
STATUTORY INSTRUMENTS

2022 No. 319

The Judicial Pensions Regulations 2022

PART 6

Retirement benefits

CHAPTER 4

Ill-health benefits

Meaning of “permanent breakdown in health”

54. For the purposes of this Chapter, a member’s breakdown in health is “permanent” if it is likely to continue until the member reaches prospective normal pension age.

Commencement Information

I1 Reg. 54 in force at 1.4.2022, see [reg. 1\(4\)](#)

Meaning of “incapacity for employment”

55. For the purposes of this Chapter, a member’s permanent breakdown in health involves “incapacity for employment” if, as a result of the breakdown, the member is incapable of discharging the duties of their qualifying judicial office.

Commencement Information

I2 Reg. 55 in force at 1.4.2022, see [reg. 1\(4\)](#)

Entitlement to ill-health pension

56.—(1) An active member of this scheme who has not reached normal pension age under this scheme is entitled to immediate payment of an ill-health pension under this scheme, in accordance with the provisions of this Chapter, if the following conditions are met—

- (a) a member has claimed payment of an ill-health pension;
- (b) a medical certificate states that the member has suffered a permanent breakdown in health involving incapacity for employment; and
- (c) either—
 - (i) the member has at least two years’ qualifying service, or
 - (ii) where the member has less than two years’ qualifying service, the scheme manager determines that the member is entitled to an ill-health pension.

(2) The annual rate of an ill-health pension payable under this regulation is calculated in accordance with regulation 57.

Commencement Information

I3 Reg. 56 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of ill-health pension

57.—(1) The annual rate of an ill-health pension is the sum of—

- (a) the annual rate of full retirement pension, calculated in the same way as for an active member under regulation 47 (annual rate of full retirement pension (active members)), but without subtracting the early payment reduction; and
- (b) an ill-health enhancement.

(2) In this regulation—

“an ill-health enhancement” means—

- (a) for a salaried member, half the annual rate of a full retirement pension calculated in respect of the member’s assumed period of pensionable service and based on the member’s pensionable earnings in that particular office as at the date their pensionable service ceases;
- (b) for a fee-paid member, half the annual rate of a full retirement pension calculated in respect of the member’s assumed period of pensionable service in that particular office and based on the member’s pensionable earnings calculated in accordance with paragraph (3), as at the date their pensionable service ceases;

“the member’s assumed period of pensionable service” means the period (expressed in years and complete months)—

- (a) beginning with the day after the member’s continuous period of pensionable service in that particular office ceased; and
- (b) ending with—
 - (i) for a member appointed for a fixed term, the day with which that term ends; or
 - (ii) for all other appointments, the day before the day on which the member will reach prospective normal pension age (assuming that the member lives until that age);

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

(3) In this regulation, for the purposes of calculating an ill-health enhancement for a fee-paid office-holder, the amount of pensionable earnings in 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;

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.

Commencement Information

I4 Reg. 57 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 4.