



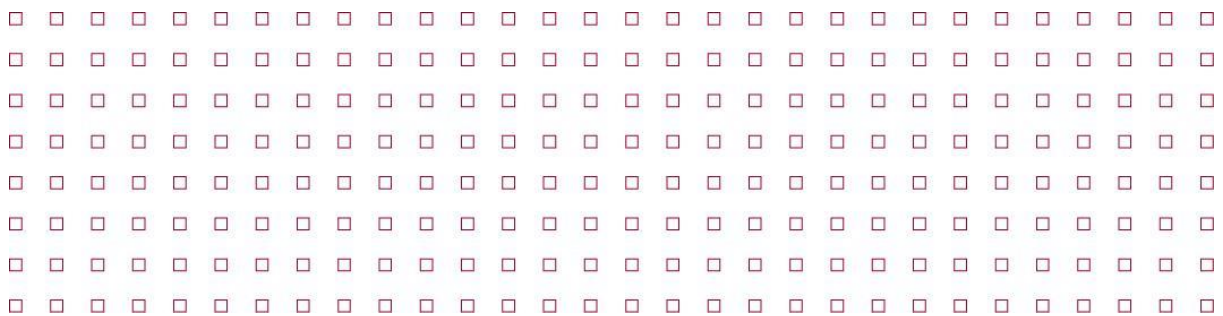
Ministry  
of Justice

# Fee-Paid Judicial Pension Scheme

## Scheme Guide

Version 1.0

April 2023



# Contents

<b>Part 1 – Scheme features, governance and eligibility</b>	<b>1</b>
Introduction	1
Scheme governance	1
Background	3
Scheme features	5
<b>Part 2 - General provisions</b>	<b>7</b>
Retirement	7
Reckonable service in FPJPS	9
Qualifying judicial service	11
Transfer of benefits into and out of FPJPS	12
Commutation of small pensions	13
Benefits for persons entitled to pension credits	14
Contributions	15
<b>Part 3 - Ascertaining whether pension benefits are calculated under pre-1995 or post-1995 provisions</b>	<b>22</b>
Overview	22
Conditions for retirement benefits to be calculated under the pre-1995 provisions	22
Election available when benefits for an office are calculated under the pre-1995 provisions	23
<b>Part 4 - Pension benefits under the pre-1995 provisions</b>	<b>24</b>
Ordinary pension at normal pension age	24
Calculation of ordinary pension	24
Lump sum	27
Payment of pension	27
Leaving before normal pension age	28
Retirement due to ill health	29
Death benefits for dependants	29
Death benefits - Lump sum payments	31
Reckonable service when recalculated under pre-1995 provisions	35
<b>Part 5 - Pension benefits under post-1995 provisions</b>	<b>36</b>
Ordinary pension at normal pension age	36
Calculation of ordinary pension	36
Lump sum	39
Payment of pension	40
Leaving before normal pension age	40

Retirement due to ill health _____	41
Death benefits for dependants _____	41
Death Benefits - Lump sum payments _____	43
<b>Part 6- FPJPS Additional Benefits Scheme _____</b>	<b>48</b>
The Fee-Paid Judicial Added Years Scheme _____	49
The Fee-Paid Judicial Added Surviving Adult’s Pension Scheme _____	55
The Fee-Paid Judicial Added Benefits Scheme _____	58
<b>Part 7 - Annexes _____</b>	<b>63</b>
Annex A – Judicial offices in Schedule 1 of The Judicial Pensions (Fee-Paid Judges) Regulations 2017 _____	63
Annex B – Accrual rates in Schedule 2 of The Judicial Pensions (Fee-Paid Judges) Regulations 2017 _____	69
Annex C - Contribution rates in Schedule 3 of The Judicial Pensions (Fee-Paid Judges) Regulations 2017 _____	71
Annex D – Ministerial Statement regarding Service Awards _____	75
Annex E – Death in Service Lump Sum Nominations: Explanatory Background Note _____	77
Annex F – FPJPS Death in service lump sum and inheritance tax _____	78
Annex G – Undertaking by the Ministry of Justice _____	80
Annex H – Glossary _____	82

# Part 1 – Scheme features, governance and eligibility

## Introduction

This guide explains the features of the Fee-Paid Judicial Pension Scheme, which was established under the *Judicial Pensions (Fee-Paid Judges) Regulations 2017* (the FPJPS Regulations) and amended by the *Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023* (the FPJPS Amendments) on 1<sup>st</sup> April 2023. The principal scheme provided under the FPJPS Regulations is referred to as ‘FPJPS’. This guide covers the basic design of the scheme and the provisions for members. Nothing in this guide can override the scheme regulations. Every effort has been made to make this guide as accurate as possible, but in the event of any difference, the regulations take precedence. This guide is based on the regulations at the time of publication and there is no guarantee that any part of the regulations will not change in the future.

FPJPS is one of several schemes that make up the Judicial Pension Scheme (JPS). The others include the salaried schemes under JPA81<sup>1</sup> and JUPRA<sup>2</sup> and the fee-paid and salaried schemes under JPS15<sup>3</sup> and JPS22<sup>4</sup>. The FPJPS Amendments came into force on 1<sup>st</sup> April 2023 to take account of the *O’Brien 2*<sup>5</sup> and *Miller*<sup>6</sup> judgments.

## Scheme governance

The Lord Chancellor is the Scheme Manager for FPJPS. The day-to-day administration of FPJPS is presently carried out by XPS Administration (XPS) on behalf of the MoJ.

The Judicial Pension Board (JPB) is responsible for assisting the Scheme Manager:

- to secure compliance with the scheme regulations, any other legislation relating to the governance and administration of the scheme and any requirements imposed by the Pensions Regulator in relation to the scheme;
- in the performance of the Scheme Manager’s functions under the scheme regulations; and
- considering appeals and complaints.

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<sup>1</sup> *Judicial Pensions Act 1981*

<sup>2</sup> *Judicial Pensions and Retirement Act 1993*

<sup>3</sup> *Judicial Pensions Regulations 2015*

<sup>4</sup> *Judicial Pensions Regulations 2022*

<sup>5</sup> *O’Brien v Ministry of Justice (Case C-432/17)*

<sup>6</sup> *Miller and others v Ministry of Justice [2019] UKSC 60*

The Judicial Pension Board has an independent chair appointed by the Lord Chancellor following consultation with the Lord Chief Justice of England and Wales, the Lord President in Scotland and the Lord Chief Justice of Northern Ireland. Membership and other information on the Judicial Pension Board is available at the following webpage:

[www.gov.uk/government/groups/judicial-pension-board](http://www.gov.uk/government/groups/judicial-pension-board).

The Northern Ireland Judicial Pension Board has scope over the devolved judiciary in Northern Ireland, but scheme management aspects are handled by the Judicial Pension Board.

The Judicial Pension Scheme Advisory Board is responsible for providing advice to the Lord Chancellor, upon request, about the desirability of making changes to the scheme. The Scheme Advisory Board's membership is the same as that of the Judicial Pension Board.

Audited accounts for the JPS are published for each year ending 31<sup>st</sup> March on the Gov.UK website.

## Appeals

If you are aggrieved by a decision of the administrator in relation to the FPJPS Regulations, you have a right to appeal to the Appropriate Minister against that decision.

## Scheme Contacts

XPS Administration

Albion

Fishponds Road

Wokingham

Berkshire

RG41 2QE

Tel: 0118 313 0700

Email: [mojadmin@xpsgroup.com](mailto:mojadmin@xpsgroup.com)

Ministry of Justice

102 Petty France

London

SW1H 9AJ

Email: [judicialpensions@justice.gov.uk](mailto:judicialpensions@justice.gov.uk)

## Other Contacts

**The Pensions Advisory Service** is available to assist members and beneficiaries with pension questions and issues they have been unable to resolve with the scheme administrator.

Tel: 0300 123 1047

Post: The Pensions Advisory Service

11 Belgrave Road

London

SW1V 1RB

Web: <http://www.pensionsadvisoryservice.org.uk>

**The Pensions Ombudsman** may investigate and determine certain complaints or disputes about pensions that are referred to them in accordance with the *Judicial Pensions and Retirement Act 1993*. Individuals can ask the Pensions Ombudsman to look into complaints about how pension schemes are run. In some situations, employers and scheme administrators can ask them to look into a problem.

Tel: 020 7630 2200

Post: Pensions Ombudsman Service

10 S Colonnade Canary Wharf London E14 4PU

Web: <http://www.pensions-ombudsman.org.uk>

E-mail: [enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk)

**The Pensions Regulator** may intervene in the running of schemes where employers or scheme administrators have failed in their duties.

Tel: 0345 600 0707

Post: The Pensions Regulator

Napier House, Trafalgar Place

Brighton

BN1 4DW

Web: <http://www.thepensionsregulator.gov.uk>

E-mail: [customersupport@tpr.gov.uk](mailto:customersupport@tpr.gov.uk)

## Background

FPJPS commenced on 1<sup>st</sup> April 2017 following the decision in *O'Brien*<sup>7</sup> that fee-paid judges had been treated less favourably than relevant full-time salaried judges because they had not been entitled to a pension. FPJPS initially only provided pension benefits for eligible fee-paid judicial service on or after 7<sup>th</sup> April 2000. The provisions largely mirrored salaried entitlements under JUPRA.

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<sup>7</sup> *O'Brien 1 v Ministry of Justice* [2013] UKSC 6

In November 2018, the Court of Justice of the European Union handed down judgment in the case of *O'Brien 2* which concluded that part-time work undertaken before 7<sup>th</sup> April 2000 must be taken into account when calculating a fee-paid judge's pension entitlement.

In December 2019 in the case of *Miller* it was decided that the three-month time limit under the *Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000* (PTWR) for claims to be made in relation to fee-paid judicial pension entitlement runs from the date of a claimant's retirement from all judicial offices, and not from the end of each fee-paid appointment.

As a result, on 1<sup>st</sup> April 2023, the FPJPS Amendments came into force to provide pension benefits for eligible fee-paid service before 7<sup>th</sup> April 2000. In particular, new provisions were included to allow eligible fee-paid judicial office holders, with service beginning before 31<sup>st</sup> March 1995, to have pension benefits calculated on a basis reflecting the JPA81 provisions available to some relevant salaried judges.

FPJPS closed to all new accruals on 31<sup>st</sup> March 2022. Fee-paid and salaried judges became members of JPS22 from 1<sup>st</sup> April 2022 and all judicial pension benefit accruals for service after that date will be in JPS22. Benefits accrued in FPJPS up to 31<sup>st</sup> March 2022 are protected.

Those in scope for the *McCloud*<sup>8</sup> remedy will be given the option of accruing benefits for the remedy period (1<sup>st</sup> April 2015 to 31<sup>st</sup> March 2022) in either JPS15 or their applicable legacy judicial pension scheme (JUPRA or FPJPS).

## **Interim payments and reconciliations**

Before FPJPS commenced, interim arrangements were put in place to provide payments in lieu of pension (PiLs) to eligible judges who had reached pension age and, where applicable, to the dependants of deceased judges. Additional interim arrangements were put in place ahead of the FPJPS Amendments to take into account additional entitlements that resulted from service before 7<sup>th</sup> April 2000.

Reconciling adjustments apply if your entitlements under the scheme regulations are greater or lower than any PiLs payments you have received for the period concerned.

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<sup>8</sup> *Lord Chancellor and Secretary of State for Justice and another v McCloud and others; and Secretary of State for the Home Department and others v Sargeant and others* [2018] EWCA Civ 2844

## Scheme features

Key features of FPJPS are as follows:

- An unfunded public service pension scheme based on ‘final salary’ pension benefits linked to reckonable service.
- Unregistered for tax purposes meaning contributions and benefit accruals do not count towards annual or lifetime allowances, and tax relief is not given on contributions<sup>9</sup> (however, the various additional benefits schemes are registered for tax purposes).
- Pension and lump sum benefits under both pre- and post-1995 provisions.
- Ill health pension benefits, where applicable.
- Surviving adult and/or eligible children’s pension benefits where applicable.
- Pensions in payment and preserved pension benefits revalued in line with inflation.

## Eligibility for membership

You may be eligible for membership of FPJPS if you held a judicial office in England, Wales, Scotland, or Northern Ireland that is listed in Schedule 1 to the FPJPS Regulations (reproduced in Annex A below), an office which was replaced by such an office, or an office included in Schedule 1 to JUPRA, and:

- your service was remunerated by the payment of fees;
- your judicial service (in either a fee-paid or salaried role) continued up to or beyond 7<sup>th</sup> April 2000;
- you had an in time claim because you:
  - held a judicial office on or after 2<sup>nd</sup> December 2012<sup>10</sup> or
  - made a claim for membership at the Employment Tribunal before 2<sup>nd</sup> December 2012 that was in time or was treated as being in time<sup>11</sup>.

The eligible offices listed in Schedule 1 (as reproduced in Annex A) are now shown in four tables to facilitate pension benefit calculations under the pre-1995 provisions where applicable (see Part 2).

You may also be entitled to benefits from FPJPS as:

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<sup>9</sup> Contribution rates are set at a level that takes this into account.

<sup>10</sup> 1<sup>st</sup> February 2013 for Northern Ireland offices.

<sup>11</sup> A claim may also have been made by the personal representatives of a deceased member within 3 months of the member’s death (or have been treated as being in time).



- A transferee in relation to a pension credit under a pension sharing order, for example stemming from a divorce settlement.
- A surviving adult (spouse or civil partner) or a relevant person in relation to an eligible child of a deceased member.

## **Service limitation dates**

Some fee-paid judicial offices are subject to a service limitation date which is the date after which the relevant salaried judge first became entitled to a judicial pension and so the date after which service in the fee-paid office first becomes pensionable under FPJPS.

In some cases, the relevant salaried judge was entitled to membership of a civil service pension scheme by proxy in respect of service on or before the service limitation date. If you have service in the corresponding fee-paid office, you are therefore entitled to a credit of qualifying fee-paid days in respect of sitting days on or before the service limitation date (service credit days). A service multiplier is used to calculate the amount of qualifying fee-paid service to be credited. The credit applies even if you ceased to hold the fee-paid office before the service limitation date provided other eligibility requirements are met.

## **Opting out and opting back in**

If you are a member of FPJPS who has not yet retired, you may opt out or opt back in by giving notice. If you became a member as a result of the FPJPS Amendments on 1<sup>st</sup> April 2023, and you opt out on or before 31<sup>st</sup> October 2023, you are treated as always having been an opted-out member.

If you have existing membership and would have liability to pay contributions in respect of service before 7<sup>th</sup> April 2000 as a result of the FPJPS Amendments, you may give notice on or before 31<sup>st</sup> October 2023 to opt out in respect of service before 7<sup>th</sup> April 2000.

If you opt out with at least two years qualifying judicial service, benefits are preserved until you reach the applicable normal pension age or, if later, the time when you would have completed five years qualifying judicial service if you had continued to hold a judicial office.

## Part 2 - General provisions

The provisions in this part apply whether pension benefits for a fee-paid office are calculated under the pre-1995 provisions or the post-1995 provisions.

### Retirement

In order to retire and draw pension benefits under the FPJPS Regulations, you must have:

- reckonable service in an eligible fee-paid judicial office;
- reached normal pension age (or early pension age under the post-1995 provisions) - see Parts 4 and 5;
- met the qualifying judicial service requirement for the office concerned; and
- ceased to hold all judicial offices, both fee-paid and salaried (but see exception for partial retirement).

The FPJPS Regulations also provide, in particular circumstances, for:

- early retirement;
- partial retirement;
- ill health retirement;
- removal from office; and
- multiple retirements.

Partial retirement and multiple retirement provisions are set out below, and early retirement, ill health retirement and removal from office are dealt with in the relevant pre- or post-1995 parts of this guide.

### Partial retirement

An amendment to the FPJPS Regulations in April 2023 prospectively removed the restriction on taking partial retirement in respect of offices the member had ceased to hold before the 1<sup>st</sup> April 2017. The amendment also regularised some partial retirement settlements that had previously taken place notwithstanding this restriction.

Partial retirement is available in relation to one or more fee-paid offices when a member, who meets the requirements in the FPJPS Regulations, ceases to hold the office(s), but continues to hold one or more other fee-paid offices. It is also available in relation to an office which a member has ceased to hold, where the member is subsequently appointed to a different judicial office (fee-paid or salaried).

