
STATUTORY INSTRUMENTS

1996 No. 52

PENSIONS

The Judicial Pensions (Additional Voluntary Contributions) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>11th January 1996</i>
<i>Laid before Parliament</i>		<i>12th January 1996</i>
<i>Coming into force</i>	- -	<i>2nd February 1996</i>

The Lord Chancellor, and, in relation to judicial offices whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, in exercise of the powers conferred on them by section 33A of the Judicial Pensions Act 1981(1) and sections 10, and 29(3) and (4) of the Judicial Pensions and Retirement Act 1993(2) and with the concurrence of the Treasury, hereby make the following Regulations—

1. These Regulations may be cited as the Judicial Pensions (Additional Voluntary Contributions) (Amendment) Regulations 1996 and shall come into force on 2nd February 1996.
2. The Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(3) (“the principal regulations”) shall be amended in accordance with the following provisions of these Regulations and, in those provisions, any reference to a regulation by number alone shall be construed as a reference to the regulation so numbered in the principal regulations.
3. After regulation 2.2(3) insert—

“(4) Before his application for membership of the scheme is accepted, an applicant shall provide, and shall authorise to be provided, such information as shall be requested by the scheme administrators relating to his medical history and state of health.”.
4. Regulation 2.7(2) is amended as follows—
 - (a) in sub-paragraph (a), after “50 and 75” insert “with an immediate pension”; and
 - (b) in sub-paragraph (c), for “on any other grounds” substitute “in any other circumstances”.

(1) 1981 c. 20. Section 33A was inserted by the Courts and Legal Services Act 1990 (c. 41), section 82 and amended by the Judicial Pensions and Retirement Act 1993 (c. 8), section 24 and schedule 3. The power of the Secretary of State to make regulations under section 33A is expressed to be in relation to pensions for service in offices existing only in Scotland. These are coterminous with offices whose jurisdiction is exercised exclusively in relation to Scotland.

(2) 1993 c. 8; by virtue of section 10(7), the power to make these regulations is vested in “the appropriate Minister” which expression is defined in section 30(1) as (a) in relation to any judicial office whose jurisdiction is exercised exclusively in Scotland, the Secretary of State or (b), subject to (a), the Lord Chancellor.

(3) S.I.1995/639.

5. In regulation 2.12(2)—
 - (a) in the table in sub-paragraph (a), delete “for each year” in the second place where it appears; and
 - (b) in sub-paragraph (b), for “3(a)” substitute “(2)(a)”.
6. In regulation 2.28(2), delete “as appropriate”.
7. After regulation 2.30 insert—

“Administrative expenses

2.31. Any administrative expenses incurred, to an extent agreed by the scheme administrators, by the authorised provider by virtue of acting as authorised provider under these Regulations may be defrayed out of sums received by way of voluntary contributions.”.

8. For regulation 3.1 substitute—

“3.1.—(1) Paragraph (2) shall apply where a member of a scheme constituted under Part I of the 1993 Act or an existing scheme wishes to make contributions to a FSAVC scheme for the purpose of improving his personal pension benefits or the lump sum payable by virtue of his having died in service.

(2) Notwithstanding the provisions of section 18, there shall be taken into account for the purpose of assessing the maximum amount of contributions the member is entitled to make—

- (a) in relation to the personal pension benefits, the member’s retained benefits;
- (b) in relation to the lump sum payable by virtue of the member having died in service, the member’s retained death benefits.

(3) Paragraph (2) shall not apply where the member makes contributions to a FSAVC scheme for any purpose other than that set out in paragraph (1).”.

9. Regulation 4.3 is amended as follows—

- (a) for paragraph (3) substitute—

“**(3)** The administrators shall require the provision of information relating to retained benefits in accordance with regulation 2.3.”.

- (b) for paragraph (4)(a) substitute—

“(a) the period referred to in paragraph (5); and”.

- (c) after paragraph (4) insert—

“(5) The period referred to in paragraph (4)(a) is—

- (a) where Part I applies to a member by virtue of section 1(1)(a) of the 1993 Act, the length of prospective service (in years and days) from the date of the scheme member’s first appointment to qualifying judicial office to his assumed retirement age; or
- (b) in all other cases, the length of prospective service to the assumed retirement age of the scheme member (in years and days) at the date of the commencement of the period of notional service on the basis that such service ends on the day before the day of transfer into the Part I scheme.

