

[Pension entitlements for fee-paid judges](#)

The Government Actuary's Department (GAD) has produced a series of examples to support the Ministry of Justice (MOJ) in its response to a legal judgment. The case centres around pension entitlements for specific fee-paid members of the judiciary who were not previously eligible for the judicial pension scheme.

In our report titled '[Fee-paid judicial litigation](#)', we set out 6 scenarios to show how MOJ's proposed methodology for calculating pension entitlements would work for certain groups of eligible judges who began their fee-paid service before 31 March 1995.

Our report was submitted to the Central London Employment Tribunal as part of MOJ's response to the 7 November 2018 [legal judgment](#) from the Court of Justice of the European Union in the case of O'Brien v Ministry of Justice.

Proposed remedy: Options and choices

MOJ's proposed remedy for fee-paid judges who were in service before 31 March 1995 depends on the pension scheme that a similar salaried judge would have been eligible for. The examples show the various options available for different categories of fee-paid judge.

Increased clarity

MOJ's proposed remedy is necessarily complex, because the issues which are being remedied are themselves complex. Our scenarios aim to give a clearer indication of how the proposed methodologies would work in practice, to help the Employment Tribunal and eligible claimants assess the proposed remedy design.

Our worked examples are based on hypothetical fee-paid judges across 3 of the relevant pension schemes, and with differing levels of qualifying service. In our examples we set out detailed calculations for each hypothetical judge's total pension entitlement, reflecting the different pension options that would be available under the proposed remedy.

Illustrative information

The scenarios included in our paper are illustrative only and should not be used as a 'scheme guide' for an amended fee-paid pension scheme. MOJ's earlier updates to the Employment Tribunal were published on [18 February](#), [20 March](#), [20 May](#) and [22 July](#) this year. GAD's report should be read in conjunction with these updates.