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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 76**

**The Judicial Pensions Regulations (Northern Ireland) 2015**

**PART 4**

Scheme membership

CHAPTER 1

Eligibility for active membership

**Qualifying judicial office**

**13.** For the purpose of these Regulations, a person who is appointed to an office specified in an order made under paragraph 2 of Schedule 1 (holders of judicial office) to the Act is in qualifying judicial office.

**Eligible persons**

**14.—(1)** For the purposes of this Part, an eligible person is a person who is eligible to be an active member of this scheme.

(2) A person who begins service in a qualifying judicial office (P) becomes an eligible person in relation to that service unless paragraph (3) or (4) applies and subject to paragraphs (5) and (6).

(3) This paragraph applies if the terms of P's office exclude them from being an active member of this scheme.

(4) This paragraph applies if, in relation to service in that office—

- (a) P is a protected member of an existing scheme;
- (b) P has a partnership pension account; or
- (c) P is a member of any other pension scheme and P's employer pays contributions to that scheme in respect of P.

(5) P is not eligible to be a member of this scheme if—

- (a) P is in a fee-paid office;
- (b) P was in a fee-paid office on 31st March 2012;
- (c) P was aged 55 years or over on 1st April 2012; and
- (d) P does not exercise the option to begin pensionable service under this scheme on 1st April 2015 in the form and by the date determined by the scheme manager.

(6) P is not eligible to be a member of this scheme until a date during the period beginning with 31st May 2015 and ending with 31st January 2022 as determined by the scheme manager by reference to a table published for the purposes of paragraph 3 of Schedule 2 if—

- (a) P is in a fee-paid office;
- (b) P was in a fee-paid office on 31st March 2012;

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- (c) P was aged between 51 years and 6 months and 55 years on 1st April 2012; and
- (d) P does not exercise the option to begin pensionable service under this scheme on 1st April 2015 in the form and by the date determined by the scheme manager.

### Service in 2 or more qualifying judicial offices

15. If a person is in service in 2 or more qualifying judicial offices, regulation 14 applies separately in relation to each office.

## CHAPTER 2

### Pensionable service

#### Application of Chapter

16.—(1) This Chapter applies in relation to a continuous period of service in a qualifying judicial office.

(2) If a person is in service in 2 or more qualifying judicial offices, this Chapter applies separately in relation to each of the offices.

#### Enrolment

17.—(1) A person (P) begins pensionable service under this scheme in relation to a qualifying judicial office on the first day on which P becomes an eligible person in relation to service in that office unless—

- (a) regulation 21 applies; or
- (b) P is a transition member with continuity of service and paragraph (2) applies.

(2) This paragraph applies if—

- (a) the first day on which P becomes an eligible person in relation to service in a qualifying judicial office is the day after P's transition date; and
- (b) on P's transition date—
  - (i) P was in service in the same office; and
  - (ii) P has opted out of [F1 a relevant] scheme in relation to that service.

#### Textual Amendments

F1 Words in reg. 17(2)(b)(ii) substituted (2.5.2023) by [The Judicial Pensions \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/63\)](#), regs. 1(2), 5

#### Opting into this scheme

18.—(1) A person who, in relation to a qualifying judicial office, is an eligible person but is not in pensionable service under this scheme may opt to become an active member of this scheme in relation to service in that office.

(2) A person who has a partnership pension account in relation to service in a qualifying judicial office may opt into this scheme in relation to service in that office (see regulation 19 for when opt-in takes effect).

(3) The option under this regulation may only be exercised by notice to the scheme manager in a form required by the scheme manager (“opt-in notice”).

(4) A person who exercises the option under this regulation in relation to service in a qualifying judicial office is taken to exercise that option on the date on which the opt-in notice is received by the scheme manager.

(5) If P opts out of this scheme within 12 months after opting in, P may not opt in again until after the end of that period of 12 months.

### **When does an option in take effect**

**19.**—(1) If P opts into this scheme in relation to service in a qualifying judicial office for which P has a partnership pension account—

(a) P becomes an active member of this scheme in relation to that service on the first date that is 1st April or 1st October—

(i) after the period of 3 months beginning with the date on which the option is exercised; or

(ii) after any shorter period the scheme manager considers appropriate; and

(b) immediately before that date, P's partnership pension account is closed.

