



Ministry
of Justice

The Judicial Pensions (Amendment) Regulations 2026

Consultation on the draft amendment regulations

This consultation begins on 30th September 2025

This consultation ends on 25th November 2025





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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), the Judicial Pension Scheme 2022 (JPS22) or the Judicial Pension Scheme 2015 (JPS15).
- Duration:** From 30th September 2025 to 25th November 2025.
- Enquiries (including requests for the paper in an alternative format) to:** Email: judicialpensionsconsultation@justice.gov.uk
- How to respond:** Please submit your response by 25th November 2025 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 later this year.

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Executive Summary

1. This consultation seeks views on the draft Judicial Pensions (Amendment) Regulations 2026 (the 2026 Amendments). The primary purpose of the 2026 Amendments is to support the efficient functioning of the Judicial Pension Scheme.

The 2026 Amendments amend the following statutory instruments:

- The Judicial Pensions Regulations 2015 (“the JPS15 regulations”), which established the Judicial Pension Scheme 2015 (“JPS15”);
 - The Judicial Pensions Regulations 2022 (“the JPS22 regulations”), which established the Judicial Pension Scheme 2022 (“JPS22”); and
 - The Judicial Pensions (Fee-Paid Judges) Regulations 2017 (“the FPJPS regulations”), which established the Fee-Paid Judicial Pension Scheme 2017 (“FPJPS”).
2. The amendments are proposed to increase the range of powers that the Ministry of Justice (MoJ) has to collect pension contributions from members of the judicial pension schemes. The MoJ has become aware of some instances in which it has either not deducted, or deducted an incorrect amount of, members’ contributions from salary or fees at the time these were paid to members, as required by the legislation. In some cases, these missed contributions were recovered by other means, usually by lump sum payments that were proactively made by members. In other cases, the contributions remain outstanding so must be collected (“backdated contributions”). The proposed amendments will increase the powers to collect (or to have collected) these payments, with retrospective effect. It is unclear at this stage exactly how many judicial records are affected by this issue, but work undertaken to date indicates that the issue is relatively limited in scope and is likely to affect fewer than 500 records across JPS15, JPS22 and FPJPS.
 3. The proposed amendments will increase the powers to recover missed contributions on a backdated basis under JPS15 and JPS22. FPJPS already contains some powers to collect backdated contributions for the periods prior to its commencement, but they are subject to certain restrictions and so MoJ proposes to extend them. The post-commencement period of FPJPS is not in scope of this consultation, because of the extent of the powers in the Judicial Pensions and Retirement Act 1993, under which it was established.
 4. Due to the differences in how the schemes are structured, different approaches are required between the schemes to achieve this aim.

5. The amendments cover 3 areas:

a. Expanding the methods for collecting backdated contributions.

- For FPJPS, we will be extending existing recovery powers to allow the recovery of contributions for the initial pre-commencement period and pre-commencement periods from future instalments of pension and extending the deadline for payment of pre-commencement contributions by lump sum.
- For JPS15 and JPS22, we will be inserting powers to allow MoJ to recover member's contributions where they have not been deducted from a member's pensionable earnings for a given pay period. At present, the regulations only permit recovery through deduction from earnings within a specified period, and do not provide alternative mechanisms for collection in such cases.

b. Increasing the options for collecting contributions going forward.

- This applies only to JPS22, as all other schemes are now closed to pension accrual (although members retain their benefits in those schemes). Whilst deduction from a member's pensionable earnings for a pay period will remain the primary method of collecting pension contributions, the powers we are inserting into JPS22 will provide MoJ with the ability to use other methods in circumstances where this has not happened. These new powers will help to ensure that members' pension accounts remain correct.

c. Regularising contributions taken without powers.

- By making these amendments, where possible MoJ is also regularising recovery action in respect of backdated contributions that have been taken to date. This does not apply in respect of post-commencement contributions in FPJPS, which we are considering separately.

6. These Regulations extend to the whole of the United Kingdom.

About this document

7. Alongside this document you will see a published version of the draft regulations. An Equality Statement is contained at the end of this document.

Introduction

8. This paper sets out for consultation proposals to amend the FPJPS regulations, the JPS15 regulations and the JPS22 regulations. Where this consultation describes that legislation, please note that the legislation itself takes precedence in the event of a difference (although every effort has been made to make this consultation as accurate as possible).
9. The consultation is aimed at both salaried and fee-paid judicial office holders who are entitled to be a member of the judicial pension scheme, particularly any member of FPJPS, JPS15 and/or JPS22.
10. A Welsh language version of the consultation paper has also been published.
11. This consultation will run for eight weeks from the date of issue, closing on 25th November 2025. Details of how to respond to the consultation are highlighted on page 15.
12. A copy of the draft regulations has been published alongside this consultation (Annex B).

