
STATUTORY INSTRUMENTS

2023 No. 403

**The Judicial Pensions (Fee-Paid Judges)
(Amendment) Regulations 2023**

PART 2

Amendments relating to service before 7th April 2000

Amendment of regulation 45

29. In regulation 45—

(a) for paragraph (1) substitute—

“(1) Paragraph (2) applies where a member (“P”), whose benefits are to be calculated under the post-1995 provisions in respect of one or more eligible fee-paid judicial offices (each “a relevant office”), dies (on or after the commencement day) without having retired.”;

(b) for paragraph (2) substitute—

“(2) Unless a lump sum is payable on P’s death under—

(a) the Judicial Pensions Act 1981;

(b) section 4(3) of the Judicial Pensions and Retirement Act 1993;

(c) a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; or

(d) a scheme under section 1 of the Public Service Pensions Act 2013,

on the day after that on which P dies, the relevant person is entitled to a lump sum.”;

(c) in paragraph (4), for “(“the relevant office”)” substitute “which is a relevant office”;

(d) for paragraph (5) substitute—

“(5) The amount of the lump sum is to be determined in accordance with the following formula—

$$S \times 2 \times \frac{RS}{JS}$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P’s death, determined as if P had retired on the date of P’s death

RS is the amount of reckonable service P had in the relevant office at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P’s qualifying judicial service expressed in years and any fraction of a year.”;

(e) for paragraph (7) substitute—

“(7) The amount of the lump sum is to be determined in accordance with the following formula—

$$S \times 2 \times \frac{ARS}{JS}$$

where—

S is the appropriate annual salary of the judicial office held by P immediately before P’s death, determined as if P had retired on the date of P’s death

ARS is the amount of reckonable service P had in all relevant offices at the time of death, calculated under regulation 5(1) as though regulation 5(2) did not apply

JS is P’s qualifying judicial service expressed in years and any fraction of a year.”.