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STATUTORY INSTRUMENTS

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**2022 No. 319**

**The Judicial Pensions Regulations 2022**

**PART 1**

Preliminary

**Citation and commencement**

1.—(1) These Regulations may be cited as the Judicial Pensions Regulations 2022.

(2) Parts 1 and 3, regulation 12, and paragraph 4(13) of Schedule 3 and regulation 137 insofar as it relates to that sub-paragraph come into force on the day after the day on which they are made.

(3) Regulations 132(1), (3) and (4) and Schedule 2 come into force in respect of an office specified in that Schedule on the same day as sections 123 and 124 of the Public Service Pensions and Judicial Offices Act 2022(1) come into force for all purposes in respect of that office.

(4) The remaining provisions come into force on 1st April 2022.

**Commencement Information**

**11** Reg. 1 in force at 18.3.2022, see [reg. 1\(2\)](#)

**Interpretation**

2. In these Regulations—

“the Act” means the Public Service Pensions Act 2013;

“the 2015 Regulations” means the Judicial Pensions Regulations 2015(2);

“the 2015 scheme” means the scheme established by the Judicial Pensions Regulations 2015;

“FA 2004” means the Finance Act 2004(3);

“FPJR 2017” means the Judicial Pensions (Fee-Paid Judges) Regulations 2017(4);

“PIA 1971” means the Pensions (Increase) Act 1971(5);

“PSA 1993” means the Pension Schemes Act 1993(6);

“PA 1995” means the Pensions Act 1995(7);

“WRPA 1999” means the Welfare Reform and Pensions Act 1999(8);

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(1) 2022 c. 7.

(2) S.I. 2015/182 as amended by S.I. 2017/508 and S.I. 2021/36.

(3) 2004 c. 12.

(4) S.I. 2017/522 as amended by S.I. 2018/1413; S.I. 2018/1149; S.I. 2019/781; S.I. 2020/386 and S.I. 2021/444.

(5) 1971 c. 56.

(6) 1993 c. 48.

(7) 1995 c. 26.

(8) 1999 c. 30.

“accrued pension” means—

- (a) in relation to another pension scheme, accrued rights to benefits under that scheme which are the equivalent of accrued standard earned pension under this scheme; and
- (b) in relation to this scheme, accrued standard earned pension (if any);

“accrued rights”, in relation to benefits under this scheme, does not include a right to benefits attributable (directly or indirectly) to a pension credit;

“accrued standard earned pension”—

- (a) for the purpose of calculating the amount of full retirement pension or the provisional amount of deferred pension, has the meaning given in regulation 24(2) (calculation of amount of accrued standard earned pension for purpose of deferment or full retirement);
- (b) for the purpose of calculating the amount of partial retirement pension, has the meaning given in regulation 25(2) (calculation of amount of accrued standard earned pension for purpose of partial retirement);

“active member”, in relation to this scheme, means a person who is in pensionable service under this scheme or a person on unpaid leave;

“active member’s account” has the meaning given in regulation 29(2) (establishment of active member’s account);

“actuarial guidance” means guidance given by the scheme manager after consultation with the scheme actuary;

“actuarial reduction” in relation to reduction of pension payable to a member who has not reached normal pension age, means a reduction determined by the scheme manager after consultation with the scheme actuary or taking into account tables prepared by the scheme actuary;

“additional maternity leave” has the meaning given in regulation 2(1) (interpretation) of the Maternity and Parental Leave etc. Regulations 1999(9);

“additional paternity leave” has the meaning given in regulation 2(1) (interpretation) of the Additional Paternity Leave Regulations 2010(10);

“adoption leave” means ordinary adoption leave under section 75A (ordinary adoption leave), or additional ordinary adoption leave under section 75B (additional adoption leave), of the Employment Rights Act 1996(11);

“age addition” has the meaning given in regulation 22(3) (determination of “the age addition”);

“allocation amount” means the amount of pension allocated as a result of making an allocation election;

“allocation election” means an election under regulation 63(2) (allocation election);

“amount of credited pension” means an amount equal to the pension credit calculated in accordance with regulations made under paragraph 5(b) of Schedule 5 (pension credits: mode of discharge) to WRPA 1999;

“amount of earned pension”, in relation to a scheme year, means an amount calculated in accordance with regulation 30(3) (amount of pension for a scheme year);

“annual rate”—

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(9) S.I. 1999/3312.

(10) S.I. 2010/1055.

(11) 1996 (c. 18); sections 75A and 75B were inserted by the Employment Act 2002, section 3 and amended by the Work and Families Act 2006, Schedule 1, paragraphs 33 and 34 and the Children and Families Act 2014, sections 118(1), (4) and (5), 121(1) and 122(1) and (2).