## Part 2 – General provisions

The following changes do not allow partial retirement:

- Leaving a chamber of the First-tier Tribunal while continuing to be a First-Tier Tribunal Judge.
- A change of appointment to a different jurisdiction within a First-Tier Tribunal chamber.
- A change of appointment from one chamber of the First-Tier Tribunal to a different chamber of the First-Tier Tribunal.
- Reappointment to a different jurisdiction within a First Tier Tribunal chamber.
- A change of appointment from one chamber of the Upper Tribunal to a different chamber of the Upper Tribunal.

To take partial retirement in relation to a fee-paid office you must give written notice that is received within six months of your ceasing to hold the office concerned. The notice is irrevocable.

If you take partial retirement before the earliest pension age for the office(s) concerned, pension benefits for the office(s) are preserved until normal pension age (or until the qualifying judicial service requirement for the office is met, if later). If you subsequently fully retire (by ceasing to hold all fee-paid and salaried judicial offices) reckonable service in the office(s) in respect of which partial retirement was taken is excluded from the pension calculations for remaining offices. However, reckonable service in the partial retirement office still counts towards the aggregate cap on reckonable service applicable to the member. Partial retirement may have implications for the calculation of pension benefits for the office(s) concerned. Partial retirement is subject to the abatement principle (see Glossary).

### **Resumption of judicial office after retirement with pension benefits (multiple retirements)**

If you retire, by ceasing to hold all judicial offices, but subsequently resume judicial office (for the purposes of FPJPS), you are allowed to keep any pension benefits paid to you, if applicable, in respect of your earlier retirement. However, pension payments in respect of the earlier retirement will stop upon the resumption of service. The exception to this is pension benefits in respect of a partial retirement which are unaffected by a resumption of judicial office.

When you subsequently retire again, pension benefits are recalculated as if the earlier retirement had not occurred. You will not be required to repay the lump sum paid at the

## Part 2 – General provisions

earlier retirement but any amount that is not repaid will be deducted from any future pension lump sum or death benefit lump sum.

### **Moving to a different judicial pension scheme**

If you moved to a different judicial pension scheme because:

- you took up a salaried appointment and were moved to JUPRA pension provisions;
- you were moved to JPS15 for service between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2022;
- you moved to JPS22 for service from 1<sup>st</sup> April 2022;

you did not retire for the purposes of FPJPS and your pension benefits are calculated under the ordinary/early pension benefit provisions.

### **Mandatory retirement age**

The mandatory retirement age for judicial office holders was increased from 70<sup>12</sup> to 75 in March 2022, but this change did not affect:

- any normal pension ages; or
- any retirements at the earlier mandatory retirement age before the change came into force.

### **New sitting in retirement offices**

*The Public Service Pensions and Judicial Offices Act 2022* set out a new schedule of fee-paid sitting in retirement offices (new sitting in retirement offices) which came into force on 1<sup>st</sup> April 2022. Pension accruals for the new sitting in retirement offices are in JPS22. New sitting in retirement offices are not included in the definition of judicial offices for the purposes of FPJPS. Therefore, they do not apply in relation to the restrictions on retirement/partial retirement/multiple retirements. They are also not relevant for the purposes of determining appropriate annual salary under the benefits calculations.

The abatement principle applies to fee income from new sitting in retirement offices with respect to FPJPS pension benefits.

### **Reckonable service in FPJPS**

In order to accrue reckonable service in FPJPS in respect of a particular office, it must be:

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<sup>12</sup> A small number of judicial office holders already had preserved mandatory retirement ages above 70.

## Part 2 – General provisions

- a judicial office included in FPJPS (see Annex A) or JUPRA;
- fee-paid (as opposed to salaried/part-time salaried); and
- an office in respect of which the holder was eligible for membership of FPJPS.

Reckonable service in a fee-paid office is calculated by dividing qualifying fee-paid service in an office by the divisor for that office (see the tables in Annex A) to give a value for reckonable years.

For a particular day to be a qualifying fee-paid day and count towards qualifying fee-paid service, and hence reckonable service, you must have received a fee for the day in your capacity as the holder of the fee-paid office concerned (subject to certain conditions in the FPJPS Regulations). If you only receive a proportion of the full daily fee for a particular day, then only the same proportion of the day counts towards reckonable service.

The FPJPS Regulations provide specific provisions regarding certain types of credit (such as sick days, maternity leave and adoption leave). Statutory sick pay, statutory maternity and paternity pay, statutory adoption pay, or statutory shared parental pay do not count as fees for this purpose.

The determination of reckonable service may also be affected for example if:

- You held a fee-paid office before the 31<sup>st</sup> March 1995 and before that date you took up a new appointment (as defined in Part 3);
- You have service before a service limitation date for the office concerned (see Part 1 regarding service limitation dates and service credit days);
- You had transitional protection in respect of the introduction of JPS15 or elect to return to legacy schemes under the *McCloud* remedy;
- You were a part-time salaried judge also holding a fee-paid office.

If, as a result of a requirement or election (as described in Part 3), benefits for service in an office included in Tables 1 and 2 (see Annex A) that would have been calculated under pre-1995 provisions are instead to be calculated under post-1995 provisions, a multiplier of 1.25 is applied to the number of qualifying fee-paid days you have worked up to the new appointment to reflect the change from a 15-year arrangement to a 20-year arrangement.

### **Aggregate cap on reckonable service**

## Part 2 – General provisions

An aggregate cap of 20 years reckonable service applies across all of a judge's reckonable service in salaried offices with JUPRA pension entitlements and fee-paid offices with FPJPS pension entitlements.

Reckonable service towards the cap counts in the following order:

- Reckonable salaried service under JUPRA.
- Reckonable service in any office for which partial retirement has been taken.
- Reckonable service in other fee-paid offices, starting with the office where usage of the maximum amount would give the highest annual rate of ordinary pension, followed by the next highest and so on.

This order of priority can mean that if the entire cap has been used in respect of JUPRA service, no accrual of benefits in FPJPS is possible. Alternatively, it could result in some reckonable service in an office falling within the aggregate maximum amount, and some falling outside.

A gap in reckonable service will not cause a break in continuity of service for pension purposes. Service in JPS15 and JPS22 does not count towards the aggregate maximum amount.

### Qualifying judicial service

Qualifying judicial service is the sum of the periods during which you have held a judicial office, noting that:

- Where more than one office is held at the same time, the period of simultaneous service is only counted once<sup>13</sup>.
- Where there is more than one period during which you hold a judicial office, all periods are aggregated.
- Periods holding an eligible fee-paid judicial office before an applicable service limitation date will still count as qualifying judicial service.

The following periods do not count as qualifying judicial service:

- Periods relating to an office when the member has opted out in respect of that office.
- Periods when an individual holds a fee-paid office that is not eligible for FPJPS.
- Periods when a member has ceased to hold all offices with or without preserved pension benefits.

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<sup>13</sup> There is one exception to this applied in the calculation of a FPJPS death in service lump sum for fee-paid judges.

## Transfer of benefits into and out of FPJPS

### Transfers out

Subject to certain conditions (set out below) you may have a right to transfer out the cash equivalent value of your accrued benefits in FPJPS. This right may be exercised to make a transfer out in accordance with the options provided under the FPJPS Regulations.

The transfer out value can only be transferred to a registered pension scheme or a qualifying recognised overseas pension scheme which is willing to accept the transfer.

To be eligible to have the cash equivalent value of your accrued benefits, transferred out:

- You must have not retired.
- You must on your last day of reckonable service, have accrued benefits in FPJPS.
- Your last qualifying fee-paid day or last day holding an eligible fee-paid judicial office must be after the 1<sup>st</sup> April 2017.
- You must either:
  - have been at least one year under normal pension age on 6<sup>th</sup> February 2013 and apply to make the transfer in writing within one year of 1<sup>st</sup> April 2023; or
  - be at least one year under normal pension age when you exercise the transfer out option.

Unless you meet the requirement relating to 6<sup>th</sup> February 2013 above, you must apply to make a transfer in writing by the later of:

- The date which is one year before your normal pension age.
- The date which is six months after the day following your last day of reckonable service.

If your application is accepted, then it will be processed by the earlier of:

- the date 12 months after the option application is received; and
- the date on which you reach your normal pension age.

Once a transfer has been processed, your FPJPS benefits entitlements are extinguished.

### Transfers in

In some circumstances it may be possible for you to request a transfer payment (representing the cash equivalent value of your accrued benefits from an external tax registered pension scheme, known as the exporting scheme) into FPJPS. The administrators may refuse or accept the payment, or any part of it, even if the conditions below are met.

It should be noted that a transfer in might give rise to a tax charge on a member, as well as the exporting scheme, and you should consider taking independent professional advice in relation to any tax implications of a transfer in.

A number of conditions have to be met in order for a transfer-in to be allowed:

- The exporting scheme must be a registered pension scheme.
- On 6<sup>th</sup> February 2013 your age must have been more than one year under normal pension age.
- You must make a written request by 31<sup>st</sup> March 2024.
- You must nominate an effective transfer date that is:
  - between 6<sup>th</sup> February 2013 and 1<sup>st</sup> April 2023,
  - earlier than the date you reach normal pension age;
  - at least one year before you become eligible to a FPJPS pension on retirement for FPJPS purposes.
- The amount of additional FPJPS pension obtained as a result of the transfer in must be at least twice the amount of any guaranteed minimum pension amount given up as a result of the transfer.
- The transfer must be made directly from the trustees or administrators of the exporting scheme.

Transfers in are, where applicable, covered by the MoJ's undertaking, set out in Annex G, to compensate a member who suffers less favourable tax treatment because they could not make a transfer into a judicial pension scheme at the time when a relevant salaried judge could.

### Commutation of small pensions

Further to the amendments made on 1<sup>st</sup> April 2023, and subject to certain restrictions, FPJPS includes an option for the commutation of small pensions that are due to come into payment after 1<sup>st</sup> April 2023 (not including interim PiLs arrangements). Where applicable,



## Part 2 – General provisions

these allow a member, or a member's beneficiary (including a transferee) to receive a single lump sum payment, instead of ongoing pension payments. This option only applies if the cash value of the retirement benefits of a member who retires on or after 1<sup>st</sup> April 2023, or of such a member's beneficiary, does not exceed the small pensions commutation maximum.

**Making use of the small pension commutation option, will extinguish any rights to ongoing pension payments and so you should consider taking independent professional advice before making this choice. A decision to do so is irrevocable.**

The option to commute a small pension is only applicable in respect of the total benefits due under FPJPS (under both pre- and post-1995 provisions). This means it is only available on retirement (by ceasing to hold all judicial offices), or death when a surviving adult's pension or eligible child's pension is payable. If pension payments have commenced or partial retirement was taken at any point, these provisions are not available.

There are two types of small pension commutation provisions:

- Small pot commutation, which allows a member to receive a single lump sum payment, instead of pension payments, where the total cash value of the member's FPJPS retirement benefits, across all fee-paid offices held, is £10,000 or less (including the lump sum that would be payable in any case).
- Trivial commutation, which allows a member to receive a single lump sum payment, instead of pension payments, representing the total value of the member's FPJPS retirement benefits, if the requirements of commutation provisions are met. A key requirement is that the value of the member's defined benefit and defined contribution arrangements, must be less than the trivial commutation maximum for registered schemes (£30,000 as at 2023).

Each type of small pensions commutation has its own criteria and restrictions, which are specified in the FPJPS Regulations.

### **Benefits for persons entitled to pension credits**

Pursuant to wider legislation, a former spouse or civil partner of a member may become entitled to a pension credit in respect of a member's pension entitlements as a result of a pension sharing order. A person entitled to a pension credit is referred to as a transferee within FPJPS.

## Part 2 – General provisions

We understand that the pension credit value may be expressed as a percentage or cash equivalent value of a member's accrued pension benefits, which is converted to a pension and (if applicable) lump sum amount (calculated under the post-1995 provisions) for the benefit of the transferee. A corresponding debit amount is calculated to reduce the member's aggregate pension/lump sum.

The transferee generally becomes entitled to the pension credit when they reach 65<sup>14</sup>, irrespective of whether a member has reached 65 or not. If the transferee is under 65, the pension amount is preserved and revalued in line with inflation under *the Pensions Increase Act 1971* (currently in line with CPI).

If a transferee dies before reaching age 65, their nominee (or, if none, then their personal representative) is entitled to receive a lump sum of 2.25 times the annual pension the transferee would have received if they had not died.

Pension and lump sum payments to a transferee are taxable. A judicial service award will only be payable by MoJ in respect of the tax on a lump sum payment to a transferee if the pension sharing order was made before 6<sup>th</sup> April 2006.

If the transferee is a former spouse or civil partner of the member they will no longer be separately entitled to a surviving adult's benefits in the event of the member's death. However, the entitlements of eligible children continue with respect to the member's remaining pension benefits.

The scheme administrator will only pay benefits to a transferee in accordance with a pension sharing order. The pension amounts under the pension credit/debit are not affected by any election that may be made in respect of changing to the post-1995 provisions that is made after the credit/debit amounts have been determined, nor will they be impacted if the member's pension entitlement is increased, for example as a result of promotion.

If you have any further questions regarding the impact of pension sharing orders on your pension, please contact the scheme administrator.

## Contributions

FPJPS closed to accruals on the 31<sup>st</sup> March 2022 but member contributions are still

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<sup>14</sup> Subject to Regulation 30(2)(b) of the FPJPS Regulations

## Part 2 – General provisions

payable on historic fees in respect of all qualifying fee-paid days (and service credit days) in a fee-paid judicial office until retirement, death in service or the cap on contributions is reached, with the last year for which contributions can be charged being 2021-22.

The FPJPS Regulations set out the following liabilities for members to pay contributions towards benefits in respect of qualifying fee-paid days (and where applicable service credit days):

- Initial pre-commencement contributions.
- Pre-commencement contributions.
- Post-commencement contributions.

These categories are explained in more detail below. Where applicable, members will pay contributions in respect of personal contributions and dependants' contributions (i.e. for a surviving adult or eligible children) across all three categories.

All contributions can be paid by direct deductions from fees, but initial pre-commencement contributions may be paid by lump sum provided its paid by the 1<sup>st</sup> October 2023. In most cases contributions will be offset in the recalculation of benefits entitlements and entitlements will be paid net of contributions.

### *Circumstances in which contributions are not required*

If you retire and at the time of your retirement, you have never been married or been in a civil partnership, and you have never had any eligible children then:

- If no dependants' contributions have been paid, no liability to pay dependants' contributions will arise.
- If any dependants' contributions have been paid, they will be refunded.

There is no liability for contributions or accrual of benefits in respect of any period when you were opted out of FPJPS.

## **Calculation of contributions**

Contributions are calculated for each fee year/fee period using the relevant contribution rate as set out in Annex C to this guide below. The relevant fee year/fee period is the one containing the day in respect of which the fee concerned was paid.

For fee years up to and including 2014-15, a single percentage rate was used, irrespective of the annual fees received by the member. For fee years from 2015-16 to 2021-22 a tiered

## Part 2 – General provisions

approach was used, with different percentage rates applying, depending on annualised fee values.

### **Post-commencement contributions**

Post-commencement contributions refer to the liability to pay contributions on fees paid in respect of qualifying fee-paid days on or after 1<sup>st</sup> April 2017.

#### *Personal benefits contributions*

To calculate personal benefits contributions, your annualised fee income for the year is multiplied by the relevant percentage shown in column 2 of Table 4, 5, 6 or 7 (as applicable) in Annex C.

#### *Dependants' benefits contributions*

To calculate dependants' benefits contributions, your annualised fee income for the year is multiplied by the relevant percentage in the relevant column in Table 4, 5, 6 or 7 (as applicable) in Annex C.

The relevant column for the purposes of the preceding paragraph is determined by the judicial office for which contributions are being calculated for. For an office which is listed in Table 1 or Table 2 of Annex A where the office was held before the 31<sup>st</sup> March 1995, the relevant column will be column 3. For all other offices, the relevant column is column 4.

### **Pre-commencement contributions**

Pre-commencement contributions refer to the liability to pay contributions on fees paid in respect of qualifying fee-paid days from the 7<sup>th</sup> April 2000 to 31<sup>st</sup> March 2017 as well as liability to pay dependants benefits contributions on fees paid in respect of service credit days between the 7<sup>th</sup> April 2000 and 31<sup>st</sup> March 2017.

#### *Personal benefits contributions*

To calculate personal benefits contributions your total/annualised fee income for the period is multiplied by the relevant percentage specified in relation to that fee period, set out in column 2 of Table 1 in Annex C or column 2 of a table specified in that table.

#### *Dependants' benefits contributions*

## Part 2 – General provisions

To calculate dependants' benefits contributions, your annualised fee income for the period is multiplied by the relevant percentage in the relevant column in Table 1 of Annex C or the relevant column of a table specified in that table.

