



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

MoJ ref: SUB93300

21 December 2021

Dear Sir Bob,

PUBLIC SERVICE PENSIONS AND JUDICIAL OFFICES BILL

I am writing to you about the Public Service Pensions and Judicial Offices Bill (the Bill), which received its First Reading in the House of Commons on 7 December 2021, following passage in the House of Lords. The Bill includes various measures relating to public sector pensions and the judiciary which I think are of interest to the Committee as they impact on the effectiveness of the justice system.

I know the Chief Secretary to the Treasury has already written to all MPs laying out the broad nature of the Bill, but I would just like to explain the importance of the judiciary-related provisions, which will benefit the resourcing of our courts and tribunals, at a time when Covid recovery is one of my priorities.

The UK justice system is known for the exceptional expertise of our courts and tribunal judges, our coroners, and our valued magistrates. This Bill brings forward measures required to support the judiciary. For judges, it provides for a newly designed, reformed career average judicial pension scheme, that we believe addresses the concerns of judges about the 2015 pension reforms and so we expect will address some of the recruitment and retention challenges that we have seen, especially at the High Court, in recent years.

The provision in which I think the committee will be particularly interested is the increase to the mandatory retirement age (MRA) of judicial office holders to 75. I consider that this will bring significant benefits to the supply of judicial resource and expertise both now, when our courts and tribunals are recovering from Covid, and in the future. I would like to stress just how important the measures provided for in this Bill would be in the recovery of the courts through retaining hundreds of additional judges and thousands of magistrates for longer.

I understand the Justice Select Committee voiced its concerns about judicial diversity in its response to the Government's consultation on raising the judicial mandatory retirement age. I would like to reassure you that the Government recognizes the importance of a diverse judiciary that is representative of our society. The Ministry of Justice, as a member of the Judicial Diversity Forum and the Magistrates Recruitment and Attraction Steering Group, is committed to continuing the work to improve diversity across the judiciary and the recruitment pipeline. The Judicial Diversity Forum's updated action plan will be published this winter, setting out in more detail the actions being taken, and planned for the future, to achieve this. Having a higher retirement age, which of course is a maximum not a requirement, will not halt our recruitment plans: we expect to continue recruiting around 1,000 judges and 1,500 magistrates annually over the next few years.

The Bill also extends the option of 'sitting in retirement' to fee-paid judges, addressing a particular unequal treatment. It will also provide for the reinstatement of retired magistrates below the new mandatory retirement age. The judicial allowances measures in the Bill will enable the Lord Chancellor to determine allowances for judicial office holders for whom he has pay responsibility, supporting a more flexible approach to judicial remuneration.

Taken together, the measures in the Bill will help to address recruitment and retention challenges and ensure that we can continue to support our world class judiciary to meet the demands of the future.

The Bill can be found [here](#), and hard copies are available in the Printed Paper Office. Should you have any questions or wish to discuss this further, please contact my office at ps.jamescartlidge@justice.gov.uk and we can arrange a suitable time.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'JC', with a stylized, flowing script.

JAMES CARTLIDGE MP