- (a) in relation to standard earned pension, has the meaning given in Chapters 2 (regulations 48 and 49) and 3 (regulations 53 and 54) of Part 6 (retirement benefits); and
- (b) in relation to pensionable earnings, means the amount of pensionable earnings payable for a scheme year;

“appropriate Minister” means—

- (a) in relation to any qualifying judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State; or
- (b) subject to paragraph (a) above, the Lord Chancellor;

“assignment”, in relation to this scheme, means the assigning of a member in accordance with paragraph 9 of Part 2 of Schedule 4 to the Tribunals, Courts and Enforcement Act 2007<sup>(12)</sup>;

“assumed age addition” has the meaning given in regulation 23(3) (determination of “the assumed age addition”);

“assumed pay” has the meaning given in regulation 17(2) (in respect of salaried office holders) and regulation 18(3) (in respect of fee-paid office holders);

“the beginning date”, in relation to a pension not attributable (directly or indirectly) to a pension credit, means the date on which the pension is deemed to begin for the purpose of section 8(2) (meaning of “pension” and other supplementary provisions) of PIA 1971<sup>(13)</sup>;

“beneficiary”, in relation to a deceased member, means the surviving adult or eligible child of the member;

“closing date” in relation to a transition member, has the meaning given in paragraph 1 of Schedule 1<sup>(14)</sup>;

“the commutation amount” means the amount of pension exchanged for a lump sum as a result of the exercise of the commutation option;

“commutation option” means the option to exchange part of a pension for a lump sum—

- (a) exercisable under regulation 60 (option to commute part of pension) in relation to a retirement pension; or
- (b) exercisable under regulation 72 (option for pension credit member to commute part of pension) in relation to a pension credit member’s pension;

“connected scheme” means another statutory pension scheme that is connected, within the meaning of section 4(6) (scheme manager) of the Act, with this scheme;

“continuity of service” has the meaning given in paragraph 2 of Schedule 1;

“continuous period of pensionable service” means a period of pensionable service under this scheme disregarding any gap in pensionable service not exceeding 5 years, unless otherwise provided;

“continuous period of service”, in relation to qualifying judicial office, means a period of service in one or more qualifying judicial offices disregarding any gap in service not exceeding 5 years;

“death benefits” means benefits payable under Part 8 (death benefits);

“deferred member” has the meaning given in regulation 19 (meaning of “deferred member”);

“deferred member’s account” has the meaning given in regulation 34(3) (establishment of deferred member’s account);

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(12) 2007 c. 15.

(13) Section 8(2) was amended by the Pensions (Miscellaneous Provisions) Act 1999 (c. 7) section 1(5) and the Welfare Reform and Pensions Act 1999 (c. 30) section 39(1) and (4).

(14) Under section 90(1) of the Public Service Pensions and Judicial Offices Act 2022, no benefits are to be provided under a pre-2022 scheme in relation to a person’s service after 31st March 2022.

“dependant” has the meaning given in paragraph 15 of Schedule 28 to the FA 2004<sup>(15)</sup>;

“dual capacity member” has the meaning given in regulation 118 (meaning of “dual capacity member”);

“early payment reduction” means the actuarial reduction that is applied when calculating the annual rate of pension payable to a member of this scheme who has not reached normal pension age under this scheme;

“eligible child” has the meaning given in regulation 87 (meaning of “eligible child”);

“eligible child’s pension” has the meaning given in regulation 86 (meaning of “eligible child’s pension”);

“employer” means the person responsible for the remuneration of a qualifying judicial officeholder;

“the Fee-Paid Judges Scheme” means the scheme established by Parts 1 to 11 of the FPJR 2017;

“fee-paid office” means an office where service is remunerated by payment of fees, as opposed to the payment of salary;

“full retirement account” has the meaning given in regulation 38(4) (establishment of full retirement account);

“full retirement pension” means full retirement standard earned pension;

“head of jurisdiction” means—

- (a) in England and Wales, the Lord Chief Justice of England and Wales,
- (b) in Scotland, the Lord President of the Court of Session, and
- (c) in Northern Ireland, the Lord Chief Justice of Northern Ireland;

“ill-health pension” has the meaning given by regulation 56 (entitlement to ill-health pension);

“index adjustment” means, in relation to the opening balance of standard earned pension for any scheme year, the change in prices in the previous scheme year<sup>(16)</sup>;

“Judicial Pension Board” means the Judicial Pension Board established by regulation 6(1) (Judicial Pension Board: establishment) of the 2015 Regulations;

“last active scheme year” means the scheme year in which an active member of this scheme ceases to be in pensionable service under this scheme;

“last day of pensionable service” means the last day of a continuous period of pensionable service under this scheme;

“late payment supplement”, in relation to the provisional amount of deferred pension, means an additional amount of pension determined by the scheme manager after consulting the scheme actuary to be appropriate if a deferred member of this scheme is over normal pension age under this scheme before becoming entitled to the immediate payment of a full retirement pension;

