
STATUTORY INSTRUMENTS

2022 No. 319

The Judicial Pensions Regulations 2022

PART 4

Scheme membership

CHAPTER 3

Pensionable earnings

Pensionable earnings

16. For the purpose of calculating a member’s pension or other benefits under this scheme, the member’s pensionable earnings for any period are the sum of—

- (a) the member’s earnings for service in a qualifying judicial office for that period; and
- (b) any allowance granted on a permanent basis that the scheme manager determines to be pensionable earnings for that period.

Commencement Information

I1 Reg. 16 in force at 1.4.2022, see [reg. 1\(4\)](#)

Meaning of “assumed pay”: salaried office holders

17.—(1) For the purpose of these Regulations, an active member of this scheme who is a salaried office holder (P) receives assumed pay in that office in respect of any period in which any of the circumstances in paragraph (3) apply (“period of assumed pay”).

(2) For the purpose of paragraph (1), “assumed pay” means the amount equal to the pensionable earnings that P would have received in that period if those circumstances had not applied.

(3) The circumstances are—

- (a) P is on sick leave on reduced pay;
- (b) P is on adoption leave, maternity leave, parental leave, paternity leave or additional paternity leave;
- (c) P is receiving statutory pay; or
- (d) P is on secondment to a different employer under an arrangement providing for P to continue to be an active member of this scheme in relation to P’s service although P is paid by that employer.

Commencement Information

I2 Reg. 17 in force at 1.4.2022, see [reg. 1\(4\)](#)

Meaning of “assumed pay”: fee-paid office holders

18.—(1) Where a fee-paid office holder holds more than one judicial office, this regulation applies separately in relation to each office held.

(2) For the purpose of these Regulations, an active member of this scheme who is a fee-paid office holder (P) receives assumed pay in respect of any period in which any of the circumstances in paragraph (5) apply (“period of assumed pay”).

(3) For the purposes of paragraph (2), “assumed pay” means an amount of pensionable earnings for the period in question based upon the annualised amount calculated in accordance with paragraph (4).

(4) For the purposes of paragraph (3), the amount of pensionable earnings that P receives in respect of a particular office is calculated as follows—

Z per annum, where:

$$Z = \frac{J}{K}$$

where—

J means the total fee-paid income in respect of that particular office over the preceding three years, or, if less than three years, over the period since the first sitting day in that particular office;

“preceding three years” means the period of three years ending with the day before the period of assumed pay;

“period since the first sitting day in that particular office” means the period beginning with the first day in the particular office and ending with the day before the beginning of the period of assumed pay;

K means the lesser of—

- (a) 3; or
- (b) the period in years (and a fraction of a year, determined by complete months) from the first sitting day in that particular office until the beginning of the period of assumed pay;

“complete month” includes an incomplete month that consists of at least 16 days; and

Z means the annualised total of fees from that particular office.

(5) The circumstances are—

- (a) P is on sick leave on reduced pay;
- (b) P is on adoption leave, maternity leave, parental leave, paternity leave or additional paternity leave;
- (c) P is receiving statutory pay; or
- (d) P is on secondment to a different employer under an arrangement providing for P to continue to be an active member of this scheme in relation to P’s service although P is paid for by that employer.

(6) In this regulation, where P holds multiple assignments within the First-tier Tribunal or the Upper Tribunal, references to an office are to be taken as references to an assignment to a particular chamber.

Commencement Information

I3 Reg. 18 in force at 1.4.2022, see [reg. 1\(4\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions Regulations 2022, CHAPTER 3.