

STATUTORY INSTRUMENTS

2022 No. 319

The Judicial Pensions Regulations 2022

PART 5 U.K.

Pension accounts

CHAPTER 1 U.K.

Calculation of adjustments

Calculation of “retirement index adjustment” U.K.

21.—^[F1](1) The retirement index adjustment for an amount of accrued pension is—
amount of accrued pension × retirement index percentage

where—

“amount of accrued pension” means an amount of any description of accrued pension;

“retirement index percentage” means the retirement index percentage calculated under paragraph (2).]

(2) The retirement index percentage is—

$$\frac{A \times B}{12}$$

where—

A means the ^[F2]in-service revaluation index] that applies in relation to this scheme for the leaving year;

B is the number of complete months in the period between the beginning of the leaving year and the end of the relevant last day; and

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

^[F3](3) In paragraph (2), “in-service revaluation index”, in relation to a pension scheme, means the percentage increase or decrease by which the pensionable earnings of a person, or a proportion of those earnings accrued as a pension, are revalued whilst the person is in pensionable service in that pension scheme.]

Textual Amendments

- F1** Reg. 21(1) substituted (with effect from 1.4.2022) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), reg. 1(b), Sch. para. 8(1)(2)(a)
- F2** Words in reg. 21(2) substituted (with effect 1.4.2022) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), reg. 1(b), Sch. para. 8(1)(2)(b)
- F3** Reg. 21(3) inserted (with effect from 1.4.2022) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), reg. 1(b), Sch. paras 8(1)(2)(c)

Commencement Information

I1 Reg. 21 in force at 1.4.2022, see [reg. 1\(4\)](#)

Determination of “the age addition” **U.K.**

22.—(1) This regulation applies in relation to every scheme year in which an active member’s account is open that is subsequent to the scheme year in which the member reaches normal pension age under this scheme, other than—

- (a) the scheme year in which the account is established under this Part; and
- (b) the scheme year immediately following that.

(2) At the beginning of the scheme year the scheme manager having regard to actuarial guidance must determine the age addition to be awarded for that scheme year by reference to the opening balance of that account for the previous scheme year.

(3) In these Regulations, “the age addition” means an additional amount of pension determined by reference to the proportion of the previous scheme year in which a member had reached normal pension age under this scheme.

Commencement Information

I2 Reg. 22 in force at 1.4.2022, see [reg. 1\(4\)](#)

Determination of “the assumed age addition” **U.K.**

23.—(1) This regulation applies when a deferred member’s account, full retirement account or partial retirement account is established under this Part for a member who reaches normal pension age under this scheme at least one month before the relevant last day.

(2) For each description of accrued pension specified in the account, the scheme manager having regard to actuarial guidance must determine the assumed age addition to be awarded.

(3) In these Regulations, “the assumed age addition” means the age addition that would have been awarded for standard earned pension had the member not left pensionable service or not partially retired in the leaving year, determined by reference to the proportion of the leaving year for which the member was an active member of this scheme who had reached normal pension age under this scheme.

Commencement Information

I3 Reg. 23 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 2 **U.K.**

Calculation of accrued pension

Calculation of amount of accrued standard earned pension for purpose of deferment or full retirement **U.K.**

24.—(1) For the purpose of calculating the amount of full retirement pension or the provisional amount of deferred pension, the amount of accrued pension is an amount calculated in accordance with this regulation.

(2) The amount of accrued standard earned pension is the total of the following amounts specified in the active member's account as at the end of the relevant last day—

- (a) the sum of the opening balance of standard earned pension for the last active scheme year and the ^{F4}... index adjustment for that opening balance;
- (b) the amount of standard earned pension for the last active scheme year.

Textual Amendments

F4 Word in [reg. 24\(2\)\(a\)](#) omitted (with effect from 1.4.2022) by virtue of [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 8\(1\)\(3\)](#)

Commencement Information

I4 Reg. 24 in force at 1.4.2022, see [reg. 1\(4\)](#)

Calculation of amount of accrued standard earned pension for purpose of partial retirement **U.K.**

25.—(1) For the purpose of calculating the amount of partial retirement pension, the amount of accrued pension is an amount calculated in accordance with this regulation.

(2) The amount of accrued standard earned pension is the option proportion of the total of the following amounts specified in the active member's account as at the end of the relevant last day—

- (a) the sum of the opening balance of standard earned pension for the leaving year and the retirement index adjustment for that opening balance;
- (b) the amount of standard earned pension for the leaving year.