The relevant column for the purposes of the preceding paragraph is determined by the judicial office for which contributions are being calculated. For an office which is listed in Table 1 or Table 2 of Annex A where the office was held before the 31<sup>st</sup> March 1995, the relevant column will be column 3. For all other offices, the relevant column is column 4.

Additionally, for judicial offices in Table 3 or 4 in Annex A, the contributions amount for service credit days is calculated by multiplying your fee income for the fee period, in respect of any service credit days, by the percentage in Table 8 in Annex C.

### **Initial pre-commencement contributions**

Initial pre-commencement contributions refer to the liability to pay contributions on:

- personal benefits in respect of service credit days;
- dependants' benefits contributions in respect of qualifying fee-paid days prior to 7<sup>th</sup> April 2000; and
- dependants' benefits contributions in respect of service credit days prior to 7<sup>th</sup> April 2000.

#### *Personal benefits contributions amount in respect of service credit days*

Personal benefits contributions in respect of service credit days are only payable for the fee years 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013 and 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014.

For the fee year 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013, your total/annualised fee income, in respect of service credit days, is multiplied by the percentage shown, in relation to that sum, in column 2 of Table 9 in Annex C.

For the fee year from 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014, your total/annualised fee income, in respect of service credit days, is multiplied by the percentage shown, in relation to that sum, in column 2 of Table 10 in Annex C.

#### *Dependants' benefits contributions*

To calculate dependants' benefits contributions, your annualised fee income for the fee period is multiplied by the percentage specified in the relevant column of the first row in Table 1 of Annex C.

## Part 2 – General provisions

The relevant column for the purposes of the preceding paragraph is determined by the judicial office for which contributions are being calculated for. For an office which is listed in Table 1 or Table 2 of Annex A where the office was held before the 31<sup>st</sup> March 1995, the relevant column will be column 3 - the specified percentage being 2.40%. For all other offices, the relevant column is column 4 - the specified percentage being 1.80%.

Additionally, for judicial offices in Table 3 or 4 of Annex A, the contributions amount for service credit days is calculated by multiplying your fee income for the fee period, in respect of any service credit days, by the percentage in Table 8 in Annex C.

### **Repayment of dependants' benefits contributions**

FPJPS provides for the repayment of dependants' benefits contributions for all types of contributions, including:

- Full repayment of contributions where on or after the 1<sup>st</sup> April 2017, you retired and at the time of retirement you had never been married or in a civil partnership, nor ever had an eligible child, since your first appointment to an eligible fee-paid judicial office.
- A partial repayment of contributions where before, on or after the 1<sup>st</sup> April 2017 you retired and there has been a period of time since you were married or in a civil partnership or had an eligible child. The repayment of dependants' benefits contributions relates to the period leading up to retirement.

These scenarios also apply to applicable offices where you take partial retirement.

Repayment amounts are paid with compound interest.

### **Cap on contributions and refund of excess contributions**

There is an overall cap on contributions of 20 reckonable years' service, which includes reckonable service in aggregate across FPJPS and JUPRA. For reckonable service it is worth noting that:

- For offices you first held before 31<sup>st</sup> March 1995 with a pre-1995 15-year arrangement, actual reckonable service is multiplied by 20 then divided by 15 to put service on a common 20-year basis for assessment against the cap.
- For part-time salaried offices (as opposed to fee-paid office), the relevant percentage working pattern compared to the full-time appointment is apportioned for reckonable service. For example, if a salaried judge has held a salaried office

## Part 2 – General provisions

for ten years on 50% of a full-time work pattern, they would have paid contributions for five reckonable years for the purpose of the cap.

- Added years purchased through the FPJAYS scheme within FPJPS or the JAYS scheme associated with JUPRA count as reckonable years for the purpose of the cap.

There may be cases where, once your FPJPS and JUPRA service has been taken into account, overall you may have made contributions for more than 20 reckonable years. In these cases, contributions count towards the cap chronologically with earliest liability counting first. This may mean your most recent contributions will fall outside the contributions cap, in the period known as the excess contributions period. Excess contributions which fall into the excess contributions period may be refunded.

JAYS contributions count as the most recent contributions, irrespective of when they were actually paid, because they will have been more expensive than other contributions. Therefore, these contributions will be refunded first (if applicable). Unlike other contributions which will have been paid without any tax relief and so are refundable gross, a refund of JAYS contributions might give rise to a liability in respect of any tax relief originally obtained. If in doubt you should check the position with your tax office.

For administrative purposes, excess contributions may be set off against the liability to pay contributions in respect of historical fee-paid service. However, there is still likely to be a net refund position because the later contributions:

- will usually have been calculated as a percentage of a higher salary level;
- include personal contributions which were deemed to be payable at a rate of zero percent before 1<sup>st</sup> April 2012;
- may be JAYS contributions which are purchased for a higher amount.

A net refund may be due even where there are no FPJPS pension benefits payable in respect of historical fee-paid service. This is because whereas the reckonable service cap towards contributions counts chronologically, JUPRA service counts first for the purposes of pension benefits calculations.

FPJPS provides for a reconciling payment or recovery where the entitlement refund is higher or lower than any interim refund paid before the FPJPS Amendments came into

## Part 2 – General provisions

force. If you think you are due a refund of contributions, but have not been notified of a payment, you should contact the scheme administrator.

### **Particular provisions**

If as a result of FPJPS Amendments you became liable for contributions prior to 7<sup>th</sup> April 2000, you may opt out of FPJPS (including for benefit accruals) for all or part of that period by sending notice to the scheme administrator before 31<sup>st</sup> October 2023.

If you held a judicial office before and on, 5<sup>th</sup> December 2005 and entered into a civil partnership, you can elect for service before 5<sup>th</sup> December 2005 not to count towards benefits for your civil partner if you make an irrevocable election within 6 months of 1<sup>st</sup> April 2023 or if later the day on which the civil partnership was entered into. If you make this election, dependants' contributions are not payable for the period before 5<sup>th</sup> December 2005.

### **Employer's contributions**

Employer's contributions are set at rates determined by the Government Actuary's Department and approved by the MoJ in conjunction with the Judicial Pension Board. Employer's contributions are not subject to the contributions cap. They are paid from the date of the member's appointment to an eligible fee-paid judicial office until retirement. Information on employer's contribution rates is provided in the JPS Annual Report and Accounts.



## **Part 3 - Ascertaining whether pension benefits are calculated under pre-1995 or post-1995 provisions**

### **Overview**

The FPJPS provisions are intended to reflect, as far as possible, those applicable to relevant salaried judges in respect of JPA81 and JUPRA and the provisions for interactions between those schemes.

The retirement and/or death benefits for all fee-paid offices in which you have reckonable service under the pre-1995 provisions, the post-1995 provisions, or both, are aggregated to give total retirement/death benefits.

Pension benefits for an eligible fee-paid judicial office are calculated under the post-1995 provisions, unless the conditions for calculating benefits under the pre-1995 conditions are met.

### **Conditions for retirement benefits to be calculated under the pre-1995 provisions**

Retirement benefits, death benefits and associated contributions for an eligible fee-paid judicial office, included in Table 1, 2, or 3 (see Annex A) that you first held before 31<sup>st</sup> March 1995 (the relevant office) may be calculated under the pre-1995 provisions, provided you did not have a 'new appointment' on or after 31<sup>st</sup> March 1995.

For this purpose, you will have had a new appointment if (i) you were appointed to another judicial office in place of that relevant office; or (ii) if after ceasing to hold the relevant office<sup>15</sup>, you were appointed to another judicial office, and in either case that other office was:

- a salaried office; or
- a fee-paid office included in a different table in FPJPS, other than Table 4 (see Annex A below).

This is because relevant salaried judges had to move from JPA81 pension arrangements to JUPRA pension arrangements if, on or after 31<sup>th</sup> March 1995, they were appointed to an office that would have been subject to different pension arrangements to their pre-1995

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<sup>15</sup> Where you ceased to hold the relevant office in order to take up the other office, it will be a new appointment even if the new appointment date is shortly before the date which you ceased to hold the relevant office.

### **Part 3 – Ascertaining whether pension benefits are calculated under pre-1995 or post-1995 provisions**

office under JPA81. The offices in Table 4 do not have relevant salaried judges who would have been entitled to judicial pension arrangements before 31<sup>st</sup> March 1995, and so the different JPA81 pension arrangements condition could not apply.

A deployment to a different role under an existing appointment does not count as appointment to a new judicial office for this purpose.

If the conditions for retirement benefits to be calculated under the pre-1995 provisions are met for an office in respect of which you were already receiving benefits (for eligible service from 7<sup>th</sup> April 2000) when the FPJPS Amendments came into force, benefits for that office will be recalculated under the pre-95 provisions, subject to the available election set out below.

### **Election available when benefits for an office are calculated under the pre-1995 provisions**

If you meet the conditions for your retirement benefits for a relevant office to be calculated under the pre-1995 provisions set out above, you may nonetheless elect for these retirement benefits to be calculated under the post-1995 provisions.

Any election must be made by submitting a notice within the 12-month period beginning with the day on which you retired or, if you had already retired when the FPJPS Amendments came into force, within 12 months of 1<sup>st</sup> April 2023. Any election is irrevocable.

The personal representative of a deceased member may also make the elections that would have been available to the member, applying the time limits above to the date of the member's death.

## Part 4 - Pension benefits under the pre-1995 provisions

The pre-1995 provisions provide, as far as possible, pension benefits for fee-paid offices that mirror those for relevant salaried judges under the JPA81 pension arrangements<sup>16</sup> on a pro-rata temporis basis.

The calculation of pension benefits for a fee-paid office under the pre-1995 provisions depends on at least four factors:

- reckonable service in the office;
- qualifying judicial service in all judicial offices;
- the appropriate annual salary (AAS) applicable to periods of service; and
- an accrual factor (see Annex B).

### Ordinary pension at normal pension age

Subject to the cap on reckonable service set out in Part 2 of this Scheme Guide, there will be a calculation of the pension benefits associated with periods of service in each fee-paid office held. Retirement benefits for all of the fee-paid offices held, including those for which pension benefits are calculated under the post-1995 provisions, are combined to give total pension benefits at retirement.

In most cases, the normal pension age, under the pre-1995 provisions, is 70 for offices in Table 1 of Schedule 1 to the FPJPS Regulations and 65 for offices in Tables 2 and 3 (see Annex A). A minimum period of qualifying judicial service also applies.

### Calculation of ordinary pension

#### Appropriate annual salary

The use of an AAS value in pension benefit calculations provides the 'final salary' characteristic of FPJPS.

Where the AAS value relates to a fee-paid judicial office (fee-paid AAS), the value is generally the highest daily fee payable to a holder of that office (within the period of three years ending with the member's retirement or partial retirement) multiplied by the divisor for that office (see Annex A).

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<sup>16</sup> And where applicable other statutory provisions for offices in Scotland and Northern Ireland.

Where the AAS value relates to a salaried judicial office, because the member's latest judicial service is in a salaried office, (Salaried AAS) in most cases the value is the last annual salary (apart from any allowances) paid to the member.

### **Approach where the member has only held one fee-paid judicial office**

The formula for calculating the annual rate of ordinary pension for a fee-paid office for which benefits are to be calculated under the pre-1995 provisions, due at normal pension age is:

$$\frac{R}{JS} \times AF \times S$$

where:

- R is the number of years of reckonable service you have accrued in the office.
- JS is the total number of years qualifying judicial service you have, subject to a maximum cap of 15 years for an office specified in Table 1 or 2, or 20 years for an office specified in Table 3 (see Annex A).
- AF is the accrual factor for the office, relating to your qualifying judicial service, which can be found in column 2 of Table 1, 2 or 3 (as applicable) of the tables listed in Annex B.
- S is the appropriate annual salary (AAS) for the office held immediately before retirement.

### **Approach where the member has held more than one fee-paid judicial office but has not held two or more eligible fee-paid offices simultaneously**

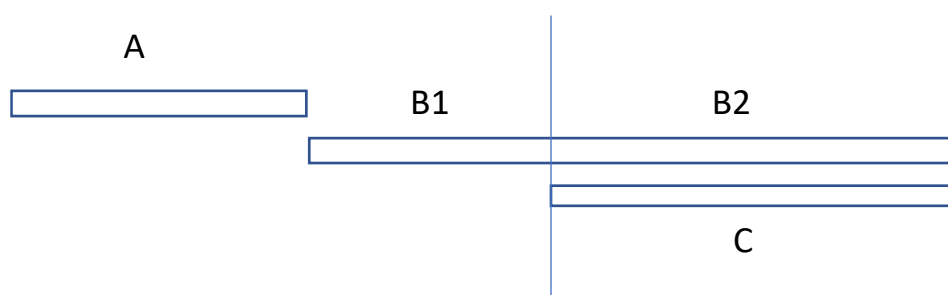
This approach applies where you have held more than one fee-paid judicial office (including any offices for which pension benefits are to be calculated under the post-1995 provisions) but have not at any time held two or more eligible fee-paid offices simultaneously.

The annual rate for the offices for which benefits are to be calculated under the pre-1995 provisions is calculated using the formula above in respect of each office (using the same AAS value relating to the office held immediately before retirement in each calculation), and the amounts are then summed to give the total annual rate for the offices.

## Approach where the member has held more than one fee-paid judicial office and there are periods of simultaneous service

This approach applies where you have held more than one fee-paid judicial office (including any offices for which pension benefits are to be calculated under the post-1995 provisions) and have, at any time before retirement, held two or more eligible fee-paid offices simultaneously.

It is necessary to consider periods of simultaneous service in offices and non-simultaneous service in offices separately- see illustration below.



### *Periods of simultaneous service in more than one fee-paid office*

For periods of simultaneous service (B2 and C in the illustration above), the pension benefits for reckonable service in each office are calculated using the formula above, applying the AAS value for the office concerned as if it was:

- the only office you had reckonable service in on retirement; and
- the only office you held immediately before your retirement.

### *Periods of non-simultaneous service in one or more fee-paid offices*

Where there are periods of non-simultaneous service (A, and B1 in the illustration above), the pension benefits for each period of service are calculated using the formula above, but in each case using the AAS value for the judicial office (whether fee-paid or salaried) actually held immediately before your retirement. If you held more than one judicial office at retirement, the highest AAS is used.

Where service in a fee-paid office is divided between simultaneous treatment and non-simultaneous treatment (as for office B in the illustration above), the reckonable service is divided between the simultaneous and non-simultaneous treatment periods in the same proportion as the actual calendar periods for which the office was held.

## Part 4 – Pension benefits under pre-1995 provisions

If you have used up all of your reckonable service cap (see Part 2), reckonable service in fee-paid offices whose inclusion would result in a higher annual rate of pension per year of reckonable service are taken into account before reckonable service in offices whose inclusion would result in a lower annual rate.

### *Tribunal offices*

Some tribunals have not always been in the unified tribunal system. Where you held such an office and also held another tribunal office, the treatment depends on the position at the time of your retirement.

- If both offices were in the unified system at the time of your retirement, total reckonable service is treated as having been in a single office, unless the offices are in different chambers of the tribunal, in which case they are treated as being separate offices for the purposes of AAS determination.
- If one of the offices was not in the unified system at the time of your retirement, reckonable service is treated as having been in separate offices.

### *Requirements/elections for benefits to be calculated under both the pre-1995 provisions and the post-1995 provisions*

Where benefits for one or more offices are to be calculated under the pre-1995 provisions, and benefits for one or more offices are to be calculated under the post-1995 provisions, the approach to determining AAS values is as set out above, taking account of any simultaneous/non-simultaneous service in other fee-paid offices, including those for which pension benefits are calculated under the post-1995 provisions.

## **Lump sum**

A lump sum is payable when your pension payments commence (including ordinary retirement, ill health retirement, where you take a preserved pension or are removed from office). You will become entitled to a lump sum of twice the amount of the annual pension. A judicial service award is paid by MoJ to cover the tax which has to be deducted from the lump sum because FPJPS is an unregistered scheme.

## **Payment of pension**

### **Regular pension payments**

Pension payments are made on a monthly basis by the scheme administrator and are subject to income tax deductions<sup>17</sup>.

### Leaving before normal pension age

#### Early retirement

Early retirement is not available in respect of offices for which benefits are calculated under the pre-1995 provisions. If you cease to hold all judicial offices between ages 60 and 65, pension benefits for offices under pre-95 provisions will be preserved until the relevant normal pension age.

