonable service in that office by RS.

Step 4

Determine a WS component value for each of the offices in Step 3 by multiplying the weighting value for that office by the appropriate annual salary for that office which for this purpose is—

- (i) where the FPJABS member held a single judicial office immediately before their retirement the appropriate annual salary of that judicial office,
- (ii) where the FPJABS member held more than one judicial office immediately before their retirement, the highest appropriate annual salary of those offices.

Step 5

Add together the WS component values determined under Steps 2 and 4.

- (9) WS is determined in accordance with paragraph (10) where—
 - (a) during one or more parts of the period for which the FPJABS member held an eligible fee-paid judicial office for which benefits are to be calculated under the pre-1995 provisions ("office A"), the FPJABS member held one or more other eligible fee-paid judicial offices simultaneously; and
 - (b) during one or more parts of that period the FPJABS member held no eligible fee-paid judicial office other than office A.
- (10) WS is determined by taking the steps in paragraph (8) but—
 - (a) office A is to be treated as two different eligible fee-paid judicial 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 Steps 1 and 2 in paragraph (8), 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 Steps 3 and 4 in paragraph (8);
 - (b) the FPJABS member'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.
- (11) This regulation is subject to the modification of the calculation of the values of RS, WS and JS as specified in regulation 128K(1) for the purposes of that regulation.

(12) For the purpose of this regulation, the date of death of an unretired member is treated as the date of that member's retirement.]

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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.**

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, Section 128B.