

DRAFT STATUTORY INSTRUMENTS

2026 No.

The Judicial Pensions (Amendment) Regulations 2026

Made - - - -

Coming into force

The Lord Chancellor makes regulations 2 and 3 of the following Regulations, and regulation 1 insofar as it relates to regulations 2 and 3, in exercise of the powers conferred by sections 1, 2(1), 3(1) to (3), paragraph 2 of Schedule 1, paragraph 2(1) of Schedule 2 and paragraph 9 of Schedule 3 to, the Public Service Pensions Act 2013(a) (“the 2013 Act”).

The Lord Chancellor, in relation to judicial offices for which the Lord Chancellor is the appropriate Minister within the meaning of section 30 of the Judicial Pensions and Retirement Act 1993(b) (“JUPRA”) and the Secretary of State in relation to judicial offices for which the Secretary of State is the appropriate Minister within the meaning of section 30 of JUPRA, make regulation 4 of the following Regulations, and regulation 1 insofar as it relates to regulation 4, in exercise of the powers conferred by section 18A of JUPRA.

In accordance with section 21 of, and paragraph 2(2) of Schedule 2 to, the 2013 Act, the Lord Chancellor has consulted the Secretary of State and such persons (or representatives of such persons) as appear to the Lord Chancellor likely to be affected by these Regulations.

In accordance with section 3(5) of the 2013 Act, the Lord Chancellor has obtained the consent of the Treasury before making these Regulations.

The Lord Chancellor has had regard to the matters referred to in section 5(3) of the 2013 Act.

A draft of this instrument has been laid before and approved by a resolution of each House of Parliament pursuant to section 29(2A) of JUPRA and section 24(1) of the 2013 Act.

Citation, commencement and extent

1. —(1) These Regulations may be cited as the Judicial Pensions (Amendment) Regulations 2026 and come into force on the day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(a) 2013 c. 25.

(b) 1998 c. 8.

Amendment of the Judicial Pensions Regulations 2015

2. —(1) In regulation 126 of the Judicial Pensions Regulations 2015(a) (payment of member contributions), after paragraph (3), insert—

“(4) If any contributions payable by any member have not been deducted by the employer under paragraph (1)—

(a) the employer may deduct the contributions from a member’s salary or fees at such intervals and in such amounts as may be specified in an agreement between the member and the scheme manager, or

(b) if the employer and the member do not make an agreement under sub-paragraph (a), the member may pay the contributions by way of a lump sum at any time before the end of the period of 6 months beginning with the date on which the member is notified that the amount must be paid, or by such later date as the scheme manager may agree.

(5) If any member’s contributions remain payable at the time the member claims payment of a pension under regulation 56 or exercises an option under regulation 61, the employer must deduct the member’s contributions from one of, or a combination of, the following—

(a) any lump sum paid on retirement under regulation 76, 77 or 149; or

(b) pension payments under Part 6 in such instalments as the scheme manager considers appropriate.

(6) If the member dies without retiring and any member’s contributions remain payable, the employer must deduct the member’s contributions from the lump sum payable under regulation 111.”.

(2) The amendment made by paragraph (1) is treated as having had effect from 1 April 2015.

Amendment of the Judicial Pensions Regulations 2022

3. —(1) In regulation 107 of the Judicial Pensions Regulations 2022(b) (payment of member contributions), after paragraph (3), insert—

“(4) If any contributions payable by any member have not been deducted by the employer under paragraph (1)—

(a) the employer may deduct the contributions from the member’s pensionable earnings at such intervals and in such amounts as may be specified in an agreement between the member and the scheme manager, or

(b) if the employer and the member do not make an agreement under sub-paragraph (a), the member may pay the contributions by way of a lump sum at any time before the end of the period of 6 months beginning with the date on which the member is notified that the amount must be paid, or by such later date as the scheme manager may agree.

(5) If any member’s contributions remain payable at the time the member claims payment of a pension under regulation 46 or exercises an option under regulation 50, the employer must deduct the member’s contributions from one of, or a combination of, the following—

(a) any lump sum paid on retirement under regulation 60, 61 or 121; or

(b) pension payments under Part 6 in such instalments as the scheme manager considers appropriate.

(a) S.I. 2015/182

(b) S.I. 2022/319

(6) If the member dies without retiring and any member's contributions remain payable, the employer must deduct the member's contributions from the lump sum payable under regulation 93."

(2) The amendment made by paragraph (1) is treated as having had effect from 1 April 2022.

Amendment of the Judicial Pensions (Fee-Paid Judges) Regulations 2017

4. —(1) The Judicial Pensions (Fee-Paid Judges) Regulations 2017(a) are amended in accordance with this regulation.

(2) In regulation 58 (payment of pre-commencement contributions)—

(a) in paragraph (1)(a), for "of 6 months beginning with the commencement day" substitute "ending with 1st April 2027, or by such later date as the administrators consider reasonable in all the circumstances";

(b) before paragraph (4)(a), insert—

"(za) payments of scheme benefits under Part 2B or 3 in such instalments as the administrators may decide,".

(3) In regulation 58A (payment of initial pre-commencement contributions), before paragraph

(6)(a), insert—

"(za) payments of scheme benefits under Part 2B or 3 in such instalments as the administrators may decide,".

We consent to the making of these Regulations

Two of the Lords Commissioners of His Majesty's Treasury

Lord Chancellor
Ministry of Justice

Secretary of State for Scotland
Scotland Office

(a) S.I. 2017/522, as amended by S.I. 2023/403 and S.I. 2024/1358; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations make amendments across three judicial pension schemes.

Regulation 2 inserts into the Judicial Pensions Regulations 2015 new methods for collecting or recovering pension contributions which are due to the scheme but have not been deducted from a member's pensionable earnings for a pay period. These methods are: recovery from a member's future salary or fees or payment by upfront lump sum; or, where contributions remain outstanding at a member's retirement (or death before retirement), by deduction from pension or death benefits (including lump sums). The amendment is retrospective and will be treated as if it always had effect. The retrospective provision is made under section 3(3)(b) of the Public Service Pensions Act 2013.

Regulation 3 makes virtually identical provision to regulation 2, but in respect of the Judicial Pensions Regulations 2022.

Regulation 4 amends the Judicial Pensions (Fee-Paid Judges) Regulations 2017 ("the 2017 Regulations"). The 2017 Regulations are separated into three distinct periods: the initial pre-commencement period (pre-7 April 2000), the pre-commencement period (7 April 2000 - 31 March 2017) and the post-commencement period (1 April 2017 - 31 March 2022). Regulation 4 extends a deadline by which pension contributions relating to service during the pre-commencement period can be paid by upfront lump sum. It also inserts a new method for collecting contributions for service relating to both the initial pre-commencement and pre-commencement periods, which is recovery by deduction from payments of the pension.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.