

Ministry of Justice: Judicial Pension Scheme

Supplementary Estimate 2019-20: Estimates Memorandum

1 Overview

1.1 Objectives

The Ministry of Justice: Judicial Pension Scheme (JPS) includes various judicial pension schemes:

The 1981 Scheme

Salaried Judges appointed prior to 31 March 1995 usually participate in a scheme established under the Judicial Pensions Act 1981. There is a right of election to transfer from the 1981 Scheme to the 1993 Scheme (see below) at any time up to six months after retirement.

Under the 1981 Act maximum benefits accrue over either 15 or 20 years. The qualifying conditions for pension benefits vary according to age and length of service requirements. The lump sum is twice the annual pension.

The 1993 Scheme

Salaried Judges appointed between 31 March 1995 and 31 March 2015 usually participate in a scheme established under the Judicial Pensions & Retirement Act 1993 (JUPRA). Both the 1981 and 1993 schemes are unfunded, final salary occupational pension schemes.

The 1993 Act provides a lump sum of 2.25 times the member's annual pension. The annual pension is calculated at 1/40th of the highest of the last three years of pensionable pay, up to a level reflecting the former HMRC earnings cap, multiplied by the number of years of reckonable service, up to a maximum of 20. Pension benefits are payable from age 65, subject to having completed five years' pensionable service.

A top up scheme operates to provide pension benefits for 1993 Act members in respect of salaries above the HMRC earnings cap. The 2019-20 earnings cap is £166,200 (2018-19: £160,800).

The 2015 Scheme

The JPS 2015 was established under the Judicial Pensions Regulations 2015 and came into effect on 1 April 2015. It applies to members of the 1981 and 1993 schemes without transitional protection. As of 1 April 2015, all newly eligible judicial office holders become members of the scheme, unless they decide to opt out. The JPS 2015 is an unfunded career average scheme for both salaried and fee-paid judges.

The scheme is based on a 'career average' accrual model and there is no restriction on the number of accruing years in service. The annual accrual rate is 2.32%. The scheme does not provide an automatic lump sum. However, it is possible for members to commute part of their pension into a lump sum at the rate of £12 for every £1 of pension commuted, subject to HMRC limits.

Fee-Paid Judicial Pension Scheme 2017

The Fee-Paid Judicial Pension Scheme (FPJPS) was established under the Judicial Pensions (Fee-Paid Judges) Regulations 2017 and came into effect on 1 April 2017. FPJPS includes historic pension entitlement, where appropriate.

FPJPS is an unfunded, final salary occupational pension scheme that mirrors the benefits of the JUPRA Scheme as far as possible. It is based on a 'final pensionable earnings' model. The pension has an accrual rate of 2.5% (1/40th) of pensionable earnings, subject to a 20-year restriction on the number of reckonable full-time equivalent years' worth of service. FPJPS pays an automatic lump sum on retirement at the rate of 2.25 times the member's initial annual pension.

1.2 Spending controls

The Ministry of Justice: Judicial Pension Scheme budgets are not subject to pre-set departmental Expenditure Limit (DEL) control totals; they sit within a category of spending known as Resource Annually Managed Expenditure (AME), which can be revised and reforecast regularly. This is because net expenditure and cash payments are largely outside the control of the scheme administrators on a day-to-day basis, instead being affected by factors such as membership numbers; salary levels; mortality rates; the age profile of members, and annual pension increases.

The **Resource AME** sought under the Ministry of Justice: Judicial Pension Scheme Estimate is essentially the amount by which liabilities under the pension scheme are estimated to increase during the year, less the contributions paid by employers and employees towards those liabilities.

The **net cash requirement** represents the estimated net cash required for the year to cover payments of pensions, after taking account of estimated contributions and transfer values paid in by employees and employers. A negative value means that more is forecast to be received than paid in year.

1.3 Comparison of spending totals sought

The table below shows how the totals sought for the Judicial Pension Scheme compare with the Main Estimate 2019-20 and the final outturn for 2018-19.