(6) In this regulation “notional service” means the total period of service credited to a member who transfers into the Part I scheme from another judicial pension scheme, on the

date of his transfer into that scheme, calculated in accordance with the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995(4).”.

10. Regulation 4.5 is amended as follows—

- (a) in the definition of “lump sum benefit” in paragraph (1), for “regulation 2.8(1)” substitute “regulations 2.3(1) and 2.8(1)”; and
- (b) for paragraph (2) substitute—

“(2) The administrators shall require the provision of information relating to retained benefits in accordance with regulation 2.3.”.

11. Regulation 4.7 is amended as follows—

- (a) in paragraph (1), for “Regulations 4.6(1) to (3) and 4.6(6)” substitute “Regulation 4.6(2), (3) and (6)”.
- (b) after paragraph (1) insert—

“(1A) The right to purchase added units of surviving spouse’s pension must be exercised by notice in writing to the administrators while the member is still holding qualifying judicial office and may not be exercised if the member has reached his assumed retirement age or in the twelve months before he reaches that date.”.
- (c) for paragraph (2) substitute—

“(2) Contributions shall be expressed as a level monthly payment per unit of additional surviving spouse’s pension and the level of monthly payment, subject to a minimum of £1, shall be calculated in accordance with the formula

$$\frac{A}{B}$$

where—

- a A is determined by reference to the member’s age last birthday at the date agreed under regulation 4.6(3) (as applied by regulation 4.7(1)) and the member’s assumed retirement age as set out in the table in Schedule 2; and
- b B is the length of time between the date agreed under regulation 4.6(3) (as applied by regulation 4.7(1)), and the member’s assumed retirement age (expressed in years and fractions of a year to four decimal places);

subject to the limit on total contributions allowed in any one year by regulation 4.9(2).

(3) Where the member’s assumed retirement age does not fall on his birthday, the factor referred to in paragraph (2)(a) shall be determined by interpolation in accordance with paragraph (4).

(4) The interpolation referred to in paragraph (3) shall be effected by applying the formula

$$X + \frac{Z(Y - X)}{12}$$

where—

- a X is determined in accordance with paragraph 2(a) on the basis that reference to the member’s assumed retirement age was a reference to his age on his last birthday before his assumed retirement age;
- b Y is determined in accordance with paragraph 2(a) on the basis that the reference to the member’s assumed retirement age was a reference to his age on his next birthday after his assumed retirement age; and

- c Z is the number of months of service between the member's last birthday before his assumed retirement age and his assumed retirement age.

(5) For each part unit of benefit purchased, the rate shall be that determined in accordance with paragraphs (2) and (3) multiplied by the appropriate decimal fraction (to four decimal places)."

12. In regulation 4.9(2), remove the words "any contributions made by the member to" from sub-paragraph (a) and insert those words after "together with".

13. In regulation 4.12, after paragraph (1) insert—

"(1A) If a member leaves qualifying judicial office on or after reaching his normal pension age, any added unit of benefit that he has purchased shall increase the rate of any children's pension payable on his death in respect of service in such office in accordance with regulation 4.12A and so proportionately for any part unit of benefit purchased."

14. After regulation 4.12 insert—

"**4.12A.**—(1) This regulation applies for the purpose of determining the increase in the rate of children's pension payable in the circumstances set out in regulation 4.12(1A).

(2) Where the annual rate of children's pension before the application of this regulation and regulation 4.12 is that proportion of the annual rate of the member's judicial pension which is set out in column 1 of the table below, the amount of the children's pension shall be increased by that proportion of the member's annual salary at the date of his death or retirement which is set out in column 2 of the table—

Rate of children's pension before increase	Rate of increase
1/4	1/160th
1/3rd	1/120th
1/2	1/80th
2/3rds	1/60th."

15. Regulation 4.13 is amended as follows—

(a) in paragraph (2)—

- (i) for "date of retirement" where it first appears substitute "date he ceased to make contributions in accordance with regulation 4.6(6)"; and
- (ii) for "the member's date of retirement" in sub-paragraph (i), substitute "the date the member ceased to make contributions in accordance with regulation 4.6(6)"; and
- (iii) after "Schedule 1" insert "which".

(b) in paragraph (3)—

- (i) for "date of retirement" where it first appears, substitute "date he ceased to make contributions in accordance with regulation 4.6(6)"; and
- (ii) for "the member's date of retirement" in sub-paragraph (i), substitute "the date the member ceased to make contributions in accordance with regulation 4.6(6)".

