

EXPLANATORY MEMORANDUM TO
THE PUBLIC SERVICE PENSIONS ACT 2013 (JUDICIAL OFFICES) ORDER 2015

2015 No. 580

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument specifies those judicial offices which comprise the judiciary for the purposes of the Public Service Pensions Act 2013. A person holding a judicial office specified in this instrument is eligible to be included in a judicial pension scheme made under that Act.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 Paragraph 2 of Schedule 1 of the Public Service Pension Act 2013 confers power on the Lord Chancellor and Secretary of State to specify by order those judicial offices eligible for judicial pensions including those non-devolved offices in Scotland and Northern Ireland.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England and Wales and non-devolved offices in Scotland and Northern Ireland.
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 This order is made to support the implementation of the New Judicial Pension Scheme (NJPS). NJPS is governed by the Judicial Pensions Regulations 2015 made under section 1 of the Public Service Pensions Act 2013 and coming in force on 1 April 2015.

- 7.2 NJPS will replace the existing Judicial Pension Scheme, under Part 1 of the Judicial Pensions and Retirement Act 1993. This scheme will close to new members from 31 March 2015, except where transitional provisions apply.
- 7.3 In addition, in light of recent litigation outcomes, a number of fee-paid judicial offices have been determined as qualifying for a pension.
- 7.4 Eligible fee-paid judges sat in these offices are to be entitled to pension provision in respect of both retrospective eligible service between 7 April 2000 and 31 March 2015, and eligible service from 1 April 2015.
- 7.5 The Government is to establish a separate pension scheme for eligible fee-paid judges, which will allow for the accrual of pension benefits in respect of eligible service up to 31 March 2015. From 1 April 2015, these offices will be pensioned under the NJPS for service from 1 April 2015, and as such, are specified in this order.

8. Consultation outcome

- 8.1 No consultation has taken place for this instrument due to its specific nature and limited effect.

9. Guidance

- 9.1 The Government does not intend to produce specific guidance in relation to this instrument due to its specific nature and limited effect.

10. Impact

- 10.1 An Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 There will be a periodic review of eligible judicial offices, particularly in the light of any litigation outcomes.

13. Contact

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