
Working **together** for
fairness, justice and **safety**

Consultation on proposed amendments to the Northern Ireland Judicial Pension Scheme legislation

This consultation begins on 14th October 2026

This consultation ends on 9th December 2026



Department of

Justice

An Roinn Dlí agus Cirt

Mánnystrie O tha Laa

1. INTRODUCTION

- 1.1 This consultation seeks views on proposed amendments to two pieces of legislation regarding the Northern Ireland Judicial Pension Scheme. Firstly, we are seeking views on the draft Public Service Pensions Act (Northern Ireland) 2014 (Judicial Offices) (Amendment) Order (Northern Ireland) 2026. This will amend the Public Service Pensions Act (Northern Ireland) 2014 (Judicial Offices) Order (Northern Ireland) 2015 (which specifies the offices holders which are judicial office holders for the purposes of the Public Service Pensions Act (Northern Ireland) 2014) by adding additional judicial offices.
- 1.2 The second piece of legislation that we are consulting upon would amend the Judicial Pensions Regulations (Northern Ireland) 2015 (“the 2015 Regulations”). Given the intended inclusion of new offices in the Northern Ireland Judicial Pension Scheme (NIJPS), a technical amendment is required to the 2015 Regulations to allow retrospective collection of member contributions. The draft Regulations would insert a new regulation 13A into the 2015 Regulations, reflecting similar amendments made in England and Wales in December 2024.
- 1.3 These amendments are required due to recent litigation in the Industrial Tribunals and Fair Employment Tribunal (ITFET) in *Gibbons and others V Department of Justice*, concerning the judicial pension entitlement of legally qualified members of the devolved tribunals for which the Department of Justice (DoJ) is responsible. Following a concession made by DoJ in these proceedings, it is now the intention to enter relevant offices into an appropriate judicial pension scheme, provided that judicial office holders satisfy a particular set of circumstances (as outlined in section 2).
- 1.4 From 1st April 2022 the Northern Ireland Judicial Pension Scheme (NIJPS) has been closed to future accrual (although members retain

their benefits in the scheme) and all judges eligible for a judicial pension joined the UK wide reformed pension scheme, known as the Judicial Pension Scheme 2022, which is administered by Ministry of Justice (MoJ). However, as judicial office holders who are now eligible for a pension require retrospective provision for their pension entitlement, they may need to be entered into the NIJPS.

- 1.5 This consultation outlines the legislative amendments that the DoJ intend to make to give effect to the outworkings of the above litigation.
- 1.6 A copy of the draft Regulations and Order have been published alongside this consultation (Annex 2).

2. ADDITIONAL JUDICIAL OFFICES FOR THE NORTHERN IRELAND JUDICIAL PENSION SCHEME

- 2.1 A number of part-time legally qualified members of tribunals for which the DoJ is responsible took proceedings in the ITFET to claim that they have been discriminated against on the basis of their part-time status because DoJ did not provide them with judicial pensions, unlike their salaried colleagues.
- 2.2 On 8th June 2026, a concession was made to a number of these claimants whom DoJ considered to have a salaried comparator for the purposes of the Part Time Workers (Prevention of Less Favourable Treatment) (Northern Ireland) Regulations 2000.
- 2.3 It is the intention of the Department of Justice (DoJ) to offer to enter holders of the following offices into a relevant judicial pension scheme provided that they satisfy the **particular circumstances** described further below:

- **Special Educational Needs and Disability Tribunal for Northern Ireland**

President of the Special Educational Needs and Disability Tribunal for Northern Ireland appointed under Article 22(2)(a) of the Education (Northern Ireland) Order 1996 (1996 No. 274 (N.I. 1)).

Member of a panel of the Special Educational Needs and Disability Tribunal for Northern Ireland appointed under Article 22(2)(b) of the Education (Northern Ireland) Order 1996 (1996 No 274 (N.I. 1)) who is a barrister or a solicitor.

- **Criminal Injuries Compensation Appeals Panel for Northern Ireland**

Adjudicator appointed under Article 7(1)(b) of the Criminal Injuries Compensation (Northern Ireland) Order 2002 (2002 No. 796 (N.I.1)) who is a barrister or a solicitor.

- **Review Tribunal**

Legal members (including Chair and deputy Chair) of the Review Tribunal appointed under Article 70 of and paragraph 1(a) of Schedule 3 to the Mental Health (Northern Ireland) Order 1986 (1986 No. 595 (N.I. 4)).

- **Care Tribunal**

Chairman of the Care Tribunal appointed under Article 44 of and paragraph 1(1)(a) of Schedule 2 to the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (2003 No. 431 (N.I. 9)) who is a barrister or a solicitor.

