

SCHEDULE 1

Regulation 128

Payments for extra pension

PART 1

General

Interpretation

1. In this Schedule—

“added pension option” means the option to make added pension payments;

“amount of accrued added pension” means the total of—

- (a) the amount of accrued added (self only) pension (if any); and
- (b) the amount of accrued added (all beneficiaries) pension (if any);

“amount of extra pension” has the meaning given in paragraph 2;

“appropriate pay period” means the pay period that the scheme manager considers appropriate;

“overall limit of extra pension” has the meaning given in paragraph 3;

“periodical payment period” means the period for which periodical payments for added pension or an effective pension age are payable;

“period of service”, in relation to this scheme, means a continuous period of pensionable service under this scheme;

“the relevant day”, in relation to a lump sum payment for added pension, means—

- (a) if the scheme manager provides a statement of the amount of added pension, the first day after the period of one month beginning with the date of the statement; or
- (b) otherwise, the day on which the lump sum payment is received by the scheme manager;

“the relevant scheme year” means the scheme year in which the relevant day falls;

“statement of the amount of added pension” means the statement referred to in paragraph 17;

“third party” means a third party approved by the scheme manager to make payments for extra pension in respect of an active member of this scheme; and

“value”, in relation to an effective pension age option, means a value determined by the scheme manager under paragraph 29.

Meaning of “amount of extra pension”

2. The amount of extra pension at any given time is the total of the following—

- (a) the amount of accrued added pension at that time;
- (b) if the member has exercised one or more effective pension age options, the value of each option at that time.

Meaning of “overall limit of extra pension”

3.—(1) The overall limit of extra pension is—

- (a) £6,500 for any scheme year ending before 1st April 2016; and
- (b) for any scheme year beginning on or after 1st April 2016—

Status: Point in time view as at 18/02/2015.

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- (i) the overall limit of extra pension determined by the Department of Finance and Personnel in respect of that scheme year as published before the start of that scheme year; or
- (ii) if no such determination is made, the amount calculated under paragraph (2).

(2) The amount is the amount to which the annual rate of a pension of an amount equal to the overall limit of extra pension for the previous scheme year would have been increased under the 1971 Act if—

- (a) that pension were eligible to be so increased; and
- (b) the beginning date for that pension were the first day of the previous scheme year.

Limit on added pension options

4. An added pension option may not be exercised in relation to a member if the member has exercised an effective pension age option and—

- (a) the value of the effective pension age option exceeds the overall limit of extra pension; or
- (b) if the added pension option is exercised, the amount of extra pension would exceed the overall limit of extra pension.

Amount of accrued added pension may not exceed overall limit of extra pension

5.—(1) At any given time, the total amount of accrued added pension in all the active member's accounts established for a member under Part 5 may not exceed the overall limit of extra pension.

(2) If a member has opted to make periodical payments for added pension, the scheme manager may by notice to the member cancel the added pension option if it appears to the scheme manager that the overall limit of extra pension will be exceeded if the member continues to make the periodical payments.

(3) If the scheme manager cancels the option, the periodical payments cease to be payable from the next pay period beginning after the date specified in the notice of cancellation.

Actuarial advice

6. The scheme manager must take advice from the scheme actuary before determining any amount under this Schedule.

PART 2

Payments for added pension

CHAPTER 1

Exercising the added pension option

Added pension option exercisable by member

7.—(1) An active member of this scheme may opt to make added pension payments to increase—

- (a) the member's retirement benefits for a period of service; or
- (b) both the member's retirement benefits and death benefits payable in respect of the member for a period of service.

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(2) A member may exercise the added pension option by notice to the scheme manager in a form required by the scheme manager.

(3) The option notice must state whether the added pension payments are to be made by—

- (a) periodical payments; or
- (b) a lump sum payment.

(4) A member may exercise the added pension option more than once but an option to make a lump sum payment for added pension may only be exercised once in any scheme year.

(5) An option to make a lump sum payment for added pension may only be exercised if the member—

- (a) has been an active member of this scheme in relation to a continuous period of pensionable service for at least 12 months; and
- (b) has been provided with a statement of the amount of added pension (if paragraph 18 applies).

Added pension option exercisable by employer or third party

8.—(1) A third party or the employer of an active member of this scheme may, if the scheme manager approves, opt to make a lump sum payment for added pension to increase—

- (a) the member's retirement benefits for a period of service; or
- (b) both the member's retirement benefits and death benefits payable in respect of the member for a period of service.

(2) The employer or third party may exercise an added pension option by notice to the scheme manager in a form required by the scheme manager.

(3) The employer or third party may exercise an added pension option more than once but only once in any scheme year.

CHAPTER 2

Periodical payments for added pension

Application of Chapter

9. This Chapter applies in relation to an active member of this scheme who opts to make periodical payments for added pension.

Member's option to make periodical payments for added pension

10.—(1) An option notice must specify—

- (a) the periodical payment period; and
- (b) the amount of the periodical payment to be deducted by the member's employer from the member's pensionable earnings in each pay period.

(2) The amount of the periodical payment may be expressed as—

- (a) a percentage of the member's pensionable earnings; or
- (b) a fixed sum.

(3) The amount of the periodical payment must not be less than any minimum amount determined by the scheme manager.

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Cancellation of option by member

11.—(1) The member may, by notice to the scheme manager, cancel the option at any time during the periodical payment period.

(2) If the member cancels the option, the periodical payments cease to be payable from the beginning of the next scheme year after the scheme manager receives the notice of cancellation.

Periodical payments

12.—(1) The periodical payments are payable by deduction by the member's employer from the member's pensionable earnings during the periodical payment period.