#### Removal from office

If you retire before reaching normal pension age from a judicial office, because you have been removed from all the judicial offices you hold, and pension benefits would have been calculated under the pre-1995 provisions, there are the following possibilities:

- Subject to certain requirements, you may elect to draw an immediate pension on an actuarially reduced basis;<sup>18</sup> or
- Subject to certain requirements, you will have benefits preserved under the pre-1995 provisions, with a pension payable at normal pension age for the office.

#### Preserved pension benefits

If you retire before reaching your normal pension age because you have ceased to hold all your judicial offices, your pension benefits, calculated under the pre-1995 provisions, will be preserved.

Preserved pension benefits are calculated at retirement, but do not come into payment until your normal pension age (or, if later, the time when you would have completed the required amount of qualifying judicial service for the office concerned) and cannot be taken before then. In the meantime, benefit amounts are increased on an annual basis in accordance with the *Pensions (Increase) Act 1971* at the rate detailed in the annual pension increase order.

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<sup>17</sup> The regulations specify pension payments are payable at intervals not exceeding 3 months.

<sup>18</sup> This election is subject to a recommendation from the Lord Chancellor (or in some cases the Secretary of State for Scotland) to the scheme administrator

## Retirement due to ill health

Subject to the criteria for ill health certification, you may be eligible for an ill health pension where your benefits are to be calculated under the pre-1995 provisions in respect of one or more eligible fee-paid judicial office(s) and you retire.

Ill health retirement will normally apply to all of the offices you hold and replaces any entitlement to a pension entitlement arising from removal from office, and to preserved pension benefits.

If you take ill health retirement before your normal pension age you will receive an immediate pension comprised of a pension amount calculated for each office held under the pre-1995 ordinary pension provisions.<sup>19</sup> This is calculated with reference to your reckonable service up to ill health retirement. There is no enhancement factor, but there is no actuarial reduction in respect of the member's age.

If you take ill health retirement after normal pension age, the ill health retirement benefits are calculated on the same basis as ordinary pension benefits, but any requirement for a minimum period of qualifying judicial service is disapplied.

## Death benefits for dependants

### Surviving adult's pension

In the event of a member's death, a surviving adult's pension would be available to a surviving spouse or civil partner in respect of offices for which benefits are calculated under the pre-1995 provisions provided that:

- the member was still married or in a civil partnership on the date of death; and
- if the member died after retirement the marriage or civil partnership began before the retirement.

In the event of a member's death, the surviving adult is entitled to an immediate pension for life that is one half of the member's pension entitlement:

- If the member dies in service, the pension entitlement is the pension that would have been received if they had retired on the date of death with the ill health certification met.

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<sup>19</sup> For ill health retirement benefits calculated in respect of offices under the post-1995 provisions, see Part 5.



## Part 4 – Pension benefits under pre-1995 provisions

- If the member dies after retirement (including retirement below normal pension age with preserved pension benefits), the pension entitlement is the pension that the member is entitled to at the time of death.<sup>20</sup>

HMT may direct that the surviving adult's pension be withheld if they remarry/enter into a new civil partnership. In such a case HMT may subsequently direct that the pension be resumed.

### Eligible children's pensions

If you die in service or after retirement, leaving an eligible child, or children, they may be entitled to an eligible children's pension, providing certain conditions are met. If so, the pension amount is immediately payable to a person directed by HMT for the benefit of all the eligible children.

For these purposes, an eligible child is one that meets the conditions relating to age or occupation in the regulations, and fulfils the definitions in the regulations for being:

- your natural child;
- your adopted child (subject to certain conditions);
- your step-child; or
- your child under a parental order (subject to certain conditions).

Under the 'age condition', the child must be under 16. Under the 'occupation condition', the child must have, at all times since that age:

- remained in full time education; or
- been undergoing at least two years of full-time training for a trade, vocation or profession, the rate of pay for which does not exceed the specified maximum.

HMT can direct that gaps in full-time education or training for a trade, profession or vocation are to be disregarded under certain circumstances. If periods are disregarded, the child's pension is payable for the whole period of eligibility, including the gap.

The amount of eligible child's pension due if you die without leaving a surviving adult is –

- where there is one eligible child, a pension of one third of the member's pension.

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<sup>20</sup> In a case of preserved benefits this still means immediate payment.

## Part 4 – Pension benefits under pre-1995 provisions

- when there are two or more eligible children, a pension of two thirds of the member's pension.

The amount of eligible child's pension due if you die leaving a surviving adult is–

- where there is one eligible child, a pension of one quarter of the member's pension.
- when there are two or more eligible children, a pension of one half of the member's pension.

The member's pension referred to above is either:

- the pension you were entitled to at time of your death if retired (including retirement below normal pension with preserved pension benefits); or
- in the case of death in service the pension to which you would have been entitled if you had retired at the time of death.

If the surviving adult subsequently dies, the children's pension amounts change to those that would have applied if there had been no surviving adult. If a surviving adult marries or enters into a civil partnership, HMT may direct that the children's pension amounts change to those as if there had been no surviving adult for the period during which the surviving adult has a spouse or civil partner.

Pension payments for eligible children continue at relevant levels while there remain eligible children and must be applied for the benefit of the eligible children. Additionally, pension entitlements may change, if the number of eligible children changes.

## **Death benefits - Lump sum payments**

### **Death in service as an unretired member of the scheme**

If you accrued benefits under FPJPS that are to be calculated under the pre-1995 provisions, but die in service without having retired, your personal representative, or a person nominated by you in writing to the scheme administrator, may still be eligible for a lump sum providing one isn't already payable under another relevant scheme, including JPA81, JUPRA, JPS15, JPS22 (or a relevant Northern Ireland Scheme). This is payable in addition to any pensions payable to surviving adults and eligible children.

*Approach where the member, on death, has only held one fee-paid judicial office*

## Part 4 – Pension benefits under pre-1995 provisions

If you only ever held one fee-paid office, the death in service lump sum is the greater of:

- twice the annual pension that you would have received in respect of the office if you had retired on ill health grounds on the day of your death; and
- a value calculated using the following formula:

### Formula 1

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

where:

- S is the appropriate annual salary for the judicial office held immediately before your death, as if you had retired on the date you died;
- RS is actual reckonable service you had in the relevant office under the pre-1995 provisions at the time of death; and
- JS is your qualifying judicial service.

*Approach where the member, on death, has held more than one fee-paid judicial office but has not held two or more eligible fee-paid offices simultaneously*

If you held more than one fee-paid office, but did not have simultaneous service in two or more offices, the death in service lump sum is the greater of:

- twice the annual pension that you would have received in respect of the offices if you had retired on ill health grounds on the day of death; and
- a value calculated using the following formula:

### Formula 2

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

where:

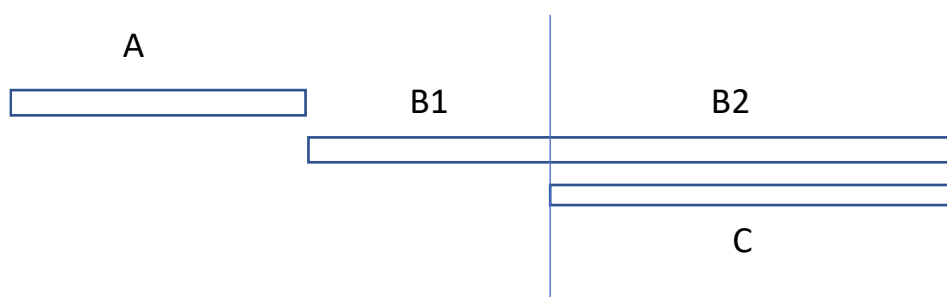
- S is the appropriate annual salary for the judicial office held immediately before your death, as if you had retired on the date you died;

#### Part 4 – Pension benefits under pre-1995 provisions

- ARS is the aggregate amount of reckonable service you had in all relevant offices under the pre-1995 provisions; and
- JS is your qualifying judicial service.

*Approach where the member, on death, has held more than one fee-paid judicial office and there are periods of simultaneous service*

If you held more than one fee-paid office and had periods of both simultaneous and non-simultaneous service in those offices, it is necessary to consider the periods separately – see illustration below



For periods of simultaneous service (B2 and C in the illustration above) the lump sum amount for each office is calculated separately using Formula 1, applying the AAS value for the office concerned as if it was the only office you held immediately before your retirement. However, for each calculation the value for qualifying judicial service is the total across all of the offices concerned for the simultaneous period. This is an exception to the principle that where you hold more than one judicial office during any period, the period is to be counted only once.

For periods of non-simultaneous service (A and B1 in the illustration above), the lump sum is calculated using Formula 2, applying the AAS value for the judicial office you held at the time of your death. If you held more than one judicial office at the time of your death, the highest AAS is used.

Where service in a fee-paid office is divided between simultaneous treatment and non-simultaneous treatment (as for office B in the illustration above), the reckonable service is divided between the simultaneous and non-simultaneous treatment periods in the same proportion as the actual calendar periods for which the office was held.

## Part 4 – Pension benefits under pre-1995 provisions

The component amounts calculated under the provisions above are aggregated to give the total lump sum payable.

### **Death while a retired member with preserved pension benefits**

If you die having retired, with preserved FPJPS pension benefits due to be calculated under the pre-1995 provisions, a lump sum is payable to your personal representative if:

- You were not opted out at the time of your retirement with preserved pension benefits;
- You would have been entitled to your preserved pension at normal pension age if you had lived.

If the above conditions apply, the lump sum payable is twice the notional annual rate of the preserved pension you would have received if you had reached normal pension age on the day you died.

### **Death soon after retirement with pension entitlement**

If you die after retiring with benefits due to be calculated under the pre-1995 provisions, a lump sum will be payable to your personal representative if:

- you retired on or after the 1<sup>st</sup> April 2023 and were not opted out at the time of your retirement;
- at the time of your death, you were entitled to the payment of a pension payment for one or more offices for which pension benefits were calculated under pre-1995 provisions;
- the 'total FPJPS pension benefits received' (as defined below) at the time of your death are less than the death in service lump sum that would have been payable, had you died in office.

For this purpose, 'total FPJPS pension benefits received' comprise:

- any PiLs payments received, including lump sum amounts;
- any reconciliation amount paid (additional payment or deduction); and
- any pension payments and lump sum payments.

If the above conditions apply, the difference between the amounts is payable to the member's personal representative as a lump sum.

## **Payments to member's personal representative**

Nomination of a recipient is available in respect of a death in service lump sum. However, nominations are not available under the pre-1995 provisions in respect of lump sums payable if death occurs after retirement with a preserved pension, or soon after retirement with a pension. In these cases, any payment would be made to your personal representative.

## **Bereavement allowance**

Where a lump sum is paid out upon your death, the scheme administrator has to deduct income tax. The tax deduction is made whether the lump sum is paid to a nominee (under the death in service provisions) or to the personal representative. However, in either case, a bereavement allowance is paid to the recipient of the lump sum by MoJ to cover the tax deduction.

## **Reckonable service when recalculated under pre-1995 provisions**

Pension benefits for a member who is entitled to have their pension benefits calculated under the pre-1995 provisions, but who had pension benefits for service from 7<sup>th</sup> April 2000 calculated under the post-1995 provisions before the FPJPS Amendments came into force, will be recalculated under the pre-1995 provisions, but the member may elect for post-1995 provisions to apply instead. Where pension benefits are recalculated, a reconciliation adjustment may apply.

## Part 5 - Pension benefits under post-1995 provisions

The post-1995 provisions provide, as far as possible, pension benefits for fee-paid offices that mirror those for relevant salaried judges under the JUPRA pension arrangements<sup>21</sup> on a pro-rata temporis basis.

The calculation of pension benefits for a fee-paid office under the post-1995 provisions depends on two factors:

- reckonable service in that office; and
- the appropriate annual salary (AAS) applicable to periods of service.

### Ordinary pension at normal pension age

Subject to the cap on reckonable service set out in Part 2 of this Scheme Guide, there will be a calculation of the pension benefits associated with periods of service in each fee-paid office held. Retirement benefits for all of the fee-paid offices held, including those for which pension benefits are calculated under the pre-1995 provisions, are combined to give total pension benefits at retirement.

The normal pension age for fee-paid offices under the post-1995 provisions is 65 or the completion of five years qualifying judicial service, if later.

### Calculation of ordinary pension

#### Appropriate annual salary

The use of an AAS value in pension benefit calculations provides the 'final salary' characteristic of FPJPS.

Where the AAS value relates to a fee-paid judicial office (fee-paid AAS), the value is generally the highest daily fee payable to the holder of that office (within the period of three years ending with the member's retirement or partial retirement) multiplied by the divisor for that office (see Annex A).

Where the AAS value relates to a salaried judicial office, because the member's latest judicial service is in a salaried office, (Salaried AAS) the value is the highest salary paid to

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<sup>21</sup> And where applicable other statutory provisions for offices in Scotland and Northern Ireland.

## Part 5 – Pension benefits under post-1995 provisions

the member in respect of any continuous period of 12 months during the three years ending with the member's date of retirement or, if applicable, partial retirement.

### **Approach where the member has only held one fee-paid judicial office**

The formula for calculating the annual rate of ordinary pension for a fee-paid office for which benefits are to be calculated under the post-1995 provisions, due at normal pension age is:

#### **Formula 1**

$$\frac{R}{40} \times S$$

where:

- R is the number of reckonable years' service that you have accrued in the office; and
- S is the appropriate annual salary for the office held immediately before retirement.

### **Approach where the member has held more than one fee-paid judicial office but has not held two or more eligible fee-paid offices simultaneously**

This approach applies where you have held more than one fee-paid judicial office, (including any offices for which pension benefits are to be calculated under the pre-1995 provisions) but have not at any time held two or more eligible fee-paid offices simultaneously.

The annual rate for the offices for which benefits are to be calculated under post-1995 provisions is calculated using the following formula:

#### **Formula 2**

$$\frac{AR}{40} \times S$$

where:



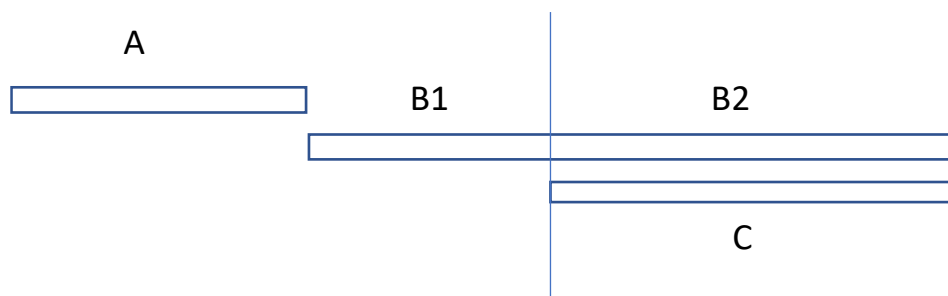
## Part 5 – Pension benefits under post-1995 provisions

- AR is the aggregate length of your reckonable service in fee-paid offices for which pension benefits are calculated under the post-1995 provisions; and
- S is the appropriate annual salary for the office held immediately before retirement.

### Approach where the member has held more than one fee-paid judicial office and there are periods of simultaneous service

This approach applies where you have held more than one fee-paid judicial office (including any offices for which pension benefits are to be calculated under the pre-1995 provisions) and have, for one or more periods, held two or more eligible fee-paid offices simultaneously.

It is necessary to consider periods of simultaneous service in offices and non-simultaneous service in offices separately – see illustration below.



#### *Periods of simultaneous service in more than one fee-paid office*

For periods of simultaneous service (B2 and C in the illustration above), the pension benefits for reckonable service in each office are calculated using Formula 1, applying the AAS value for the office concerned as if it was:

- the only office you had reckonable service in on retirement; and
- the only office you held immediately before your retirement.

#### *Periods of non-simultaneous service in one or more fee-paid offices*

Where there are periods of non-simultaneous service (A, and B1 in the illustration above), the pension benefits for each period of service are calculated using Formula 2, but in each case applying the AAS value for the judicial office (whether fee-paid or salaried) actually held at retirement. If you hold more than one judicial office at retirement, the highest AAS is used.

## Part 5 – Pension benefits under post-1995 provisions

Where service in a fee-paid office is divided between simultaneous treatment and non-simultaneous treatment (as for office B in the illustration above), the reckonable service is divided between the simultaneous and non-simultaneous treatment periods in the same proportion as the actual calendar periods for which the office was held.

If you have used up all of your reckonable service cap (see Part 2), reckonable service in fee-paid offices whose inclusion would result in a higher annual rate of pension per year of reckonable service are taken into account before reckonable service in offices whose inclusion would result in a lower annual rate.