Commencement Information

I5 Reg. 25 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 3 **U.K.**

Pension accounts: general

Establishment of pension accounts: general **U.K.**

26.—(1) A pension account—

- (a) may be kept in any form the scheme manager considers appropriate; and
- (b) must specify the details required by these Regulations.

(2) References in these Regulations to any amount specified in a pension account are references to the amount that is required by these Regulations to be so specified and not, if different, the amount actually so specified.

Commencement Information

I6 Reg. 26 in force at 1.4.2022, see [reg. 1\(4\)](#)

Closure and adjustment of pension accounts on transfer out **U.K.**

27.—(1) Except as otherwise provided in this regulation, the scheme manager must close all pension accounts relating to a member of this scheme if—

- (a) a transfer value payment is made in respect of the member’s accrued rights under this scheme; or
- (b) all members’ contributions made by the member are refunded to the member under Part 9 (contributions).

(2) Paragraph (1) does not require the scheme manager to close an account that includes amounts to which the transfer value payment does not relate or is not attributable.

(3) An account that is not closed because of paragraph (2) must be adjusted as the scheme manager considers appropriate to reflect the extinguishment of rights under this scheme.

(4) Paragraph (1)(a) does not require the scheme manager to close a pension credit member’s account if the transfer value payment is made in respect of the accrued rights of a member who is both—

- (a) a pension credit member of this scheme; and
- (b) an active member, deferred member or pensioner member of this scheme.

Commencement Information

17 Reg. 27 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 4 **U.K.**

Active member’s account

Application of Chapter **U.K.**

28.—(1) This Chapter applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is an active member of this scheme in relation to two or more continuous periods of pensionable service at the same time, this Chapter applies separately in relation to each of those periods of service.

Commencement Information

18 Reg. 28 in force at 1.4.2022, see [reg. 1\(4\)](#)

Establishment of active member’s account **U.K.**

29.—(1) The scheme manager must establish a pension account for a member who is in pensionable service from the day on which the member begins pensionable service.

(2) For the purpose of these Regulations, an account established under paragraph (1) is called an active member’s account.

(3) Where a member holds multiple assignments within the First-tier Tribunal or the Upper Tribunal, the scheme manager must establish a pension account in respect of each assignment.

Commencement Information

19 Reg. 29 in force at 1.4.2022, see [reg. 1\(4\)](#)

Amount of pension for a scheme year **U.K.**

30.—(1) This regulation applies in relation to every scheme year in which an active member’s account is open.

(2) The active member’s account must specify the amount of standard earned pension for the scheme year.

(3) The amount of earned pension for a scheme year is—

- (a) in relation to a member exercising the option mentioned in regulation [105](#) (rate of member contributions), 2.42% of the member’s pensionable earnings for that year; and
- (b) in relation to any other case, 2.5% of the member’s pensionable earnings for that year.

Commencement Information

110 Reg. 30 in force at 1.4.2022, see [reg. 1\(4\)](#)

Opening balance **U.K.**

31.—(1) This regulation applies in relation to every scheme year in which an active member’s account is open other than the scheme year in which that account is established.

(2) The active member’s account must specify—

- (a) the opening balance for the scheme year and the index adjustment for the opening balance; and
- (b) if applicable, the age addition awarded at the beginning of the scheme year.

(3) In these Regulations, “opening balance”—

- (a) for the scheme year immediately following the scheme year in which the active member’s account is established, means the amount of pension for the previous scheme year as at the end of the previous scheme year; and
- (b) for any subsequent scheme year, means the sum of the following amounts—
 - (i) the opening balance of pension for the previous scheme year and the index adjustment for that opening balance;
 - (ii) the amount of pension for the previous scheme year as at the end of the previous scheme year; and
 - (iii) if applicable, the age addition awarded at the beginning of the previous scheme year.

Commencement Information

111 Reg. 31 in force at 1.4.2022, see [reg. 1\(4\)](#)

Closure of active member’s account **U.K.**

32.—(1) The scheme manager must close an active member’s account in relation to a period of service when the scheme manager establishes in relation to that period of service—

- (a) a deferred member's account under regulation 34 (establishment of deferred member's account); or
 - (b) a full retirement account under regulation 38 (establishment of full retirement account).
- (2) The scheme manager must re-establish an active member's account under this Chapter when the scheme manager closes a deferred member's account under regulation 37 (closure of deferred member's account after gap in pensionable service not exceeding 5 years).

Commencement Information

I12 Reg. 32 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 5 **U.K.**

Deferred member's account

Application of Chapter **U.K.**

33.—(1) This Chapter applies in relation to a continuous period of pensionable service under this scheme.