(c) after paragraph (6) insert—

"(7) For the purposes of this regulation, the references in the tables set out in Schedule 1 to assumed retirement age and the reference in the table set out in Schedule 3 to normal

pension age shall be treated as if they were references to the date that contributions ceased.”.

16. For Schedule 2 to the principal regulations, substitute the Schedule attached to these Regulations.

Dated 10th January 1996

Mackay of Clashfern, C.

Dated 10th January 1996

M. Forsyth
One of Her Majesty’s Principal Secretaries of
State

We concur

Dated 11th January 1996

Liam Fox
Michael Bates
Two of the Lords Commissioners of Her
Majesty’s Treasury

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SCHEDULE

Regulation 16

JUDICIAL ADDED SURVIVING SPOUSE'S PENSION SCHEME

Age last birthday at date of commencement of contributions	Assumed retirement age															
	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
40	209	209	210	212	213	215	217	220	222	225	228	232	236	240	245	250
41	218	218	220	221	223	225	227	230	232	235	239	243	248	252	257	263
42	227	228	229	230	232	235	237	240	243	246	250	255	259	264	270	276
43	236	237	238	240	242	245	247	251	253	257	262	266	271	277	283	289
44	245	247	248	250	252	255	258	261	264	269	273	278	284	290	296	303
45	255	256	258	260	262	265	269	272	275	280	285	290	296	303	310	317
46	264	266	268	270	273	276	279	283	287	292	297	303	309	316	323	331
47	274	276	278	280	283	286	290	294	298	303	309	315	322	330	337	346
48	283	285	287	290	293	297	301	305	309	315	321	328	335	343	352	361
49	293	295	297	300	303	307	311	316	321	327	333	341	349	357	366	376
50	302	304	306	310	313	317	322	327	332	338	346	353	362	371	381	391
51	311	313	316	319	323	327	332	338	343	350	357	366	375	384	395	406
52	319	322	325	328	332	337	342	349	354	361	369	378	388	398	409	421
53	328	330	333	337	342	347	352	359	364	372	381	390	400	411	423	436
54	335	338	342	346	350	356	362	369	375	383	392	402	413	424	437	451
55	343	346	349	353	358	364	370	378	384	393	402	413	424	437	450	465
56	349	352	356	360	366	372	378	386	393	402	412	423	435	449	463	478
57	355	358	362	367	372	378	385	393	400	410	421	433	446	459	475	491
58	359	363	367	372	378	384	392	400	407	417	429	441	455	469	485	503
59	362	367	371	376	382	389	397	405	413	424	435	448	463	478	495	513
60	–	370	374	379	386	393	401	410	417	428	441	454	469	485	503	522
61	–	–	376	381	388	395	403	412	420	432	444	459	474	491	509	529
62	–	–	–	382	388	396	404	413	422	433	447	461	477	495	514	535
63	–	–	–	–	387	395	403	413	421	433	447	462	478	496	516	538

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Age last birthday at date of commencement of contributions	Assumed retirement age															
	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75
64	–	–	–	–	–	393	401	411	419	431	445	460	477	496	516	539
65	–	–	–	–	–	–	398	407	415	428	441	457	474	493	514	537
66	–	–	–	–	–	–	–	402	410	422	436	451	469	488	509	533
67	–	–	–	–	–	–	–	–	403	414	428	444	461	481	502	526
68	–	–	–	–	–	–	–	–	–	404	418	433	451	470	492	516
69	–	–	–	–	–	–	–	–	–	–	405	421	438	457	479	503
70	–	–	–	–	–	–	–	–	–	–	–	406	423	442	463	487
71	–	–	–	–	–	–	–	–	–	–	–	–	406	425	445	469
72	–	–	–	–	–	–	–	–	–	–	–	–	–	405	425	448
73	–	–	–	–	–	–	–	–	–	–	–	–	–	–	403	426
74	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	403
75	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995. They provide for—

- (a) the further application of Inland Revenue limits to the amount of additional benefits which may be purchased;
- (b) the provision of additional children’s pension in return for the purchase of added units of benefit under the Judicial Added Benefits Scheme;
- (c) a revised basis for calculating the cost of contributions to purchase a surviving spouse’s pension under the Judicial Added Surviving Spouse’s Pension Scheme; and
- (d) for administrative expenses incurred by the authorised provider to be deducted from voluntary contributions received.

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The opportunity is taken to correct some errors in and omissions from the earlier Regulations.