
DRAFT STATUTORY INSTRUMENTS

2015 No.

The Judicial Pensions Regulations 2015

PART 4

Scheme membership

CHAPTER 2

Pensionable service

Application of Chapter

16.—(1) This Chapter applies in relation to a continuous period of service in a qualifying judicial office.

(2) If a person is in service in 2 or more qualifying judicial offices, this Chapter applies separately in relation to each of the offices.

Enrolment

17.—(1) A person (P) begins pensionable service under this scheme in relation to a qualifying judicial office on the first day on which P becomes an eligible person in relation to service in that office unless—

- (a) regulation 21 applies; or
- (b) P is a transition member with continuity of service and paragraph (2) applies.

(2) This paragraph applies if—

- (a) the first day on which P becomes an eligible person in relation to service in a qualifying judicial office is the day after P's closing date; and
- (b) on P's closing date—
 - (i) P was in service in the same office; and
 - (ii) P has opted out of an existing scheme in relation to that service.

Opting into this scheme

18.—(1) A person who, in relation to a qualifying judicial office, is an eligible person but is not in pensionable service under this scheme may opt to become an active member of this scheme in relation to service in that office.

(2) A person who has a partnership pension account in relation to service in a qualifying judicial office may opt into this scheme in relation to service in that office (see regulation 19 for when opt-in takes effect).

(3) The option under this regulation may only be exercised by notice to the scheme manager in a form required by the scheme manager (“opt-in notice”).

(4) A person who exercises the option under this regulation in relation to service in a qualifying judicial office is taken to exercise that option on the date on which the opt-in notice is received by the scheme manager.

(5) If P opts out of this scheme within 12 months after opting in, P may not opt in again until after the end of that period of 12 months.

When does an option in take effect

19.—(1) If P opts into this scheme in relation to service in a qualifying judicial office for which P has a partnership pension account—

(a) P becomes an active member of this scheme in relation to that service on the first date that is 1st April or 1st October—

(i) after the period of 3 months beginning with the date on which the option is exercised;
or

(ii) after any shorter period the scheme manager considers appropriate; and

(b) immediately before that date, P’s partnership pension account is closed.

(2) If P opts into this scheme in relation to service for which P does not have a partnership pension account, P becomes an active member of this scheme in relation to that service—

(a) at the beginning of the first pay period beginning on or after the date on which the option is exercised; or

(b) if the scheme manager considers that pay period inappropriate, at any other time the scheme manager considers appropriate.

Opting out of this scheme

20.—(1) A person (P) opts out of this scheme in relation to service in a qualifying judicial office if—

(a) P opts not to be an active member of this scheme in relation to that service; or

(b) P opens a partnership pension account in relation to that service.

(2) P may only exercise the option under paragraph (1)(a) by notice to the scheme manager in a form required by the scheme manager (“opt-out notice”).

(3) The option is taken to be exercised on the date on which the opt-out notice is received by the scheme manager.

Opting out before the end of one month

21.—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in a qualifying judicial office before the end of one month after P’s first day of a continuous period of service in that office (or within any longer period the scheme manager considers appropriate).

(2) If this regulation applies, P is taken never to have been in pensionable service under this scheme in relation to the continuous period of service in that office.

(3) This regulation does not require the scheme manager to pay P any additional amount which becomes payable by P in respect of national insurance contributions because P has not after all been an active member of this scheme during any period.

Opting out after one month

22.—(1) This regulation applies if a person (P) opts out of this scheme in relation to a continuous period of service in a qualifying judicial office not less than one month after P's first day of a continuous period of service in that office.

(2) If P opts out of this scheme by opt-out notice, P ceases to be in pensionable service under this scheme in relation to that office—

- (a) on the first day of the first pay period beginning on or after the date on which the option is exercised; or
- (b) if the scheme manager considers that day inappropriate, on the first day of any later pay period the scheme manager considers appropriate.

(3) If P opens a partnership pension account, P ceases to be in pensionable service under this scheme in relation to that office on the first date that is 31st March or 30th September—

- (a) after the period of one month beginning with the date on which that account is opened; or
- (b) after any shorter period the scheme manager considers appropriate.