(2) For a person who is a deferred member of this scheme in relation to two or more continuous periods of pensionable service, this Chapter applies separately in relation to each of those periods of service.

Commencement Information

I13 Reg. 33 in force at 1.4.2022, see [reg. 1\(4\)](#)

Establishment of deferred member's account **U.K.**

34.—(1) This regulation applies when an active member of this scheme becomes a deferred member of this scheme.

(2) The scheme manager must—

- (a) close the active member's account for the period of service in relation to which the member becomes a deferred member; and
- (b) establish a pension account for the deferred member for that period of service.

(3) For the purpose of these Regulations, an account established under paragraph (2)(b) is called a deferred member's account.

Commencement Information

I14 Reg. 34 in force at 1.4.2022, see [reg. 1\(4\)](#)

Provisional amount of deferred pension **U.K.**

35.—(1) The deferred member's account must specify the provisional amount of deferred pension.

(2) The provisional amount of deferred pension is the sum of—

- (a) the amount of accrued standard earned pension calculated under regulation 24 (calculation of amount of accrued standard earned pension for purpose of deferment or full retirement) (“accrued amount”); and
- (b) the assumed age addition (if any) for the accrued amount.

Commencement Information

I15 Reg. 35 in force at 1.4.2022, see [reg. 1\(4\)](#)

Adjustment of provisional amount **U.K.**

36.—(1) This regulation applies when a deferred member of this scheme in relation to a period of service becomes entitled to the immediate payment of a full retirement pension for that period of service.

(2) For the provisional amount of deferred pension, the deferred member’s account must specify—

- (a) the late payment supplement (if any);
- (b) the early payment reduction (if any);
- (c) the commutation amount (if any); and
- (d) the total allocation amount (if any).

Commencement Information

I16 Reg. 36 in force at 1.4.2022, see [reg. 1\(4\)](#)

Closure of deferred member’s account after gap in pensionable service not exceeding 5 years **U.K.**

37.—(1) This regulation applies when a deferred member of this scheme in relation to a continuous period of pensionable service re-enters pensionable service under this scheme after a gap in pensionable service not exceeding 5 years.

(2) The scheme manager must—

- (a) close the deferred member’s account in relation to that period of service and treat the deferred member’s account as if it were never established;
- (b) re-establish the active member’s account under Chapter 4 (active member’s account) in relation to that period of service; and
- (c) make entries in the active member’s account as if, during the gap in pensionable service, the member—
 - (i) was in pensionable service under this scheme; but
 - (ii) received no pensionable earnings.

Commencement Information

I17 Reg. 37 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 6 **U.K.**

Full retirement account

Establishment of full retirement account **U.K.**

38.—(1) This regulation applies in relation to a continuous period of pensionable service under this scheme.

(2) When an active member of this scheme becomes entitled to the immediate payment of a full retirement pension or an ill-health pension in relation to a continuous period of pensionable service under this scheme, the scheme manager must—

- (a) close the active member’s account (or accounts, as the case may be) for that continuous period of pensionable service; and
- (b) establish an account (or accounts, as the case may be) for the pensioner member for that period of service.

(3) When an active member of this scheme exercises the partial retirement option in respect of the whole of the member’s accrued pensions in one of their offices in relation to a continuous period of service and becomes entitled to the immediate payment of a full retirement pension in respect of the office or offices in which they are taking partial retirement, the scheme manager must—

- (a) close the active member’s account (or accounts, as the case may be) for the period of earlier service;
- (b) establish an account (or accounts, as the case may be) for the pensioner member for that period of earlier service; and
- (c) establish a new active member’s account (or accounts, as the case may be) under Chapter 4 (active member’s account) for the member’s continuing service as if the first day of pensionable service is the day after the option date.

(4) For the purpose of these Regulations, an account established for a member under paragraph (2) (b) or (3)(b) is called a full retirement account.

(5) In this regulation—

“continuing service” means pensionable service that continues in accordance with regulation 49(2) (exercise of partial retirement option) from the option date;

“option date” means the date on which the partial retirement option is exercised and the member becomes entitled to the immediate payment of a full retirement pension; and

“period of earlier service” means the continuous period of pensionable service ending on the option date.

Commencement Information

I18 Reg. 38 in force at 1.4.2022, see [reg. 1\(4\)](#)

Amount of full retirement pension **U.K.**

39.—(1) A full retirement account under regulation 38(4) must specify the amount of full retirement pension.

(2) The amount of full retirement pension is the sum of—

- (a) the amount of the accrued standard earned pension calculated under regulation 24 (“accrued amount”); ^{F5}...

