



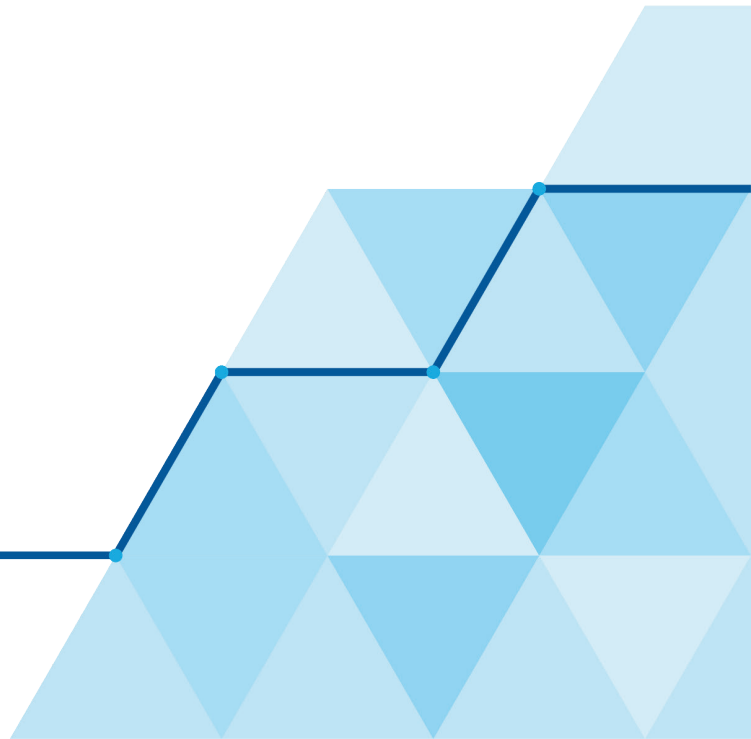
Ministry
of Justice

The Judicial Pensions (Amendment) Regulations 2027

**Consultation on proposed amendments
to judicial pensions regulations**

This consultation begins on 4 August 2026

This consultation ends on 22 September 2026





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of Justice

The Judicial Pensions (Amendment) Regulations 2027

Consultation on proposed amendments to judicial pensions regulations

A consultation produced by the Ministry of Justice. It is also available at
<https://consult.justice.gov.uk/>

About this consultation

To:	This consultation seeks views from judicial office holders who are entitled to be a member of the judicial pension scheme, particularly any member of the Fee-paid Judicial Pension Scheme (FPJPS) and/or the Judicial Pension Scheme 2022 (JPS22). We also seek views from anyone who has an interest in the operation of the judicial pension scheme.
Duration:	From 04/08/2026 to 22/09/2026
Enquiries (including requests for the paper in an alternative format) to:	Email: judicialpensionsconsultation@justice.gov.uk
How to respond:	Please submit your response by 22/09/2026 via the Citizens' Space website. Alternatively, you can submit your response by email to judicialpensionsconsultation@justice.gov.uk
Response paper:	A response to this consultation exercise is due to be published by Autumn 2026.

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Executive Summary

This consultation seeks views on proposed changes to judicial pensions regulations to be legislated for via the Judicial Pensions (Amendment) Regulations 2027 (“the 2027 Amendments”). These changes are intended to support the effective operation of the judicial pension scheme. The 2027 Amendments would amend:

- The Judicial Pensions Regulations 2022 (“the JPS22 regulations”), which established the Judicial Pension Scheme 2022 (“JPS22”);
- The Judicial Pensions (Fee-Paid Judges) Regulations 2017 (“the FPJPS regulations”), which established the Fee-Paid Judicial Pension Scheme 2017 (“FPJPS”);
- The Public Service Pensions Act 2013 (Judicial Offices) Order 2015 (“the 2015 Order”); and
- The Judicial Pensions (Miscellaneous) Regulations 1995 (“the 1995 regulations”).