(2) The periodical payment period—

(a) begins with—

(i) if the member exercises the option within 3 months after joining this scheme, the first appropriate pay period beginning on or after the date on which the scheme manager receives the option notice; or

(ii) in any other case, the first appropriate pay period of the scheme year beginning on or after the date on which the scheme manager receives the option notice; and

(b) ends on the earlier of—

(i) the date on which the member ceases to be an active member of this scheme; and

(ii) the date specified in the option notice.

(3) Subject to sub-paragraph (4), during a period of assumed pay the member may—

(a) stop the periodical payments; or

(b) continue the periodical payments as if the member were receiving pensionable earnings at the full rate.

(4) During any period in which the member is receiving statutory maternity pay within the meaning of Part 12 (statutory maternity pay) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 ^{M1} or is on paid ordinary maternity leave, paid adoption leave or paid paternity leave, the member may—

(a) stop the periodical payments; or

(b) make periodical payments of an amount determined by reference to the member's actual pay during that period.

(5) If a member stops the periodical payments during a period of assumed pay, the member may, by notice to the scheme manager in a form required by the scheme manager, resume the periodical payments in the next pay period after the period of assumed pay ends.

Marginal Citations

M1 1992 c. 7.

Amount of added (self only) pension for a scheme year (periodical payments)

13.—(1) This paragraph applies in relation to each scheme year during which a member makes periodical payments to increase the member's retirement benefits only.

(2) An amount of added (self only) pension is credited to the active member's account for that scheme year.

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(3) The amount is determined by the scheme manager by reference to actuarial tables, having regard to the cost in the scheme year of providing retirement benefits to a person of the member's age and gender.

Amount of added (all beneficiaries) pension for a scheme year (periodical payments)

14.—(1) This paragraph applies in relation to each scheme year during which a member makes periodical payments to increase—

- (a) the member's retirement benefits; and
- (b) death benefits payable in respect of the member.

(2) An amount of added (all beneficiaries) pension is credited to the active member's account for that scheme year.

(3) The amount is determined by the scheme manager by reference to actuarial tables, having regard to the cost in the scheme year of providing retirement benefits to—

- (a) a person of the member's age; and
- (b) dependants of a person of that age.

CHAPTER 3

Lump sum payments for added pension made by member

Application of Chapter

15. This Chapter applies in relation to an active member of this scheme who opts to make a lump sum payment for added pension.

Member's option to make a lump sum payment for added pension

16.—(1) A member may exercise the option to make a lump sum payment for added pension by notice to the scheme manager in a form required by the scheme manager.

(2) The option notice must specify the amount of the lump sum, which must not be less than any minimum amount determined by the scheme manager.

(3) The lump sum is payable immediately to the scheme manager by deduction by the member's employer from the member's pensionable earnings or otherwise.

Statement of amount of added pension

17.—(1) If the scheme manager so requires, the member before exercising the option to make a lump sum payment for added pension must ask the scheme manager to provide a statement of the amount of added pension.

(2) A statement of the amount of added pension must set out the amount that would be credited to the active member's account if the lump sum is received by the scheme manager within one month after the date of the statement.

(3) The statement must also—

- (a) specify the overall limit of extra pension; and
- (b) inform the member if it appears to the scheme manager that the overall limit of extra pension would be exceeded if the active member's account is credited with the amount of added pension set out in the statement.

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Amount of added (self only) pension (lump sum payment)

18.—(1) This paragraph applies if a member opts to make a lump sum payment to increase the member's retirement benefits only.

(2) Following payment of the lump sum by the member, an amount of added (self only) pension is credited to the active member's account for the relevant scheme year.

(3) The amount credited to the account is—

- (a) if the scheme manager has provided a statement of the amount of added pension and the lump sum is received by the scheme manager within one month after the date of the statement, the amount specified in the statement; or
- (b) otherwise, an amount determined by the scheme manager by reference to actuarial tables, having regard to—
 - (i) the amount of the lump sum;
 - (ii) the cost as at the relevant day of providing retirement benefits to a person of the member's age and gender;
 - (iii) factors relating to the member's circumstances as at the relevant day; and
 - (iv) any other factors as at the date of the statement of the amount of added pension to which the scheme actuary considers regard should be had.

Amount of added (all beneficiaries) pension (lump sum payment)

19.—(1) This paragraph applies if a member opts to pay a lump sum to increase—

- (a) the member's retirement benefits; and
- (b) death benefits payable in respect of the member.

(2) On payment of the lump sum by the member an amount of added (all beneficiaries) pension is credited to the active member's account in the relevant scheme year.

(3) The amount credited to the account is—

- (a) if the scheme manager has provided a statement of the amount of added pension and the lump sum is received by the scheme manager within one month after the date of the statement, the amount specified in the statement; or
- (b) otherwise, an amount determined by the scheme manager by reference to actuarial tables, having regard to—
 - (i) the amount of the lump sum;
 - (ii) the cost as at the relevant day of providing retirement benefits to a person of the member's age and dependants of a person of that age;
 - (iii) factors relating to the member's circumstances as at the relevant day; and
 - (iv) any other factors as at the date of the statement of the amount of added pension to which the scheme actuary considers regard should be had.

CHAPTER 4

Lump sum payments for added pension made by employer or third party

Application of Chapter

20. This Chapter applies in relation to an employer or third party who opts to make a lump sum payment for added pension in relation to an active member of this scheme.

Employer or third party option to make a lump sum payment for added pension

21.—(1) An employer or third party may exercise the option to make a lump sum payment for added pension by notice to the scheme manager in a form required by the scheme manager.

(2) The option notice must specify the amount by which the member's added (self only) pension or added (all beneficiaries) pension for the relevant scheme year is to be increased.

