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STATUTORY INSTRUMENTS

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**1999 No. 3147**

**The Welfare Reform and Pensions  
(Northern Ireland) Order 1999**

**PART V**

**PENSION SHARING**

**CHAPTER I**

**SHARING OF RIGHTS UNDER PENSION ARRANGEMENTS**

*Adaptation of statutory schemes*

**Power to extend judicial pension schemes**

**40.**—(1) The appropriate authority may by regulations amend any statutory provision to which paragraph (2) applies for the purpose of—

- (a) extending a pension scheme under that statutory provision to include the provision, by reference to pension credits which derive from rights under—
  - (i) the scheme, or
  - (ii) a scheme in relation to which the scheme is specified as an alternative for the purpose of paragraph 2 of Schedule 5,of benefits to or in respect of those entitled to the credits, or
- (b) restricting the power of the appropriate authority to accept payments into a pension scheme under that statutory provision, where the payments represent the cash equivalent of rights under another pension scheme which are attributable (directly or indirectly to a pension credit).

(2) For the purposes of this Article, this paragraph applies to the pension schemes under the following statutory provisions, namely—

- (a) the Judicial Pensions Act (Northern Ireland) 1951;
- (b) the County Courts Act (Northern Ireland) 1959;
- (c) the Resident Magistrates' Pensions Act (Northern Ireland) 1960;
- (d) the Lands Tribunal and Compensation Act (Northern Ireland) 1964;
- (e) the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969;
- (f) the Social Security (Northern Ireland) Act 1975; or
- (g) the Judicature (Northern Ireland) Act 1978.

(3) Regulations under paragraph (1)—

- (a) may make benefits provided by virtue of sub-paragraph (a) of that paragraph a charge on, and payable out of, the Consolidated Fund in the case of pension schemes to which

paragraph (2)(d) and (e) applies or the Consolidated Fund of the United Kingdom in the case of pension schemes to which paragraph (2)(a) to (c), (f) and (g), applies;

(b) may confer power to make subordinate legislation, including subordinate legislation which provides for calculation of the value of rights in accordance with guidance from time to time prepared by a person specified in the subordinate legislation.

(4) The appropriate authority for the purposes of paragraph (1) is—

(a) in relation to a pension scheme referred to in paragraph (2)(a) to (c), (f) and (g), the Lord Chancellor;

(b) in relation to a pension scheme referred to in paragraph (2)(d), the Department of Finance and Personnel;

(c) in relation to a pension scheme referred to in paragraph (2)(e), the Department of Economic Development.

(5) In this Article—

“pension credit” includes a credit under section 29(1)(b) of the Welfare Reform Act;

“pension scheme” means a scheme or arrangement providing benefits in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of persons to whom the scheme or arrangement applies.