Key features of the 2027 Amendments:

- **Fee-paid sitting in retirement in Scotland:** These amendments will allow listed re-employed office holders in Scotland to continue receiving a FPJPS pension after retirement from their substantive office/s and to build up benefits in JPS22.
- **Northern Ireland Tribunal Offices:** These amendments will add relevant Fee-Paid Northern Ireland tribunal offices to JPS22 and FPJPS to provide pension entitlement to those offices.
- **Extension of deadlines in the FPJPS regulations:** These amendments will extend two FPJPS deadlines relating to the implementation of the remedy to the O’Brien 2 litigation, allowing the Ministry of Justice (MoJ) more time to provide members with the information they need to make informed decisions about their pension benefits. They will also amend regulation 11C(2)(b) of the FPJPS regulations, so that a post-1995 election can be made before retirement as part of the retirement process.
- **Reconciliation provisions:** These amendments will add provisions to make sure payments in lieu of pension (PiLs) are checked against the final pension amount.
- **Actuarial reduction factors:** These amendments will update the table of early retirement factors used to calculate pensions under the Judicial Pensions and Retirement Act 1993 (JUPRA) and the FPJPS regulations.
- **Technical amendments:** These amendments will clarify that fee-paid earnings give rise to pension benefits from the point they are paid, not from the date the related service or sittings took place.

Background

Judicial Pension Scheme 2022 (JPS22)

JPS22 was introduced on 1 April 2022 as a new scheme for both salaried and fee-paid judges, following wider reforms to judicial pensions. JPS22 is now the only judicial pension scheme in which judges can build up further benefits.

Fee-Paid Judicial Pension Scheme 2017 (FPJPS)

FPJPS was introduced on 1 April 2017. This scheme, and amendments to it, provide the remedy to the Supreme Court decision in *O'Brien v Ministry of Justice* [2013] UKSC 6¹ that fee-paid judges had been treated less favourably than comparable salaried judges because they could not accrue a pension. FPJPS closed to further accrual on 31 March 2022, when JPS22 began.

The Public Service Pensions Act 2013 (Judicial Offices) Order 2015 (the 2015 Order)

The 2015 Order lists the judicial offices that are eligible for pension rights under schemes made under the Public Service Pensions Act 2013. Because the Judicial Pension Scheme 2015 (JPS15) and JPS22 were made under that Act, the 2015 Order sets out which judicial offices qualify for pension rights under those schemes, including relevant non-devolved offices in Scotland and Northern Ireland.

The Judicial Pensions (Miscellaneous) Regulations 1995 (the 1995 regulations)

The 1995 regulations came into force on 31 March 1995 and contain supporting provisions for older legacy judicial pension schemes. They include operational provisions for those schemes, such as the tables of actuarial factors used to reduce pensions taken early. Although newer schemes have since been introduced, the 1995 regulations continue to play an important role in governing legacy pension rights and benefit calculations.

About this document

A copy of our Equality Statement will be published alongside this document.

¹ To note, the 2023 amendments followed the Court of Justice of the European Union's 2018 decision in *O'Brien v Ministry of Justice* (Case C-432/17) (OB2) and the Supreme Court's decision in *Miller v Ministry of Justice* [2019] UK SC 60)

Introduction

This consultation sets out proposed amendments to the JPS22 regulations, the FPJPS regulations, the 2015 Order and the 1995 regulations. It explains the changes in this document, but the legislation itself takes precedence if there is any inconsistency.

The consultation seeks views from judicial office holders, salaried and fee-paid, who are entitled to be a member of the judicial pension scheme, particularly any member of FPJPS and/or JPS22. However, we also welcome views from anyone who has an interest in the operation of the judicial pension scheme.

A Welsh language version of the consultation document has also been published.

This consultation will run for seven weeks from the date of issue, closing on 22/09/2026. Details of how to respond to the consultation are highlighted on page 22.

