
STATUTORY INSTRUMENTS

2017 No. 522

The Judicial Pensions (Fee-Paid Judges) Regulations 2017

PART 5

BENEFITS FOR PERSONS ENTITLED TO PENSION CREDITS

Application of Part and interpretation

29.—(1) This Part applies where—

- (a) a person (“the transferee”) becomes entitled to a pension credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 ^{F1} (“the 1999 Act”) or under Article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 ^{F2} (“the 1999 Order”); and
- (b) that pension credit is derived from the rights of another person (“P”) under the principal scheme.

(2) In this Part “the transferee”, “the 1999 Act”, “the 1999 Order” and “P” have the meanings given by paragraph (1).

Textual Amendments

F1 1999 c.30.

F2 S.I.1999/3147 (N.I.11).

Pension credit derived from the principal scheme: entitlement to pension

30.—(1) On the pension start day the transferee becomes entitled to the payment for life of a pension.

(2) In paragraph (1) “the pension start day” means—

- (a) the day on which the transferee reaches the age of 65, or
- (b) if later, the day after the last day of the implementation period as determined in accordance with section 34 of the 1999 Act ^{F3} or Article 31 of the 1999 Order ^{F4}.

Textual Amendments

F3 Section 34 was amended by paragraph 160 of Schedule 27 and Schedule 30 to the [Civil Partnership Act 2004 \(c.33\)](#).

F4 Article 31 was amended by paragraph 111 of Schedule 29 and Schedule 30 to the Civil Partnership Act 2004.

Status: Point in time view as at 01/04/2017.

Changes to legislation: There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART 5. (See end of Document for details)

Annual rate of pension under regulation 30

31.—(1) The annual rate of the pension to which the transferee is entitled under regulation 30 is the rate in relation to which the following condition is met.

(2) The condition is that the sum of—

- (a) the value of the pension, and
- (b) the value of any lump sum to which the transferee is entitled under this Part,

equals the amount of the pension credit.

(3) For this purpose, the value of the pension and of any lump sum must be calculated—

- (a) in accordance with regulations made by the Secretary of State under paragraph 5(b) of Schedule 5 to the 1999 Act, or
- (b) (in any case where the 1999 Order applies) in accordance with regulations made by the Department for Communities under paragraph 5(b) of Schedule 5 to the 1999 Order,

and any regulations made by the Secretary of State or by the Department for Communities for the purposes of those provisions apply accordingly.

(4) The annual rate of the pension must be calculated in in such manner as may be approved by the Government Actuary or by an actuary authorised by the Government Actuary to act on behalf of the Government Actuary for that purpose.

Lump sum for transferee at age 65

32.—(1) This regulation applies if the transferee becomes entitled to the pension credit before P becomes entitled to a lump sum under Part 3.

(2) At the time the transferee becomes entitled to a pension under regulation 30, the transferee becomes entitled to a lump sum.

(3) The amount of the lump sum is to be determined in accordance with the following formula—

$$A \times 2.25$$

where A is the annual rate of the pension to which the transferee is entitled under this Part.

Lump sum where transferee dies before age 65

33.—(1) This regulation applies if the transferee dies before reaching the normal pension age.

(2) On the day after that on which the transferee dies the relevant person becomes entitled to a lump sum.

(3) The amount of the lump sum is to be determined in accordance with the following formula—

$$A \times 2.25$$

where A is the annual rate of the pension to which the transferee would have been entitled under regulation 30 if the transferee had become entitled to a pension under that regulation on the day on which the transferee died.

(4) In paragraph (2) “the relevant person” means—

- (a) the person (if any) nominated by the transferee for the purpose of this regulation by notice in writing to the administrators; or

- (b) in default of such nomination, the transferee's personal representatives on behalf of the transferee's estate.

Exclusions

34. The appropriate Minister has no power to accept for the benefit of a member of the principal scheme—

- (a) a payment under paragraph 1(3) of Schedule 5 to the 1999 Act or paragraph 1(3) of Schedule 5 to the 1999 Order,
- (b) a payment under section 95 of the Pension Schemes Act 1993 ^{F5} or section 91 of the Pensions Schemes (Northern Ireland) Act 1993 ^{F6}, or
- (c) any other payment,

to the extent that that payment directly or indirectly represents a pension credit.

Textual Amendments

F5 1993 c. 48. Section 95 was amended by section 68 of, and paragraph 9 of Schedule 4 to, the [Pension Schemes Act 2015 \(c.8\)](#).

F6 1993 c. 49. Section 91 was amended by section 71 of, and paragraph 55 of Schedule 4 to, the Pensions Scheme Act 2015.

Status:

Point in time view as at 01/04/2017.

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Fee-Paid Judges) Regulations 2017, PART 5.