



Ministry
of Justice

The Right Honourable
Robert Buckland QC MP
Lord Chancellor & Secretary of
State for Justice

Sir Bob Neill MP
Chair, Justice Select Committee
House of Commons
London
SW1A 0AA

15 July 2020

Dear Sir Bob,

CONSULTATIONS ON JUDICIAL PENSIONS AND RETIREMENT AGE

I am writing to make you aware that the Ministry of Justice will tomorrow publish three consultation documents on proposals concerning the judiciary. The first explains our proposals for reforming the judicial pension scheme to address the significant recruitment and retention problems identified by the Senior Salaries Review Body; the second sets out our proposals for addressing the discrimination identified in the *McCloud* litigation; and the third invites views on options for increasing the judicial mandatory retirement age where this is reserved to the UK Government. We are launching these consultations at the same time because of the interdependencies between them. I provide further detail on each below.

Consultation on proposals for reform of the judicial pension scheme

The first consultation sets out our proposals for reforming the judicial pension scheme to address the significant problems of recruitment and retention that we continue to experience. This is a particular priority of mine. If we fail to tackle this issue, we put at risk the effective functioning of our justice system and its reputation. Without enough judges, cases will take longer, seriously affecting all jurisdictions. It will also undermine our ability to compete internationally for legal services, which are of such importance to the UK economy.

The proposed approach to pension reform offers a remuneration package which is both fair to the taxpayer and attractive to potential candidates for judicial office. I am confident that it will enable us to attract and retain high-calibre judges, ensuring the proper functioning of our justice system and supporting the UK's wider prosperity. The aim is that the reformed scheme will come into operation from April 2022.

Consultation on proposals to address the *McCloud* discrimination

Alongside the consultation on future reform of the judicial pension scheme, we are consulting on proposals for addressing the unlawful age discrimination identified in the case of *McCloud* in respect of the 2015 reforms of the judicial pension scheme.

The consultation proposes that the Ministry of Justice will run a single options exercise, which will give judges in scope of the *McCloud* judgment the choice of whether to have retrospectively accrued benefits in the 2015 pension scheme or the legacy scheme from 1 April 2015. Membership of the chosen scheme would continue until 31 March 2022, following which the reformed pension scheme is scheduled to come into operation.

Owing to the unique characteristics of the judicial pension schemes, the Ministry of Justice proposals are distinct from the approach being taken to most other public service pension schemes, as set out in HM Treasury's separate consultation on *McCloud*.

Consultation on the judicial mandatory retirement age

Finally, we are also publishing a consultation on proposals for changing the mandatory retirement age for judicial office holders. The make-up of our judiciary has changed significantly in recent years and so have the resourcing needs of our courts and tribunals. We have responded to this change by increasing our recruitment programmes, but challenges remain. At the same time, life expectancy has increased. We are therefore consulting on whether to raise the mandatory retirement age for judicial office holders.

The proposals in this consultation would allow judges, tribunal members, coroners and magistrates to sit for longer and continue to contribute to the justice system. These proposals only relate to those judicial offices for which the UK Parliament has sole competence to legislate. We will continue to engage the Devolved Administrations of Scotland, Northern Ireland and Wales on approaches to the mandatory retirement age for judicial office holders across the UK.

This consultation exercise will close for responses on 16 October 2020 and we will of course give careful consideration to all submissions we receive. We aim to publish our response to the consultations in early 2021.

Yours ever

A handwritten signature in black ink that reads "Robert Buckland". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

RT HON ROBERT BUCKLAND QC MP