

Status: Point in time view as at 02/05/2023.

Changes to legislation: The Judicial Pensions Regulations (Northern Ireland) 2015, PART 6 is up to date with all changes known to be in force on or before 28 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 2

Transitional provisions

PART 6

Payment of death benefits in respect of transition members with continuity of service

Annual rate of surviving adult's pensions payable under this scheme when a transition member dies in service

16.—(1) This paragraph applies in relation to a transition member with continuity of service—

- (a) who dies as an active member of this scheme; and
- (b) whose period of service is at least 12 months.

(2) Where there is an entitlement under this scheme and [F1a relevant] scheme to a surviving adult's pension, the annual rate of that pension is the sum of—

- (a) the amount of dependant's earned pension calculated under regulation 100; and
- (b) the amount of the equivalent surviving spouse's or surviving civil partner's pension payable under [F1a relevant] scheme.

(3) Where there is an entitlement to a surviving adult's pension, the payment of any pension or enhancement in respect of the member's assumed period of pensionable service is not payable under [F1a relevant] scheme.

(4) In this paragraph—

“the member's assumed period of pensionable service” means the period—

- (a) beginning with the day after the date of the member's death; and
- (b) ending with—
 - (i) for a member appointed for a fixed term, the day on which that term would have ended; and
 - (ii) for all other appointments, the day before the day on which the member would have reached prospective normal pension age if the member had lived until that age; and

“period of service” means—

- (a) the member's continuous period of pensionable service under this scheme; and
- (b) the member's pensionable service under [F1a relevant] scheme before the transition date for that member.

[F2(5) In this paragraph a reference to “pensionable service” in relation to the Fee-Paid Judges Scheme is a reference to qualifying judicial service.]

Textual Amendments

- F1** Words in Sch. 2 para. 16 substituted (2.5.2023) by [The Judicial Pensions \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/63\), regs. 1\(2\), 16\(9\)\(a\)](#)
- F2** Sch. 2 para. 16(5) inserted (2.5.2023) by [The Judicial Pensions \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/63\), regs. 1\(2\), 16\(9\)\(b\)](#)

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Annual rate of eligible child's pension payable under this scheme when a transition member dies in service

- 17.—(1) This paragraph applies in relation to a transition member with continuity of service—
- (a) who dies as an active member of this scheme; and
 - (b) whose period of service is at least 12 months.
- (2) The annual rate of child's pension payable is the sum of—
- (a) the annual rate of child's earned pension calculated under regulation 105; and
 - (b) the annual rate of child's pension payable under [^{F3}a relevant] scheme.
- (3) Where a child's pension is payable, the payment of any pension or enhancement in respect of the member's assumed period of pensionable service is not payable under [^{F3}a relevant] scheme.
- (4) In this paragraph—
- “the member's assumed period of pensionable service” means the period—
- (a) beginning with the day after the date of the member's death; and
 - (b) ending with—
 - (i) for a member appointed for a fixed term, the day on which that term would have ended; and
 - (ii) for all other appointments, the day before the day on which the member would have reached prospective normal pension age if the member had lived until that age; and
- “period of service” means—
- (a) the member's continuous period of pensionable service under this scheme; and
 - (b) the member's pensionable service under [^{F3}a relevant] scheme before the transition date for that member.
- [^{F4}(5) In this regulation a reference to “pensionable service” in relation to the Fee-Paid Judges Scheme is a reference to qualifying judicial service.]

Textual Amendments

- F3** Words in Sch. 2 substituted (2.5.2023) by [The Judicial Pensions \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/63\)](#), regs. 1(2), **16(10)(a)**
- F4** Sch. 2 para. 17(5) inserted (2.5.2023) by [The Judicial Pensions \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/63\)](#), regs. 1(2), **16(10)(b)**

Death in service lump sum

- 18.—(1) This paragraph applies in relation to a transition member with continuity of service who dies in service within the meaning of regulation 121.
- (2) On the death of the member—
- (a) a lump sum death benefit is payable under regulation 121; but
 - (b) a death in service lump sum death benefit is not payable under [^{F5}a relevant] scheme.

Textual Amendments

- F5** Words in Sch. 2 para. 18(2)(b) substituted (2.5.2023) by [The Judicial Pensions \(Amendment\) Regulations \(Northern Ireland\) 2023 \(S.R. 2023/63\)](#), regs. 1(2), **16(11)**

Death out of service lump sum

19.—(1) For the purpose of payment of death benefits, a transition member with continuity of service who dies as a deferred member or pensioner member of this scheme dies out of service under this scheme and [^{F6}a relevant] scheme.

(2) On the death of such a member—

- (a) if regulation 122 applies to the member, a lump sum death benefit is payable under that regulation; and
- (b) if the member is a pensioner member of [^{F6}a relevant] scheme and the conditions for payment of a death out of service lump sum death benefit under the rules of [^{F7}the relevant] scheme are met, a death out of service lump sum death benefit is payable under that scheme.

Textual Amendments

- F6** Words in Sch. 2 para. 19 substituted (2.5.2023) by The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/63), regs. 1(2), **16(12)(a)**
- F7** Words in Sch. 2 para. 19 substituted (2.5.2023) by The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2023 (S.R. 2023/63), regs. 1(2), **16(12)(b)**

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