

Status: Point in time view as at 01/10/2009.

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 24.

CORRESPONDING MINOR AMENDMENTS TO OTHER PENSIONS ENACTMENTS

PART I

AMENDMENTS OF THE 1981 ACT

Dependent children: maximum allowable remuneration

- 1 (1) In section 21 of the 1981 Act (meaning of “period of childhood and full-time education”) in subsection (1)(c)(ii), for the words from “do not exceed” to “a year” there shall be substituted the words “do not exceed the maximum allowable remuneration”.
- (2) After subsection (3) of that section (meaning of “emoluments”) there shall be inserted—
- “(3A) For the purposes of subsection (1)(c)(ii) above, the “maximum allowable remuneration” at any time is an annual rate (£1,614 a year, at the passing of the Judicial Pensions and Retirement Act 1993) equal to that at which a pension of £250 a year—
- (a) first awarded under the principal civil service pension scheme on 1st June 1972, and
 - (b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971 to such a pension, would (as so increased) be payable at that time, rounding any resulting fraction of £1 up to the next whole £1.”
- (3) Subsections (5) and (6) of that section (orders increasing the earnings limit in subsection (1)(c)(ii)) shall cease to have effect.

Appeals

- 2 (1) Section 15 of the 1981 Act (which provides that the decision of the Treasury on certain questions shall be final) shall cease to have effect.
- (2) After section 32 of that Act there shall be inserted—

“32A Appeals.

- (1) If any person to whom this section applies is aggrieved by any decision taken by the administrators of a relevant pension scheme concerning—
- (a) the interpretation of the rules of the scheme, or
 - (b) the exercise of any discretion under the scheme,

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he shall have a right of appeal to the appropriate Minister against that decision.

- (2) On deciding an appeal under this section, the appropriate Minister may give to the administrators such directions as he considers necessary or expedient for implementing his decision.
- (3) The persons to whom this section applies are the following—
 - (a) any member of the scheme;
 - (b) the widow or widower, or any surviving dependant, of a deceased member of the scheme;
 - (c) where the decision relates to the question—
 - (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) above is such a person, or
 - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,
 the person so claiming.
- (4) Regulations may make provision as to the manner in which, and time within which, appeals under this section are to be brought.
- (5) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (6) In this section—

“the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme;

“the appropriate Minister” means—

 - (a) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State; or
 - (b) subject to paragraph (a) above, the Lord Chancellor;

“member”, in relation to a pension scheme, means a person whose service in an office is, was or is to be subject to the scheme;

“regulations” means regulations made by the appropriate Minister;

“relevant pension scheme” means any pension scheme constituted under or by virtue of this Act;

“rules”, in relation to a relevant pension scheme, means the provisions of this Act, and of any regulations or orders made under this Act, so far as relating to that scheme.”

Additional voluntary contributions

- 3 (1) Section 33A of the 1981 Act (which confers power to make regulations entitling any member of a judicial pension scheme constituted by that Act or by the ^{M1}Sheriffs’ Pensions (Scotland) Act 1961 to make voluntary contributions towards the provision of additional benefits under the scheme) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1), after the word “provision” there shall be inserted “ (a) ” and for the words “under the scheme” there shall be substituted the words “whether under the scheme or otherwise; or

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- (b) imposing conditions with respect to the exercise by any such person of any entitlement (whether or not under paragraph (a) above) which he may have to make any such voluntary contributions.”

(3) After that subsection there shall be inserted—

“(1A) The regulations may make provision for the purpose of imposing, in a case where a member makes voluntary contributions, upper limits with respect to—

- (a) the aggregate value of the aggregable benefits which may be paid to or in respect of any such member; and
- (b) the amount which any such member may pay by way of such contributions;

and, without prejudice to the generality of paragraph (b) above, the regulations may, in particular, impose such an upper limit on the amount which a member may pay by way of voluntary contributions as will, so far as reasonably practicable, secure that the aggregate value referred to in paragraph (a) above will not exceed the limit prescribed under that paragraph.