### *Tribunal offices*

Some tribunals have not always been in the unified tribunal system. Where you held such an office and also held another tribunal office, the treatment depends on the position at the time of your retirement.

- If both offices were in the unified system at the time of your retirement, total reckonable service is treated as having been in a single office, unless the offices are in different chambers of the tribunal, in which case they are treated as being separate offices for the purposes of AAS determination.
- If one of the offices was not in the unified system at the time of your retirement, reckonable service is treated as having been in separate offices.

### *Requirements/elections for benefits to be calculated under both the pre-1995 provisions and the post-1995 provisions*

Where, benefits for one or more offices are to be calculated under the pre-1995 provisions, and benefits for one or more offices are to be calculated under the post-1995 provisions, the approach to determining AAS values is as set out above, taking account of any simultaneous/non-simultaneous service in other fee-paid offices, including those for which pension benefits are calculated under the post-1995 provisions.

## **Lump sum**

A lump sum is payable when your pension payments commence (including ordinary retirement, early retirement, ill health retirement, where you take a preserved pension or are removed from office). You will become entitled to a lump sum of 2.25 times the amount of the annual pension. A judicial service award is paid by MoJ to cover the tax which has to be deducted from the lump sum because FPJPS is an unregistered scheme.

## Payment of pension

### Regular pension payments

Pension payments are made on a monthly basis by the scheme administrator and are subject to income tax deductions<sup>22</sup>.

## Leaving before normal pension age

### Early retirement

Early payment of a pension and lump sum is available at retirement between ages 60 and 65 where pension benefits for offices are calculated under the post-1995 provisions and you have at least five years qualifying judicial service.

The pension and lump sum are subject to an actuarial reduction to reflect the longer expected period of pension payment. If you do retire between 60 and 65 the actuarially reduced pension must be drawn – benefits cannot be deferred until 65 to avoid the reduction.

### Removal from office

If you retire before reaching age 60 from a judicial office, because you have been removed from all the judicial offices you hold, and pension benefits would have been calculated under the post-1995 provisions, there are the following possibilities:

- Subject to certain requirements, you may elect to draw an immediate pension on an actuarially reduced basis;<sup>23</sup> or
- Subject to certain requirements, you will have benefits preserved under the post-1995 provisions, with a pension payable at normal pension age for the office.

### Preserved pension benefits

If you retire before reaching age 60 because you have ceased to hold all your judicial offices, your pension benefits, calculated under the post-1995 provisions, will be preserved.

Preserved pension benefits are calculated at retirement, but do not come into payment until your normal pension age (or, if later, the time when you would have completed five years

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<sup>22</sup> The regulations specify pension payments are payable at intervals not exceeding 3 months.

<sup>23</sup> This election is subject to a recommendation from the Lord Chancellor (or in some cases the Secretary of State for Scotland) to the scheme administrator

qualifying judicial service if you had continued to hold the office concerned) and cannot be taken before then. In the meantime, benefit amounts are increased on an annual basis in accordance with the *Pensions (Increase) Act 1971* at the rate detailed in the annual pension increase order.

## Retirement due to ill health

### *Ill-health ordinary pension*

Subject to the criteria for ill health certification, you may be eligible for an ill health pension where having reached 65, having less than 5 years' qualifying judicial service, you have accrued reckonable service in relation to one or more relevant office(s) and retire. Ill health retirement will normally apply to all of the offices you hold.

### *Ill-health enhanced pension*

If you take ill health retirement before your normal pension age for an office (meaning that you have reckonable service in relation to one or more relevant offices and meet the ill-health certification condition set out above), an enhancement is added to your ordinary pension entitlement calculated under the post-1995 provisions. No additional member contributions are required in respect of the enhancement.

If you take ill health retirement after normal pension age, ill health retirement benefits are calculated on the same basis as ordinary pension benefits, but any requirement for a minimum period of qualifying judicial service is disapplied.

## Death benefits for dependants

### Surviving adult's pension

In the event of a member's death, a surviving adult's pension would be available to a surviving spouse or civil partner in respect of offices for which benefits are calculated under the post-1995 provisions provided that:

- the member was still married or in a civil partnership on the date of death; and
- if the member died after retirement the marriage or civil partnership began before the retirement.

In the event of a member's death, the surviving adult is entitled to an immediate pension for life that is one half of the member's pension entitlement:

## Part 5 – Pension benefits under post-1995 provisions

- If the member dies in service, the pension entitlement is the pension that would have been received if they had retired on the date of death with the ill health certification met.
- If the member dies after retirement (including retirement below normal pension age with preserved pension benefits), the pension entitlement is the pension that the member is entitled to at the time of death.<sup>24</sup>

HMT may direct that the surviving adult's pension be withheld if they remarry/enter into a new civil partnership. In such a case HMT may subsequently direct that the pension be resumed.

### Eligible children's pensions

If you die in service or after retirement, leaving an eligible child, or children, they may be entitled to an eligible children's pension, providing certain conditions are met. If so, the pension amount is immediately payable to a person directed by HMT for the benefit of all the eligible children.

For these purposes, an eligible child is one that meets the conditions relating to age or occupation in the regulations, and fulfils the definition in the regulations for being:

- your natural child;
- your adopted child (subject to certain conditions);
- your step-child; or
- your child under a parental order (subject to certain conditions).

Under the 'age condition', the child must be under 16. Under the 'occupation condition', the child must have at all times since that age:

- remained in full time education; or
- been undergoing at least two years of full-time training for a trade, vocation or profession, the rate of pay for which does not exceed the specified maximum.

HMT can direct that gaps in full-time education or training for a trade, profession or vocation are to be disregarded under certain circumstances. If periods are disregarded the child's pension is payable for the whole period of eligibility, including the gap.

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<sup>24</sup> In a case of preserved benefits this still means immediate payment.

## Part 5 – Pension benefits under post-1995 provisions

The amount of eligible child's pension due if you die without leaving a surviving adult is –

- where there is one eligible child, a pension of one third of the member's pension.
- when there are two or more eligible children, a pension of two thirds of the member's pension.

The amount of eligible child's pension due if you die leaving a surviving adult is –

- where there is one eligible child, a pension of one quarter of the member's pension.
- when there are two or more eligible children, a pension of one half of the member's pension.

The member's pension referred to above is either:

- the pension you were entitled to at time of your death if retired (including retirement below normal pension with preserved pension benefits); or
- in the case of death in service the pension to which you would have been entitled if you had retired at the time of death and met the ill-health certification condition.

If the surviving adult subsequently dies, the children's pension amounts change to those that would have applied if there had been no surviving adult. If a surviving adult marries or enters into a civil partnership, HMT may direct that the children's pension amounts change to those as if there had been no surviving adult for the period in which the surviving adult has a spouse or a civil partner.

Pension payments for eligible children continue at relevant levels while there remain eligible children and must be applied for the benefit of the eligible children. Additionally, pension entitlements may change, if the number of eligible children changes.

### **Death Benefits - Lump sum payments**

#### **Death in service as an unretired member of the scheme**

If you accrued benefits under FPJPS that are to be calculated under the post-1995 provisions, but die in service without having retired, your personal representative or a person nominated by you in writing to the scheme administrator, may still be eligible for a lump sum providing one isn't already payable under another relevant scheme, including JPA81, JUPRA, JPS15, JPS22 (or a relevant Northern Ireland Scheme). This is payable in addition to any pensions payable to surviving adults and eligible children.

## Part 5 – Pension benefits under post-1995 provisions

*Approach where the member, on death, only held one fee-paid judicial office*

If you only ever held one fee-paid office, the death in service lump sum is calculated as:

### Formula 1

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

where:

- S is the appropriate annual salary for the office held immediately before your death, as if you had retired on the date you died;
- RS is the actual reckonable service you had in the relevant office at the time of death; and
- JS is your qualifying judicial service.

*Approach where the member, on death, has held more than one fee-paid judicial office but has not held two or more eligible fee-paid offices simultaneously*

If you held more than one fee-paid office, but did not have simultaneous service in two or more offices, the lump sum is calculated as:

### Formula 2

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

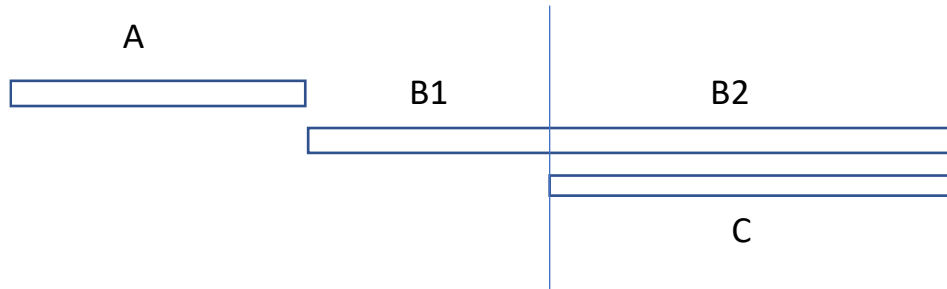
where:

- S is the appropriate annual salary for the office held immediately before your death, as if you had retired on the date you died;
- ARS is the actual reckonable service you had in all relevant offices under the post-1995 provisions at the time of death; and
- JS is your qualifying judicial service.

*Approach where a member, on death, has held more than one fee-paid judicial office and there are periods of simultaneous service*

## Part 5 – Pension benefits under post-1995 provisions

If you held more than one fee-paid office and had periods of both simultaneous and non-simultaneous service in those offices, it is necessary to consider the periods separately – see the illustration below:



For periods of simultaneous service (B2 and C in the illustration above) the lump sum amount for each office is calculated separately using Formula 1, applying the AAS value for the fee-paid office concerned as if it was the only office you held immediately before retirement. However, for each calculation the value for qualifying judicial service is the total across all of the offices concerned for the simultaneous period. This is an exception to the principle that where a member holds more than one judicial office during any period, the period is to be counted only once.

For periods of non-simultaneous service (A, and B1 in the illustration above), the lump sum is calculated using Formula 2, applying the AAS value for the judicial office you held at the time of your death. If you held more than one judicial office at the time of your death, the highest AAS is used.

Where service in a fee-paid office is divided between simultaneous treatment and non-simultaneous treatment (as for office B in the illustration above), the reckonable service is divided between the simultaneous and non-simultaneous treatment periods in the same proportion as the actual calendar periods for which the office was held.

The component amounts calculated under the provisions above are aggregated to give the total lump sum payable.

### *Start date for qualifying judicial service in formulas*

Before the FPJPS Amendments came into force, the value for qualifying judicial service in the formulas above was limited to service after 6<sup>th</sup> April 2000. However, that backstop date was removed by the FPJPS Amendments. As a result, death in service calculations carried



## Part 5 – Pension benefits under post-1995 provisions

out before the FPJPS Amendments came into force may have been too high or too low, depending on the effect of the different denominator value.

Death in service payments made before the FPJPS Amendments came into force:

- Anticipated the removal of the backstop date where this resulted in a higher lump sum.
- Did not anticipate the removal of the backstop date where this would have resulted in a lower lump sum.

Any increased lump sum amount not included in an interim payment was included in the reconciling adjustments applied when the relevant FPJPS provisions came into force.

Any instances where the removal of the backstop implied a reduction to a lump sum amount previously paid as a PiLs payment will be considered on a case by case basis.

This issue did not affect the calculation of any interim pension payments for surviving adults.

### **Death while a retired member with preserved pension benefit**

If you die having retired, with preserved FPJPS pension benefits, a lump sum is payable to your personal representative if:

- You were not opted out at the time of your retirement with preserved pension benefits;
- You would have been entitled to your preserved pension at normal pension age if you had lived.

If the above conditions apply, the lump sum payable is 2.25 times the notional annual rate of preserved pension you would have received if you had reached normal pension age on the day you died.

### **Death soon after retirement with pension entitlement**

If you die after retiring with benefits due to be calculated under the post-1995 provisions, a lump sum will be payable to your personal representative if:

- you were not opted out at the time of your retirement;
- at the time of your death you were entitled to payment of a FPJPS pension; and

## Part 5 – Pension benefits under post-1995 provisions

- the ‘total FPJPS pension benefits received’ (as defined below) at the time of your death are less than the minimum benefits amount (5 x the pension payable to you immediately before your death).

For this purpose, ‘total FPJPS pension benefits received’ comprise:

- any PiLs payments received, including lump sum amounts;
- any reconciliation amount paid (additional payment or deduction); and
- any pension payments and lump sum payments.

If the above conditions apply, the lump sum payable to your personal representative is the difference between the minimum benefits amount and the total FPJPS pension benefits received.

### **Nomination of beneficiaries**

You may nominate a person to receive the lump sum payable upon your death in judicial service (see further information in Annex E). The nomination must be given in writing to the scheme administrator using a form which the scheme administrator can provide.

Nomination of a recipient is not available in respect of death while a retired member with preserved pension benefits nor death soon after retirement with pension entitlement. In these cases, any payment would be made to your personal representative.

### **Bereavement allowance**

Where a lump sum is paid out upon your death, the scheme administrator has to deduct income tax. The tax deduction is made whether the lump sum is paid to a nominee or to the personal representative. However, in either case, a bereavement allowance is paid to the recipient of the lump sum by MoJ to cover the tax deduction.

## Part 6- FPJPS Additional Benefits Scheme

This part sets out the additional benefits schemes that are available under FPJPS, subject to applicable eligibility requirements and limitations:

- The Fee-Paid Judicial Added Years Scheme (FPJAYS).  
Purchase of added years in respect of fee-paid offices where benefits are calculated under the post-1995 provisions.
- The Fee-Paid Judicial Added Surviving Adults Pension Scheme (JASAPS).  
Purchase of additional pension benefits for surviving adults – associated with fee-paid offices where benefits are calculated under the post-1995 provisions.
- The Fee-Paid Judicial Added Benefits Scheme (FPJABS).  
Purchase of units of added benefit in respect of fee-paid offices where benefits are calculated under the pre-1995 provisions.

While FPJPS was open for accruals, eligible members could also make contributions to the Fee-Paid Judicial Additional Voluntary Contributions Scheme, a tax registered defined contributions scheme. This scheme is no longer available for new contracts under the FPJPS provisions, but if you are a member of the JPS22 you can make contributions under the *Judicial Pensions (Additional Voluntary Contributions) Regulations 2017*.

The FPJPS additional benefits schemes mirror the arrangements that were available to salaried judges under the *Judicial Pensions (Additional Voluntary Contributions) Regulations 1995*, for contracts they entered into from 31<sup>st</sup> March 1995 to 6<sup>th</sup> April 2006. The arrangements for salaried judges closed to new contracts after 6<sup>th</sup> April 2006, which was the point at which the pension arrangements for salaried judges became unregistered for tax purposes

Notwithstanding the closure of the principal FPJPS scheme to accruals after 31<sup>st</sup> March 2022, FPJPS additional benefits agreements entered into before that date will continue, and there will be a further opportunity for eligible members to give notice to make purchases or vary existing purchases during a 12-month window from 1<sup>st</sup> April 2023.

Unlike the principal FPJPS scheme, all of the additional benefits schemes are tax registered<sup>25</sup>. This means that contributions attract tax relief, but contributions and benefits count towards annual and lifetime tax allowances. The retirement lump sum benefits associated with the FPJAYS and FPJABS schemes are paid on a tax-free basis.

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<sup>25</sup> FPJAYS was registered from 2019-20 and FPJABS is due to be registered in 2023-24.

If you suffer less favourable tax treatment because an additional benefits agreement is entered into, or changed, in pursuance of the FPJPS Amendments, rather than at the time that would have applied for a relevant salaried judge, MoJ's policy position set out in the undertaking, in Annex G will be relevant, where applicable.

## The Fee-Paid Judicial Added Years Scheme

### Eligibility

To participate in FPJAYS, you must:

- have eligible service in one or more fee-paid offices between 31<sup>st</sup> March 1995 and 5<sup>th</sup> April 2006, for which benefits are calculated under the post-1995 provisions.
- be continuing to hold judicial office or be retired, but you must not have opted out of FPJPS (unless you opted back in).

Applications may not be made by a personal representative where a judge who would have been eligible is deceased.

You may have become a member of the FPJAYS by entering into agreements to purchase added years after the FPJPS Regulations first came into force on 1<sup>st</sup> April 2017.

### Limits on purchases

The FPJPS Regulations set out the maximum contribution amounts that you can pay towards added years in FPJAYS. The maximum can vary depending on whether you are retired or unretired, and in the event that you are unretired, whether you are paying by lump sum or periodic contributions. If you submit a notice to purchase added years, the scheme administrator will take account of the contribution limits when determining the maximum number of added years you can purchase, and this will be reflected in the quotation you receive.