Copies of the consultation document are also being sent for information to:

United Kingdom

- President of the UK Supreme Court
- Senior President of Tribunals

England and Wales

- Association of Fee-Paid Judges
- Association of His Majesty's District Judges
- Association of High Court Judges
- Association of High Court Masters
- Association of Members of the Immigration & Asylum Tribunal
- Association of Regional Medical Members
- Association of Salaried Tribunal Judges for Health, Education and Social Care
- Association of the Special Educational Needs Tribunal
- Chamber President for War Pensions & Armed Forces Compensation Chamber
- Chief Coroner
- Council of Appeal Tribunal Judges
- Council of Employment Judges
- Council of His Majesty's Circuit Judges
- Council of His Majesty's District Judges (Magistrates' Courts)
- Council of Immigration Judges
- Council of Tribunal Members Association
- Council of Upper Tribunal Judges

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- Employment Appeal Tribunal Lay Members Committee
- Forum of Tribunal Membership Associations
- Judicial Pensions Committee (England)
- London Association of District Judges
- Lady Chief Justice of England and Wales
- Mental Health Tribunal Members Association
- President of Welsh Tribunals
- Salaried Tribunal Judges' Association
- The Bar Council (England and Wales)
- The Law Society (England and Wales)
- The Chartered Institute of Legal Executives
- The United Kingdom Association of Women Judges

Northern Ireland

- Minister of Justice Northern Ireland
- Council of Employment Judges
- Judges' Council (Northern Ireland)
- Judicial Pensions Committee (Northern Ireland)
- Lady Chief Justice of Northern Ireland
- Northern Ireland Judicial Appointments Commission
- Office of the President of the Appeals Tribunal for Northern Ireland
- Office of the President of the Industrial and Fair Employment Tribunals Northern Ireland
- The Bar Council of Northern Ireland
- The Law Society of Northern Ireland
- Tribunal President's Group
- Secretary of State for Northern Ireland

Scotland

- Cabinet Secretary for Justice Scottish Government
- Judges' Council (Scotland)
- Judicial Council for Scotland
- Lord President of the Court of Session
- Part Time Sheriffs' Association
- President of the Lands Tribunal (Scotland)
- Sheriffs' Association
- Sheriffs Principal Association
- Summary Sheriffs' Association

However, this list is not meant to be exhaustive or exclusive, and responses are welcomed from anyone with an interest in or views on the subject covered by this document.

1. Fee-Paid Sitting in Retirement in Scotland

Proposed Amendments

The Public Service Pensions Act 2013 (Judicial Offices) Order 2015 and the Judicial Pensions Regulations 2022

In order to establish eligibility in JPS22, we propose to add the Scottish re-employed offices listed below to the Schedule of “Specified Judicial Offices” in the 2015 Order, enabling holders of those offices to accrue pension benefits in JPS22.

To enable prospective and retrospective JPS22 entitlement for the Scottish re-employed offices, we propose that the 2027 Amendments specify an entitlement start date of 1 April 2022 under regulation 7A of the JPS22 regulations. This is the date on which JPS22 commenced and from which eligible judges began accruing benefits under that scheme.

The Judicial Pensions Regulations (Fee-Paid Judges) 2017

We consider appointment to a re-employed office in Scotland to be akin to appointment to a sitting in retirement office elsewhere in the UK. However, under regulation 26(3) of the FPJPS regulations, appointment to a re-employed office is treated as a resumption of service in a judicial office, requiring FPJPS pension payments to be suspended until the member has ceased holding any judicial office.

We therefore propose, with prospective effect, to exclude the Scottish re-employed offices listed below, which are currently included in Schedule 1 to the FPJPS regulations, from the restriction in regulation 26(3). This would allow holders of those offices to continue receiving their FPJPS pension after retirement from their substantive office while sitting on a fee-paid basis in a re-employed office, bringing Scotland into line with the position in England and Wales and Northern Ireland.

We are also considering amending FPJPS so that, where a judicial office holder in Scotland has been appointed as a Temporary Judge of the Court of Session before or after they have retired from all other judicial offices they hold, they should be entitled to receive their FPJPS pension in respect of their substantive offices, as this would not, from a legal perspective, constitute retirement.

Background

Appointments to certain judicial offices in Scotland are devolved to the Scottish Government under the Scotland Act 1998, but responsibility for pension arrangements remains reserved to the UK Government.

When FPJPS was introduced in 2017, it suspended pension payments to retired judges who resumed judicial office, including as re-employed office holders in Scotland.

From October 2022, the MoJ introduced new Sitting in Retirement (SiR) arrangements in England and Wales. The policy intent of those arrangements was to enable judges with fee-paid service to receive their FPJPS pension on retirement and, on appointment to a newly created SiR office, to continue receiving it without suspension. These judges could also accrue further benefits in JPS22.