(3) The amount of the lump sum payment is—

(a) if the option notice specifies an increase in the member's added (self only) pension, an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the cost as at the relevant day of providing retirement benefits to a person of the member's age and gender; and

(b) if the option notice specifies an increase in the member's added (all beneficiaries) pension, an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the cost as at the relevant day of providing retirement benefits to—

(i) a person of the member's age; and

(ii) the dependants of such a person.

(4) The lump sum payment must be paid in a manner determined by the scheme manager after consultation with the scheme actuary.

(5) The scheme manager must notify the employer or third party of the amount of the lump sum and the manner in which it is to be paid.

Amount of added (self only) pension (lump sum payment)

22.—(1) This paragraph applies if an employer or third party opts to make a lump sum payment to increase the member's added (self only) pension.

(2) On payment of the lump sum by the employer or third party an amount of added (self only) pension is credited to the active member's account in the relevant scheme year.

(3) The amount credited to the account is an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the amount of the lump sum payment.

Amount of added (all beneficiaries) pension (lump sum payment)

23.—(1) This paragraph applies if an employer or third party opts to pay a lump sum to increase the member's added (all beneficiaries) pension.

(2) On payment of the lump sum by the employer or third party an amount of added (all beneficiaries) pension is credited to the active member's account in the relevant scheme year.

(3) The amount credited to the account is an amount determined by the scheme manager, after consultation with the scheme actuary, having regard to the amount of the lump sum payment.

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PART 3

Effective pension age payments

CHAPTER 1

Exercising the effective pension age option

Effective pension age option exercisable by member

24.—(1) This paragraph applies if an active member of this scheme in relation to a continuous period of pensionable service has a normal pension age above 65 years.

(2) Subject to sub-paragraphs (3) and (4), the member may opt to make periodical payments for an effective pension age of 1, 2 or 3 years below the member's normal pension age (“effective pension age option”).

(3) An effective pension age option may not be exercised to achieve an effective pension age below 65 years.

(4) The member may opt to make periodical payments for an effective pension age of any period up to 3 years below the member's normal pension age if that would achieve an effective pension age of 65 years.

(5) An effective pension age is—

- (a) relative to normal pension age; and
- (b) automatically adjusted to reflect any change in normal pension age.

Exercising the effective pension age option

25.—(1) A member may exercise an effective pension age option by notice to the scheme manager in a form required by the scheme manager.

(2) The option notice must state the effective pension age which is to apply under the option.

(3) A member may exercise an effective pension age option more than once.

(4) A member may not exercise an effective pension age option during—

- (a) a period of assumed pay; or
- (b) any scheme year in which the member has reached the overall limit of extra pension for that year.

Payment of pension at effective pension age

26.—(1) For any part of a scheme year in which a member makes periodical payments for an effective pension age option, the member is entitled to payment of a full retirement earned pension or partial retirement earned pension attributable to the option at the effective pension age stated in the option without actuarial reduction.

(2) The amount of pension attributable to the option is reduced if the periodical payments are stopped before the end of the periodical payment period.

(3) For any period in which the periodical payments are stopped, an amount of standard earned pension is credited to the active member's account instead of an amount of earned pension attributable to the option.

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Member ceases to be in pensionable service under this scheme

27.—(1) An effective pension age option in relation to a continuous period of pensionable service under this scheme ceases to have effect when the member ceases to be in that pensionable service.

(2) Periodical payments cease to be payable from the member's last day of pensionable service.

(3) In the circumstances provided for in regulation 129, the member is entitled to a refund under that regulation of the periodical payments.

(4) If the member re-enters pensionable service under this scheme after a gap in pensionable service not exceeding 5 years, should the member so opt, the periodical payments resume in the first pay period after the member re-enters pensionable service unless—

(a) the periodical payments have been refunded to the member under regulation 129; or

(b) a transfer value payment has been made to another scheme in respect of the member's accrued rights under this scheme.

(5) The periodical payments resume under sub-paragraph (4) even if the member has reached the overall limit of extra pension for the scheme year in which the payments resume.

Cancellation of option

28.—(1) A member may, by notice to the scheme manager, cancel an effective pension age option at any time during the periodical payment period.

(2) If the member cancels the option, the periodical payments cease to be payable from the beginning of the next scheme year after the scheme manager receives notice of the cancellation.

(3) If the member exercises an effective pension age option again within a period not exceeding 5 years, the periodical payments resume from the first pay period of the next scheme year beginning after the date on which the member exercises the option again.

(4) The periodical payments resume under sub-paragraph (3) even if the member has reached the overall limit of extra pension for the scheme year in which the payments resume.

Value of an effective pension age option

29.—(1) The value of an effective pension age option at any time is a value determined by the scheme manager as at that time.

(2) A member who has exercised an effective pension age option—

(a) may at any time ask the scheme manager to provide a statement of the value of the effective pension age option; and

(b) must ask the scheme manager to provide a statement of the value of the effective pension age option before an added pension option may be exercised in relation to the member.

CHAPTER 2

Making effective pension age payments

Amount of periodical payments

30.—(1) Periodical payments for an effective pension age are payable by deduction by the member's employer from the member's pensionable earnings in every pay period during the periodical payment period.

(2) The amount of the periodical payments is an amount—

(a) determined by the scheme manager; and

(b) set out in a notice to the member.

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- (3) The scheme manager must determine the amount by reference to actuarial tables having regard to—
- (a) the member's age and gender; and
 - (b) the number of years before the member will reach normal pension age.
- (4) Before the start of every scheme year, the scheme manager must—
- (a) review the amount of the periodical payments; and
 - (b) if the scheme manager re-determines the amount, send the member notice of the amount payable from the start of the next scheme year.

