



Ministry
of Justice

Impact Assessment, Equalities and Welsh Language

The Judicial Pensions (Amendment) Regulations 2027

Impact assessment

We have not carried out a full economic impact assessment because we do not expect the proposed amendments to have an impact on businesses, charities or voluntary sector organisations.

Any costs arising from the proposals would fall within public funding arrangements and are being considered as part of departmental expenditure planning.

Public Sector Equality Duty

Section 149 of the Equality Act 2010 requires public authorities, when exercising their functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- foster good relations between people who share a relevant protected characteristic and people who do not.

The Equality Act 2010 sets out nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Equalities Considerations

Direct Discrimination

We do not consider that the proposed amendments would amount to direct discrimination within the meaning of the Equality Act 2010, as they would not treat any member of the judiciary less favourably because of a protected characteristic.

Indirect Discrimination

We have considered whether the proposed amendments would amount to indirect discrimination and will keep this under review during the consultation process. Some judicial office holders may be more likely to be affected by amendments, depending on their role, scheme membership, or age and proximity to retirement.

Where there is potential for a particular disadvantage, we have considered this carefully and explain below why we consider the proposal justified.

i. The extensions to the Fee-paid Judicial Pension Scheme (FPJPS) election and additional benefits deadlines

These changes are expected to be most relevant to older members, as eligibility for making an election for benefits to be calculated on a pre- or post-1995 basis and/or purchasing additional benefits depends on having service before 31 March 1995, or between 31 March 1995 and 6 April 2006.

The current deadlines for elections and purchases expire on 31 March 2027. As explained in the consultation document, it is necessary to extend these deadlines because the Ministry of Justice (MoJ) is not currently in a position to provide members with the information needed to make these elections or purchases. This delay puts older members at a particular disadvantage, and the extensions will preserve the opportunity for them to exercise valuable rights. MoJ has carefully considered the appropriate period by which to extend each deadline, to ensure that it has sufficient time to provide members with the required information, via its pension administrators.

We consider the proposed amendments justified as a proportionate and necessary means of achieving the legitimate aim of ensuring members have enough time, with accurate information, to make informed decisions about their pension rights. Overall, we consider that these proposed amendments will have a positive equality impact.

ii. The changes to early retirement factors

This change is likely to be most relevant to older judges who are members of the Judicial Pensions and Retirement Act 1993 (JUPRA) or FPJPS and are approaching the early retirement age of 60.

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The proposed amendment does not seek to increase or reduce benefits for any age group. It updates the actuarial factors used to calculate retirement benefits so that they reflect current actuarial assumptions and align with the methodology used elsewhere in the judicial pension schemes. The revised factors may produce outcomes that have a positive or negative impact on pension benefits, depending on the actuarial assumptions applied, so we do not consider the proposal will necessarily result in any disadvantage to older judges. The amendment is intended to ensure that benefits are calculated on a fair, consistent and actuarially up-to-date basis and is a proportionate means of achieving that legitimate aim.

We consider that the proposed amendment is justified as it ensures that pension benefits are calculated clearly, consistently and fairly for affected members by using up-to-date actuarial assumptions and aligning the approach with the Judicial Pension Scheme 2015 (JPS15) and the Judicial Pension Scheme 2022 (JPS22).

iii. The clarification about when fee-paid earnings become pensionable in JPS22

This clarification is likely to be most relevant to fee-paid judges, as it confirms that earnings are considered pensionable when they are paid rather than when the related service or sitting took place. This reflects the basis on which pensionable earnings are already administered in practice and is intended to clarify the position in the regulations.

Fee-paid judges may be more likely than salaried judges to share the protected characteristics of race, age and sex, as the fee-paid judiciary is more ethnically diverse, younger and has a higher proportion of women.

We recognise that the point at which earnings become pensionable may have a small impact on the in-service revaluation of pension accrual for some fee-paid judges. However, the proposed amendment is a clarification to reflect existing practice.

We consider the proposed amendment justified as a proportionate and necessary means of achieving a legitimate aim in providing greater clarity in the regulations to reflect the basis on which pensionable earnings are already administered in practice.

While we have identified some potential impacts relating to age, race and sex, we consider that the proposed amendments have an overall positive equality impact. They support the legitimate aims of ensuring the clear, consistent, accurate and effective operation of the judicial pension schemes so that affected judicial office holders receive the pension benefits intended under the scheme rules. We consider the proposed amendments a proportionate and necessary means of achieving those legitimate aims because they are targeted at the provisions that need to be clarified, updated or extended.

