



Department of
Justice

An Roinn Dlí agus Cirt
Máinnystrie O tha Laa

**PROPOSED AMENDMENTS TO THE JUDICIAL PENSIONS
REGULATIONS (NORTHERN IRELAND) 2015
RESPONSE TO CONSULTATION**

5 April 2023

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1. **EXECUTIVE SUMMARY**

- 1.1 This document is in response to a consultation issued by the Department of Justice (DoJ) proposing amendments to the Judicial Pensions Regulations (Northern Ireland) 2015. The consultation ran from 13th October 2022 to 8th December 2022 (<https://www.justice-ni.gov.uk/consultations/proposed-amendments-judicial-pensions-regulations>).
- 1.2 The proposed amendments are in relation to recognising service in the Fee Paid Judicial Pension Scheme, making changes to the rules on forfeiture, correcting the definition of index adjustment to ensure that the adjustment of the opening balance of a member's pension account is made using the index adjustment for the year it followed. The draft regulations also remove the obligation to carry out actuarial valuations of the scheme, which are no longer required as the scheme is now closed to accruals after 1st April 2022.
- 1.3 If you have any questions about the consultation process or if you wish to receive a copy of this document in an alternative format, please email the Department of Justice at AToJ.Consultation@justice-ni.gov.uk
- 1.4 An electronic copy of this document is available to view and download from the publication section of the Department of Justice website (www.justice-ni.gov.uk).

2. ANALYSIS OF THE RESPONSE TO THE CONSULTATION PAPER

- 2.1 The Northern Ireland Judicial Pension Scheme (NIJPS) was established by the Department of Justice (DoJ) on 1 April 2015 under the Judicial Pensions Regulations (Northern Ireland) 2015 (the 2015 Regulations). Like other pension schemes which were set up as a result of public sector pension reform, it is a career-average revalued earnings scheme that was open to specified eligible members of the devolved tribunals judiciary (that is, judicial office-holders in Northern Ireland who are not listed in paragraph 11 of Schedule 2 to the Northern Ireland Act 1998).
- 2.2 The NIJPS has since been closed to further accruals from 1st April 2022 as a result of a UK wide pension scheme for eligible members of the judiciary being set up as a result of the Public Service Pensions and Judicial Offices Act 2022 (the 2022 Act). The 2022 Act effected reforms to judicial pensions across the UK, by providing for remedies for the age discrimination (identified in *McCloud v Ministry of Justice*) which is present in all the 2015 judicial pension schemes in the UK, including the NIJPS. Despite the NIJPS being closed to future accruals from 1st April 2022, some technical changes to the NIJPS are, however, required.
- 2.3 The changes proposed in the consultation paper were:
- to recognise service in the Fee Paid Judicial Pension Scheme (FPJPS) which provides pension benefits to eligible part time members of the judiciary for service between 2000 and 2015 in order to ensure that, where relevant, pensions calculated under the NIJPS take account of a person's service in that scheme;
 - to make changes to the rules on forfeiture so that a judicial member's negligence is not a ground for off-setting pension;
 - to correct the definition of index adjustment to ensure that the adjustment of the opening balance of a member's pension account is made using the index adjustment for the year it followed; and
 - to remove the obligation to carry out actuarial valuations of the scheme, which are no longer required as the scheme is now closed to accruals after 1st April 2022.

2.4 The provisions of the Regulations seek to maintain parity with amendments that the Ministry of Justice in England and Wales has already made to its equivalent 2015 judicial pension scheme in the Judicial Pensions (Amendment) Regulations 2017 (SI 2017/508).

3. NEXT STEPS

- 3.1 The Department received no responses to this consultation and is therefore intending to take forward the making the Judicial Pensions (Amendment) Regulations (Northern Ireland) 2023.