However, under the current regulations, Scottish re-employed judges cannot draw a FPJPS pension because Scottish re-employed offices are judicial offices under the FPJPS regulations. They also cannot accrue benefits in, make contributions to, or receive payments from JPS22 because those offices have not been added to the 2015 Order which provides eligibility for JPS22.

This creates a difference in treatment between judges in Scotland and those in England and Wales.

The offices to which the proposed amendments relate are presently scheduled as:

- Re-employed former Sheriff Principal (Scotland)
- Re-employed former Appeal Sheriff (Scotland)
- Re-employed former Sheriff Principal, Sheriff or part-time Sheriff acting as Sheriff (Scotland)
- Re-employed retired Sheriff Principal or Sheriff acting as Sheriff (Scotland)
- Re-employed former Judge (Scotland)
- Re-employed former Summary Sheriff, or part-time Summary Sheriff acting as Summary Sheriff (Scotland)

As noted above, and for similar reasons, we are considering amending the FPJPS regulations so that an individual appointed as a Temporary Judge of the Court of Session should be entitled to receive their FPJPS pension in respect of their substantive offices, notwithstanding that they continue to hold the Temporary Judge appointment and sit on a fee-paid basis.

The JPS22 regulations provide that, to be eligible for scheme membership, a judge must hold an office listed in the Schedule to the 2015 Order. The Scottish re-employed offices listed above are not included in that Schedule and are therefore not currently eligible for

JPS22 membership. Temporary Judge (Scotland) is already on the Schedule to the 2015 Order, so no further amendment is required in this respect.

Questions

- Q1.** Do you have any comments on our proposal to add the listed Scottish re-employed offices to the Schedule of Specified Judicial Offices for JPS22 eligibility?
- Q2.** Do you have any comments on our proposal to specify an entitlement start date of 1 April 2022 (the date on which JPS22 commenced) for the Scottish re-employed offices under regulation 7A of the JPS22 regulations?
- Q3.** Do you have any comments on our proposal to amend the FPJPS regulations so that holders of the listed Scottish re-employed offices can continue to receive their FPJPS pension after retirement from their substantive office while sitting on a fee-paid basis?
- Q4.** Do you have any comments on our proposal to amend the FPJPS regulations so that holders of the Temporary Judge (Scotland) office can continue to receive their FPJPS pension after retirement from their substantive office/s while sitting on a fee-paid basis?

2. Northern Ireland Fee Paid Tribunal Offices

Proposed Amendments

The Public Service Pensions Act 2013 (Judicial Offices) Order 2015 and the Judicial Pensions Regulations 2022

In order to establish eligibility for JPS22, we propose to add relevant Northern Ireland fee-paid tribunal offices to the Schedule in the 2015 Order, enabling holders of those offices to accrue pension benefits in JPS22.

To enable retrospective JPS22 entitlement for those offices, we propose that the 2027 Amendments specify an entitlement start date of 1 April 2022 under regulation 7A of the JPS22 regulations. This is the date on which JPS22 commenced and from which eligible judges began accruing benefits under that scheme.

The Judicial Pensions Regulations (Fee-Paid Judges) 2017

To provide retrospective pension entitlement under FPJPS, we propose to amend the FPJPS regulations by adding relevant Northern Ireland tribunal offices to Schedule 1 of the FPJPS regulations.

Divisor values for the NI tribunal offices are 218 and we do not expect any of them to be subject to a service limitation date.

Background

FPJPS was introduced following the O'Brien litigation, which established that eligible fee-paid judges had been treated less favourably than comparable salaried judges because they could not access pension benefits for fee-paid service.

The scheme provides pension entitlements for eligible fee-paid judicial offices where the requirements for inclusion are met. In practice, the basis for inclusion is the establishment of a relevant salaried comparator for the fee-paid office.

We intend to make updates to the JPS eligibility schedules to add fee-paid legal members of Northern Ireland tribunals with relevant salaried comparators. This would be subject to a formal request from the Northern Ireland Executive and include retrospective pension entitlement for the relevant offices.