Powers to retrospectively collect pension contributions

Background

13. MoJ has become aware of some instances in which it has either not deducted, or deducted an incorrect amount of, members' contributions from their salary or fees at the time these were paid to members.
14. This issue has occurred in two main circumstances: firstly, where a judicial office holder's pension record was not properly created following their enrolment into the scheme ("Missed Enrolment"), and secondly, where an earnings cap which existed in FPJPS was incorrectly applied to certain judges in JPS22 ("Misapplication of the Earnings Cap").

Missed enrolment

15. Missed Enrolment affects judges across JPS15, JPS22 and FPJPS. Missed Enrolment describes a situation where administration issues have resulted in a member's pension account not being established at the time of their appointment to a qualifying judicial office. The lack of a pension account then led to contributions not being properly deducted from salary or fees.
16. While pension accounts can be established at a later date, currently the powers to collect backdated contributions once a missed enrolment has been identified are limited, depending on the scheme, so member contributions are either left outstanding or have, in some cases, been collected by lump sum without legislative authority.
17. Affected members are liable to pay these contributions even if a pension account is not established and the contributions have not been properly deducted, because, unless an exclusion applies or the member opts out of the scheme, members become liable to pay contributions to JPS15 and JPS22 from the first day on which they begin service in a qualifying judicial office, and in FPJPS from their first qualifying fee-paid day.

Misapplication of earnings cap

18. An Earnings Cap (i.e. a level above which earnings cease to be pensionable) existed in FPJPS but does not exist in JPS15 or JPS22. Due to an administrative error, the earnings cap was incorrectly applied to a small number of fee-paid judges in JPS22, which has resulted in those judges having underpaid contributions - that

is, they have outstanding members' contributions for the portion of their earnings that exceeded the incorrectly applied cap.

19. There may also be other, isolated instances in which a member's contributions have been under-collected due to administrative errors, resulting in outstanding member's contributions.

Change of approach to collection of contributions

20. As well as needing legislation to address these historic issues, they have highlighted the need for an increased range of powers to collect contributions to ensure that where contributions are not collected contemporaneously, members are nonetheless able to pay their owing contributions. Therefore, the powers also apply prospectively.

21. It remains the intention that contributions will primarily be deducted from earnings at the time they are paid, however other methods will be available if that is not possible.

Amendments to JPS15 and JPS22

22. Whilst members remain liable to pay backdated contributions, there is currently no provision within the JPS15 regulations or the JPS22 regulations to allow for the retrospective collection of those contributions. The proposed amendments will permit the recovery of outstanding, backdated contributions in the following ways and in order of priority:

- a. Firstly, where a member remains in judicial office, MoJ will seek to agree with the member to deduct outstanding contributions from the member's future salary or fees, at such amounts and in such intervals as agreed with the member.
- b. The second option is for the member to repay the outstanding contributions by making a lump sum payment (e.g. by cheque or bank transfer) within six months of being notified by MoJ of the amount due, or by a later date if agreed with MoJ.
- c. If contributions remain unpaid at the time of a member's retirement or partial retirement, MoJ proposes to recover outstanding backdated contributions from any lump sum paid on retirement where the member opts for one (including a commuted small pension) or from future instalments of pension.
- d. Finally, if the member dies without having retired and contributions remain outstanding, MoJ proposes to recover the unpaid contributions from the Death in Service lump sum.

Amendments to FPJPS

23. Unlike JPS15 and JPS22, there are already some powers within the initial pre-commencement and pre-commencement parts of FPJPS to collect backdated contributions. However, these powers are subject to some limits that restrict MoJ's ability to collect, and members' ability to pay, their contributions.
24. We are, therefore, amending FPJPS to extend MoJ's existing powers to collect contributions for the initial pre-commencement and pre-commencement periods, in the ways outlined below.
25. The post-commencement provisions are not within scope of this consultation, as we are considering the approach there separately.

