
STATUTORY INSTRUMENTS

2022 No. 319

The Judicial Pensions Regulations 2022

PART 6

Retirement benefits

CHAPTER 1

General

Application of Part

44. This Part applies in relation to retirement benefits payable in respect of a continuous period of pensionable service under this scheme.

Commencement Information

11 Reg. 44 in force at 1.4.2022, see [reg. 1\(4\)](#)

Qualifying service

45.—(1) In these Regulations, “qualifying service” means the total of—

- (a) any continuous period of pensionable service under this scheme;
- (b) for a transition member with continuity of service, the member’s pensionable service under a pre-2022 scheme before the transition date for that member.

(2) None of the following counts as qualifying service—

- (a) any pensionable service under this scheme in respect of which a person’s rights under this scheme are extinguished;
- (b) any pensionable service under a pre-2022 scheme in respect of which a person’s rights under that scheme are extinguished;
- (c) any unauthorised absence from qualifying judicial office.

(3) In this regulation a reference to “pensionable service” in relation to the Fee-Paid Judges Scheme is a reference to qualifying judicial service.

Commencement Information

12 Reg. 45 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 2

Full retirement benefits

Entitlement to full retirement pension

46.—(1) A member of this scheme (P) is entitled to the immediate payment for life of a full retirement pension if—

- (a) P has reached normal minimum pension age;
- (b) subject to sub-paragraph (3), has ceased to be in qualifying judicial office; and
- (c) P has claimed payment of a full retirement pension.

(2) But if P has not reached normal pension age under this scheme, P is not so entitled unless P has at least two years' qualifying service.

(3) Where P exercises a partial retirement option under regulation 49(2) (exercise of partial retirement option), P is entitled to a full retirement pension under paragraph (1) in respect of the particular office or offices for which the option is being exercised, notwithstanding that P remains in qualifying judicial office.

(4) The claim for payment of a full retirement pension may only be made by notice to the scheme manager in a form required by the scheme manager.

(5) Where P resumes service in qualifying judicial office, this will not affect any entitlement under this regulation.

Commencement Information

I3 Reg. 46 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of full retirement pension (active members)

47.—(1) This regulation applies when an active member of this scheme becomes entitled to the immediate payment of a full retirement pension in respect of a particular office.

(2) The annual rate of a full retirement pension payable to the member is calculated by—

- (a) taking the amount of that full retirement pension specified in the full retirement account;
- (b) subtracting the early payment reduction (if any) specified in that account in relation to that amount;
- (c) subtracting the commutation amount (if any) specified in that account in relation to that amount; and
- (d) subtracting the total allocation amount (if any) specified in that account in relation to that amount.

(3) Where a member holds multiple accounts in respect of multiple assignments within the First-tier Tribunal or the Upper Tribunal, paragraph (2) applies in respect of each account held.

Commencement Information

I4 Reg. 47 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of full retirement pension (deferred members)

48.—(1) This regulation applies when a deferred member of this scheme becomes entitled to the immediate payment of a full retirement pension in respect of a particular office.

- (2) The annual rate of full retirement pension payable to the member is calculated by—
- (a) taking the provisional amount of deferred pension specified in the deferred member’s account;
 - (b) adding the late payment supplement (if any) specified in that account in relation to that provisional amount;
 - (c) subtracting the early payment reduction (if any) specified in that account in relation to that amount;
 - (d) subtracting the commutation amount (if any) specified in that account in relation to that amount; and
 - (e) subtracting the total allocation amount (if any) specified in that account in relation to that amount.

(3) Where a member holds multiple accounts in respect of multiple assignments within the First-tier Tribunal or the Upper Tribunal, paragraph (2) applies in respect of each account held.

Commencement Information

I5 Reg. 48 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 3

Partial retirement benefits

Exercise of partial retirement option

49.—(1) This regulation applies if—

- (a) a person (P) is an active member of this scheme in relation to a continuous period of pensionable service;
- (b) P has reached normal minimum pension age;
- (c) the terms of P’s appointment have changed and as a result of that change the amount of P’s annual pensionable earnings in respect of service in a particular office is reduced to 80% of the amount before the change or less; and
- (d) P would be entitled to the immediate payment of a full retirement pension if P left pensionable service and claimed payment of the pension in respect of that particular office.