- (b) the assumed age addition (if any) for the accrued amount [^{F6}; and
 - (c) the retirement index adjustment for the accrued amount].
- (3) The full retirement account must specify—
- (a) the early payment reduction (if any);
 - (b) the commutation amount (if any); and
 - (c) the total allocation amount (if any).

Textual Amendments

- F5** Word in [reg. 39\(2\)](#) omitted (with effect from 1.4.2022) by virtue of [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 8\(1\)\(4\)\(a\)](#)
- F6** [Reg. 39\(2\)\(c\)](#) and word inserted (with effect from 1.4.2022) by [The Judicial Pensions \(Remediable Service etc.\) Regulations 2023 \(S.I. 2023/766\)](#), [reg. 1\(b\)](#), [Sch. para. 8\(1\)\(4\)\(b\)](#)

Commencement Information

- I19** [Reg. 39](#) in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 7 **U.K.**

Partial retirement account

Establishment of partial retirement account **U.K.**

40.—(1) This regulation applies if an active member of this scheme (P) in relation to a continuous period of pensionable service in respect of a particular office—

- (a) exercises the partial retirement option in respect of part only of P’s accrued pensions for that period of service; and
 - (b) becomes entitled under [regulation 51\(a\)](#) (entitlement to partial retirement pension or full retirement pension) to the immediate payment of a partial retirement pension for that period of service.
- (2) The scheme manager must—
- (a) establish a pensioner member’s account (“the partial retirement account”) for that period of service; and
 - (b) adjust P’s active member’s account in accordance with [paragraph \(3\)](#).
- (3) The amount of accrued pension for which a partial retirement option notice specifies an option proportion is reduced by that option proportion.
- (4) After that adjustment, [Chapter 4](#) (active member’s account) applies in relation to P as if the amount of accrued pension for which a partial retirement option notice specifies an option proportion had always been reduced by that option proportion.
- (5) In this regulation, “partial retirement option notice” means an option notice under [regulation 50](#) (partial retirement option notice).
- (6) Where P exercises a partial retirement option under [paragraph \(1\)\(a\)](#) in respect of a First-tier Tribunal or Upper Tribunal office in which P holds multiple assignments (and therefore multiple accounts in accordance with [regulation 29\(3\)](#) (establishment of active member’s account)), [paragraph \(2\)](#) applies in respect of each account held.

Commencement Information

I20 Reg. 40 in force at 1.4.2022, see [reg. 1\(4\)](#)

Amount of partial retirement pension **U.K.**

- 41.**—(1) Any partial retirement account must specify the amount of partial retirement pension.
- (2) The amount of partial retirement pension is the sum of—
- (a) the amount of accrued standard earned pension calculated under regulation 24 (accrued amount); and
 - (b) the assumed age addition (if any) for the accrued amount.
- (3) The partial retirement account must specify—
- (a) the early payment reduction (if any);
 - (b) the commutation amount (if any); and
 - (c) the total allocation amount (if any).

Commencement Information

I21 Reg. 41 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 8 **U.K.**

Pension accounts for pension credit members

Establishment of pension credit member's account **U.K.**

- 42.**—(1) The scheme manager must establish a pension account for each pension credit member of this scheme (“the pension credit member’s account”).
- (2) If a pension credit is derived from two or more pension debit members, the scheme manager must establish a pension credit member’s account in relation to each pension debit member.
- (3) The pension credit member’s account must specify the amount of credited pension.
- (4) On the establishment of the pension credit member’s account, the accounts established under this Part for the pension debit member must be reduced by the relevant amount.
- (5) In this regulation—
- “relevant amount” is the amount that the scheme manager, after consultation with the scheme actuary, considers appropriate having regard to—
- (a) the cash equivalent that would have been payable under Chapter 2 of Part 4A (requirements relating to pension credit benefit: transfer values) of PSA 1993⁽¹⁾ had this scheme been a funded occupational pension scheme in respect of the pension credit member’s right to benefits under this scheme attributable (directly or indirectly) to the pension credit; and
 - (b) the provisions of sections 29 (creation of pension credits and debits) and 31 (reduction of benefit) of WRPA 1999.

(1) Part 4A was inserted by the Welfare Reform and Pensions Act 1999 (c.30) section 37.

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Commencement Information

I22 Reg. 42 in force at 1.4.2022, see [reg. 1\(4\)](#)

Other pension accounts **U.K.**

43. If a pension credit member of this scheme is also an active member, deferred member or pensioner member of this scheme, the scheme manager must establish a pension credit member's account in addition to any other account established for the member under this Part.

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Commencement Information

I23 Reg. 43 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, PART 5.