- **Charity Tribunal for Northern Ireland**

President of the Charity Tribunal for Northern Ireland appointed under section 12 of and paragraph 1(2)(a) of Schedule 2 to the Charities Act (Northern Ireland) 2008 (2008 c.12).

- **Northern Ireland Valuation Tribunal**

President of the Northern Ireland Valuation Tribunal appointed under Article 36A of and paragraph 2(2)(a) of Schedule 9B to the Rates (Northern Ireland) Order 1977 (1977 No. 2157 (N.I. 28)).

- **Lands Tribunal for Northern Ireland**

Member of the Lands Tribunal for Northern Ireland appointed under section 1(2) of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (1964 c.29) who is a barrister or a solicitor.

2.4 The **particular circumstances** are that:

- In relation to individuals who have issued a claim to the Industrial Tribunals and Fair Employment Tribunal under the Part Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000, their claim is within the time limits required by those Regulations; and
- For individuals who have not issued a claim to the Industrial Tribunals and Fair Employment Tribunal under the Part Time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000 but to whom the moratorium published by the DoJ on 20th May 2013 applies (please see link to DoJ website for the terms of the moratorium:

[Department of Justice moratorium: fee paid tribunal judicial pension cases | Department of Justice](#)).

2.5 A relevant judicial pension scheme is a judicial pension scheme which is appropriate to an individual's particular service history. The three possible schemes that individuals may be eligible to be entered into, depending on their service history, are the 2017 Fee Paid Judicial Pension Scheme (FPJPS), the 2015 devolved NIJPS and the UK-wide 2022 Judicial Pension Scheme. Whilst DoJ is responsible for the 2015 devolved NIJPS, the MoJ is responsible for the other two schemes and their consultation regarding the addition of these offices was launched on 4th August 2026 ([The Judicial Pensions \(Amendment\) Regulations 2027 - GOV.UK](#)) .

- 2.6 The draft Regulations and Order which will allow for the collection of member contributions to the NIJPS and amend the appropriate legislation to allow the addition of these judicial offices are attached at Annex 2.

3. CONSULTATION

- 3.1 A list of consultees is included at Annex 1. This list is not meant to be exhaustive, and responses are welcomed from anyone with an interest in or views on this consultation paper. The consultation paper has also been placed on the DoJ website www.justice-ni.gov.uk.

4. NEXT STEPS

- 4.1 The Department will consider the responses to this consultation and, depending upon the outcome of that consideration, will take forward the making of the Order and Regulations.

5. IMPACT

5.1 Section 75 of the Northern Ireland Act 1998 requires that all public authorities in Northern Ireland comply with a statutory duty to:

- have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status, or sexual orientation, gender, and those with or without a disability and those with or without dependents; and
- have regard to the desirability of promoting good relations between persons of different religious belief, political opinion and racial group.

5.2 In addition, public authorities are required to meet legislative obligations under the Disability Discrimination (Northern Ireland) Order 2006, particularly in the formation of public policy making.^a

5.3 The Department is committed to fulfilling those obligations and proposals arising from this paper have been subjected to screening to determine impact on equality of opportunity, good relations and other statutory duties (see screening form). The proposals have also been screened for rural needs impact (see screening form). The Department welcomes views on these screening documents.

5.4 The Department considers that a regulatory impact assessment is unnecessary as the amended procedural Rules will not have a direct or indirect impact on businesses. The Department does, however, welcome views on this decision.

^a S.I. 2006 No.312 (N.I.1).

6. HOW TO RESPOND

- 6.1 The consultation will run from 14th October 2026 and all responses should be submitted by 9th December 2026. Responses can be sent by e-mail or post as below.

Civil Justice and Judicial Policy Division
Access to Justice Directorate
Department of Justice
Block 2
Knockview Buildings
Stormont Estate
Belfast
BT4 3SJ

Email: DoJCivilJusticeandJudicialPolicyDivision@justice-ni.gov.uk

- 6.2 For queries and responses to the consultation please contact above email.
- 6.3 When responding, please state whether you are making a submission as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Additional copies and alternative formats

- 6.4 An electronic copy of this document is available to view and download from the consultation section of the Department of Justice website (<http://www.justice-ni.gov.uk>).
- 6.5 You may make copies of this document without seeking permission and if you require further printed copies, we would invite you to access the

document through our website. If you do not have access to the internet and require us to provide you with further copies, please contact us with your specific request.

- 6.6 Copies in other formats, including Braille, large print or audio cassette may be made available on request. If it would assist you to access the document in an alternative format, or a language other than English, please let us know and we will do our best to assist you.

Freedom of information and General Data Protection Regulations

- 6.7 The Department intends to publish a summary of responses on its website on completion of the consultation process. Any contact details that will identify a respondent as a private individual will be removed prior to publication.