“the leaving year” means the scheme year in which the relevant last day falls;

“lump sum death benefit” means a lump sum paid under Chapter 4 of Part 8 (payment of lump sum death benefits) on the death of a member;

“maternity leave” means ordinary maternity leave or additional maternity leave as defined in regulation 2(1) (interpretation) of the Maternity and Parental Leave etc. Regulations 1999<sup>(17)</sup>;

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(15) 2004 (c. 12); paragraph 15 of Schedule 28 was amended by S.I. 2005/3229; paragraph 26 and 64(1) of Schedule 10 the Finance Act 2005 (c. 7) and paragraph 6(2) and (4) of Schedule 5 to the Finance Act 2016 (c. 24).

(16) Under section 9 of the Public Services Pension Act 2013 (c. 25), the change in prices to be applied in a period is the percentage increase or decrease as a Treasury order under that section may specify in relation to the period.

(17) S.I. 1999/3312, to which there are amendments not relevant to these Regulations.

“medical certificate” is a certificate prepared by a registered medical practitioner at the request of the scheme manager;

“member” means an active member, deferred member, pensioner member or pension credit member of this scheme;

“member contributions” has the meaning given in regulation 105 (rate of member contributions);

“normal minimum pension age” has the same meaning as in section 279(1) (other definitions) of FA 2004(18);

“normal pension age”, in relation to this scheme, is determined in accordance with section 10 (pensions age) of the Act;

“occupational pension scheme” has the meaning given in section 1 (categories of pension schemes) of PSA 1993;

“opening balance” has the meaning given in regulation 31(3) (opening balance);

“option proportion” has the meaning given in regulation 50(2)(c) (partial retirement option notice);

“ordinary maternity leave” has the meaning given in regulation 2(1) (interpretation) of the Maternity and Parental Leave etc. Regulations 1999;

“parental leave” means leave under regulation 13(1) (entitlement to parental leave) of the Maternity and Parental Leave etc. Regulations 1999;

“partial retirement account” has the meaning given in regulation 40(2) (establishment of partial retirement account);

“partial retirement option” means the option exercisable under regulation 49(2) (exercise of partial retirement option);

“partial retirement pension” means partial retirement standard earned pension;

“partially retired”, in relation to a member of this scheme, means a member who has exercised the partial retirement option;

“paternity leave” means leave under regulation 4 (entitlement to paternity leave: birth) or 8 (entitlement to paternity leave: adoption) of the Paternity and Adoption Leave Regulations 2002(19);

“pay period” means the period in respect of which a payment of pensionable earnings is made;

“pension credit” has the meaning given in section 124(1) (interpretation of Part 1) of PA 1995(20);

“pension credit member”, in relation to this scheme, means a person who has rights under this scheme which are attributable (directly or indirectly) to a pension credit under a pension sharing order following divorce or nullity of marriage;

“pension credit member’s account” has the meaning given in regulation 42 (establishment of pension credit member’s account);

“pension credit member’s pension” means a pension payable under regulation 68 (entitlement to pension credit member’s pension);

“pension debit” means a debit under section 29(1)(a) (creation of pension credits and debits) of WRPA 1999;

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(18) There are amendments to section 279(1) but none are relevant.

(19) S.I. 2002/2788. Regulations 4 and 8 were amended by S.I. 2005/2114.

(20) The definition of “pension credit” was inserted in section 124(1) by the Welfare Reform and Pensions Act 1999 (c. 30) Schedule 12 paragraph 61(3).

“pension debit member”, in relation to this scheme, means a person who is a member of this scheme whose benefits or future benefits under this scheme have been reduced under section 31 (reduction under pension sharing order following divorce or nullity of marriage) of WRPA 1999;

“pensionable earnings” has the meaning given in regulation 16 (pensionable earnings);

“pensioner member”, in relation to this scheme, means a person who is entitled to the immediate payment of a retirement pension under this scheme;

“pension sharing order” means any provision or order specified in section 28 (activation of pension sharing) of WRPA 1999(21);

“period of assumed pay” has the meaning given in regulation 17(1) (in relation to salaried office holders) and regulation 18(1) (in relation to fee-paid office holders);

“pre-2022 scheme” means—

- (a) a scheme mentioned in any of paragraphs 2 to 15 of Schedule 5 to the Act (judicial schemes);
- (b) a scheme mentioned in paragraph 2 of Schedule 5 to the Public Service Pensions Act (Northern Ireland) 2014(22);
- (c) the 2015 scheme;
- (d) the scheme established by the Judicial Pensions Regulations (Northern Ireland) 2015(23); or
- (e) the Fee-Paid Judges Scheme;

“prospective normal pension age”, in relation to a member’s prospective entitlement to benefits under this scheme, means the normal pension age that the scheme manager, by reference to Treasury directions(24) made under section 11(2) (valuations) of the Act, determines would apply in relation to those benefits;