Periodical payment period

31. The periodical payment period—
- (a) begins with,
 - (i) if the member exercises the option within 3 months after joining this scheme, the first appropriate pay period beginning on or after the date on which the scheme manager receives the option notice; or
 - (ii) in any other case, the first appropriate pay period of the scheme year beginning on or after the date on which the scheme manager receives the option notice; and
 - (b) ends on the earlier of,
 - (i) the date on which the member ceases to be in pensionable service in the eligible employment to which the option relates; and
 - (ii) the date on which the member reaches the effective pension age.

Periodical payments during period of assumed pay

- 32.—(1) Subject to sub-paragraph (2), during a period of assumed pay the member may—
- (a) stop the periodical payments; or
 - (b) continue the periodical payments as if the member were receiving pensionable earnings at the full rate.
- (2) During any period in which the member is receiving statutory maternity pay within the meaning of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 or is on paid ordinary maternity leave, paid adoption leave or paid paternity leave, the member may—
- (a) stop the periodical payments; or
 - (b) make periodical payments of an amount determined by reference to the member's actual pay during that period.
- (3) A member may stop that part of the periodical payments which relates to the years after the member would reach the age of 60 and before the member would reach the age of 65 without stopping that part of the periodical payments which relates to the years after the member would reach the age of 65 and before the member would reach normal pension age.
- (4) If a member stops the periodical payments during a period of assumed pay, the member may, by notice to the scheme manager in a form required by the scheme manager, resume the periodical payments in the next pay period after the period of assumed pay ends.

SCHEDULE 2

Regulation 166

Transitional provisions

PART 1

General

Interpretation

1. In this Schedule—

“closing date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of an existing scheme, the tapered protection closing date for that member; or
- (b) if the member is not a protected member of that scheme, the scheme closing date;

“full protection member”, in relation to an existing scheme, has the meaning given in paragraphs 8 and 9;

“protected member”, in relation to an existing scheme, means a full protection member or tapered protection member of that scheme;

“protection period”—

- (a) for a full protection member of an existing scheme, has the meaning given in paragraph 6;
- (b) for a tapered protection member of an existing scheme, has the meaning given in paragraph 11;

“tapered protection closing date”, in relation to a tapered protection member of an existing scheme, has the meaning given in paragraph 3;

“tapered protection member”, in relation to an existing scheme, has the meaning given in paragraphs 12 and 13;

“transition date”, in relation to a transition member, means—

- (a) if the member is a tapered protection member of an existing scheme, the day after the tapered protection closing date for that member;
- (b) if the member is not a protected member of that scheme, the day after the scheme closing date or, if later, the day the person ceased to be a protected member of the scheme;

“transition member” means a person—

- (a) who is a member of an existing scheme by virtue of the person's pensionable service under that scheme before the transition date; and
- (b) who is a member of this scheme by virtue of the person's pensionable service under this scheme.

Meaning of “continuity of service”

2. For the purposes of this Schedule, a transition member (T) has continuity of service between pensionable service in an existing scheme and pensionable service in this scheme (“continuity of service”) unless T has a gap in service exceeding 5 years which—

- (a) begins on or before the transition date; and
- (b) ends on the day on which T becomes an active member of this scheme.

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Meaning of “tapered protection closing date”

3.—(1) The tapered protection closing date for a tapered protection member of an existing scheme is—

- (a) if the member exercises the option under Part 4 of this Schedule, the scheme closing date; or
- (b) if the member does not exercise the option, a date between 31st May 2015 and 31st January 2022 (both dates inclusive) determined by the scheme manager by reference to a table published for that purpose.

(2) A tapered protection closing date determined under sub-paragraph (1)(b) must fall on the last day of a month.

Meaning of “active member of an existing scheme “

4.—(1) For the purpose of Parts 2 and 3 of this Schedule, a person (P) is an active member of an existing scheme on a given date if on that date—

- (a) P is in pensionable service under that scheme; or
- (b) P is on a gap in service not exceeding 5 years.

(2) For the purpose of sub-paragraph (1)(b), after the closing date for an existing scheme P is not on a gap in service while P is in pensionable public service.

(3) In sub-paragraph (2), “the closing date for an existing scheme” means the date referred to in section 18(4) of the Act as applicable.

Commencement of active membership of this scheme

5.—(1) A person who is a transition member on entering pensionable service under this scheme who does not have continuity of service becomes an active member of this scheme on the day the person is appointed to qualifying judicial office.

(2) A person who is a transition member on entering pensionable service under this scheme who has continuity of service (T) becomes an active member of this scheme—

- (a) if T is in pensionable service in a qualifying judicial office on the transition date, on that date; or
- (b) if T is not in pensionable service in a qualifying judicial office on the transition date, on the day T enters pensionable service in a qualifying judicial office after that date.

PART 2

Exceptions to section 18(1) of the Act: full protection members of an existing scheme

Exception for full protection members during protection period

6.—(1) The protection period for a person (P) who is a full protection member of an existing scheme is the period which—

- (a) begins on the day after the scheme closing date; and
- (b) ends when P ceases to be a full protection member of that scheme.

(2) During the protection period—

- (a) P is eligible to be in pensionable service under an existing scheme;
- (b) section 18(1) of the Act does not apply in respect of that pensionable service; and

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- (c) benefits are to be provided under an existing scheme to or in respect of P in relation to that pensionable service.

Full protection member not eligible to join this scheme

7.—(1) While a person (P) is a full protection member of an existing scheme, P is not eligible to be an active member of this scheme.

(2) P ceases to be a full protection member of an existing scheme when P ceases to be in pensionable service under that scheme.

Members of an existing scheme on scheme closing date

8.—(1) A person (P) is a full protection member of an existing scheme if sub-paragraph (2) or sub-paragraph (3) applies—

(2) This sub-paragraph applies if—

- (a) P was an active member of an existing scheme on 31st March 2012;
- (b) P was an active member of that scheme on the scheme closing date; and
- (c) unless P dies, P would reach normal pension age under that scheme on or before 1st April 2022.