Subject to possible further changes, the offices currently understood to be in scope are:

- President of The Special Educational Needs and Disability Tribunal for Northern Ireland
- Legal Member of The Special Educational Needs and Disability Tribunal for Northern Ireland
- Chair of The Review Tribunal Northern Ireland
- Deputy Chair of The Review Tribunal Northern Ireland
- Legal Member of The Review Tribunal Northern Ireland
- President of The Charity Tribunal for Northern Ireland
- President of The Northern Ireland Valuation Tribunal
- Legally qualified Adjudicator of The Criminal Injuries Compensation Appeals Panel for Northern Ireland
- Legally qualified Chair of The Care Tribunal Northern Ireland
- Legal Member of The Lands Tribunal for Northern Ireland

We therefore intend, where possible, to include these additions in the 2027 Amendments so that affected office holders can receive their pension entitlements as soon as practicable. We expect to confirm the offices to be added to the eligibility schedules in the government response to this consultation.

Questions

- Q5.** Do you have any comments on our proposal to add relevant Northern Ireland tribunal offices to the eligibility schedules for FPJPS and JPS22, where a relevant salaried comparator has been identified through the Northern Ireland litigation process?
- Q6.** Do you have any comments on our proposal to provide retrospective entitlements by specifying an entitlement start date of 1 April 2022 (the date on which JPS22 commenced) for relevant Northern Ireland tribunal offices under regulation 7A of the JPS22 regulations?

3. Extension of FPJPS Deadlines

Proposed Amendments

MoJ considers that the pre- and post-1995 elections exercise and the additional benefits purchase exercise (explained below) should be completed sequentially because members with pre-1995 service must have made an election before purchasing additional benefits.

The decision to have benefits calculated under either the pre-1995 or post-1995 provisions will affect which type of additional benefits may be purchased in respect of service in each office under any relevant entitlements.

We therefore propose that the 2027 Amendments extend:

- the period for making pre- and post-1995 elections from 48 months to 60 months, extending the final deadline to 31 March 2028; and
- the period for giving notice to buy or vary additional benefits from 48 months to 81 months, extending the final deadline to 31 December 2029.

Background

Pre- and Post-1995 provisions in the FPJPS regulations

The FPJPS regulations and their amendments seek to provide fee-paid judges with pension entitlements that mirror those available to salaried judges as governed by JUPRA and the Judicial Pensions Act (JPA81).

Section 1 of JUPRA and the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995 governed the transition of salaried office pensions from JPA81 to JUPRA. In particular, section 1(2) of JUPRA allowed a salaried judge to elect for JUPRA to apply where they would otherwise be entitled to JPA81 provisions.

Accordingly, the FPJPS regulations allow eligible fee-paid judicial office holders with service prior to 1 April 1995 to have their benefits, which would by default be calculated under the pre-1995 provisions (which mirror JPA81), calculated instead under the post-1995 provisions (which mirror JUPRA), on an office-by-office basis.

Under regulation 11C(2)(b) of the FPJPS regulations, notice of an election for benefits to be calculated under the post-1995 provisions can be received from the entitled member, or their personal representative. This notice must currently be received within 12 months beginning with the day on which the member retires or dies, or within 48 months from 1 April 2023, whichever is later. That 48-month period will expire on 31 March 2027.

Currently, the MoJ is working with the Judicial Pension Scheme administrators to reconcile Fee-Paid Judicial Pension Scheme calculations. This involves checking members' pension records, calculations and past payments against the current regulations.

This is a significant exercise, involving a review of records for nearly every member of the Fee-Paid Judicial Pension Scheme.

Reconciliation must be completed before members with pre-1995 service can make the choices described above. Reconciliation began in 2025 and given the scale of the exercise, is not expected to finish before 2027.

To allow MoJ more time to provide members with the information they need to make informed decisions about their pension benefits, we propose to extend the backstop period for making an election from 48 months (as extended in 2024) to 60 months, thereby extending the deadline to 31 March 2028.

Pre- and Post-1995 election timing flexibility

We are considering a proposal to amend regulation 11C(2)(b) so that it refers only to the final deadline by which an election notice must be received, rather than requiring the election notice to be submitted after retirement.