Deadline Extension for collecting pre-commencement contributions

26. FPJPS is now closed to pension accrual, and members have transitioned to JPS22. Fee paid members who previously accrued benefits under FPJPS remain entitled to those benefits.
27. Some members of FPJPS may have outstanding contributions relating to their membership of that scheme. As for JPS22, this may have occurred where a judicial office holder's pension records were not properly created following their enrolment (Missed Enrolment), (see points 15,16 and 17 above for a full explanation).
28. FPJPS was established on 1 April 2017 and relates to three distinct periods of service:
- i. Initial pre-commencement (service prior to 7 April 2000),
 - ii. Pre-commencement (service from 7 April 2000 to 31 March 2017) and
 - iii. Post commencement (service from 1 April 2017 to 31 March 2022).
29. Therefore, FPJPS operates both retrospectively (in relation to service before 31 March 2017) and prospectively (for the period 1 April 2017 to 31 March 2022).
30. The current FPJPS regulations provide MoJ with powers to recover backdated contributions from judicial office holders with service in the retrospective initial pre-commencement and pre-commencement periods. These contributions may be recovered through deductions from fees, deductions from a member's retirement lump sum, or by an upfront lump sum payment.
31. However, the deadline for making a lump sum payment in respect of pre-commencement contributions expired on 1 October 2017.

32. As we have now identified that members may owe contributions for the post-commencement period as a result of the missed enrolment issue, to ensure that it is open to members to pay their outstanding pre-commencement contributions by way of upfront lump sum, we are extending the deadline for making such a payment to 1 April 2027 (or a later date considered reasonable in all the circumstances by the administrator), which will also align it with the deadline already in place for making a lump sum payment in respect of the initial pre-commencement period.
33. Extending this deadline will create flexibility for members to pay, and the scheme to collect, owed contributions in the method that suits their circumstances best.

Extension of existing recovery powers

34. In addition to the extension of the lump sum payment deadline, these amendments will also insert a power into the FPJPS regulations allowing owed contributions to be deducted from instalments of pension. This amendment will apply to both the pre-commencement and initial pre-commencement periods.
35. This would allow any outstanding contributions to be paid gradually through future pension payments, rather than requiring a single lump-sum payment. Currently, the regulations do not include provisions that permit the recovery of backdated contributions via deductions from future pension instalments.
36. The addition of the ability to deduct contributions from further pension instalments will enable members to choose the method of repayment most appropriate to their individual circumstances.

Post-commencement period

37. While these issues with backdated contributions also affect, to a limited extent, the post-commencement period in FPJPS, the powers to collect contributions relating to that period are limited and, unlike those described above, cannot be amended by secondary legislation.
38. Therefore, the amendments do not cover this time period, and MoJ will rely on common law powers of recovery where possible.

Questions

1. Do you agree with these proposals?

2. Are there any further comments you would like to make regarding these proposals?

Impact Assessment, Equalities and Welsh Language

Impact assessment

We have not carried out an economic impact assessment as our proposals should have no impact on business, charities or the voluntary sector. The costs associated with our proposals exist as a public funding liability and are under consideration in terms of departmental expenditure implications.

Equalities

Under the [Public Sector Equality Duty](#) within the Equality Act 2010 MoJ Ministers and policy makers are required to consider the equalities impacts of policy proposals in relation to the following:

- a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- b) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.

Paying "due regard" needs to be considered against the nine protected characteristics under the Act:

- | | | |
|-----------------------------|------------------------|--|
| 1. age; | 5. race; | 9. marriage or civil partnership (<i>only in relation to the first aim of the PSED</i>). |
| 2. disability; | 6. religion or belief; | |
| 3. gender reassignment; | 7. sex; | |
| 4. pregnancy and maternity; | 8. sexual orientation; | |

Discrimination: We have determined that these draft amendment regulations do not directly discriminate within the meaning of the Equality Act 2010 since they will not treat any member of the judiciary less favourably because of a protected characteristic.

Furthermore, we do not consider that the draft regulations will be indirectly discriminatory within the meaning of the Equality Act 2010 as no particular disadvantage to members of the judiciary with protected characteristics has been identified.

Discrimination arising from disability and duty to make reasonable adjustments:

Following the consultation, we do not expect that the members will require reasonable adjustments in respect of these proposals, but we will consider any such requests on a case-by-case basis.

Harassment and victimisation: We do not consider there to be a risk of harassment or victimisation in implementing our draft regulations.

Advancing equality of opportunity: We do not consider that these proposals are relevant to this obligation,

Fostering good relations: We do not consider that these proposals are relevant to this obligation.