(3) This sub-paragraph applies if—

- (a) P was an active member of an existing scheme (“P’s transitional scheme”) on 31st March 2012;
- (b) P was an active member of an existing scheme (“Scheme A”) on the scheme closing date; and
- (c) P would, unless P dies, reach normal pension age under Scheme A and P’s transitional scheme on or before 1st April 2022.

Members moving between schemes after the scheme closing date

9.—(1) A person (P) is a full protection member of an existing scheme if—

- (a) P was an active member of an existing scheme (“P’s transitional scheme”) on 31st March 2012 and on the closing date for that scheme;
- (b) P begins pensionable service which is pensionable under an existing scheme (“Scheme A”), not more than 5 years after leaving pensionable service in P’s transitional scheme.
- (c) P would have been a fully protected member of P’s transitional scheme had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under Scheme A; and
- (d) P would, unless P dies, reach normal pension age under Scheme A and P’s transitional scheme on or before 1st April 2022.

(2) For the purposes of this paragraph—

- (a) the closing date for an existing scheme is the date referred to in section 18(4) of the Act as applicable;
- (b) “exception”, in relation to an existing scheme, means an exception under section 18(6) of the Act provided for in scheme regulations which relate to that scheme; and
- (c) “fully protected member” of an existing scheme means a person in respect of whom an exception applies and that exception is one to which section 18(6) of the Act applies for the purposes of that scheme.

Status: Point in time view as at 18/02/2015.

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PART 3

Exceptions to section 18(1) of the Act: tapered protection members of an existing scheme

Exception for tapered protection members during protection period

10.—(1) The protection period for a tapered protection member of an existing scheme is the period which—

- (a) begins on the day after the scheme closing date; and
 - (b) ends when P ceases to be a tapered protection member of an existing scheme.
- (2) During the protection period—
- (a) P is eligible to be in pensionable service under an existing scheme;
 - (b) section 18(1) of the Act does not apply in respect of that pensionable service; and
 - (c) benefits are to be provided under that scheme to or in respect of P in relation to that pensionable service.

Tapered protection member not eligible to join this scheme

11.—(1) While a person (P) is a tapered protection member of an existing scheme, P is not eligible to be an active member of this scheme.

(2) P ceases to be a tapered protection member of an existing scheme on whichever of the following days occurs first—

- (a) P's tapered protection closing date; or
- (b) the day on which P ceases to be in pensionable service under an existing scheme.

Member of an existing scheme on scheme closing date

12.—(1) A person (P) is a tapered protection member of an existing scheme if sub-paragraph (2) or sub-paragraph (3) applies—

- (2) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme on 31st March 2012;
 - (b) P was an active member of an existing scheme on the scheme closing date; and
 - (c) unless P dies, P would reach normal pension age during the period beginning with 2nd April 2022 and ending with 1st September 2025.
- (3) This sub-paragraph applies if—
- (a) P was an active member of an existing scheme (“P's transitional scheme”) on 31st March 2012;
 - (b) P was an active member of an existing scheme (“Scheme A”) on the scheme closing date; and
 - (c) P would, unless P dies, reach normal pension age under—
 - (i) Scheme A during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P's transitional scheme on or before 1st September 2025.

Members moving between schemes after the scheme closing date

- 13.—(1) A person (P) is a tapered protection member of an existing scheme if—
- (a) P was an active member of an existing scheme (“P’s transitional scheme”) on 31st March 2012 and on the closing date for that scheme;
 - (b) P begins pensionable service which is pensionable under an existing scheme (“Scheme A”), not more than 5 years after leaving pensionable service in P’s transitional scheme.
 - (c) P would have been a protected member of P’s transitional scheme had P re-entered service which is pensionable under that scheme on the date P begins service which is pensionable under Scheme A; and
 - (d) P would, unless P dies, reach normal pension age under—
 - (i) Scheme A during the period beginning with 2nd April 2022 and ending with 1st September 2025; and
 - (ii) P’s transitional scheme on or before 1st September 2025.
- (2) For the purposes of this paragraph—
- (a) the closing date for an existing scheme is the date referred to in section 18(1) of the Act as applicable;
 - (b) “exception”, in relation to an existing scheme, means an exception under section 18(5) of the Act provided for in scheme regulations which relate to that scheme; and
 - (c) “protected member of P’s transitional scheme” means a person in respect of whom an exception applies for the purposes of that scheme.

PART 4

Option for tapered protection members of an existing scheme

Option to begin pensionable service before the transition date

14.—(1) This paragraph applies in relation to a tapered protection member (P) of an existing scheme.

(2) The scheme manager may offer P the option to begin pensionable service under this scheme on the day after the scheme closing date.

(3) If P does not exercise the option within the period determined by the scheme manager, P begins pensionable service under this scheme on P’s transition date.

(4) If P ceases to be a tapered protection member after the scheme closing date but before P’s transition date, P begins pensionable service under this scheme on the day P begins service in a qualifying judicial office.

PART 5

Payment of ill-health benefits to transition members with continuity of service

Transition member who has not reached normal pension age under an existing scheme

15.—(1) This paragraph applies to a transition member with continuity of service who becomes entitled to an ill-health pension under this scheme and an existing scheme.

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(2) If the member is entitled under this scheme and an existing scheme to immediate payment of an ill-health pension, the annual rate of that ill-health pension is the sum of—

- (a) the annual rate of an ill-health pension under an existing scheme; and
- (b) the annual rate of an ill-health pension under this scheme.

(3) Where a member is entitled to immediate payment of an ill-health pension, payment of any pension or enhancement in respect of the member's assumed period of pensionable service is not payable under an existing scheme.

