

## Ministry of Justice Statement in Fee-paid Judicial Cases

Update of 8 Oct 2021

This statement from the Ministry of Justice (MoJ) provides a further update on the work the department is doing to provide pension benefits to eligible judges for fee-paid service following the Court of Justice of the European Union's judgment of 7 November 2018 in *O'Brien No.2* and the Supreme Court's judgment in *Miller*, handed down on 16 December 2019.

It should be read in conjunction with previous communications published on the GOV.UK website, links to which can be found below.

### Progress report on interim payments

The tables below show progress in processing claims and payments by both the MOJ Judicial Claims Team and by XPS, the scheme administrator.

In these tables we refer to 'records' rather than individuals, with a record relating to a pension entitlement associated with a judicial office. An individual might therefore have more than one record to be processed.

*Table 1 – Processing of records by the MoJ Judicial Claims Team (JCT)*

		31 July 21	30 Sept 21	Change
(1)	Estimated total number of claimant records	6,262	6,294	+32
(2)	Records assessed as ineligible/duplicate by JCT	967	939	-28
(3)	Estimated total number of valid claimant records to be processed	5,295	5,355	+60
(4)	Records agreed by JCT and sent to XPS	4,708	4,961	+253
(5)	Records not yet agreed by JCT	587	394	-193
	Check total of rows (4) and (5) to row (3)	5,295	5,355	

Notes for Table 1:

- (1) This is the current estimated total number of *O'Brien 2/Miller* claimant records and we do not expect this number to change significantly in future.
- (2) This is the number of records within the row (1) total that are found to be either ineligible, for example because they are out of time, or duplicate.

- (3) This is the total number of claimant records assessed as being eligible. It covers all outstanding claimants, including some *Miller* claims that might relate to service after 7 April 2000.
- (4) In processing claims, the JCT uses a prioritisation framework that takes account of retiree status and vulnerability factors.

*Table 2 – Processing of records by the Scheme Administrator*

		31 July 21	30 Sept 21	Change
(6)	Active/deferred records processed by XPS in period	1,377	1,579	+202
(7)	Records receiving interim payments via XPS	2,136	2,296	+160
(8)	Records where queries pending with JCT, GAD or other.	681	725	+44
(9)	Records where queries pending with members	8	8	-
(10)	Records pending completion with XPS	506	353	-153
	Check total to row (4) in Table 1	4,708	4,961	+253

Notes for Table 2:

All records in Table 2 have had their sitting days agreed.

(6) Active records relate to individuals still holding the office concerned.

Deferred records relate to individuals who have left the office concerned but have not yet reached pension age.

(10) Records pending completion with XPS will include some active and deferred records.

**Next update**

We will provide a further update on interim payments by 10 December 2021.

Previous MOJ statements on this subject can be accessed from the following web page:

<https://www.gov.uk/government/collections/ministry-of-justice-statements-in-fee-paid-judicial-litigation>