This would allow a judge to request information and make an election before retirement, for example as part of the retirement process.

It would not affect the backstop date by which an election must be made, which would remain the later of:

- 12 months after the date of retirement; and
- 31 March 2028 (under our proposal to extend the existing deadline for members who have already retired).

We consider that this amendment would improve clarity, support administration of the judicial pension scheme, and align the provision more closely with the equivalent JUPRA provision, while maintaining the rights currently available to affected members. However, we would be interested to receive the views of respondents on this point.

Additional benefits in the FPJPS regulations

The FPJPS regulations also mirror the provisions that enabled salaried judges to purchase additional benefits under the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995.

As a result, for judges with eligible fee-paid service between 31 March 1995 and 6 April 2006, the FPJPS regulations now include provisions for:

- The Fee-Paid Judicial Added Years Scheme (FPJAYS).
- The Fee-Paid Judicial Added Surviving Adult's Pension Scheme (JASAPS).

- The Fee-Paid Judicial Added Benefits Scheme (FPJABS).
- Conversion of FPJAYS added years into FPJABS added units of benefit and vice versa.
- Variations of FPJAYS, FPJABS and JASAPS purchases when required.
- Reductions/refunds of FPJAYS added years and JASAPS units when required.

These additional benefit provisions allow eligible members to purchase additional benefits, or to vary existing purchases. They also allow those purchases to be adjusted where a member's main FPJPS benefits change between the pre-1995 and post-1995 provisions.

Under regulation 104(2) (FPJAYS) and 117(2) (JASAPS) of the FPJPS regulations, a person eligible for membership of these additional benefit schemes may become a member by giving written notice to the administrators within 48 months of the amendment day (1 April 2023), or by such later date as the administrators may agree. That 48-month period will expire on 31 March 2027.

Under regulation 128C(2) of the FPJPS regulations, a person eligible for membership of FPJABS may become a member by giving written notice ("a membership notice") to the administrators before 1 April 2027, or by such later date as the administrators may agree.

Under regulations 128S(2)(b), 128S(7)(b), 128T(2), 128T(8), 128V(2) and 128V(8) of the FPJPS regulations, which permit variations to existing purchases of FPJAYS, JASAPS and FPJABS, a member must give written notice to the administrators before 1 April 2027, or by such later date as the administrators may agree.

To ensure that there is enough time to provide affected members with illustrative information and for them to consider their options on additional benefits, we propose to extend the period for giving notice to purchase and/or vary additional benefits from 48 months (as extended in 2024) to 81 months, extending the deadline to 31 December 2029.

Questions

- Q7.** Do you have any comments on our proposal to extend the period for making a FPJPS pre- and post-1995 election to 31 March 2028?
- Q8.** Do you have any comments on our proposal to amend regulation 11C(2)(b) of the FPJPS regulations so that an election may be made before retirement, while preserving the existing post-retirement deadline?
- Q9.** Do you have any comments on our proposal to extend the period for giving notice to purchase and/or vary additional benefits to 31 December 2029?

4. Reconciliation Provisions

Proposed Amendments

The Judicial Pensions Regulations 2022

We propose to insert a reconciliation provision into regulation 7A of the JPS22 regulations through the 2027 Amendments. This will ensure that any Payments in Lieu (PiLs) already made to members are compared with the amount actually due once final pension entitlement has been calculated, so that any difference can be adjusted.

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

The current reconciliation provisions are Part 7A of the FPJPS regulations, Part 3 of the Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023, and Part 3A of those regulations, inserted by the Judicial Pensions (Amendment) Regulations 2024.

These existing reconciliation provisions do not provide for the reconciliation of PiLs made to newly eligible offices.

We therefore propose to address this by introducing provisions to ensure that PiLs can be taken into account appropriately when final entitlements are determined, supporting fairness, accuracy and the effective operation of the judicial pension scheme.

Background

In some cases, we have agreed that judicial office holders should be entitled to retrospective and prospective pension benefits and we propose amending scheme regulations to reflect this.

In some circumstances, to ensure judicial office holders are not adversely affected in the meantime, we make PiLs. These are interim payments made by MoJ outside the pension schemes, based on an estimate of the pension likely to be due, until the relevant legal framework is in place.