We have considered the equality impacts of these amendments and have concluded that they will have no equality impact. Based on that assessment we consider that the proposed amendments are consistent with the requirements set out in s149 of the Equality Act 2010. We will revise the equality impact assessment when preparing the government response to this consultation.

Welsh Language Impact Test

A Welsh language version of this consultation has been published. We consider that there are unlikely to be linguistic consequences of the proposed amendments affecting services provided to people in Wales.

Environmental Principles Duty

From the 1 November 2023, the Environment Act 2021 places a legal duty on Ministers of the Crown to have 'due regard' to the environmental principles policy statement.¹

The 5 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:

¹ [Environmental principles policy statement - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/environmental-principles-policy-statement)

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

The UK government has already committed to these 5 principles through international instruments and processes.

We have not identified any environmental impacts of the proposed amendments

Question

Do you agree that we have correctly identified the range and extent of the impacts under each of these proposals set out in this consultation? Please give reasons and supply evidence of further impacts as appropriate.

Questionnaire

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

1. Do you agree with these proposals?
2. Are there any further comments you would like to make regarding these proposals?
3. Do you agree that we have correctly identified the range and extent of the impacts under each of these proposals set out in this consultation? Please give reasons and supply evidence of further impacts as appropriate.

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	<input type="checkbox"/> (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 25th November 2025 via the Citizen Space website or you can 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 Ministry of Justice 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 Winter 2025. The response paper 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 Ministry.

The Ministry 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.

Annex A

Background

Fee-Paid Judicial Pension Scheme 2017 (FPJPS)

FPJPS commenced on the 1 April 2017 following the decision in *O'Brien v Ministry of Justice* [2013] UKSC 6 (referred to as *O'Brien 1*) 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 April 2000. The provisions largely mirrored the arrangements for salaried judges under the Judicial Pensions and Retirement Act 1993 (JUPRA).

In November 2018, the Court of Justice of the European Union handed down judgement in the case of *O'Brien v Ministry of Justice* (Case C-432/17) (referred to as *O'Brien 2*), which concluded that part-time work undertaken before the 7 April 2000 must be taken into account when calculating a fee-paid judge's pension entitlement.

As a result of *O'Brien 2* the Judicial Pensions (Fee-Paid Judges) (Amendment) Regulations 2023 (the FPJPS Amendments) came into force on 1 April 2023, to provide pension benefits for eligible fee-paid service before 7 April 2000. New provisions were included accordingly to allow eligible fee-paid judicial office holders, with service beginning before 31 March 1995, to have pension benefits calculated on a basis reflecting the provisions of the Judicial Pensions Act 1981 (JPA81), the regime for some salaried judges with service before 31 March 1995.

FPJPS closed to all further accruals on 31 March 2022 when a reformed judicial pension scheme (outlined below) commenced.

Judicial Pension Scheme 2022 (JPS22)

Following the introduction of the Public Service Pensions Act 2013 (PSPA 13) and a consultation with the judiciary, the then Lord Chancellor announced the principles for reform of judicial pension scheme arrangements in February 2013. This led to the introduction of a new judicial pension scheme for both fee-paid and salaried judges called the Judicial Pension Scheme 2015 (JPS15). This commenced on 1 April 2015.

In 2018, the Senior Salaries Review Body (SSRB) published its Major Review of the Judicial Salary Structure which highlighted escalating recruitment and retention problems at all levels of the judiciary. It concluded that these problems were caused principally by the introduction of JPS15 and subsequent changes to pension tax thresholds.

In response to the recruitment and retention problems identified, MoJ committed to introducing an improved pension scheme for the whole judiciary. The resulting JPS22 regulations provide a reformed judicial pension scheme that retains many of the features of the reform principles in the 2015 scheme but re-introduce tax unregistered status and an improved benefit accrual rate to the scheme. This means that benefit accruals under JPS22 (as in JUPRA and FPJPS) do not count towards annual or lifetime tax allowances.

JPS22 came into effect on 1 April 2022, the day after all other judicial pension schemes (JPA81, JUPRA, FPJPS, and JPS15) closed to further accruals. JPS22 is now the only judicial pensions scheme in which judges can accrue further benefits.

Copies of the consultation paper 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 • Employment Appeal Tribunal Lay Members Committee
- Forum of Tribunal Membership Associations

- Judicial Pensions Committee (England)
- London Association of District Judges
- Lord 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)
- Lord 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

This list is not intended to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

Annex B

Draft - The Judicial Pensions (Amendment) Regulations 2026

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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