Discrimination arising from disability and duty to make reasonable adjustments

We do not expect that the proposed amendments would result in discrimination arising from disability or any requirement to make reasonable adjustments. However, we will consider any requests for reasonable adjustments on a case-by-case basis.

Harassment and victimisation

We do not anticipate that implementing the proposed amendments would give rise to a risk of harassment or victimisation.

Advancing equality of opportunity

Some of the proposed amendments may have a positive impact on affected judicial office holders.

In particular, the amendments relating to Scottish re-employed offices and Northern Ireland tribunal offices would support access to pension entitlement for office holders within scope.

We have considered whether these amendments may be particularly relevant to race, which includes nationality, because they apply to offices in Scotland and Northern Ireland. We consider that they would advance equality of opportunity by aligning pension treatment for those office holders with comparable arrangements elsewhere in the UK.

Fostering good relations

Providing pension entitlement on equal terms between judges of different nationalities may positively support this requirement.

Data

The exact number of judges who may be affected by the proposed amendments cannot be determined at this stage. However, the information below provides approximate numbers for the categories of judges who may be affected.

The Diversity of the Judiciary: 2025 Statistics,¹ at Table 3.1, provides overall figures for the judiciary. Table 1 below sets out a breakdown by age group. This data covers the judiciary as a whole, including judges who only have service in JPS15 or JPS22. The proportion of judges in each age category who are members of FPJPS may therefore differ slightly from the figures in Table 1. Some devolved offices covered by FPJPS may also not be captured in the data.

Table 1: Proportion of fee-paid and salaried judges in post in courts and tribunals in England and Wales by age group, as at 1 April 2025. See Notes 1 to 3.

Age group	Under 40	40–49	50–59	60–69	70 and over
Percentage fee-paid judges	7%	31%	38%	27%	7%
Percentage of salaried judges	2%	19%	42%	34%	3%

Note 1: The statistics include all tribunals administered by HMCTS and exclude other tribunals.

Note 2: The statistics also include office holders in the First-tier Tribunal and Upper Tribunal in Scotland and Northern Ireland in jurisdictions that have a GB/UK-wide remit.

¹ [Diversity of the judiciary: 2025 statistics - GOV.UK](#)

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Note 3: For further information, see the footnotes to Diversity of the judiciary 2025 statistics: Table 3.1: Primary appointment of judges and non-legal members in courts and tribunals in England and Wales: age and contract type by appointment.

Members affected by the proposal to extend the deadlines for purchasing or varying additional benefits are expected to be more likely to fall within the 60–69 and 70 and over age categories because eligibility for those exercises depends on having relevant fee-paid service between 31 March 1995 and 6 April 2006.

The Judicial Pensions Scheme Annual Report and Accounts² state that, as at 31 March 2025, there were 9,086 members of FPJPS. We expect that many FPJPS members may be within scope of the additional benefits purchase or variation exercises. The age profile of these members is not recorded separately.

Conclusion

We have considered the equality impacts of these proposed amendments carefully. Where some groups may potentially be more affected because of their role, scheme membership, age or proximity to retirement, we consider any potential disadvantage justified as a proportionate and necessary means of achieving the legitimate aims of administering the judicial pension schemes clearly, consistently, accurately and effectively. We have also noted that some amendments may benefit affected judicial office holders and have a positive equality impact.

We therefore consider that the proposed amendments are consistent with the requirements of section 149 of the Equality Act 2010.

We will review this equality impact assessment when preparing the government response to this consultation and will take account of any evidence provided.

Welsh Language Impact Test

In accordance with the Welsh Language Act 1993, the MoJ's Welsh Language Scheme requires us to "assess the linguistic consequences of policies affecting services provided to people in Wales".

A Welsh language version of this consultation has been published. There are no linguistic consequences of the proposed amendments affecting services provided to people in Wales.

² [Judicial Pensions Scheme – Annual Report and Accounts 2024-25](#)

Environmental Principles Duty

The Environment Act 2021 places a legal duty on Ministers of the Crown to have ‘due regard’ to the environmental principles policy statement.³

The five principles in this policy statement, as set out in section 17(5) of the Environment Act, are internationally recognised as successful benchmarks for environmental protection and enhancement. When making policy, and where relevant, ministers will need to consider the:

- integration principle
- prevention principle
- rectification at source principle
- polluter pays principle
- precautionary principle

The UK government has already committed to these five principles through international instruments and processes.

We have not identified any environmental impacts of the proposed amendments.

³ [Environmental principles policy statement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/environmental-principles-policy-statement)