(4) In this paragraph, “the member's assumed period of pensionable service” means the period—

- (a) beginning with the day after the day on which the member's continuous period of pensionable service ceased; and
- (b) ending with—
 - (i) for a member appointed for a fixed term, the day on which that term ends; or
 - (ii) for all other appointments, the day before the day on which the member will reach prospective normal pension age (assuming that the member lives until that age).

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 an existing 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 an existing 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 an existing 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

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- (b) the member's pensionable service under an existing scheme before the transition date for that member.

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 an existing 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 an existing 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 an existing scheme before the transition date for that member.

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 an existing scheme.

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 an existing 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 an existing scheme and the conditions for payment of a death out of service lump sum death benefit under the rules of the existing scheme are met, a death out of service lump sum death benefit is payable under that scheme.

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PART 7

Transitional provisions relating to an existing scheme

Pensionable service under an existing scheme

20.—(1) This paragraph applies in relation to a transition member with continuity of service (T) who is in pensionable service under this scheme.

(2) The provisions of an existing scheme relating to payment of contributions for added pension and added years continue to apply after the closing date as if T continued in pensionable service under that scheme.

(3) If T has continuity of service—

- (a) in determining whether T qualifies under an existing scheme for retirement benefits, T's pensionable service under that scheme terminates when T's pensionable service under this scheme terminates;
- (b) in determining T's final salary for any purposes of an existing scheme under Schedule 7 to the Act, pensionable earnings derived from service under this scheme are to be regarded as derived from service under an existing scheme; and
- (c) where T has a working pattern or patterns involving a pro rata reduction in salary as at the date when they cease pensionable service in this scheme, T's final salary for an existing scheme is to be calculated by reference to their full-time equivalent final salary, or to the proportion or proportions of their full-time equivalent final salary appropriate to T's working pattern as at the closing date.

Repayment of contributions under the existing scheme

21. If a transition member with continuity of service (T) opts out of this scheme and T has less than 2 years' qualifying service—

- (a) T must be repaid members' contributions under an existing scheme; and
- (b) any periodical payments for added pension or added years under an existing scheme cease to be payable.

Qualifying for retirement benefits under the existing scheme

22. In determining whether a transition member with continuity of service qualifies for retirement benefits under an existing scheme, the member's qualifying service includes the total of—

- (a) the member's qualifying service under an existing scheme; and
- (b) the member's qualifying service under this scheme.

Nomination under the existing scheme continues to have effect

23.—(1) This paragraph applies if a transition member with continuity of service has not nominated a person under these Regulations to receive a lump sum death benefit under this scheme.

(2) An existing nomination has effect as if made under these Regulations until the transition member makes a nomination under these Regulations.

(3) In this paragraph, “existing nomination” means a nomination which—

- (a) was made for the purpose of an existing scheme; and
- (b) as at the member's transition date, had effect under that scheme.

SCHEDULE 3

Regulation 167

Modifying provisions and amendments

PART 1

Modification of contracting-out provisions

Application of this Part

1. This Part applies where—
 - (a) an election is made under section 7 (elections as to employments covered by contracting-out certificates) of the 1993 Act ^{M2} in relation to persons who become members of this scheme on or after 1st April 2015 and before 6th April 2016 (whether or not any of those persons are members of an existing scheme); and
 - (b) this scheme satisfies the requirements of section 5 (requirements for certification of schemes) of the 1993 Act ^{M3}.

Marginal Citations

- M2** Section 7 was amended by the [Social Security Contributions \(Transfer of Functions etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#) Article 1 and Schedule 1.
- M3** Section 5 was amended by the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#) Articles 133, 147, 168 and Schedules 3 and 5, the [Social Security Contributions \(Transfer of Functions etc.\) \(Northern Ireland\) \(Order\)1999 \(S.I. 1999/671\)](#) Articles 1, 3 and Schedule 1, the [Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I. 1\)\)](#) Article 260, the [Pensions Act \(Northern Ireland\) 2008 \(c. 1 \(N.I. \)\)](#) section 12, Schedule 6...

Contracting-out

2.—(1) Part 2 of the Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996 ^{M4} (certification of employments) is modified as follows in its application to this scheme.

(2) The requirements in regulation 2(1)(a) (making of elections for the issue of contracting-out certificates) and regulations 3 (notices by employers of intended election) to 5 (time for making an election) do not apply.

- (3) In regulation 6 (information to be included in an election)—
 - (a) paragraph (1) is to be read as though, for sub-paragraphs (a) to (f), there were substituted—
 - “(a) the name by which this scheme is to be known;
 - (b) the name by which the existing schemes listed in paragraphs 2 to 15 of Schedule 5 to the Act are known; and
 - (c) any other information necessary to enable the Commissioners for Her Majesty's Revenue and Customs to identify those existing schemes.”; and
 - (b) paragraphs (2) and (3) do not apply.

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Marginal Citations

M4 S.R. 1996 No. 493. Part 2 was amended by the [Social Security Contributions \(Transfer of Functions etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#) section 1(2), Schedule 2, and by S.R. 1997 No. 95, 1997 No. 160, 2002 No. 109, 2005 No. 568, 2009 No. 133, 2012 No. 120, and 2014 No. 79. By virtue of section 50(1) of the [Commissioners for Revenue and Customs Act 2005 \(c.11\)](#), references to the Commissioners of Inland Revenue are to be taken as references to the Commissioners for Her Majesty's Revenue and Customs.

PART 2

Modification of early leaver and other provisions

Application of this Part

3. This Part applies where a person (P)—
- is a member of an existing scheme (“the old scheme”) listed in paragraph 2 of Schedule 5 to the Act, whether by virtue of pensionable service for that scheme or deemed transfer scheme service under paragraph 2 of Schedule 7 to the Act (final salary link);
 - is a member of this scheme by virtue of pensionable service for this scheme; and
 - is a person to whom paragraph 1 or 2 of Schedule 7 to the Act applies by virtue of that person's pensionable service for this scheme, and whose final salary falls for the purposes of the old scheme to be determined by reference to that paragraph.