(1B) The regulations may—

- (a) prescribe the manner in which aggregable benefits are to be valued for the purpose of any such aggregation as is mentioned in subsection (1A) above;
- (b) confer on the administrators of a judicial pension scheme power to require a member who is making, or who wishes to make, voluntary contributions to provide such information as they may require concerning any retained benefits of his;
- (c) permit the disclosure by those administrators of any information which they may obtain concerning any such retained benefits—
 - (i) to, or to any officers of, the Commissioners of Inland Revenue; or
 - (ii) to, or to any servants or agents of, any authorised provider who is, or may be, concerned in the investment of the voluntary contributions or the provision of the additional benefits in question.”

(4) In subsection (2), in paragraph (b) (no limit on voluntary contributions, other than an upper limit corresponding to that imposed by section 594 of the ^{M2}Income and Corporation Taxes Act 1988) after the words “other than” there shall be inserted the words “either or both of the following, that is to say—

- (i) such upper limit as may be imposed by virtue of subsection (1A)(b) above; or

(ii) ”.

(5) At the end of that subsection there shall be added the words—

“ but paragraphs (c) and (d) above have effect only in relation to a voluntary contributions scheme constituted by or under this Act or the Sheriffs’ Pensions (Scotland) Act 1961. ”

(6) In subsection (3) (regulations about valuation of benefits etc)—

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- (a) the word “and” immediately preceding paragraph (b) shall be omitted; and
- (b) in that paragraph, for the words “limit imposed by virtue of” there shall be substituted the words “such limit as is mentioned in”.
- (7) At the end of that subsection there shall be added—
- “(c) provide for any administrative expenses incurred by any person by virtue of this section to be defrayed out of sums received by way of voluntary contributions;
- (d) provide for the manner in which voluntary contributions are to be made;
- (e) make provision for, and in connection with, the valuation of a person’s accrued rights—
- (i) under any occupational or personal pension scheme, which are to be transferred into a voluntary contributions scheme, or
- (ii) under any voluntary contributions scheme, which on termination of his membership of that scheme may fall to be transferred into another scheme;
- (f) prescribe the additional benefits which are to be available under a voluntary contributions scheme and the rates and times at which those benefits are to be payable;
- (g) make provision for and in connection with the making of elections between different benefits available under voluntary contributions schemes;
- (h) provide for the terms on which a person may terminate his membership of a voluntary contributions scheme;
- (j) provide for the terms on which surplus funds may be refunded to a person who has made payments by way of voluntary contributions to a voluntary contributions scheme;
- (k) specify any authorised providers—
- (i) who are to invest any prescribed voluntary contributions, or
- (ii) who are to provide any prescribed additional benefits,
- and, if two or more authorised providers are so specified, may make provision entitling any person who makes prescribed payments by way of voluntary contributions to elect between those authorised providers.”
- (8) Subsection (4) (limitation of voluntary contributions by reference to maximum entitlement of members) shall be omitted and before subsection (5) there shall be inserted—
- “(4A) The regulations may provide for such additional benefits arising under or by virtue of this section as may be prescribed—
- (a) to be charged on, and paid out of, the Consolidated Fund; or
- (b) to be paid out of money provided by Parliament.”
- (9) After subsection (5) there shall be inserted—
- “(5A) The regulations may make different provision for different classes or descriptions of voluntary contributions scheme.”
- (10) After subsection (8) there shall be added—

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“(9) In this section—

“administrators”, in relation to any scheme, means the persons entrusted with the administration of that scheme;

“aggregable benefits” means—

- (a) any pensions or other benefits under a judicial pension scheme, other than such additional benefits as are mentioned in subsection (1) above;
- (b) such additional benefits so mentioned as may be prescribed; and
- (c) such retained benefits as may be prescribed;

“authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means a person who is authorised under Chapter III of Part I of the Financial Services Act 1986 to invest those sums or, as the case may be, to provide that benefit;

“employment” has the same meaning as it has in the Social Security Pensions Act 1975 (and accordingly includes employment as a self-employed earner, within the meaning of that Act);

“judicial pension scheme” has the meaning given by section 14A(2) above;

“member” means member of a judicial pension scheme;

“occupational pension scheme” has the meaning given by section 66(1) of the Social Security Pensions Act 1975 or, in relation to Northern Ireland, Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975;

“personal pension scheme” has the meaning given by section 84(1) of the Social Security Act 1986 or, in relation to Northern Ireland, Article 2(2) of the Social Security (Northern Ireland) Order 1986;

“prescribed” means specified in, or determined in accordance with, the regulations;