(2) If P opts into this scheme in relation to service for which P does not have a partnership pension account, P becomes an active member of this scheme in relation to that service—

(a) at the beginning of the first pay period beginning on or after the date on which the option is exercised; or

(b) if the scheme manager considers that pay period inappropriate, at any other time the scheme manager considers appropriate.

### **Opting out of this scheme**

**20.**—(1) A person (P) opts out of this scheme in relation to service in a qualifying judicial office if—

(a) P opts not to be an active member of this scheme in relation to that service; or

(b) P opens a partnership pension account in relation to that service.

(2) P may only exercise the option under paragraph (1)(a) by notice to the scheme manager in a form required by the scheme manager (“opt-out notice”).

(3) The option is taken to be exercised on the date on which the opt-out notice is received by the scheme manager.

### **Opting out before the end of one month**

**21.**—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in a qualifying judicial office before the end of one month after P's first day of a continuous period of service in that office (or within any longer period the scheme manager considers appropriate).

(2) If this regulation applies, P is taken never to have been in pensionable service under this scheme in relation to the continuous period of service in that office.

(3) This regulation does not require the scheme manager to pay P any additional amount which becomes payable by P in respect of national insurance contributions because P has not after all been an active member of this scheme during any period.

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### **Opting out after one month**

**22.**—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in a qualifying judicial office not less than one month after P's first day of a continuous period of service in that office.

(2) If P opts out of this scheme by opt-out notice, P ceases to be in pensionable service under this scheme in relation to that office—

- (a) on the first day of the first pay period beginning on or after the date on which the option is exercised; or
- (b) if the scheme manager considers that day inappropriate, on the first day of any later pay period the scheme manager considers appropriate.

(3) If P opens a partnership pension account, P ceases to be in pensionable service under this scheme in relation to that office on the first date that is 31st March or 30th September—

- (a) after the period of one month beginning with the date on which that account is opened; or
- (b) after any shorter period the scheme manager considers appropriate.

## **CHAPTER 3**

### **Pensionable earnings**

#### **Pensionable earnings**

**23.** For the purpose of calculating a member's pension or other benefits under this scheme, the member's pensionable earnings for any period are the sum of—

- (a) the member's earnings for service in a qualifying judicial office for that period; and
- (b) any allowance granted on a permanent basis that the scheme manager determines to be pensionable earnings for that period.

#### **Meaning of “assumed pay”**

**24.**—(1) For the purpose of these Regulations, an active member of this scheme (P) receives assumed pay in respect of any period in which any of the circumstances in paragraph (3) apply (“period of assumed pay”).

(2) For the purpose of paragraph (1), “assumed pay” means the sum of an amount equal to the pensionable earnings that P would have received in that period if those circumstances had not applied.

(3) The circumstances are—

- (a) P is on sick leave on reduced pay;
- (b) P is on adoption leave, maternity leave, parental leave, paternity leave or additional paternity leave;
- (c) P is receiving statutory pay; or
- (d) P is on secondment to a different employer under an arrangement providing for P to continue to be an active member of this scheme in relation to P's service although P is paid for by that employer;

(4) For the purpose of paragraph (3)(a), a period of sick leave on reduced pay does not include a period of leave in respect of which P is paid at a rate determined by P's employer to be appropriate because it is equivalent to the annual rate of an ill-health pension.

## CHAPTER 4

### Deferred membership

#### Meaning of “deferred member”

**25.** A person (P) becomes a deferred member of this scheme in relation to a continuous period of pensionable service under this scheme if—

- (a) P ceases to be an active member of this scheme in relation to that period of service;
- (b) P does not become a pensioner member of this scheme in relation to that period of service; and
- (c) where P is not over normal pension age—
  - (i) P has at least 2 years' qualifying service, or
  - (ii) a transfer value payment otherwise than from another occupational pension scheme has been received by this scheme in relation to P.

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 3 para. 7A inserted by [S.R. 2016/138 reg. 2\(2\)](#) (On the coming into operation day of this amendment Sch. 3 para. 7 of SR2015 No. 76 ceases to have effect.)