Certification

4.—(1) Section 11A of the 1993 Act ^{M5} (reduction of guaranteed minimum in consequence of pension debit) is modified as follows in relation to P.

(2) In the application of that section to the old scheme, the reference in subsection (2) of that section to pensionable service under the scheme is to be taken as a reference to pensionable service either for the old scheme or for this scheme.

Marginal Citations

M5 [Section 11A](#) was inserted by Article 29 of the [Welfare Reform and Pensions \(Northern Ireland\) Order 1999 \(S.I. 1999/3147 \(N.I. 11\)\)](#).

Preservation of benefit

5.—(1) Chapter 1 of Part 4 of the 1993 Act (protection for early leavers: preservation of benefit) is modified as follows in relation to P.

- (2) In the application of that Chapter to the old scheme—
- in section 66 ^{M6} (interpretation), in the definitions of “relevant employment” and “long service benefit” a reference to the scheme is to be taken as a reference to either the old scheme or this scheme;
 - in section 67(1) (basic principle as to short service benefit)—

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- (i) the requirement for a scheme to make provision is to be taken as a requirement that either the old scheme or this scheme must make that provision;
 - (ii) a reference to a transfer payment to the scheme is to be taken as a reference to a transfer payment either to the old scheme or to this scheme;
 - (iii) a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to this scheme;
 - (iv) a reference to benefit which would have been payable to P under the scheme is to be taken as a reference to benefit which would have been payable to P either under the old scheme or under this scheme,
- and subsequent references in the Chapter to “short service benefit” are to be construed accordingly;
- (c) in section 67(5), a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to this scheme;
 - (d) in section 67(7)(a), the reference to P's pensionable service under the scheme is to be taken as a reference to P's pensionable service either for the old scheme or for the old scheme and this scheme taken together; and
 - (e) in sections 68(2) (no discrimination between short service and long service beneficiaries), 70(6) and (7) (computation of short service benefit), 71(3) and (4) (credits) and 72(1) and (3) (pension increases), a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to this scheme.
- (3) In the application of that Chapter to this scheme—
- (a) in section 66, in the definitions of “relevant employment” and “long service benefit” a reference to the scheme is to be taken as a reference to either the old scheme or this scheme;
 - (b) in section 67(1)—
 - (i) the requirement for a scheme to make provision is to be taken as a requirement that either the old scheme or this scheme must make that provision;
 - (ii) a reference to a transfer payment to the scheme is to be taken as a reference to a transfer payment either to the old scheme or to this scheme;
 - (iii) a reference to benefit which would have been payable to P under the scheme is to be taken as a reference to benefit which would have been payable to P either under the old scheme or under this scheme,
- and subsequent references in the Chapter to “short service benefit” are to be construed accordingly;
- (c) in section 67(7)(a), the reference to P's pensionable service under the scheme is to be taken as a reference to P's pensionable service either for this scheme or for the old scheme and this scheme taken together; and
 - (d) in section 70(6), in relation to pensionable service which is terminated, the reference to the beginning of that service is to be taken as a reference to the beginning of pensionable service under the old scheme.

Marginal Citations

M6 Section 66 was amended by S.R. 2005 No. 434.

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Revaluation of preserved benefit

6.—(1) Chapter 2 of Part 4 of the 1993 Act (protection for early leavers: revaluation of accrued benefits) is modified as follows.

(2) In the application of Chapter 2 for the purpose of revaluing benefit payable to or in respect of P under the old scheme—

- (a) in section 79(1)(a)(ii) ^{M7} (scope of Chapter 2), the reference to the date on which P's pensionable service ends is to be taken as a reference to the date on which P's pensionable service ends in relation to this scheme; and
- (b) subsequent references in that Chapter to “the termination date” and the “pre-pension period” are to be construed accordingly.

Marginal Citations

M7 Section 79 was amended by section 84(1) of, and paragraphs 20 of Schedule 9 to, the [Welfare Reform and Pensions \(Northern Ireland\) Order 1999 \(S.I. 1999/3147 \(N.I. 11\)\)](#). It was amended further in relation to the definition of “normal pension age” by section 27 of, and paragraph 21 of Schedule 8 to, the [Public Service Pensions Act 2013 \(c. 2\(N.I.\)\)](#).

Protection of increases in guaranteed minimum pensions

7.—(1) Chapter 3 of Part 4 of the 1993 Act (protection for early leavers: protection of increases in guaranteed minimum pensions (“anti-franking”)) is modified as follows.

(2) In the application of that Chapter to P as a member of the old scheme—

- (a) in section 83(1)(a)(i) ^{M8} (general protection principle), the reference to the time when P ceases to be in contracted-out employment by reference to a scheme is to be taken as a reference to the time when P ceases to be in service in a qualifying judicial office which is contracted-out by reference to this scheme; and
- (b) subsequent references to “the cessation date” are to be construed accordingly.

Marginal Citations

M8 Section 83 was amended by section 13(3)(a) of, and paragraph 28 of Schedule 4 to, the [Pensions Act \(Northern Ireland\) 2008 \(c. 1 \(N.I.\)\)](#).

Transfer values

8.—(1) Chapter 4 of Part 4 of the 1993 Act (protection for early leavers: transfer values) is modified as follows.

(2) In the application of that Chapter to P as a member of the old scheme, in—

- (a) section 89(1)(a) ^{M9} (scope of Chapter 4),
- (b) section 93(3)(a) (calculation of cash equivalents), and
- (c) section 94(1A) and (3) ^{M10} (variation and loss of rights under section 90),

a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to this scheme.

