

STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

PART 14

THE FEE-PAID JUDICIAL ADDED SURVIVING ADULT'S PENSION SCHEME

CHAPTER 2

RETIRED JASAPS MEMBERS

Notice to purchase added surviving adult's pension by retired JASAPS members

119.—(1) A notice given under regulation 117(2) by a retired JASAPS member (“R”) must specify—

- (a) R's assumed contribution commencement date;
- (b) the date on which R retired; and
- (c) the number of units of added surviving adult's pension which R would like to purchase.

(2) The maximum number of units of added surviving adult's pension R may purchase is the number determined by the administrators which, after added years under Part 13 are taken into account, would provide a pension under these Regulations equal to a sum calculated in accordance with the formula—

$$\frac{A \times Y}{45}$$

where—

- a A is—
 - (i) where P held a single judicial office immediately before retirement, the appropriate annual salary of that judicial office;
 - (ii) where P held more than one judicial office immediately before retirement, the highest appropriate annual salary of those offices, and
- b Y is R's reckonable service [^{F1}in any office in relation to which benefits are calculated under the post-1995 provisions] on the date R retired.

Textual Amendments

- F1** Words in [reg. 119\(2\)\(b\)](#) inserted (1.4.2023) by [The Judicial Pensions \(Fee-Paid Judges\) \(Amendment\) Regulations 2023 \(S.I. 2023/403\)](#), [regs. 1\(1\)](#), [59](#)

Cost of added surviving adult's pension for retired JASAPS members

120.—(1) If the date on which a retired JASAPS member (“R”) retired fell on R's birthday, the contribution payable by R for each unit of £1,000 of added surviving adult's pension is to be determined in accordance with the formula

Step 1

In Table 2 treat—

- (ii) the reference to the assumed retirement age as a reference to R's age on the date R retired.

Step 2

Use Table 2 to work out A by reference to R's age last birthday at the assumed contribution commencement date and R's age on the date R retired.

(2) If R's retirement date did not fall on R's birthday, A is determined in accordance with the formula—

$$X + Z \left(\frac{Y - X}{12} \right)$$

where—

- a X is determined by taking the following steps—

Step 1

In Table 2 treat the reference to age last birthday at the date of commencement of contributions as a reference to R's age last birthday at the assumed contribution commencement date.

Step 2

In Table 2 treat the reference to the assumed retirement age as a reference to R's age on R's last birthday before R retired.

Step 3

Use Table 2 to work out X by reference to R's age last birthday at the assumed contributions commencement date and R's age last birthday before R retired; and

- b Y is determined as follows—

Step 1

In Table 2 treat the reference to age last birthday at the date of commencement of contributions as a reference to R's age last birthday at the assumed contribution commencement date.

Step 2

In Table 2 treat the reference to the assumed retirement age as a reference to R's age on R's next birthday after R's actual retirement date.

Step 3

Use Table 2 to work out Y by reference to R's age last birthday at the assumed contribution commencement date and R's age on R's next birthday after R's actual retirement date; and

- c Z is the number of complete months between R's last birthday before R retired and the date on which R retired.

(3) The contribution payable by R for each part unit of added surviving adult's pension is to be the amount calculated in accordance with the preceding paragraphs multiplied by the appropriate decimal fraction.

Contributions by retired JASAPS members

121.—(1) The maximum contribution that may be made to the JASAPS by a retired JASAPS member (“R”) is the smaller of—

- (a) the amount determined in accordance with the formula—

$$N \times C$$

where—

- (i) N is the maximum number of units which R is entitled to purchase under regulation 119(2), and
- (ii) C is the contribution payable by R for each unit of £1,000 of added surviving adult's pension under regulation 120(1) or 120(2).
- (b) the amount equal to the sum of the amounts determined for each tax year during the period beginning with the assumed contribution commencement date and ending with the day on which R retired in accordance with the following formula—

$$\left(\frac{15 \times FI}{100} \right) - C$$

where—

- (i) FI is R's annual fee income for the tax year in question [^{F2}in any office in relation to which benefits are calculated under the post-1995 provisions] which is subject to income tax, or if lower, the permitted maximum for that tax year, and
- (ii) C is the sum of any contributions made by R to any other judicial pension scheme (including voluntary contributions schemes) in that tax year, excluding any contributions made by the member in accordance with regulation 3 of the Judicial Pensions (Contributions) Regulations 2012 ^{F3}.
- (2) For the purposes of paragraph (1)(b)(i), R's “annual fee income” is the total of the fees paid to R in respect of qualifying fee-paid days [^{F4}in any office in relation to which benefits are calculated under the post-1995 provisions] in the tax year concerned.
- (3) Contributions to the JASAPS by R must be made by lump sum payment made by R to the administrators within 12 months from the date on which R served notice under regulation 117(2).

Textual Amendments

- F2** Words in reg. 121(1)(b)(i) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **60(a)**
- F3** S.I. 2012/516. Regulation 3 was substituted by S.I. 2016/30.
- F4** Words in reg. 121(2) inserted (1.4.2023) by The Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (S.I. 2023/403), regs. 1(1), **60(b)**

Valuation of benefits for retired JASAPS members

122.—(1) When a retired JASAPS member (“R”) who has purchased added surviving adult's pension dies, R's surviving spouse or surviving civil partner is entitled to receive additional pension under the JASAPS.

- (2) Such additional pension is payable at the same time and intervals and in the same manner as the surviving adult's pension under the principal scheme.
- (3) The annual amount of additional pension per unit is £1,000.
- (4) Part units of added surviving adult's pension purchased by R are to be valued on a pro-rata basis.

Changes to legislation:

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