If you do not initially have reckonable service in any offices for which pension benefits are to be calculated under the post-1995 provisions, but subsequently make an election under FPJPS Regulations to have benefits calculated under the post-1995 provisions, it would be open to you to make a FPJAYS purchase, but only if you can do so within the time limits set out below, and subject to headroom in relation to any FPJABS added units of benefit that are converted to FPJAYS added years.

## **Purchases following the FPJPS Amendments and variation of existing contracts**

You will have one year from the 1<sup>st</sup> April 2023 to give written notice (including the supporting information referred to in the regulations) to the FPJPS scheme administrators that:

- you wish to become a member of FPJAYS, if you meet the eligibility requirements for the first time;
- you wish to extend/reduce purchase contracts under your existing membership, if you became a member as a result of the purchase window after the 1<sup>st</sup> April 2017.

The administrators will have discretion to extend this deadline in individual cases. Please note that contributions must be paid within the time limits set out in the contributions section below. Variations of existing contracts may result in additional contributions liabilities, refunds or reductions of ongoing periodic contributions as applicable.

### **Cost and contributions**

The cost of added years in FPJAYS is analogous to the amount a relevant salaried judge would have paid in the salaried Judicial Added Years Scheme and is calculated in accordance with the formulas set out in the FPJPS Regulations.

The maximum purchase of additional years in FPJAYS is derived by subtracting from the 20-year aggregate cap on reckonable service:

- any reckonable years you have in JUPRA and FPJPS, including any reckonable years in respect of the McCloud remedy, if applicable (if you are unretired this is calculated using your assumed retirement date – see Glossary); and
- the equivalent value of the retained benefits that you had in other pension schemes (not just judicial pension schemes) at your assumed contribution commencement date (see Glossary).

If you are retired, contributions must be made by lump sum payment to the administrators, within 12 months of the date on which you served your notice in respect of a purchase of FPJAYS added years. It may be possible to offset any amounts of FPJAYS pension benefits that are payable at that time.

If you are unretired, contributions may be made:

- by up to three lump sum payments, made within three years beginning with the date on which you gave notice, but no more than one lump sum payment may be

## Part 6 – FPJPS Additional Benefits Scheme

made in each calendar year, in respect of any contributions relating to the period beginning with the assumed contribution commencement date and ending with the day before your periodic contributions start date; and

- by periodic deductions from fees or salary, which commence on the periodic contributions start date, which must be within 12 months of the date on which you gave notice and as agreed with the administrator.

Where applicable, as an unretired member, your periodic contributions to FPJAYS will continue until you:

- reach your assumed retirement age;
- retire;
- die; or
- notify the administrator that you want to cease contributions.

### **FPJAYS Benefits**

Benefits in FPJAYS are purchased as added years (or part years) under the post-1995 provisions. The added years count towards pension benefits for the member and for dependants' benefits. When a purchase of added years is made in FPJAYS, the added years are deemed to have accrued during the period between the assumed contributions commencement date and the assumed or actual FPJPS retirement date (as defined in the Glossary). The added years are therefore associated on a pro rata basis with corresponding reckonable service in offices you held that come under the post-1995 provisions.

Where an office under the post-1995 provisions is held simultaneously with another office that comes under the post-1995 provisions, the added years are associated with the two offices in the same proportion as your actual reckonable service for the purpose of the post-1995 benefit calculations.

If you die in service, FPJAYS benefits will normally be calculated for the full number of added years which you had intended to serve (as set out in your notice) until your assumed retirement date. This will also apply in the event of ill health retirement.

If you purchase added years in FPJAYS after your FPJPS retirement, the determination of FPJAYS benefits will take place as soon as possible, and will be paid on an ongoing basis alongside existing FPJPS benefits. The initial payments will take account of annual pension

## Part 6 – FPJPS Additional Benefits Scheme

increases that should have applied since retirement and will include interest in respect of that period.

If you purchase added years in FPJAYS before your FPJPS retirement, the determination of FPJAYS benefits will not take place until your FPJPS retirement.

If you have purchased FPJAYS added years and retire before the date assumed when the purchase was made, or stop making contributions early, you will be credited with the FPJAYS benefits that you have paid for at that time. However, the reduction will not apply if you retire with ill health certification or die in service.

Increases to FPJAYS benefits in relation to CPI inflation are applied in line with benefits for other reckonable service in FPJPS.

You may cease to make periodic contributions at any time before reaching your assumed retirement age. In such cases you will be treated as having purchased the number of added years that you have already paid for.

If you have ceased periodic contributions, you can apply to recommence them, providing:

- You have not yet reached your assumed retirement age.
- Contributions will not be at a higher level than before the cessation.
- You make a health declaration that you have no reason to believe that your health may prevent continuation of service until your assumed retirement age.

If, within the 12 months after resuming contributions, you either retire on the grounds of ill health or die or you develop an incapacity which subsequently leads to your retirement or death, the administrators will only credit the full number of added years that you intended to purchase if they are satisfied that your health declaration was made in good faith.

### **Refunds of contributions**

If you purchase added years via periodic contributions as an unretired member and, at the time of your retirement, you did not have a spouse or civil partner, and there are no eligible children, there will be a refund of the contributions paid that relate to dependants' benefits for the period from the date you last had an eligible dependant to the date contributions stopped being paid. In these circumstances, no additional surviving adult's pension or

## Part 6 – FPJPS Additional Benefits Scheme

additional children's pension will be due on your death, even if you had subsequently acquired one or more dependants. Any refund due will be paid with interest and will be subject to tax.

If you die in service and, at that time, you did not have a spouse or civil partner, and there are no eligible children, your estate will be paid a refund of contributions relating to dependants' benefits for the period from the date you last had an eligible dependant to the date contributions stopped being paid.

If you purchase added years as a retired member, and at the time of your retirement, either:

- you never had a spouse, civil partner or qualifying child at any point following your assumed contributions commencement date; or
- you did not have a spouse, civil partner, or qualifying child, but you did at some point in the period since your assumed contributions commencement date,

contribution amounts will be reduced to reflect this position as set out in the regulations.

The required level of contributions by an unretired member can only be estimated at the outset of the purchase. Therefore, if applicable, at retirement, you will receive a refund in respect of contributions in excess of the amount needed to purchase:

- the number of added years you originally agreed to purchase; or
- the maximum number of years you are allowed to purchase.

If you have paid less than the amount needed to purchase the number of added years you originally intended, you will receive the number of added years (including any part years) covered by your contributions.

If you retire later than the date assumed when the FPJAYS purchase was made, and as a result the cap on reckonable service is exceeded, you will receive a commensurate refund of FPJAYS contributions.

FPJAYS refunds will be applied before JASAPS refunds in the event that purchase limits becomes exceeded.

### **Refund after election to move from pre-1995 provisions to post-1995 provisions**



## Part 6 – FPJPS Additional Benefits Scheme

If, as a retired member, you purchase FPJAYS added years after making an election under FPJPS Regulations to have benefits calculated under the post-1995 provisions, you may be entitled to a refund of any excess of:

- the contribution payable for those added years, over
- the contribution that would have been payable for those added years as if, before making the election, you had purchased:
  - enough FPJABS added units of benefit for them to be converted into that number of added years or, if it is less than that number,
  - the maximum number of FPJABS added units of benefit that would have been available to you,and those added FPJABS added units of benefit had been converted into added years.

### **Reduction and refund**

If either of the following factors means that added years purchases would cause the overall cap of 20 reckonable years' service to be exceeded, additional purchases will not be available, and you will receive a refund of contributions in respect of any FPJAYS added years in excess of the cap:

- your additional reckonable service before 7<sup>th</sup> April 2000, once this is taken into account; and
- your choice in respect of the *McCloud* remedy, if applicable.

Any refund will be paid with interest and will potentially be subject to a tax deduction, because tax relief was available in respect of the contributions when they were paid.

Any benefits already paid out in respect of excess added years will need to be repaid but, if available, this can be set off against pension benefit amounts that become payable in respect of the additional reckonable service being taken into account.

### **Conversion of FPJAYS added years into FPJABS added units of benefit**

If you purchased FPJAYS added years before the amendment day and, as a result of pre-2000 eligible service being taken into account, no longer have any offices in respect of which FPJAYS purchases are allowed (because offices in which you have service are between 31<sup>st</sup> March 1995 and 1<sup>st</sup> April 2006 and now come under the pre-1995 provisions) the FPJAYS added years purchase will be converted in to FPJABS added units of benefit.

If the conversion would mean that the purchase limit for added units of benefit would be exceeded, the conversion will be limited to the maximum amount, and you will receive a refund, together with interest, in respect of the surplus FPJAYS added years or part years.

## **The Fee-Paid Judicial Added Surviving Adult's Pension Scheme**

### **Eligibility**

To participate in JASAPS, you must:

- have eligible service in one or more fee-paid offices between 31<sup>st</sup> March 1995 and 5<sup>th</sup> April 2006, for which benefits are calculated under the post-95 provisions.
- be continuing to hold judicial office, or be retired, but must not have opted out of FPJPS (unless you opted back in).
- have a spouse or civil partner at the time you start making contributions to JASAPS.

Applications may not be made by a personal representative where a judge who would have been eligible is deceased.

You may have become a member of the JASAPS by entering into agreements to purchase added units of surviving adult's pension after the FPJPS Regulations first came into force on 1<sup>st</sup> April 2017.

### **Limits on purchases**

The FPJPS Regulations set out the maximum contribution amounts that you can pay towards JASAPS benefits. The maximum can vary depending on whether you are retired or unretired, and in the event that you are unretired, whether you are paying by lump sum or periodic contributions. If you submit a notice to purchase JASAPS units, the scheme administrator will take account of the maximum number of added units you can purchase, and this will be reflected in the quotation you receive.

If you do not initially have reckonable service in any offices for which pension benefits are to be calculated under the post-1995 provisions, but subsequently make an election under FPJPS Regulations to have benefits calculated under the post-1995 provisions, it would be open to you to make a JASAPS purchase if the associated service is eligible, but only if you can do so within the time limits set out below.

## **Purchases following the FPJPS Amendments and variation of existing purchases**

You will have one year from the 1<sup>st</sup> April 2023 to give written notice (including the supporting information referred to in the regulations) to the FPJPS scheme administrators that:

- you wish to become a member of JASAPS, if you meet the eligibility requirements for the first time;
- you wish to extend/reduce purchase contracts under your existing membership, if you became a member as a result of the purchase window after the 1<sup>st</sup> April 2017.

The administrators will have discretion to extend this deadline in individual cases. Please note that contributions must be paid within the time limits set out in the contributions section below. Variations of existing contracts may result in additional contributions liabilities, refunds or reductions of ongoing periodic contributions as applicable.

## **Cost and contributions**

The cost of each unit of £1,000 of added surviving adult's pension is set out in the FPJPS Regulations.

If you are retired, contributions must be made by lump sum payment to the administrators, within 12 months of the date on which you served your notice in respect of a JASAPS purchase.

If you are unretired, contributions may be made:

- by up to three lump sum payments, made within three years beginning with the date on which you gave notice, but no more than one lump sum payment may be made in each calendar year, in respect of any contributions relating to the period beginning with the assumed contribution commencement date and ending with the day before your periodic contributions start date; and
- by periodic deductions from fees or salary, which commence on the periodic contributions start date (must be within 12 months of the date on which you gave notice and agreed with the administrator), in respect of contributions relating to the period beginning with the periodic contributions start date and ending with your assumed retirement date.

Whilst JASAPS is a registered scheme for tax purposes the benefits purchased are not personal benefits, so they do not count towards annual and lifetime allowances.

### **JASAPS Benefits**

JASAPS benefits are purchased in units (or part units) of £1,000 to provide a maximum pension for a surviving adult equating to 20/45s of the relevant appropriate annual salary.

If you retire on the ground of ill-health or die before your assumed retirement age the surviving adult's pension will be based on the number of units you originally gave notice of purchasing (providing you have not ceased making periodic contributions).

You may cease to make periodic contributions at any time before reaching your assumed retirement age or the level of reckonable service you set out at the time of your JASAPS purchase. In such cases you will be treated as having purchased the number of units that you have already paid for.

If you have ceased periodic contributions, you can apply to recommence them, providing:

- You have not yet reached your assumed retirement age;
- You are not purchasing more units than you originally gave notice of; and
- You make a health declaration that you have no reason to believe that health may prevent you from serving until your assumed retirement date.

If, within the 12 months after resuming contributions, you either retire on the grounds of ill health or die or you develop an incapacity which subsequently leads to your retirement or death, the administrators will only credit the full the number of units that you intended to purchase if they are satisfied that your health declaration was made in good faith.

### **Refund of contributions**

If you decide to reduce your level of JASAPS purchases during the window above, you will receive a refund of contributions for the units concerned.

If, prior to the FPJPS Amendments on 1<sup>st</sup> April 2023, you purchased JASAPS units and benefits for eligible fee-paid offices are to be recalculated under the pre-1995 provisions, the purchases will be cancelled and refunded, to the extent necessary to remain within the limitation referred to above.

FPJAYS refunds will be prioritised over JASAPS refunds in the event that the purchase limits become exceeded.

Where JASAPS units are refunded, associated additional benefits for any surviving adult will no longer apply.

Once you no longer have any JASAPS units, your membership of the JASAPS scheme ends.

## **The Fee-Paid Judicial Added Benefits Scheme**

### **Eligibility**

To participate in FPJABS, you must:

- have eligible service in one or more fee-paid offices between 31<sup>st</sup> March 1995 and 5<sup>th</sup> April 2006, for which benefits are calculated under the pre-1995 provisions
- be continuing to hold judicial office or be retired but must not have opted out of FPJPS, unless you opted back in.

Applications may not be made by a personal representative where a judge who would have been eligible is deceased.

### **Limits on purchases**

The maximum number of added units of benefit that you can purchase is subject to the limits on benefits set out in the FPJPS Regulations. Limits apply in respect of both additional pension and lump sum benefit amounts. There are also limits on the maximum FPJABS contributions that can be paid in any tax year.

### **Purchases following the FPJPS Amendments**

Following the FPJPS Amendments, if you meet the eligibility requirements, you will have one year from 1<sup>st</sup> April 2023 to give written notice (including the supporting information referred to in the regulations) to the FPJPS scheme administrators that you want to become a member of the FPJABS. The administrators will have discretion to extend this deadline in individual cases. Please note that contributions must be paid within the time limits set out in the contributions section below.

## Cost and contributions

The cost of each added unit of benefit in FPJABS is analogous to the amount a relevant salaried judge would have paid for additional units of benefit in JABS and is determined in accordance with the formulas set out in the FPJPS Regulations.

When an eligible Judge gives notice to become an FPJABS member, they can request a quote for purchasing added units of benefit in FPJABS from the scheme administrators.

Whether you are retired or unretired, you will pay a higher level of contributions if you have an eligible dependant for part or all of the purchase agreement period. However, no additional benefit will be derived if you have no eligible dependant at retirement.

If you are retired, contributions must be made by lump sum payment to the administrators, within 12 months of the date of your FPJABS purchase notice, unless otherwise agreed by the administrators. However, any amounts of FPJABS pension benefits that are payable at that time can usually be set off against the contribution payable.

If you are unretired, contributions may be made:

- by up to three lump sum payments, made within three years beginning with the date on which you gave notice, but no more than one lump sum payment may be made in each calendar year, in respect of any contributions relating to the period beginning with the assumed contribution commencement date (see Glossary) and ending with the day before your periodic contributions start date; and
- by periodic deductions from fees or salary, which commence on the periodic contributions start date, which must be within 12 months of the date on which you gave notice (or a later date allowed by the administrator) and as agreed with the administrator.

Where applicable, periodic contributions continue until you:

- reach your assumed retirement age;
- retire before your assumed retirement age
- die; or
- notify the administrator that you want to cease contributions.

## FPJABS benefits

## Part 6 – FPJPS Additional Benefits Scheme

To determine entitlement per added unit of benefit, a pro-rated salary value (PRS) is determined which acts in a similar way to the AAS.

Each unit of added benefit purchased FPJABS provides:

- an additional pension of  $1/40^{\text{th}}$  of your PRS value;
- at normal pension age, an additional lump sum of  $2/40^{\text{ths}}$  of your PRS value;
- an additional pension of  $1/80^{\text{th}}$  of your PRS value for a surviving adult; and
- additional pension for eligible children as set out below.