Once the regulations have been updated and the actual pension entitlement can be calculated under the scheme rules, we need to reconcile the PiLs. This means comparing what was paid on an interim basis with the entitlement due under the updated regulations. As PiLs are estimates, they may not match the final entitlement exactly.

Reconciliation ensures that the member receives the correct total amount overall. Any shortfall is paid where there has been an underpayment, and any excess is recovered

where there has been an overpayment, so that the final position is fair and consistent with the rules of the judicial pension scheme.

Questions

Q10. Do you have any comments on our proposal to insert a new reconciliation provision into regulation 7A of the JPS22 regulations so that payments in lieu of pension already made can be compared with pension entitlement and any difference adjusted?

Q11. Do you have any comments on our proposal to update the FPJPS reconciliation provisions so that payments in lieu of pension can be taken into account when pension entitlements are determined?

5. Actuarial Reduction Factors

Proposed Amendments

We propose to amend the table of actuarial reduction factors in the Schedule to the 1995 regulations. These factors are also referred to as early retirement factors (ERFs). The updated values, to be provided by the Government Actuary's Department (GAD) later this year, will then be used for early retirement pension calculations under JUPRA and the FPJPS regulations.

We also propose to update the ERFs for the legacy schemes, JUPRA and FPJPS, after each four-yearly update by GAD, using the next available legislative vehicle following publication.

We are not seeking views on the actuarial values themselves, which will be provided by GAD. We are seeking views on the proposal to update the factors in legislation in line with GAD's advice.

Background

GAD produces and publishes actuarial reduction factors on a four-yearly cycle. These factors reflect changes in mortality, economic and demographic assumptions.

If a member retires early and is eligible to draw a pension before the scheme's normal pension age, ERFs are applied when calculating their final pension award.

The purpose of ERFs is to ensure that pensions remain actuarially fair over a lifetime. If a member retires early, their pension is expected to be paid for longer, so the annual amount is reduced. Changes to ERFs may therefore affect individual pension outcomes, depending on when a member retires and the factors that apply at that time.

In JPS15 and JPS22, the scheme regulations allow the use of published ERFs rather than FPJPS and JUPRA where those factors are fixed in legislation. This means that, in JPS15 and JPS22, the ERFs applied are always the most up to date and reflect the latest actuarial assumptions. By contrast, changes to ERFs in FPJPS and JUPRA require legislative amendment.

In FPJPS and JUPRA, the ERFs are set out in the Schedule to the 1995 regulations under a power in section 2 of the Judicial Pensions and Retirement Act 1993. They apply to early retirements between the ages of 60 and 65 and are most relevant to members of those

schemes who are considering taking pension benefits before age 65. They were last amended by the Judicial Pensions (Miscellaneous) (Amendment) Regulations 2015.

The updated ERFs will apply to pension calculations from the date the 2027 Amendments come into force. Any pensions already in payment that were calculated using the previous ERFs will remain unaffected.

Questions

Q12. Do you have any comments on our proposal to amend the table of actuarial reduction factors in the Schedule to the 1995 regulations using updated factors provided by the Government Actuary's Department?

Q13. Do you have any comments on our proposal to additionally update the legacy scheme actuarial reduction factors after each four-yearly update by the Government Actuary's Department?

6. Clarification of Accrual Point for Pensionable Earnings

We propose to amend regulation 16 of the JPS22 regulations to clarify that, for fee-paid judges, pensionable earnings give rise to pension benefits from the point they are paid, rather than from the date the related service or sittings took place. This reflects how fee-paid judicial remuneration is paid and recorded and provides a clear and consistent basis for determining pensionable earnings.

This issue does not arise in the same way for salaried judges, whose earnings are paid at the end of each month. For fee-paid judges, however, there may be a delay between when sittings take place and when payments are made which can depend on when the judge submits the relevant information. Clarifying that pension benefits are calculated by reference to earnings when they are paid ensures that contributions and benefits are calculated on a clear, consistent and verifiable basis.

Consequential amendments to references to “pensionable earnings”, and related references to “earnings”, will be made throughout the regulations where needed. We do not expect all such references to require amendment, and our intention is to ensure that the regulations operate coherently while avoiding unnecessary change.