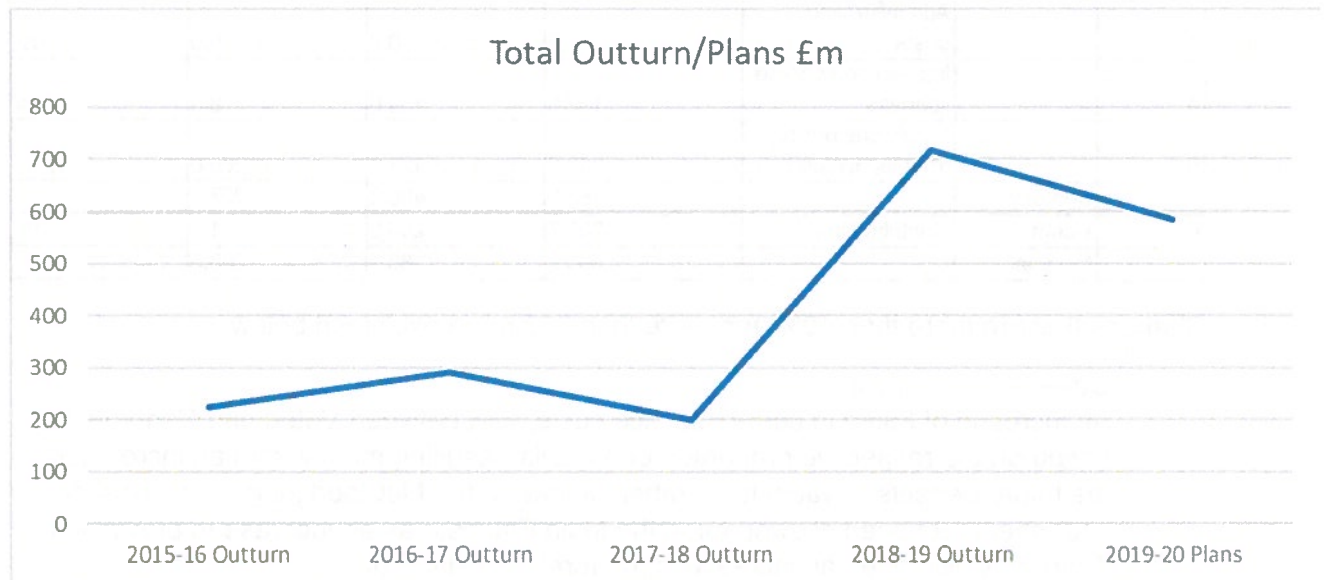
Amounts sought in Supplementary Estimate 2019-20			Changes from Main Estimate 2019-20		Comparison to Final Outturn 2018-19	
		£m	£m	%	£m	%
Resource AME	Voted	443.4	267.9	153%	-61.9	-12%
Resource AME	Non-voted	141.8	30.6	28%	-70.3	-33%
Resource AME	Total	585.2	298.5	104%	-132.2	-18%

1.4 Key drivers of spending changes since original budget

Details of the changes in spending are provided at section 2.1.

1.5 Spending trends

The chart below shows overall spending trends for the last five years, using outturn figures for the last four years and the plans presented in Estimates for 2019-20. As AME is re-forecast on an annual basis, there are no plans beyond the current Estimate.



The large increase in 2018-19 was due to provisions in relation to legal cases, with further provisions potentially required in 2019-20.

1.6 Administration costs and efficiency plans

Under the Judicial Pensions Regulations 2015 the Lord Chancellor, as Scheme Manager, has delegated responsibility for the administration of the JPS to James McEwen, Director of Finance Strategy, Planning and Performance.

Since 2015, the administration of pension awards and pension payrolls has been outsourced to Punter Southall Limited, now XPS Administration Limited.

The costs of administration of the scheme are borne by the Ministry of Justice, funded by a recharge to Ministry of Justice: Judicial Pension Scheme through subhead A, and are forecast to amount to £0.908 million.

2. Spending detail

2.1 Explanations of changes in spending

Resource AME

The table below shows how the Scheme's 2019-20 Supplementary Estimate Resource AME spending plans compare with the 2019-20 Main Estimate.

Estimate Subhead	Description	Detail	Supplementary Estimate 2019-20	Main Estimate 2019-20	Change from Main Estimate 2019-20	
			£m	£m	£m	%
A	Expenditure	Current service costs (Voted)	173.2	123.8	49.4	40%
B		Current service costs (Non-voted)	141.8	111.2	30.6	28%
A		Administration costs	0.9	0.9	0.0	0%
A		Interest on scheme liabilities	142.0	134.0	8.0	6%
A		Provisions arising from legal cases	330.0	121.0	209.0	173%
	Subtotal		787.9	490.9	297.0	
A	Income	Contributions	-202.7	-204.2	1.5	-1%
	Net total		585.2	286.7	298.5	

Changes that are more than 10% and more than £10m are explained below.

1. Current service costs

An increase of £80m in current service costs, split between Voted and Non-voted based on the respective proportion of payrolls, resulting mainly from an increase in the future benefits payable to members following the McCloud judgment. This in-year effect had been allowed for in the Main Estimate as an increase to provisions. There has also been an increase in the forecast salary roll.

2. Provisions

An increase of £209m in provisions arising from legal cases. While there has been a reduction of £71m against this budget line from the Main Estimate (corresponding with the above), there are a number of other ongoing cases which may increase future pension liabilities. At this stage the outcomes and extent of liability are uncertain; budget cover is being sought for potential new provisions in 2019-20.

2.2 Changes to contingent liabilities

There are no new contingent liabilities since the Main Estimate.

2.3 Estimated scheme liabilities

The Government Actuary's Department (GAD) undertook a full scheme valuation as at 31 March 2016, reported in March 2019. This resulted in an increase in the employer contribution rate from 38.2% to 51.1% from 1 April 2019. The total scheme liabilities, as reported in the [Judicial Pension Scheme Annual Report and Accounts 2018-19](#), were £4.79 billion.

The below table gives a breakdown of scheme membership as at 31 March 2019.

Scheme members	1981 and 1993 (salaried)	JPS 2015 (salaried & fee-paid)	FPJPS 2017 (fee-paid)	Total
Active members	1,602	3,496	4,203	9,301
Deferred members	40	23	231	294
Pensioner	2,498	17	1,235	3,750
Total	4,140	3,536	5,669	13,345

3. Accounting Officer Approval

This memorandum has been prepared according to the requirements and guidance set out by the House of Commons Scrutiny Unit, available on the Scrutiny Unit website.

The information in this Estimates Memorandum has been approved by myself as Departmental Accounting Officer.



Sir Richard Heaton KCB

Principal Accounting Officer

Permanent Secretary

Ministry of Justice: Judicial Pension Scheme

3 February 2020