If there is a surviving adult:

- Where an eligible child's pension is payable under the principal scheme at a rate of one half of your pension, an additional pension of  $1/80^{\text{th}}$  of your PRS value is payable.
- Where an eligible child's pension is payable under the principal scheme at a rate of one quarter of your pension, an additional pension of  $1/160^{\text{th}}$  of your PRS value is payable.

If there is no surviving adult (or the surviving adult has since died):

- Where an eligible child's pension is payable under the principal scheme at a rate of two thirds of your pension, an additional pension of  $1/60^{\text{th}}$  of your PRS value is payable.
- Where an eligible child's pension is payable under the principal scheme at a rate of one third of your pension, an additional pension of  $1/120^{\text{th}}$  of your PRS value is payable.

If you purchase added units of benefit in FPJABS after your FPJPS retirement, the determination of FPJABS benefits will take place as soon as possible, and will be payable on an ongoing basis alongside existing FPJPS benefits. The initial payments will take account of annual pension increases that should have applied since retirement and will include interest in respect of that period.

If you purchase added units of benefit in FPJABS before your FPJPS retirement, the determination of FPJABS benefits will not take place until your FPJPS retirement.

If you have purchased FPJABS units of benefit but retire before the assumed date of retirement, or stop making contributions early, you will receive FPJABS benefits that have been reduced on a pro-rata basis. However, the reduction will not apply if you retire with ill

health certification or die in service. In this case you will be credited with the full number of added years that you agreed to purchase.

You may cease to make contributions at any time before reaching your assumed retirement age. In such cases you will be treated as having purchased the number of added units of benefit that you have already paid for and associated added benefits will be preserved until your normal retirement age.

If you have agreed to purchase added units of benefit in FPJABS and cease to hold office before your assumed FPJPS retirement date, you will only be credited with the number of added years that you have already paid for.

### **Refunds of contributions**

If you purchase added unit of benefit as an unretired member and, at the time of your retirement, you did not have a spouse or civil partner, and there are no eligible children, there will be a refund of the contributions paid that relate to dependants' benefits for the period from the date you last had an eligible dependant to the date contributions stopped being paid. In these circumstances, no additional surviving adult's pension or additional children's pension will be due on your death, even if you had subsequently acquired one or more dependants after your retirement. Any refund due will be paid with interest and will be subject to tax.

If you die in service and, at that time, you did not have a spouse or civil partner, and there are no eligible children, your estate will be paid a refund of contributions relating to dependants' benefits for the period from the date you last had an eligible dependant to the date contributions stopped being paid.

If you purchase added units of benefit as a retired member, and at the time of your retirement, either:

- you never had a spouse, civil partner or qualifying child at any point following your assumed contributions commencement date; or
- you did not have a spouse, civil partner, or qualifying child, but you did at some point in the period since your assumed contributions commencement date,

contribution amounts will be reduced to reflect this position as set out in the regulations.

The required level of contributions by an unretired member can only be estimated at the outset of the purchase. Therefore, if applicable, at retirement, you will receive a refund in respect of contributions in excess of the amount needed to purchase:



## Part 6 – FPJPS Additional Benefits Scheme

- the number of added units of benefit you originally agreed to purchase; or
- the maximum number of added units of benefit you are allowed to purchase under the FPJABS provisions.

If you have paid less than the amount needed to purchase the number of added units of benefit you originally intended, you will receive the number of added units of benefit (including any part units) covered by your contributions.

### **Conversion from FPJABS to FPJAYS**

This provision applies if you entered into an FPJABS purchase agreement (or had FPJAYS added years converted to FPJABS units) and subsequently make an election to have principal scheme benefits calculated under the post-1995 provisions.

If after making the election you no longer have any eligible fee-paid offices for which benefits are calculated under the pre-1995 provisions, your FPJABS unit will be:

- converted into FPJAYS added years; or
- refunded to the extent necessary to avoid conversion into FPJAYS added years causing a breach of the aggregate 20-year cap on reckonable service, together with interest.

The approach in the FPJPS Regulations mirrors that used to convert units of added benefit in the JABS scheme to added years in the JAYS scheme for relevant salaried judges as set out in the transfer regulations.

Any added years in FPJAYS will then be used in benefit calculations under the post-1995 provisions.

Once you no longer have FPJABS added years, your membership of the FPJABS scheme ends.

## Part 7 - Annexes

### Annex A – Judicial offices in Schedule 1 of The Judicial Pensions (Fee-Paid Judges) Regulations 2017

**Table 1**

<b>Judicial office</b>	<b>Divisor</b>
Lord Justice of Appeal (fee-paid) England and Wales	220
Lord Justice of Appeal (fee-paid) Northern Ireland	218
High Court Judge (fee-paid) England and Wales	210
High Court Judge (fee-paid) Northern Ireland	218
Deputy High Court Judge England and Wales	210
Deputy High Court Judge Northern Ireland	218
Temporary Judge of the High Court under section 7(3) of the Judicature (Northern Ireland) Act 1978	218
Temporary Judge (Scotland)	210

**Table 2**

<b>Judicial office</b>	<b>Divisor</b>
Deputy Circuit Judge	210
Recorder	210
Assistant Recorder	210
Temporary Sheriff Principal (Scotland)	215
Re-employed former Sheriff Principal (Scotland)	215
Re-employed former Appeal Sheriff (Scotland)	215
Deputy Social Security Commissioner	220
Deputy Child Support Commissioner	220
Chairman of VAT & Duties Tribunal	220
Judge of the Employment Tribunal (where a legal qualification is a requirement of appointment)	220
Judge of the Industrial Tribunal	220
Employment Tribunal Chairman	220
Industrial Tribunal Chairman	220
Temporary Judge of the Employment Appeal Tribunal (where a legal qualification is a requirement of appointment)	220
Deputy Social Security Commissioner for Northern Ireland	218

Deputy County Court Judge (Northern Ireland)	218
Deputy Child Support Commissioner for Northern Ireland	218

**Table 3**

Judicial office	Divisor
Deputy Supreme Court Master	210
Deputy Supreme Court Registrar	210
Deputy Master of the Senior Courts	210
Deputy Taxing Master	210
Deputy Master of the King's Bench Division	210
Deputy Master of the Chancery Division	210
Deputy Bankruptcy Registrar	210
Deputy Costs Judge	210
Deputy Insolvency and Companies Court Judge	210
Deputy District Judge (Magistrates' Court)	215
Deputy Stipendiary Magistrate England and Wales	215
Part-time Stipendiary Magistrate (Scotland)	210
Deputy District Judge of the Principal Registry of the Family Division	210
Deputy District Judge	215
Deputy District Judge (Magistrates' Court) Northern Ireland	218
Commissioner for the Special Purposes of the Income Tax Acts	220
Deputy Commissioner for the Special Purposes of the Income Tax Acts	220
Part-time Sheriff (Scotland)	215
Temporary Sheriff (Scotland)	215
Part-time Summary Sheriff (Scotland)	215
Re-employed former Sheriff Principal, Sheriff or part-time Sheriff acting as Sheriff (Scotland)	215
Re-employed retired Sheriff Principal or Sheriff acting as Sheriff (Scotland)	215
Re-employed former Judge (Scotland)	210
Judge of the Medical Appeal Tribunal	220
Chairman of the Medical Appeal Tribunal	220
Chairman Social Security Appeals Tribunal	220
Judge Social Security Appeals Tribunal	220
Judge Child Support Appeal Tribunal	220

## Part 7 – Annexes

Chairman of the Child Support Appeal Tribunal	220
Judge of the Disability Appeal Tribunal	220
Deputy Commissioner Child Support Appeal Tribunal	220
Chairman of the Disability Appeal Tribunal	220
Deputy Resident Magistrate (Northern Ireland)	218
Surveyor member (Chair only) of the Lands Tribunal	220
Deputy Statutory Officer (Northern Ireland)	218
Temporary Additional Statutory Officer (Northern Ireland)	218
Member of a panel constituted under Article 7(1) of the Social Security (Northern Ireland) Order 1998 who is appointed to serve as a member of that panel and is a barrister or solicitor	218

**Table 4**

Judicial office	Divisor	Service limitation date
Immigration Adjudicator	220	31 <sup>st</sup> March 1995
First-tier Tribunal Judge (Social Entitlement Chamber) Asylum Support	220	31 <sup>st</sup> March 2007
Asylum Support Adjudicator	220	31 <sup>st</sup> March 2007
Judge of the Immigration and Asylum Tribunal	220	
Legal Member of the Immigration and Asylum Tribunal	220	
Legal Chair Criminal Injuries Compensation Appeals Panel	220	2 <sup>nd</sup> November 2008
Non-legal Chair Criminal Injuries Compensation Appeals Panel	220	2 <sup>nd</sup> November 2008
Member (Chair only) First-tier Tribunal (Social Entitlement Chamber) Criminal Injuries Compensation	220	2 <sup>nd</sup> November 2008
First-tier Tribunal Judge (Social Entitlement Chamber) Criminal Injuries Compensation	220	2 <sup>nd</sup> November 2008
Temporary Assistant Judge Advocate General	220	
Member (Chair only) First-tier Tribunal (Property Chamber) Residential Property	220	30 <sup>th</sup> June 2013

## Part 7 – Annexes

Deputy Adjudicator HM Land Registry	220	1 <sup>st</sup> January 2009
First-tier Tribunal Judge (Property Chamber) Land Registration	220	1 <sup>st</sup> January 2009
First-tier Tribunal Judge (Property Chamber) Residential Property	220	30 <sup>th</sup> June 2013
First-tier Tribunal Judge (Property Chamber) Agricultural Land and Drainage	220	30 <sup>th</sup> June 2013
Re-employed former Summary Sheriff, or part-time Summary Sheriff acting as Summary Sheriff (Scotland)	215	
Deputy Coroner (Northern Ireland)	218	3 <sup>rd</sup> April 2006
Member of a panel of Chairmen of Industrial Tribunals	218	
Member of a panel of Chairmen of Fair Employment Tribunal	218	
Legal Chair National Security Certificate Appeals Tribunal (Northern Ireland)	218	
Deputy Chair National Security Certificate Appeals Tribunal (Northern Ireland)	218	
President of the Rent Assessment Committees Wales	220	
Legal Member of the Rent Assessment Committee Wales	220	
Legal Member Mental Health Review Tribunal for Wales (where a legal qualification is a requirement of appointment)	220	
Legal Chair Special Educational Needs Tribunal Wales (where a legal qualification is a requirement of appointment)	220	
President of Special Educational Needs Tribunal Wales	220	
Legal Chair Education Tribunal Wales	220	
President of Education Tribunal Wales	220	

## Part 7 – Annexes

President Welsh Language Tribunal	220	
Legal Member Welsh Language Tribunal	220	
Legal Member Adjudication Panel for Wales	220	
President of the Adjudication Panel for Wales	220	
President of the Mental Health Review Tribunal for Wales	220	
President of Welsh Tribunals	210	
Deputy District Judge (Northern Ireland)	218	31 <sup>st</sup> March 1995
Legal Chair Competition Appeal Tribunal	210	
Deputy Chair Copyright Tribunal	220	
Appointed Person for Design Right Appeals	220	
Appointed Person for Trademark Appeals	220	
Legal Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	220	
Senior Legal Chair Health Service Products (Pricing, Cost Control and Information) Appeals Tribunal	220	
Legal Chair Reserve Forces Appeal Tribunal	220	
Legal Chair Reinstatement Committee	220	
Chairman Information Tribunal	220	
Deputy Chairman Information Tribunal	220	
Chairman Pensions Appeal Tribunals	220	
Legal Member of Pensions Appeal Tribunal for Northern Ireland appointed under paragraph 2 of the Schedule to the Pensions Appeal Tribunals Act 1943 <sup>(26)</sup>	220	
Legal Chair Pensions Appeal Tribunal	220	
Legal Member Pensions Appeal Tribunal	220	
President and Deputy President of Pensions Appeal	220	

<sup>(26)</sup> 1943 c. 39.

## Part 7 – Annexes

Tribunal for Northern Ireland  
appointed under paragraph  
2B of the Schedule to the  
Pensions Appeal Tribunals  
Act 1943

First-tier Tribunal Judge (where a legal qualification is a requirement of appointment)	220
Upper Tribunal Judge (where a legal qualification is a requirement of appointment)	220
Deputy Judge Upper Tribunal (where a legal qualification is a requirement of appointment)	220
Surveyor member (Chair only) Upper Tribunal Lands	220
Legal Chairman Mental Health Review Tribunal	220
Legal Member Mental Health Review Tribunal	220
Legal Chairman Special Educational Needs and Disability Tribunal	220
Legal Chairman Care Standards Tribunal	220
Legal Member Care Standards Tribunal	220
Immigration Judge	220
Legal Member Appeals Service	220
Legal Member Transport Tribunal	220

## Annex B – Accrual rates in Schedule 2 of The Judicial Pensions (Fee-Paid Judges) Regulations 2017

**Table 1 - Accrual factors for offices included in Table 1 of Schedule 1**

Complete years of qualifying judicial service	Accrual factor
1	0.2500
2	0.2500
3	0.2500
4	0.2500
5	0.2500
6	0.2750
7	0.3000
8	0.3250
9	0.3500
10	0.3750
11	0.4000
12	0.4250
13	0.4500
14	0.4750
15	0.5000

**Table 2 - Accrual factors for offices included in Table 2 of Schedule 1**

Complete years of qualifying judicial service	Accrual factor
1	0.1500
2	0.1500
3	0.1500
4	0.1500
5	0.2500
6	0.2750
7	0.3000
8	0.3250
9	0.3500
10	0.3750
11	0.4000
12	0.4250
13	0.4500
14	0.4750
15	0.5000



**Table 3 - Accrual factors for offices included in Table 3 of Schedule 1**

Complete years of qualifying judicial service	Accrual factor
1	0.0000
2	0.0000
3	0.0750
4	0.0750
5	0.1875
6	0.2000
7	0.2125
8	0.2250
9	0.2375
10	0.2500
11	0.2750
12	0.3000
13	0.3250
14	0.3500
15	0.3750
16	0.4000
17	0.4250
18	0.4500
19	0.4750
20	0.5000

## Annex C - Contribution rates in Schedule 3 of The Judicial Pensions (Fee-Paid Judges) Regulations 2017

### FPJPS Contribution rates

**Table C1 – FPJPS contribution rates payable**

Fee period	Contributions (Personal) (%)	Contributions (Dependants') (%)  Pre-1995 15-year arrangements	Contributions (Dependants') (%)  Pre-1995 20-year arrangements and Post-1995 arrangements
Before 1 <sup>st</sup> April 2006	0.00	2.40	1.80
1 <sup>st</sup> April 2006 - 31 <sup>st</sup> March 2012	0.00	2.40	1.80
1 <sup>st</sup> April 2012 – 31 <sup>st</sup> March 2013	1.28	2.40	1.80
1 <sup>st</sup> April 2013 – 31 <sup>st</sup> March 2014	2.56	2.40	1.80
1 <sup>st</sup> April 2014 – 31 <sup>st</sup> March 2015	3.20	2.40	1.80
1 <sup>st</sup> April 2015 – 31 <sup>st</sup> March 2016	See Table C2		
1 <sup>st</sup> April 2016 – 31 <sup>st</sup> March 2017	See Table C3		
1 <sup>st</sup> April 2017 – 31 <sup>st</sup> March 2018	See Table C4		
1 <sup>st</sup> April 2018 – 31 <sup>st</sup> March 2020	See Table C5		
1 <sup>st</sup> April 2020 – 31 <sup>st</sup> March 2021	See Table C6		
1 <sup>st</sup> April 2021 – 31 <sup>st</sup> March 2022	See Table C7		

**Table C2: 1<sup>st</sup> April 2015 – 31<sup>st</sup> March 2016**

<b>Total fee (£)</b>	<b>Contributions (Personal) (%)</b>	<b>Contributions (Dependants') (%)</b>	<b>Contributions (Dependants') (%)</b>
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,001	0.96	2.40	1.80
21,001 to but not including 47,001	1.47	2.40	1.80
47,001 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	1.80

**Table C3: 1<sup>st</sup> April 2016 – 31<sup>st</sup> March 2017**

<b>Total fee (£)</b>	<b>Contributions (Personal) (%)</b>	<b>Contributions (Dependants') (%)</b>	<b>Contributions (Dependants') (%)</b>
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,211	0.96	2.40	1.80
21,211 to but not including 48,472	1.47	2.40	1.80
48,472 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	1.80