- 6.8 All information will be handled in accordance with the General Data Protection Regulations (GDPR). Respondents should be aware that the Department's obligations under the Freedom of Information Act 2000 may require that any responses, not subject to specific exemptions under the Act, be disclosed to other parties on request.

- 6.9 For further information about Freedom of Information and GDPR please contact the Information Commissioner's Office at <https://ico.org.uk>.

Complaints

- 6.10 Any comments, queries or concerns about the way this exercise has been conducted should be sent to the following address:

Standards Unit
Department of Justice
Knockview Buildings
Stormont Estate
Belfast
BT4 3SL

or e-mailed to standardsunit@justice-ni.gov.uk.

Annex 1 – List of Consultees

This consultation document has been sent to the following persons and organisations:

- Holders and former holders of judicial offices in DoJ's devolved tribunals
- Council of Employment Judges
- Northern Ireland Judicial Pensions Board
- First and deputy First Minister of Northern Ireland
- Judges Council (NI)
- Judicial Pensions Committee (NI)
- 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 for Northern Ireland
- The Bar Council
- The Law Society
- Tribunal Presidents Group
- The Equality Commission
- The Human Rights Commission

ANNEX B- DRAFT REGULATIONS AND DRAFT ORDER

Order laid before the Assembly under xxx, and subject to affirmative resolution procedure of the Assembly

STATUTORY RULES OF NORTHERN IRELAND

2026 No. 0000

PUBLIC SERVICE PENSIONS

The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2026

Made - - - -

00th xxx 2026

Coming into operation in accordance with regulation 1

The Department of Justice makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(b), 2(1) (as read with paragraph 2(1) of Schedule 2), 3(1) to (3), 11(1)(a), 12(1), (1A), (6), (7), 12A(1) and (3) of, and paragraph 2 of Schedule 1 and Schedule 3 to the Public Service Pensions Act (Northern Ireland) 2014^(a).

In accordance with section 21 of that Act, the Department of Justice has consulted such persons and representatives of such persons as appear to it likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, the Department of Finance^(b) has consented to the making of these Regulations.

The Department of Justice has had regard to the matters referred to in section 5(4) of that Act.

Citation and commencement

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

Interpretation

2. In these Regulations, “the 2015 Regulations” means the Judicial Pensions Regulations (Northern Ireland) 2015^(c).

^(a) 2014 c.2 (N.I.).

^(b) Formerly the Department of Finance and Personnel, see section 1(4) and (11) of and Schedule 1 to the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.)).

^(c) S.R. 2015 No. 76.

Insertion of new regulation into the 2015 Regulations

3. After regulation 13 of the 2015 Regulations (qualifying judicial office) insert—

“Qualifying judicial offices with retrospective entitlements

13A.—(1) Where an office, as specified in an order made under paragraph 2 of Schedule 1 to the Act, has a corresponding entitlement start date under paragraph (2), then:

- (a) that office is deemed to have been a qualifying judicial office from that entitlement start date for the purpose of these Regulations subject to paragraph 7; and
- (b) the holder of that office is entitled from the office’s entitlement start date to the date on which the office was specified in the order referred to in paragraph (1) (the “retrospective entitlement period”) to the pension and other benefits conferred by these Regulations subject to paragraph 7.

(2) The following offices have the entitlement start date of 1st April 2015:

Adjudicator (legal member) of the Criminal Injuries Compensation Appeals Panel for Northern Ireland;

Chair of the Care Tribunal for Northern Ireland;

President of the Charity Tribunal for Northern Ireland;

Legal member of the Lands Tribunal for Northern Ireland;

President of the Northern Ireland Valuation Tribunal;

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 Special Educational Needs and Disability Tribunal for Northern Ireland; and

Legal member of the Special Educational Needs and disability Tribunal for Northern Ireland.

(3) The holder of an office to which paragraph (1) applies must pay to the scheme contributions in respect of service carried out during their retrospective entitlement period (“previous service contributions”) as calculated under paragraph (4).

(4) The member’s previous service contributions are to be calculated as follows—

Step 1

Find the member’s annualised rate of pensionable earnings as calculated under regulation 124 for each scheme year.

Step 2

Multiply the member contributions rate by the annualised rate of pensionable earnings for each scheme year.

Step 3

Add together the amounts calculated under Step 2.

(5) Except to the extent that the previous service contributions have already been paid, where possible they must be paid:

- (a) by way of a lump sum at any time during the period of 6 months beginning with the date on which the office is specified in the order under paragraph (1) (or by such later date as the scheme manager may agree); or
- (b) by way of deductions by the member’s employer from the member’s pensionable earnings for each pay period, as may be specified in an agreement between the member and the scheme manager.