(2) P may opt to continue in pensionable service but claim payment of the whole or part only of P’s accrued pensions in respect of a particular office for the continuous period of pensionable service before P’s pensionable earnings were reduced (“partial retirement option”).

(3) P may not exercise a partial retirement option more than once in respect of a particular judicial office.

(4) Where P holds more than one judicial office—

- (a) P may exercise a partial retirement option separately in relation to each office held; and
- (b) P may only access the pension accrued in relation to the particular office or offices in respect of which P is exercising the partial retirement option.

(5) For the purposes of calculating P’s annual pensionable earnings in relation to paragraph (1)(c) where P is a fee-paid office holder, 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 office over the preceding three years, or, if less than three years, over the period since P was first appointed to that 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 date of partial retirement;

“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.

- (6) Where P holds multiple assignments within the First-tier Tribunal or the Upper Tribunal—
 - (a) the reduction in earnings in paragraph (1)(c) refers to service in each chamber of the relevant tribunal; and
 - (b) in paragraph (5) references to an office are to be taken as references to an assignment to a tribunal chamber.

Commencement Information

I6 Reg. 49 in force at 1.4.2022, see [reg. 1\(4\)](#)

Partial retirement option notice

50.—(1) A partial retirement option may only be exercised—

- (a) by notice to the scheme manager in a form required by the scheme manager (“option notice”); and
- (b) in the 3 months after P’s pensionable earnings are reduced, on a date agreed by the member and the scheme manager.

(2) An option notice must specify—

- (a) if P holds more than one office, the office or offices in respect of which P is exercising the partial retirement option;
- (b) whether P claims payment of—
 - (i) the whole of P’s accrued pensions to which the office relates; or
 - (ii) part only of P’s accrued pensions to which the office relates; and
- (c) if P claims payment of part only, the proportion of each description of accrued pension for which payment is claimed (“option proportion”).

Commencement Information

I7 Reg. 50 in force at 1.4.2022, see [reg. 1\(4\)](#)

Entitlement to partial retirement pension or full retirement pension

51. An active member of this scheme (P) who exercises the partial retirement option is entitled to the immediate payment for life of—

- (a) if P claims payment of part only of P's accrued pensions, a partial retirement pension calculated in accordance with regulation 41(2) (amount of partial retirement pension); or
- (b) if P claims payment of the whole of P's accrued pensions, a full retirement pension calculated in accordance with regulation 39(2) (amount of full retirement pension).

Commencement Information

I8 Reg. 51 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of partial retirement pension

52.—(1) This regulation applies if an active member of this scheme (P) exercises the partial retirement option in respect of part only of P's accrued pensions in the office from which P is taking partial retirement.

(2) The annual rate of partial retirement pension is calculated under regulation 47 (annual rate of full retirement pension (active members)) by reference to the amount of full retirement pension specified in the full retirement account.

(3) Regulation 47 applies as if—

- (a) the reference to a full retirement pension were a reference to a partial retirement pension; and
- (b) the reference to the full retirement account were a reference to the partial retirement account.

Commencement Information

I9 Reg. 52 in force at 1.4.2022, see [reg. 1\(4\)](#)

Annual rate of full retirement pension when taking partial retirement

53.—(1) This regulation applies if an active member of this scheme (P) exercises the partial retirement option in respect of the whole of P's accrued pensions in the office for which P is taking partial retirement.

(2) The annual rate of full retirement pension is calculated under regulation 47 (annual rate of full retirement pension (active members)) by reference to the amount of full retirement pension specified in the full retirement account.

(3) Regulation 47 applies as if the last day of pensionable service were the day before the day on which the member exercised the partial retirement option.

Commencement Information

I10 Reg. 53 in force at 1.4.2022, see [reg. 1\(4\)](#)

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

I11 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

I12 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

I13 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

I14 Reg. 57 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 5

Payment options

Options under this Chapter

58. The options under this Chapter are—

- (a) the option under regulation 60 (option to commute part of pension) to exchange part of a retirement pension for a lump sum;
- (b) the option under regulation 61 (option to commute whole of member’s accrued pensions (serious ill-health)) to exchange the total of the member’s accrued pensions for a lump sum in cases of serious ill-health.

