

2022 No. 73

PUBLIC SERVICE PENSIONS

**The Judicial Pensions (Amendment) Regulations (Northern
Ireland) 2022**

Made - - - - *1st March 2022*

Coming into operation *1st April 2022*

The Department of Justice makes these Regulations in exercise of the powers conferred by sections 2(1), 3(1), (2), and (3), and 4(3) of, and paragraph 2 of Schedule 2 and Schedule 3 to, the Public Service Pensions Act (Northern Ireland) 2014^(a).

In accordance with section 21 of that Act, the Department of Justice has consulted such persons and representatives of such persons as appear to it to be likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, the Department of Finance^(b) has consented to the making of these Regulations.

The Department of Justice has had regard to the matters referred to in section 5(4) of that Act.

In accordance with section 24(1)(c) of that Act, the Pension Board for the scheme of judicial office holders has stated that it considers these Regulations to be minor or wholly beneficial.

Citation and commencement

1.—(1) These Regulations may be cited as the Judicial Pensions (Amendment) Regulations (Northern Ireland) 2022.

(2) These Regulations come into operation on 1st April 2022.

Interpretation

2. In these Regulations—

“The 2015 Regulations” means the Judicial Pensions Regulations (Northern Ireland) 2015^(c).

Amendments to the Judicial Pensions Regulations 2015

3.—(1) The 2015 Regulations are amended as follows.

(a) 2014 c.2 (N.I.).

(b) Formerly the Department of Finance and Personnel, see section 1(4) and (11) of and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c.5 (N.I.)).

(c) S.R. 2015 No. 76 as amended by S.R. 2016 No. 138; S.R. 2019 No. 26 and S.R. 2020 No. 10.

(2) For regulation 41(2) (closure of active member’s account) substitute—

“(2) The scheme manager must re-establish as active member’s account under this Chapter when the scheme manager closes a deferred member’s account under regulation 46.”.

(3) Omit regulation 49 (closure of full retirement account).

(4) In regulation 56(1)(b) (entitlement to full retirement pension) for “pensionable service under this scheme” substitute “qualifying judicial office”.

(5) After regulation 56(6) insert—

“(7) Where P resumes service in qualifying judicial office, this will not affect any entitlement under this regulation.”.

(6) Omit regulation 59 (full retirement pension ceases to be payable).

(7) In regulation 60 (exercise of partial retirement option)—

(a) in paragraph (1)(c), for “annual rate” substitute “amount”,

(b) in paragraph (2), after “part only of P’s accrued pensions” insert—

“in respect of a particular office”, and

(c) after paragraph (3), insert—

“(4) Where P holds more than one judicial office—

(a) P may exercise a partial retirement option separately in relation to each office held; and

(b) P may only access the pension accrued in relation to the particular office or offices in respect of which P is exercising the partial retirement option.

(5) For the purposes of calculating P’s annual pensionable earnings in relation to paragraph (1)(c) where P is a fee-paid office holder, the amount of pensionable earnings that P receives in respect of a particular office is calculated as follows—

Z per annum, where:

$$Z = \frac{J}{K}$$

where—

J means the total fee-paid income in respect of that office over the preceding three years, or, if less than three years, over the period since P was first appointed to that office;

K means the lesser of—

(a) 3; or

(b) the period in years (and a fraction of a year, determined by complete months) from the first sitting day in that particular office until the date of partial retirement;

“complete month” includes an incomplete month that consists of at least 16 days; and

Z means the annualised total of fees from that particular office.”

(8) In regulation 61 (partial retirement option notice)—

(a) in paragraph (2)(a)(i) after “pensions” insert—

“to which the office relates”, and

(b) in paragraph (2)(a)(ii) after “pensions” insert—

“to which the office relates”; and

(c) at the end of paragraph (2)(b) insert—

“, and

(c) if P holds more than one office, the office or offices in respect of which P is exercising the partial retirement option.”.

(9) In regulation 64 (annual rate of partial retirement pension) at the end of paragraph (1) insert “in the office from which P is taking partial retirement.”.

(10) In regulation 65 (annual rate of full retirement pension) at the end of paragraph (1) insert “in the office from which P is taking partial retirement.”.

Sealed with the Official Seal of the Department of Justice on 1st March 2022



Naomi Long
Minister of Justice

The Department of Finance consents to the foregoing Regulations.

Sealed with the Official Seal of the Department of Finance on 1st March 2022



Patrick Neeson
A senior office of the Department of Finance

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for technical amendments to the Judicial Pensions (Northern Ireland) Regulations 2015 (“the 2015 Regulations”) including provisions for partial retirement options.

In accordance with section 21 of the Public Service Pensions Act (Northern Ireland) 2014 (“the 2014 Act”), the Department of Justice has consulted such persons and representatives of such persons as appear to it likely to be affected by these Regulations.

In accordance with section 3(5) of the 2014 Act, the Department of Finance has consented to the making of these Regulations.

In accordance with section 24(1)(c) of the 2014 Act, the Pension Board for the scheme constituted by the 2015 Regulations has stated that it considers these Regulations to be minor or wholly beneficial.

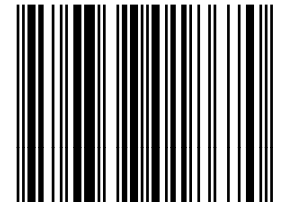
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