“provisional amount of deferred pension” has the meaning given in regulation 35(2) (provisional amount of deferred pension);

“qualifying judicial office” has the meaning given in regulation 7 (qualifying judicial office);

“qualifying judicial service” has the meaning given in regulation 6 (qualifying judicial service) of the FPJR 2017;

“qualifying service” has the meaning given in regulation 45 (qualifying service);

“registered”, in relation to a pension scheme, means registered under Chapter 2 of Part 4 (registration of pension schemes) of FA 2004;

“the relevant last day”, in relation to a continuous period of pensionable service, means—

- (a) for a partially retired member, the day before the day on which the partial retirement option was exercised in accordance with regulation 50, or
- (b) the member’s last day of pensionable service;

“retirement index adjustment”, in relation to an opening balance, has the meaning given in regulation 21 (calculation of “retirement index adjustment”);

“retirement benefits” means benefits payable under Part 6 (retirement benefits);

“retirement pension” means any of the following—

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(21) Section 28 was amended by the Civil Partnership Act 2004 (c. 33) Schedule 27 paragraph 159 and the Pensions Act 2008 (c. 30) section 128(1) and (2).

(22) 2014 c. 2 (N.I.).

(23) S.R. 2015/76.

(24) The Public Service Pensions (Valuations and Employer Cost Cap) Directions 2014.

- (a) a full retirement pension;
- (b) a partial retirement pension;
- (c) an ill-health pension;

“salaried office” means an office where service is remunerated by the payment of salary, as opposed to the payment of fees;

“this scheme” means the scheme established by these Regulations;

“scheme actuary” means the actuary appointed by the Lord Chancellor under regulation 117 (appointment of scheme actuary and actuarial valuations);

“scheme advisory board” means the scheme advisory board established by regulation 9(1) (scheme advisory board: establishment) of the 2015 Regulations;

“scheme closing date” means 31st March 2022<sup>(25)</sup>;

“scheme manager” has the meaning given in regulation 4 (scheme manager) of the 2015 Regulations;

“scheme year” means a period of one year beginning with 1st April and ending with 31st March;

“standard earned pension” means pension which is earned under this scheme and which is payable without actuarial reduction at normal pension age;

“statutory pay” means—

- (a) statutory adoption pay within the meaning of section 171ZL(1) (entitlement) of the Social Security Contributions and Benefits Act 1992<sup>(24)</sup><sup>(26)</sup>;
- (b) statutory maternity pay within the meaning of section 164(1) (statutory maternity pay - entitlement and liability to pay) of the Social Security Contributions and Benefits Act 1992;
- (c) statutory paternity pay within the meaning of section 171ZA(1) (entitlement: birth) or 171ZB(1) (entitlement: adoption) of the Social Security Contributions and Benefits Act 1992<sup>(27)</sup>; or
- (d) statutory shared parental pay within the meaning of section 171ZU (entitlement: birth) or section 171ZV (entitlement: adoption) of the Social Security Contributions and Benefits Act 1992<sup>(28)</sup>;

“surviving adult”, in relation to a deceased member of this scheme, has the meaning given in regulation 76 (surviving adults);

“surviving adult’s pension” has the meaning given in regulation 78 (meaning of “surviving adult’s pension”);

“surviving civil partner” has the meaning given in regulation 76;

“surviving spouse” has the meaning given in regulation 76;

“tax year” means a period of one year which is the period of assessment for income tax purposes;

“total allocation amount”, in relation to an amount of retirement pension, means the total amount of that pension allocated under Chapter 6 of Part 6 (allocation of part of pension);

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(25) Under section 90(1) of the Public Service Pensions and Judicial Offices Act, no benefits are to be provided under a pre-2022 scheme in relation to a person’s service after 31 March 2022.

(26) 1992 (c. 4); section 171ZL was inserted by the Employment Act 2002 (c. 22) section 4.

(27) Sections 171ZA and 171ZB were inserted by the Employment Act 2002 (c. 22) section 2. Subsections (1) of those sections were amended by the Work and Families Act 2006 (c. 18) Schedule 1 paragraphs 12 and 13.

(28) Sections 171ZU and 171ZV were inserted by the Children and Families Act 2014 (c. 6) section 119(1).

“transfer value” has the meaning given in regulation 110 (interpretation of Part);

“transfer value payment” means payment of a transfer value;

“transition member” has the meaning given in paragraph 1 of Schedule 1;

“trivial commutation lump sum” has the meaning given in paragraph 7 of Schedule 29 to the FA 2004.

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**Commencement Information**

**I2** Reg. 2 in force at 18.3.2022, see **reg. 1(2)**



**Changes to legislation:**

There are currently no known outstanding effects for the The Judicial Pensions Regulations 2022, PART 1.