

Determination under the Public Service Pensions Act 2013 and direction under the Judicial Pensions Regulations 2015 in relation to the Judicial Pension Scheme 2015

Introductory

1. The Lord Chancellor makes the following determination in exercise of the powers conferred by section 25(5) and (10) of the Public Service Pensions Act 2013 (“the 2013 Act”).
2. The Lord Chancellor also makes the following direction under regulation 3(1B) of the Judicial Pensions Regulations 2015 (the “2015 Regulations”), modifying the provisions of the 2015 Regulations in their application to a person to whom regulation 3(1)(b) of the 2015 Regulations relates and in respect of whom the Lord Chancellor makes this determination (a “new member”).
3. In this determination-
 - a) the “determination period” means the period beginning with 1st April 2015 and ending with 31st March 2021, and
 - b) unless otherwise specified, meanings of expressions are as defined in the 2013 Act and the 2015 Regulations.
4. This determination and direction have effect on the day after the day on which they are signed.

Determination

5. The scheme¹ is to relate to the following offices for the determination period, subject to paragraph 6 (opting-out):
 - a. Chair of the Agricultural Land Tribunal for Wales;
 - b. Chair of the Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal;
 - c. Chair of the Reinstatement Committee;
 - d. Deputy Chair of the Agricultural Land Tribunal for Wales;
 - e. Legal member of the Adjudication Panel for Wales;
 - f. Legal member of the Rent Assessment Committee Wales;
 - g. Legal member of the Welsh Language Tribunal;
 - h. Other member of the First-tier Tribunal, where the office is held by a person who sits as a Chairman in the Property Chamber (Residential Property);
 - i. Other member of the Upper Tribunal, where the office is held by a person who sits as a Chairman in the Lands Chamber and is a Member or Fellow of the Royal Institution of Chartered Surveyors;

¹ In this determination, “the scheme” means the scheme established by the Judicial Pensions Regulations 2015.

- j. President of the Adjudication Panel for Wales;
- k. President of the Rent Assessment Committees Wales;
- l. President of the Welsh Language Tribunal;
- m. President of the Welsh Tribunals;
- n. Senior Chair of the Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal.

Opting-out for retired members

- 6. A person who has retired from one of the offices specified in paragraph 5 before 1st April 2021 is not subject to this determination if they opt not to be a member of the scheme in relation to service in a qualifying judicial office.
- 7. They may only exercise the option under paragraph 6 by notice to the scheme manager in a form required by the scheme manager (“opt-out notice”) within 1 month of this determination having effect (or by such later date as the scheme manager may agree).
- 8. The effect of the opt-out notice is that they are taken to have never been in pensionable service under the scheme in relation to the continuous period of service in that office.

Direction in respect of contributions for the determination period

- 9. Regulations 124, 125 and 126 of the 2015 Regulations (contributions) apply to a new member with the following modifications in respect of the determination period.
- 10. The member contributions payable for the determination period are calculated as follows—

Step 1

Find the member’s annualised rate of pensionable earnings for each scheme year (see column 1 of the relevant contributions table in paragraph 11).

Step 2

Multiply the relevant contributions rate (see column 2 of the relevant contributions table in paragraph 11) by the annualised rate of pensionable earnings for each scheme year.

Step 3

Add together the amounts calculated under Step 2.

11. The contributions tables for the determination period are as follows:

a) for the scheme year 1st April 2015 to 31st March 2016—

<i>Column 1</i>	<i>Column 2</i>
<i>Annualised rate of pensionable earnings</i>	<i>Member contributions rate</i>
Up to but not including £15,001	4.6%
£15,001 to but not including £21,001	4.6%
£21,001 to but not including £47,001	5.45%
£47,001 to but not including £150,001	7.35%
£150,001 and above	8.05%

b) for the scheme year 1st April 2016 to 31st March 2017—

<i>Column 1</i>	<i>Column 2</i>
<i>Annualised rate of pensionable earnings</i>	<i>Member contributions rate</i>
Up to but not including £15,001	4.6%
£15,001 to but not including £21,211	4.6%
£21,211 to but not including £48,472	5.45%
£48,472 to but not including £150,001	7.35%
£150,001 and above	8.05%

c) for the scheme year 1st April 2017 to 31st March 2018—

<i>Column 1</i>	<i>Column 2</i>
<i>Annualised rate of pensionable earnings</i>	<i>Member contributions rate</i>
Up to but not including £15,001	4.6%
£15,001 to but not including £21,423	4.6%
£21,423 to but not including £51,006	5.45%
£51,006 to but not including £150,001	7.35%
£150,001 and above	8.05%

d) for the scheme year 1st April 2018 to 31st March 2019 and the scheme year 1st April 2019 to 31st March 2020—

<i>Column 1</i>	<i>Column 2</i>
<i>Annualised rate of pensionable earnings</i>	<i>Member contributions rate</i>
Up to but not including £15,001	4.6%
£15,001 to but not including £21,637	4.6%
£21,637 to but not including £51,516	5.45%
£51,516 to but not including £150,001	7.35%
£150,001 and above	8.05%

e) for the scheme year 1st April 2020 to 31st March 2021—

<i>Column header</i>	<i>Column 2</i>
<i>Annualised rate of pensionable earnings</i>	<i>Member contributions rate</i>
Up to but not including £22,005	4.6%
£22,005 to but not including £52,392	5.45%
£52,392 to but not including £150,001	7.35%
£150,001 and above	8.05%

12. The member contributions for the determination period (see paragraph 10), or any part of it, may be paid—

(a) by way of a lump sum at any time during the period of 6 months beginning with the day this direction has effect (or by such later date as the scheme manager may agree), or

(b) by way of deductions by the member's employer from the member's pensionable earnings for each pay period, as may be specified in an agreement between the member and the scheme manager.

13. The deductions specified under paragraph 12(b)—

(a) must be of fixed monetary amounts, and

(b) must not be less than any minimum amount determined by the scheme manager.

14. *(1) Except to the extent that the contributions amount for the determination period has already been paid under paragraph 12 or paid by deductions from the interim payments amount, it is to be paid by way of a deduction from—

(a) pension payments under Part 6 or Part 8 of the 2015 Regulations² in such instalments as the scheme manager considers appropriate,

(b) the lump sum (if one is payable under regulation 76 or 77 of the 2015 Regulations)³ paid on retirement,

(c) where a member dies before retiring, the lump sum payable under regulation 111 of the 2015 Regulations⁴, or

(d) if applicable, the transfer value payment under Chapter 2 of Part 10 of the 2015 Regulations⁵.

(2) In sub-paragraph (1) the "interim payments amount", in relation to a retired new member, means the total amount (if any) that was paid to that person under arrangements made for the purpose of providing pension benefits in respect of that person's retirement before 1st April 2021.

* Section 14 was amended by direction 2022/01 on 26 April 2022 by Lord Chancellor and Secretary of State for Justice, the Right Honourable Dominic Raab MP

Signed: Robert Buckland

Lord Chancellor and Secretary of State for Justice, the
Right Honourable Robert Buckland QC MP

Date: 27.04.2021

² Pensions are payable under Part 6 to members and payable under Part 8 to surviving adults.

³ Regulation 76 contains an option for a member to commute part of pension in exchange for a lump sum. Regulation 77 contains an option for a member to exchange the whole of the member's accrued pensions for a lump sum in cases of serious ill-health.

⁴ Regulation 111 provides for a lump sum death benefit.

5 Chapter 2 of Part 10 provides for making transfer value payments to another scheme.