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Marginal Citations

- M9** Section 89(1)(a) was substituted by Article 148 of the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#).
- M10** Section 94(1A) was inserted by, and section 48(3) amended by, Article 165 of, and paragraph 7 of Schedule 4 to, the [Pensions \(Northern Ireland\) Order 1995 \(S.I. 1995/3213 \(N.I. 22\)\)](#).

Transfer values regulations

9.—(1) The Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1996^{M11} are modified as follows.

(2) In the application of regulation 3 of those Regulations (rules on continuation in employment after termination of pensionable service) to P as a member of the old scheme—

- (a) in paragraph (1), a reference to employment to which a scheme applies is to be taken as a reference to service in a qualifying judicial office to which this scheme applies;
- (b) in paragraph (1)(a), a reference to P's pensionable service terminating at P's request is to be taken as a reference to P's pensionable service in relation to this scheme so terminating; and
- (c) in paragraph (1)(b)(i), a reference to P's pensionable service continuing until the guarantee date is to be taken as a reference to P's pensionable service in relation to this scheme so continuing.

(3) In the application of regulation 4 of those Regulations (right to further cash equivalent on termination of employment to which the scheme applies) to P as a member of the old scheme, in paragraphs (1), (2), (3)(a) and (4) a reference to termination of P's employment is to be taken as a reference to termination of P's service in a qualifying judicial office to which this scheme applies.

Marginal Citations

- M11** S.R. 1996 No. 619.

Cash transfers and contribution refunds

10.—(1) Chapter 5 of Part 4 of the 1993 Act^{M12} (protection for early leavers: cash transfers and contribution refunds) is modified as follows.

(2) In the application of that Chapter to P as a member of the old scheme—

- (a) in section 97AA(1)(a) and (b) (scope of Chapter 5), a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to this scheme;
- (b) in section 97AA(2), a reference in the opening words and in paragraph (a) to P's pensionable service under the scheme is to be taken as a reference to P's pensionable service either for the old scheme or for the old scheme and this scheme taken together; and
- (c) in section 97AB(1) and (3) (right to cash transfer sum and contribution refund), 97AC(1) and (2)(a) (notification of right to cash transfer sum or contribution refund) and 97AI(7) (rights under section 971AB: definition of “reply date”), a reference to termination of P's pensionable service is to be taken as a reference to termination of P's pensionable service in relation to this scheme.
- (d) In the application of that Chapter to P as a member of this scheme, in section 97AA(2) a reference in the opening words and in paragraph (a) to P's pensionable service under the

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scheme is to be taken as a reference to P's pensionable service either for this scheme or for the old scheme and this scheme taken together.

(3) In the application of that Chapter to P as a member of this scheme, in section 97AA(2) a reference in the opening words and in paragraph (a) to P's pensionable service under the scheme is to be taken as a reference to P's pensionable service either under this scheme or under the old scheme and this scheme taken together.

Marginal Citations

M12 Chapter 5 was inserted by Article 241 of the [Pensions \(Northern Ireland\) Order 2005 \(S.I. 2005/255 \(N.I.1\)\)](#).

PART 3

Amendments

Amendments to the Judicial Pensions and Retirement Act 1993

11.—(1) Part 1 of the Judicial Pensions and Retirement Act 1993 ^{M13} (new arrangements for judicial pensions) is amended as follows.

(2) In section 2 (the judicial officer's entitlement to a pension)—

- (a) in subsection (7)(c), after “shall” insert “ (subject to subsection (7A)) ”, and
- (b) after subsection (7) insert—

“(7A) Subsection (7)(c) does not apply where, at the date of the retirement, the person—

- (a) is a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; and
- (b) is entitled under that scheme to early payment of benefits on the grounds of ill-health.”

(3) In section 4 (lump sum on the judicial officer's retirement or death), after subsection (3) insert—

“(3A) Subsection (3) does not apply where, at the date of the person's death—

- (a) the person is a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; and
- (b) a lump sum is payable under that scheme on the person's death.”

(4) In section 5 (surviving spouse's and surviving civil partner's pension), after subsection (6) insert—

“(7) In a case within subsection (6)(c), section 2(7)(c) (deemed increase in period of service) is to be disregarded in determining the rate that would have been the appropriate annual rate of the deceased's pension if, at the date of death—

- (a) the deceased was a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014, and
- (b) under that scheme, benefits are payable on the deceased's death to a widow, widower or surviving civil partner of the deceased.”

(5) In section 8 (rate of children's pension), after subsection (4) insert—

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“(5) Section 5(7) accordingly applies for the purposes of this section in a case within section 5(6)(c), but as if the reference in section 5(7)(b) to the benefits payable on the deceased's death included a reference to benefits payable to surviving dependants of the deceased.”

Marginal Citations

M13 1993 c. 8.

Amendment to the Public Service Pensions Act (Northern Ireland) 2014

12.—(1) Schedule 5 to the Public Service Pensions Act (Northern Ireland) 2014 ^{M14} (existing pension schemes) is amended as follows.

(2) After paragraph 2(b) insert—

- “(ba) a member of a panel of chairmen appointed under regulation 4(1)(a) of the Industrial Tribunals (Constitution and Rules of Procedure) Regulations (Northern Ireland) 2005 ^{M15},
- (bb) a member of a panel of chairmen appointed under Article 82 of the Fair Employment and Treatment (Northern Ireland) Order 1998 ”. ^{M16}

Marginal Citations

M14 2014 c.2 (N.I.)

M15 S.R. 2005 No. 150

M16 S.I. 1998/3162 (N.I. 2)

Status:

Point in time view as at 18/02/2015.

Changes to legislation:

The Judicial Pensions Regulations (Northern Ireland) 2015 is up to date with all changes known to be in force on or before 17 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.