This reduces the risk of mismatch, error or retrospective adjustment, and supports accurate and transparent administration for members and administrators.

Questions

Q14. Do you have any comments on our proposal to clarify that, for fee-paid judges, pensionable earnings give rise to pension benefits from the point they are paid, rather than from the date the related service or sittings took place?

Questionnaire

See below a summary of questions which have been set out across each section of the consultation.

- Q1.** Do you have any comments on our proposal to add the listed Scottish re-employed offices to the Schedule of Specified Judicial Offices for JPS22 eligibility?
- Q2.** Do you have any comments on our proposal to specify an entitlement start date of 1 April 2022 (the date on which JPS22 commenced) for the Scottish re-employed offices under regulation 7A of the JPS22 regulations?
- Q3.** Do you have any comments on our proposal to amend the FPJPS regulations so that holders of the listed Scottish re-employed offices can continue to receive their FPJPS pension after retirement from their substantive office while sitting on a fee-paid basis?
- Q4.** Do you have any comments on our proposal to amend the FPJPS regulations so that holders of the Temporary Judge (Scotland) office can continue to receive their FPJPS pension after retirement from their substantive office/s while sitting on a fee-paid basis?
- Q5.** Do you have any comments on our proposal to add relevant Northern Ireland tribunal offices to the eligibility schedules for FPJPS and JPS22, where a relevant salaried comparator has been identified through the Northern Ireland litigation process?
- Q6.** Do you have any comments on our proposal to provide retrospective entitlements by specifying an entitlement start date of 1 April 2022 (the date on which JPS22 commenced) for relevant Northern Ireland tribunal offices under regulation 7A of the JPS22 regulations?
- Q7.** Do you have any comments on our proposal to extend the period for making a FPJPS pre- and post-1995 election to 31 March 2028?
- Q8.** Do you have any comments on our proposal to amend regulation 11C(2)(b) of the FPJPS regulations so that an election may be made before retirement, while preserving the existing post-retirement deadline?

- Q9.** Do you have any comments on our proposal to extend the period for giving notice to purchase and/or vary additional benefits to 31 December 2029?
- Q10.** Do you have any comments on our proposal to insert a new reconciliation provision into regulation 7A of the JPS22 regulations so that payments in lieu of pension already made can be compared with pension entitlement and any difference adjusted?
- Q11.** Do you have any comments on our proposal to update the FPJPS reconciliation provisions so that payments in lieu of pension can be taken into account when pension entitlements are determined?
- Q12.** Do you have any comments on our proposal to amend the table of actuarial reduction factors in the Schedule to the 1995 regulations using updated factors provided by the Government Actuary's Department?
- Q13.** Do you have any comments on our proposal to additionally update the legacy scheme actuarial reduction factors after each four-yearly update by the Government Actuary's Department?
- Q14.** Do you have any comments on our proposal to clarify that, for fee-paid judges, pensionable earnings give rise to pension benefits from the point they are paid, rather than from the date the related service or sittings took place?

Thank you for participating in this consultation exercise.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)	
Date	
Company name/organisation (if applicable):	
Address	
Postcode	
If you would like us to acknowledge receipt of your response, please tick this box	☐ (please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.

Contact details/How to respond

Please send your response by 22/09/2026 via the [Citizen Space website](#), or email us at the address below:

Email: judicialpensionsconsultation@justice.gov.uk

Complaints or comments

If you have any complaints or comments about the consultation process you should contact the MoJ at the above address.

Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available on-line at <https://consult.justice.gov.uk/>.

Alternative format versions of this publication can be requested from:
judicialpensionsconsultation@justice.gov.uk

Publication of response

We hope to publish a response to this consultation in Autumn 2026. The response document will be available on-line at <https://consult.justice.gov.uk/>.

Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the MoJ.

The MoJ will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties. However, the MoJ may use AI for the purposes of analysing responses to this consultation only. If applicable, the tool we will use to do this uses AWS UK region and processes data via GenAI within Non-UK EEA region. No data is retained by the tool beyond processing.

Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the Cabinet Office Consultation Principles 2018 that can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691383/Consultation_Principles__1_.pdf



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