**Table C4: 1<sup>st</sup> April 2017 – 31<sup>st</sup> March 2018**

<b>Annualised fee (£)</b>	<b>Contributions (Personal) (%)</b>	<b>Contributions (Dependants') (%)</b>	<b>Contributions (Dependants') (%)</b>
Up to but not including 15,001	0.96	2.40	1.80
15,001 to but not including 21,637	0.96	2.40	1.80

Part 7 – Annexes

21,637 to but not including 51,516	1.47	2.40	1.80
51,516 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Table C5: 1<sup>st</sup> April 2018 – 31<sup>st</sup> March 2020 (two years)**

<b>Annualised fee (£)</b>	<b>Contributions (Personal) (%)</b>	<b>Contributions (Dependants') (%)</b>	<b>Contributions (Dependants') (%)</b>
Up to but not including 22,005	0.96	2.40	1.80
22,005 to but not including 52,392	1.47	2.40	1.80
52,392 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Table C6: 1<sup>st</sup> April 2020 – 31<sup>st</sup> March 2021**

<b>Annualised fee (£)</b>	<b>Contributions (Personal) (%)</b>	<b>Contributions (Dependants') (%)</b>	<b>Contributions (Dependants') (%)</b>
Up to but not including 22,005	0.96	2.40	1.80
22,005 to but not including 52,392	1.47	2.40	1.80
52,392 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Table C7: 1<sup>st</sup> April 2021 – 31<sup>st</sup> March 2022**

<b>Annualised fee (£)</b>	<b>Contributions (Personal) (%)</b>	<b>Contributions (Dependants') (%)</b>	<b>Contributions (Dependants') (%)</b>
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Part 7 – Annexes

Up to but not including 22,116	0.96	2.40	1.80
22,116 to but not including 52,654	1.47	2.40	1.80
52,654 to but not including 150,001	2.61	2.40	1.80
150,001 and above	4.43	0.00	0.00

**Table C8: Dependants' contributions rates (applicable to all service)**

Service multiplier applicable	Contributions (%)
0.5	0.90
0.53 / 0.67	2.10

**Table C9: Service credit day contributions rates: Personal contributions: 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013**

Total fees paid to member in respect of service credit days	Contribution (%)
Up to £15,000	0.00
£15,001 - £21,000	0.36
£21,001 - £30,000	0.72
£30,001 - £50,000	0.96
£50,001 - £60,000	1.20
£60,001 and over	1.44

**Table C10: Service credit day contributions rates: personal contributions: 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014**

Total fees paid to member	Contribution (%)
Up to £15,000	0.00
£15,001 - £21,000	0.72
£21,001 - £30,000	1.43
£30,001 - £50,000	1.90
£50,001 - £60,000	2.38
£60,001 and over	2.85

## Annex D – Ministerial Statement regarding Service Awards

### Lord Chancellor’s Determination for payment of a Judicial Service Award for eligible fee-paid judicial office holders

1. In exercise of the Lord Chancellor’s powers to remunerate those holders of fee-paid judicial offices listed in Schedule 1 to the Judicial Pensions (Fee-Paid Judges) Regulation 2017 whose remuneration is determined by the Lord Chancellor (“relevant offices”) and who is a person entitled to a pension under those Regulations the following determination is made (“eligible office holder”).
2. There shall be paid to each eligible holder when service ends in relation to a relevant office or offices (other than where the service ends by death in service), as a non-pensionable service award, a final fee-payment of an amount which, when it has been subject to income tax and employees’ national insurance contributions (if any), provides a sum equal to the difference between –
  - a) The net lump sum<sup>27</sup> which is receivable by the office holder in respect of ceasing to hold that office or offices, in accordance with the provisions of Parts 2A and 3 of the *Judicial Pensions (Fee-Paid Judges) Regulations 2017* (“the fee-paid pension scheme”), and
  - b) The lump sum which the office holder would have received had the fee-paid pension scheme been a registered pension scheme for the purposes of the *Finance Act 2004* (on the assumption that no lifetime allowance charge had arisen in respect of it).
3. No entitlement to the service award shall arise or accrue prior to the time specified for its payment in the determination.
4. Where an eligible fee-paid office holder retired from a relevant office or offices before the fee-paid pension scheme commenced the service award in relation to retirement from each relevant office will be paid as soon after the scheme commences as is practicable.
5. This determination applies to an eligible fee-paid judicial office holder with an entitlement under Regulation 17 of the *Judicial Pensions (Fee-Paid Judges) Regulations 2017* to preserved judicial pension benefits which are due to come into payment at the office holder’s normal pension age (irrespective of the date of cessation of service), on the basis that the payment of the service award will be deferred until normal pension age.
6. In the event of the death of an eligible fee-paid judicial office holder there shall instead of the service award be payable as a bereavement allowance a non-pensionable amount which, when it has been subject to income tax (and any other deductions), provides a sum equal to

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<sup>27</sup> After tax at the marginal rate (in normal circumstances the higher tax rate) and any contributions liabilities have been determined and applied.

the difference (if any) between the net<sup>28</sup> death in service benefit receivable in respect of the office holder by each beneficiary who is an individual<sup>29</sup>, in accordance with the provisions of the fee-paid pension scheme, and the amount which that beneficiary would have received had the pension scheme been a registered pension scheme for the purposes of the *Finance Act 2004*.

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<sup>28</sup> After tax at the marginal rate (in normal circumstances the higher tax rate) and contributions liability (if any) have been determined and applied.

<sup>29</sup> Within the meaning of s394(1) of the *Income Tax (Earnings and Pensions) Act 2003*.

## **Annex E – Death in Service Lump Sum Nominations: Explanatory Background Note**

HMRC have set out that the lump sum benefit payable on the death in service of a member of the fee-paid judicial pension scheme under FPJPS Regulation 11X and 45 of the FPJPS Regulations is in principle liable to inheritance tax. The benefits payable under the FJPS Regulations are described as an entitlement and HMRC have ruled that this brings such benefits in principle within the ambit of inheritance tax.

Under FPJPS Regulations 11X(12) and 45(12), the death in service benefit is payable to the legal personal representatives (i.e. into the estate) of the deceased judge or, where a nomination has been made, to a person (or persons) nominated by the judge as the beneficiary for the receipt of the payment (i.e. not into the estate). Where such nominations are made in a particular form, and are in force in the event of death in service, they will generally serve to have the effect that liability for inheritance tax will not arise. A note is attached setting out the background to this matter and containing guidance for members of the judiciary on the forms of nomination that will serve to displace any inheritance tax liability that would otherwise arise on a death in service benefit under the fee-paid Scheme. HMRC has signified that they agree with it.

There are two nomination forms (one for outright nomination and one for a trust nomination). Complete nomination forms should be sent to the scheme administrator.

It is not possible to provide financial advice to members of the judiciary in this respect. Judges who are members of FPJPS may consider it prudent to seek their own professional advice in the light of the guidance note. MoJ cannot accept responsibility for the consequences of any action taken by a member of the judiciary in the light of the note. Factual information may however be obtained by writing to the scheme administrator.



## **Annex F – FPJPS Death in service lump sum and inheritance tax**

Judicial pension schemes have consistently provided that, if the member dies in service, a lump sum benefit is payable. This is consistent with the position for public service pension schemes generally. For a member of FPJPS the death in service benefit will be payable in one of two ways:

- a) It may be payable to a person nominated by the judge in his or her lifetime; or
- b) If there has been no nomination, it is paid to the judge's personal representatives.

If the judge has made a nomination there is no IHT on the payment. However, it has been drawn to the attention of MoJ that, if there has been no nomination so that the lump sum is paid to the personal representatives, the payment is in principle liable to IHT. This is a consequence of the wording used in the JUPRA legislation and the FPJPS Regulations.

Under FPJPS Regulations 11X and 45 (Lump sum on death: death in service) the member can nominate a person to receive any death in service lump sum. If there is no nomination any lump sum is payable to the member's personal representative on behalf of their estate. Payment to a nominee can be made as soon as it has been formally approved. Payment to a personal representative is not made until a grant of probate or of letters of administration have been obtained and a copy provided to the scheme administrator.

### **Payment to a nominee**

If the member nominates a person to receive the lump sum in the event of death in service, there is generally no IHT liability, either at the time of the nomination or on the judge's death. This is because, in the event of the member's death in service, the lump sum is payable to the nominee and does not form part of the member's estate.

There are two types of nomination which might be made:

- c) an outright nomination of a named person; and
- d) a nomination in favour of a person to hold the sum in a discretionary trust to pay it on to one or more beneficiaries within two years of the judge's death.

### **Outright nomination**

Members can obtain a form for an outright nomination of a named person or persons from the scheme administrator.

The member may subsequently change their nomination(s) if they wish.

If the member makes a nomination and then dies in service, the scheme administrator will pay the lump sum direct to the nominee and there should be no inheritance tax to pay.

The member may nominate their spouse or registered civil partner. Although this may not achieve an inheritance tax saving (compared to position if the sum is paid to the member's estate) it may mean that the lump sum can be received more quickly by the nominee.

### **Trust nomination**

Members can alternatively obtain a nomination form that provides for the nominee to hold the sum on trust and distribute it within two years to one or more members of a discretionary class (usually relatives of the member). The member can specify a substitute nominee in case the first nominee predeceases the member. Default provisions apply if the nominee fails to carry out the distribution within the time allowed.

### **Payment to the member's personal representative**

An inheritance tax liability may arise when a death in service lump sum is paid to the member's personal representative and forms part of the member's estate. The position will depend on the size of the estate and the beneficiary(ies).

### **Other lump sum benefits under the FPJPS Regulations**

The information in this annex is not relevant to:

- the lump sum payable under FPJPS Regulation 11N and 25 when a member retires and becomes entitled to a pension; or
- the lump sum payable to a member's personal representative under FPJPS Regulation 11Z and 47 if a member dies soon after becoming entitled to a pension.

## **Annex G – Undertaking by the Ministry of Justice**

(1) Salaried judges had the option of exercising rights relating to the Judicial Added Voluntary Contribution Scheme, the Judicial Added Years Scheme and/or pension fund transfers (provided that they met the eligibility requirements for each scheme during the period that it was available under JUPRA).

(2) The fee-paid judiciary did not have these rights at the material time because they did not have any pension entitlement.

(3) The proposals for a fee-paid judicial pension scheme (FPJPS) include provisions that are intended to mirror those rights. Individuals who would have exercised these rights (if they had been members of JUPRA) will have a period in which to do so after FPJPS commences. It is proposed that the pension scheme manager will have a discretion to permit individuals who elect to exercise these rights to do so over a longer period than the normal period for doing so under FPJPS. Only those individuals with transitional or tapering protection will have rights under the schemes going forward (for as long as each scheme continued or continues under JUPRA).

(4) The Respondent acknowledges that some individuals who would have exercised these rights at the material time may be treated less favourably than their salaried comparator on ground of part-time status. In particular, HMRC will treat the rights as having been exercised for tax purposes on the date when the individual's payments or transfers take place, whereas the salaried judges would have been taxed at the material time. Depending on the individual's financial situation at each point in time, this may or may not disadvantage them.

(5) The Respondent is not currently aware of any individual who will be treated less favourably on ground of part-time status as a result of the tax treatment of the Judicial Added Voluntary Contribution Scheme, the Judicial Added Years Scheme and/or pension fund transfers under FPJPS. However, the Respondent confirms that it will compensate any individual who is in that position by undertaking to make good any difference in tax treatment on the basis of part-time status and to publish said undertaking in the literature which goes to all scheme members.

(6) For the avoidance of doubt, the Respondent considers that any such individual would have to establish the following elements (which would establish that they were treated less favourably than their salaried comparator on ground of part-time status and that this caused financial loss) in relation to any claim that they would have exercised their rights relating to the Judicial Added

## Part 7 – Annexes

Voluntary Contribution Scheme, the Judicial Added Years Scheme and/or pension fund transfers on a particular date or dates from 7 April 2000:

(i) that the individual is entitled to be a member of FPJPS in respect of their service on the particular date or dates (from 7 April 2000) on which they claim that they would have exercised their rights relating to the Judicial Added Voluntary Contribution Scheme, the Judicial Added Years Scheme and/or pension fund transfers:

(ii) that the individual would have been eligible to exercise the right in question at the material time (taking into account the period when each scheme was in existence and the applicable criteria at the material time);

(iii) if so eligible, that the individual was likely to have chosen to exercise their rights (as claimed) at the material time, taking into account all of the circumstances;

(iv) if so, that the tax implications of exercising those rights under the FPJPS are less favourable than the tax implications that would have applied to them if they had exercised those rights at the material time; and

(v) if so, that they have mitigated their loss (for example, by timing any payments under the FPJPS in the most tax efficient manner).

## Annex H – Glossary

<p>Abatement principle</p>	<p>This is a public policy principle applicable to FPJPS and means that a member’s total income from FPJPS pension payments and ongoing judicial fees/salary cannot exceed the member’s income from judicial fees/salary before the FPJPS retirement event. JPS15 and JPS22 pension income are excluded from the total income calculation for this purpose.</p>
<p>Appropriate annual salary</p>	<p>Provides a ‘final salary’ value in relation to fee-paid service.</p>
<p>Assumed contribution commencement date</p>	<p>A date, nominated by a member, under the additional benefits provisions, between 31<sup>st</sup> March 1995 and 5<sup>th</sup> April 2006, as the date from which contributions are assumed to have been payable. This cannot be earlier than the date a member first held an eligible fee-paid office.</p>
<p>Assumed retirement age</p>	<p>An age nominated by a member, under the additional benefit provisions, between a member’s earliest retirement age (this being 60 in the case of FPJAYS/JASAPS and the member’s earliest normal pension age under the pre-1995 provisions in the case of FPJABS) and a member’s mandatory retirement age, at which a member intends to retire, if they have not already done so.</p>

## Part 7 – Annexes

Earnings cap	<p>The earnings cap is also referred to as the pensions cap, pension capped salary, or permitted maximum.</p> <p>The earnings cap was originally included in tax legislation to limit the amount of salary eligible for tax advantaged pension benefits. On 6<sup>th</sup> April 2000 the earnings cap ceased to be part of the general taxation system, but it is still relevant for the determination of contributions limits for additional benefits purchases (where available).</p> <p>The earnings cap has been relevant for setting the level from which a zero percent rate applied to dependants' contributions in JUPRA. The dependants' contribution rates for FPJPS are as set out in Annex C. The earnings cap is also relevant for the level of judicial service award, payable by MoJ, that is associated with lump sums payable under JUPRA.</p> <p>The earnings cap level for 2021-22 was £172,800 and it is updated annually in line with RPI.</p>
Exporting Scheme	<p>The scheme from which a transfer in is made.</p>
Judicial offices	<p>For the purpose of FPJPS, offices listed in Schedule 1 to the FPJPS Regulations (Reproduced in Annex A) and in Schedule 1 to the <i>Judicial Pensions and Retirement Act 1993</i>.</p>

## Part 7 – Annexes

Mandatory retirement age	The age at which a Judge must vacate their office, which is 75. This is not the same as pension age.
New appointment	As set out in Regulation 11B(2) of the FPJPS Regulations and explained in Part 3.
New sitting in retirement offices	A fee-paid office provided for in the <i>Public Service Pensions and Judicial Offices Act 2022</i> which came into force on 1 <sup>st</sup> April 2022. The sitting in retirement offices list will in due course form Schedule 2 to <i>The Public Service Pensions Act 2013 (Judicial Offices) Order 2015</i> re JPS22 eligibility. It was introduced to ensure that fee-paid judges who are members of FPJPS are not treated less favourably than relevant salaried judges.
PiLs	Payments in lieu of pension were made under an interim payments regime, put in place to make payments to judges with eligible service before formal entitlements under regulations came into force.
Qualifying fee-paid service	The sum of qualifying fee-paid days.
Qualifying judicial service	The period during which a member has held judicial office.
Reckonable service	In FPJPS, qualifying fee-paid service in an eligible fee-paid office divided by the divisor for that office - expressed in years and, together with JUPRA service, subject to a 20 year aggregate cap.

## Part 7 – Annexes

Relevant full-time salaried judge	A salaried judge whose office is comparable to derive pro rata pension entitlements for the fee-paid office.
Service credit day	Where a member received fees in their capacity as an office holder on or before the service limitation date for the office concerned, the relevant days are termed service credit days.
Service limitation date	A date applicable to some fee-paid offices after which service is first eligible to be reckonable service in FPJPS, being the point when the relevant salaried judge was first eligible for judicial pension scheme membership.
Transferee	A person entitled to a pension credit under a pension sharing order.