(6) Where it is not possible to pay the previous service contributions under paragraph (5), they must be paid by way of a deduction from—

- (a) pension payments under Part 6 of these Regulations in such instalments as the scheme manager considers appropriate;
- (b) the lump sum (if one is payable under regulation 76 or 77 of these Regulations) paid on retirement;
- (c) where a member dies before retiring, the lump sum payable under regulation 111 of these Regulations; or
- (d) if applicable, the transfer value payment under Chapter 2 of Part 10 of these Regulations.

(7) The holder of an office to which paragraph (1) applies may opt out in relation to all or part of the retrospective entitlement period by sending a notice (an “opt-out notice”) to the scheme manager, in a form required by the scheme manager, within 6 months beginning with the date on which the office is specified in the order referred to in paragraph (1) (or by such later date as the scheme manager may agree).

(8) Where the holder of an office sends an opt-out notice to the scheme manager under paragraph (7), that person is treated as always having been an opted-out member in relation to all or part of the retrospective entitlement period.”.

Sealed with the Official Seal of the Department of Justice on xx xxx 2026

Name
Minister of Justice

The Department of Finance consents to the foregoing Regulation

Sealed with the Official Seal of the Department of Finance on xx xxx 2026

Name
A senior officer of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Judicial Pension Regulations (Northern Ireland) 2015 (“the 2015 Regulations”), as established under the powers conferred by section 1(1) of the Public Service Pensions Act (Northern Ireland) 2014 (N.I. 2014 c.2). The Regulations provide that offices, where they have an entitlement start date, may have retrospective benefits under the 2015 Regulations.

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

2026 No. 0000

PUBLIC SERVICE PENSIONS

**The Public Service Pensions Act (Northern Ireland) 2014
(Judicial Offices) (Amendment) Order (Northern Ireland) 2026**

Made - - - - *00th xxx 2026*

Coming into operation *00th xxx 2026*

The Department of Justice makes the following Order in exercise of the power conferred by paragraph 2 of Schedule 1 to the Public Service Pensions Act (Northern Ireland) 2014^(a).

Citation and commencement

4. This Order may be cited as the Public Service Pensions Act (Northern Ireland) 2014 (Judicial Offices) (Amendment) Order (Northern Ireland) 2026 and comes into operation on xx xxx 2026.

Amendment of the Public Service Pensions Act (Northern Ireland) 2014 (Judicial Offices) Order (Northern Ireland) 2015

5.—(1) The Schedule (specified judicial offices) to the Public Service Pensions Act (Northern Ireland) 2014 (Judicial Offices) Order (Northern Ireland) 2015^(b) is amended as follows.

(2) Before the entry “President of the appeals tribunals (within the meaning of Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998) appointed under the Article 6 of that Order” insert “Adjudicator (legal member) of the Criminal Injuries Compensation Appeals Panel for Northern Ireland”.

(3) After the entry “member of a panel constituted under Article 7(1) of the Social Security (Northern Ireland) Order 1998 who is appointed to serve as a member of that panel and who is a barrister or a solicitor” insert: —

“Chair of the Care Tribunal for Northern Ireland

President of the Charity Tribunal for Northern Ireland”.

(4) After the entry “President or other member of the Lands Tribunal, where that office is held on a salaried basis” insert: —

“Legal member of the Lands Tribunal for Northern Ireland

President of the Northern Ireland Valuation Tribunal

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 Special Educational Needs and Disability Tribunal for Northern Ireland

^(a) 2014 c.2 (N.I.).

^(b) S.R. 2015 No. 161.

Legal member of the Special Educational Needs and Disability Tribunal for Northern Ireland”.

Sealed with the Official Seal of the Department of Justice on xx xxx 2026

Name
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Service Pensions Act (Northern Ireland) 2014 (Judicial Offices) Order 2015 (S.R. 2015 No. 161) (“the 2015 Order”).

The 2015 Order specifies those judicial offices which comprise “the judiciary” for the purposes of the Public Service Pensions Act (Northern Ireland) 2014 (2014 c.2 (N.I.)). A person holding a judicial office specified in the Schedule to the 2015 Order is eligible to be included in a judicial pension scheme made under that Act.

This Order adds the offices of Adjudicator (legal member) of the Criminal Injuries Compensation Appeals Panel for Northern Ireland; Chair of the Care Tribunal for Northern Ireland; President of the Charity Tribunal for Northern Ireland; Legal member of the Lands Tribunal for Northern Ireland; President of the Northern Ireland Valuation Tribunal; 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 Special Educational Needs and Disability Tribunal for Northern Ireland; and the Legal member of the Special Educational Needs and Disability Tribunal for Northern Ireland to the list of specified judicial offices in the 2015 Order.