Commencement Information

I15 Reg. 58 in force at 1.4.2022, see [reg. 1\(4\)](#)

Exercising an option under this Chapter

59. A member may exercise an option under this Chapter by notice (a “commutation notice”) to the scheme manager in a form required by the scheme manager.

Commencement Information

I16 Reg. 59 in force at 1.4.2022, see [reg. 1\(4\)](#)

Option to commute part of pension

60.—(1) A member who becomes entitled to the immediate payment of a retirement pension under this scheme may opt under this regulation to exchange part of the pension for a lump sum.

(2) An option under this regulation may only be exercised before the first payment of the pension is made.

(3) Where a member exercises the option mentioned in paragraph (1), for every £1 by which the amount of the member’s annual rate of pension is reduced, the member must be paid a lump sum of £12.

(4) A member may not exchange pension for lump sum under this regulation to the extent that it would result in more than 35.7% of the member’s pre-commuted pension being exchanged for the lump sum.

Commencement Information

I17 Reg. 60 in force at 1.4.2022, see [reg. 1\(4\)](#)

Option to commute whole of member’s accrued pensions (serious ill-health)

61.—(1) This regulation applies where there is a medical certificate stating that an active member or deferred member of this scheme has a life-expectancy of less than 12 months.

(2) The member may opt under this regulation to exchange the total of that member’s accrued pensions for a lump sum.

(3) An option under this regulation may only be exercised before the first payment of the pension is made.

(4) The lump sum payable to the member is an amount equal to—
 $(A+B+C) \times 5$

where—

A means the total annual amount of full retirement pension;

B means the total annual amount of partial retirement pension; and

C means the total annual amount of ill-health pension.

(5) For the purpose of paragraph (4), “total annual amount” means—

(a) in relation to a full retirement pension or partial retirement pension to which the member would be entitled apart from this option, the sum of—

(i) the annual rate of pension to which the member would be entitled apart from this option, calculated as at the date the option is exercised, but without subtracting the early payment reduction (if any); and

(ii) the amount of increase (if any) in the annual rate of that pension under PIA 1971 calculated as at that date; and

(b) in relation to an ill-health pension, the sum of—

(i) the annual rate of pension to which the member would be entitled apart from this option, calculated as at the date when payment would first be due, but without subtracting the early payment reduction (if any); and

(ii) the amount of increase (if any) in the annual rate of that pension under PIA 1971 calculated as at that date.

(6) The lump sum must be paid to the member as soon as is reasonably practicable after the option is exercised.

Commencement Information

I18 Reg. 61 in force at 1.4.2022, see [reg. 1\(4\)](#)

Commutation supplement

62.—(1) Where—

(a) a member (P) ceases to be in pensionable service under this scheme (other than by death in service); and

(b) P has exercised the option under either regulation 61(3) or regulation 61(2),

P is entitled to be paid an additional amount (a “commutation supplement”) calculated under paragraph (2).

(2) The sum payable to P is an amount sufficient, after deduction of any applicable income tax and national insurance payable by P arising as a result of such payment, to result in P receiving a net sum equal to—

(a) the income tax payable by P on any lump sum payable under either regulation 61(3) or regulation 61(2) that relates only to uncrystallised rights under this scheme; plus

(b) the national insurance contributions payable by P (if any) in relation to the lump sum received pursuant to either of those regulations.

(3) The commutation supplement is payable at the same time as payment of the lump sum.

(4) In this regulation, “uncrystallised rights” has the meaning given in section 212 (valuation of uncrystallised rights) of the FA 2004.

Commencement Information

I19 Reg. 62 in force at 1.4.2022, see [reg. 1\(4\)](#)

CHAPTER 6

Allocation of part of pension

Allocation election

63.—(1) This regulation applies in relation to a full retirement pension or a partial retirement pension payable in respect of a member’s pensionable service under this scheme.

(2) The member may elect to allocate part of the retirement pension to a beneficiary (“allocation election”).

(3) The beneficiary of an allocation election must be a person who, when the allocation election is made, is—

- (a) the member’s spouse or civil partner;
- (b) financially wholly or mainly dependent on the member; or
- (c) financially interdependent with the member.

