

GAD's support on pension entitlements for fee-paid judges

News story

GAD has worked closely with the Ministry of Justice on its consultation in response to a legal judgment. Our expertise has included remedy design and technical issues.



Pensions experts at the Government Actuary's Department (GAD) have been working closely with the Ministry of Justice (MOJ) on its consultation in response to a legal judgment.

This collaborative approach has helped MOJ to publish a detailed consultation document on proposed amendments to the [Fee-Paid Judicial Pension Scheme](#).

The worked examples shown in Appendix A of the consultation document illustrate some of the support GAD has provided. They aim to present complex remedy principles in a way that affected scheme members can easily understand.

Consultation

This consultation has been issued as part of MOJ's response to the 7 November 2018 judgment from the [Court of Justice of the European Union](#) (CJEU) in the case of O'Brien v Ministry of Justice.

The consultation sets out MOJ's proposed pension remedy for fee-paid judges with service before 7 April 2000. It is aimed at people who were not previously eligible for pension benefits in respect of service before this date.

GAD's role

Since the CJEU judgement GAD has provided support to MOJ in several different areas, including (but not limited to):

- remedy design
- the appropriate treatment of technical issues, such as service caps and variable accrual rates
- the implementation of the proposed remedy, including the calculation of payments in lieu of pension to affected judges

In addition, following the initial judgment [GAD set out 6 scenarios](#) to support the MOJ in its response to the case. This work centred around pension entitlements for specific fee-paid members of the judiciary who were not previously eligible for the judicial pension scheme. (We previously published information about [GAD's work in this area](#), in September 2019.)

Consultation responses

The consultation, which has been launched today (24 June 2020) will close on 18 September with a response set for January 2021.

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