

## **Addendum to Consultation on Fee Paid Judicial Pension Scheme Draft Regulations**

This Addendum draws attention to a revised version of the draft regulations for the Fee Paid Judicial Pension Scheme (FPJPS), which is issued for consultation until 31 October 2016.

The Consultation on the original draft regulations was issued on 15 September and was intended to run until 20 October 2016. This period has been extended for the reasons set out below.

During the consultation period we have found that the draft FPJPS regulations do not give effect to the MoJ's policy – as set out in the consultation document itself - regarding eligibility in relation to time limits (see particularly page 9, paragraph 27 and the table at the top of page 10 regarding eligibility). The same position stands in relation to the policy set out in the previous MoJ consultation document issued on 19 September 2014 (see page 6 regarding membership) and the MoJ response to that consultation issued on 23 March 2015 (page 7 and paragraph 24 regarding eligibility under the scheme).

As originally drafted, Regulation 8 does not define membership of the FPJPS in relation to a particular office in accordance with the *Miller* judgment. In addition, the calculation of benefits under the original draft regulations suggested that someone who is eligible to be a member of the scheme is invariably entitled to receive benefits in relation to all the fee-paid judicial offices they have held after 6 April 2000.

As amended to reflect the policy set out above, the revised draft regulations now clarify who is entitled to be a member of the FPJPS by reference to a particular office (see page 9 paragraph 27 and the table on page 10 of the consultation issued 15 September 2016). They also ensure that an office holder who ceased to hold judicial office before the date the moratorium took effect is only entitled to benefits under the FPJPS for service in that office, if he or she made an Employment Tribunal or Northern Ireland Industrial Tribunal claim for a pension in relation to that office within the relevant time limits.

To achieve this effect, the revised draft regulations show the revisions made in track changes.

- **Due to this change in the draft regulations for the FPJPS, the consultation period has been extended to 31 October 2016.**
- **We continue to welcome responses and it would be helpful to receive them as early as possible.**
- You should also note that the revised draft regulations issued with this addendum also include an updated Schedule 1 of eligible fee-paid judicial offices.

**Judicial Policy, Ministry of Justice 10 October 2016.**