(4) If the member wishes to allocate pension to more than one beneficiary, the member must make a separate allocation election in respect of each beneficiary.

Commencement Information

I20 Reg. 63 in force at 1.4.2022, see [reg. 1\(4\)](#)

Restriction on total amount of pension that may be allocated

64.—(1) The sum of the following must not exceed the annual rate of retirement pension that would be payable to the member (P)—

- (a) the total amount of retirement pension allocated under this Part (“total allocation amount”); and
- (b) the annual rate of surviving adult’s pension that would be payable on P’s death.

(2) In determining whether the restriction in paragraph (1) is met, it is to be assumed that—

- (a) P will have become a pensioner member before P’s death;
- (b) P will exercise the commutation option so as to exchange for a lump sum the maximum amount possible;
- (c) P’s spouse or civil partner status will not change before P dies; and
- (d) all of the beneficiaries of P to whom an allocation is made will survive P.

(3) If at the time an allocation election is made it would result in the restriction in paragraph (1) not being met, the scheme manager may treat the election (or each of the elections) as allocating a smaller amount that would result in the restriction being met.

Commencement Information

I21 Reg. 64 in force at 1.4.2022, see [reg. 1\(4\)](#)

Making an allocation election

65.—(1) If requested by a member (P), the scheme manager must advise P of the last day on which P may make an allocation election.

(2) An allocation election may only be made—

- (a) by notice to the scheme manager in a form required by the scheme manager; and
- (b) before the election closing date.

(3) An allocation election must—

- (a) specify the amount of retirement pension to be allocated;
- (b) name the beneficiary;
- (c) be accompanied by a declaration in a form required by the scheme manager stating that—
 - (i) P is in good health; and
 - (ii) the beneficiary is a person who meets the conditions set out in regulation [63\(3\)](#) (allocation election); and
- (d) be accompanied by a medical certificate giving the opinion that P is in good health.

(4) Before the election closing date, the member may, by notice to the scheme manager in a form required by the scheme manager—

- (a) revoke the election; or
- (b) amend the election by altering the amount of retirement pension to be allocated.

(5) Subject to paragraph [\(6\)](#) or [\(7\)](#), the election takes effect on the election closing date.

(6) An allocation election has no effect unless the scheme manager is satisfied that when P made the election the matters stated in the declaration were true.

(7) An allocation election has no effect if P or the beneficiary dies before the election closing date.

(8) In this regulation, “election closing date” means the earlier of—

- (a) the date advised by the scheme manager under paragraph [\(1\)](#); or
- (b) the day before the pension becomes payable.

Commencement Information

I22 Reg. 65 in force at 1.4.2022, see [reg. 1\(4\)](#)

Effect of allocation election

66.—(1) If an allocation election takes effect—

- (a) the member’s pension is reduced accordingly (and this reduction applies even if the beneficiary predeceases the member); and
- (b) if the beneficiary survives the member, on the member’s death the beneficiary becomes entitled to the payment of a pension for life (“allocated pension”) of an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to—
 - (i) the amount of retirement pension allocated under the election, and

- (ii) the beneficiary's age and gender.
- (2) The scheme manager may withhold payment from the beneficiary if—
 - (a) the member dies before the end of the period of two years beginning with the date on which the election takes effect; and
 - (b) the scheme manager is satisfied that the member made a false declaration about the member's state of health when making the election.
- (3) An allocation election in relation to a retirement pension has no effect if it would result in an allocated pension being paid—
 - (a) on the member becoming entitled to the retirement pension, to a person who is not—
 - (i) the member's spouse or civil partner;
 - (ii) financially wholly or mainly dependent on the member; or
 - (iii) financially interdependent with the member;
 - (b) on the death of the member, to a person who is not the member's surviving adult.

Commencement Information

I23 Reg. 66 in force at 1.4.2022, see [reg. 1\(4\)](#)

Adjustment of allocated benefit (members who have reached the age of 75)

67.—(1) The amount of allocated pension payable to the beneficiary of an allocation election may be adjusted in a manner determined by the scheme manager if the member who made the allocation election dies after reaching the age of 75.

- (2) In this regulation, “allocated pension” has the meaning given in regulation [66\(1\)\(b\)](#).

Commencement Information

I24 Reg. 67 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 6.