“relevant benefits” has the meaning given by section 612(1) of the Income and Corporation Taxes Act 1988;

“retained benefits”, in the case of any person, means any rights retained by him to relevant benefits under any occupational or personal pension scheme which has, or which may be expected to qualify for, tax-exemption or tax-approval, being rights which accrued during some previous employment;

“surplus funds”, in relation to a person and any voluntary contributions scheme, means any funds which are, or have been, held for the purposes of that voluntary contributions scheme and which fall to be returned to him in consequence of any such limit as is mentioned in subsection (2)(b) above;

“tax-exemption” and “tax-approval” have the meaning given by section 84(1) of the Social Security Act 1986;

“voluntary contributions”, in relation to any member of a judicial pension scheme, means voluntary contributions towards the provision of additional benefits, whether under that scheme or otherwise;

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“voluntary contributions scheme” means any occupational pension scheme if and to the extent that it is a scheme under which such additional benefits as are mentioned in subsection (1) above are, or are to be, provided;

and, where a person’s voluntary contributions are made by deduction from salary, any reference to payment of, or by way of, voluntary contributions shall be taken to include a reference to the making of voluntary contributions by deduction or, as the case may require, to any voluntary contributions so made.

- (10) Without prejudice to subsections (3)(c) and (d) and (4A) above, there may be paid out of money provided by Parliament—
- (a) any sums required for or in connection with the operation or administration of any prescribed voluntary contributions scheme; or
 - (b) any administrative expenses incurred under or by virtue of this section by a Minister of the Crown or government department.
- (11) Any sums received under this section may be paid into the Consolidated Fund.”

Marginal Citations

M1 1961 c. 42.

M2 1988 c. 1.

PART II

AMENDMENT OF THE SHERIFFS’ PENSIONS (SCOTLAND) ACT 1961

Appeals

- 4 After section 9 of the ^{M3}Sheriffs’ Pensions (Scotland) Act 1961 there shall be inserted—

“9A Appeals.

- (1) If any person to whom a pension is payable under this Act is aggrieved by any decision taken by the administrators of a pension scheme constituted by this Act concerning—
 - (a) the interpretation of the provisions of the scheme, or
 - (b) the exercise of any discretion under the scheme,
 he shall have a right of appeal to the Secretary of State.
- (2) On deciding an appeal under this section, the Secretary of State may give to the administrators such directions as he considers necessary or expedient for implementing his decision.
- (3) The Secretary of State may by regulations make provision as to the manner in which, and time within which, appeals under this section are to be brought.

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- (4) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (5) In this section, “the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme.”

Marginal Citations

M3 1961 c. 42.

PART III

AMENDMENTS OF NORTHERN IRELAND PROVISIONS

Interpretation

- 5 In this Part of this Schedule—
- “the 1951 Act” means the ^{M4}Judicial Pensions Act (Northern Ireland) 1951;
- “the 1959 Act” means the ^{M5}County Courts Act (Northern Ireland) 1959;
- “the 1960 Act” means the ^{M6}Resident Magistrates’ Pensions Act (Northern Ireland) 1960;
- “the 1964 Order” means the ^{M7}Lands Tribunal (Salaries and Superannuation) Order (Northern Ireland) 1964;
- “the 1969 Act” means the ^{M8}Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969;
- “the 1975 Act” means the ^{M9}Social Security (Northern Ireland) Act 1975.

Marginal Citations

M4 1951 c. 20 (N.I.).

M5 1959 c. 25 (N.I.).

M6 1960 c. 2 (N.I.).

M7 S.R. & O. (N.I.) 1964 No. 191.

M8 1969 c. 7 (N.I.).

M9 1975 c. 15.

Dependent children: maximum allowable remuneration

- 6 (1) In subsection (1)(c)(ii) of each of the following enactments (which give the meaning of “period of childhood and full-time education”), that is to say—
- (a) section 9 of the 1951 Act,
- (b) section 125 of the 1959 Act,
- (c) section 7 of the 1960 Act,
- for the words from “do not exceed” to “a year” there shall be substituted the words “do not exceed the maximum allowable remuneration”.

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- (2) In paragraph 1(c)(ii) of Article 9 of the 1964 Order (which gives the meaning of “period of childhood and full-time education”), for the words from “do not exceed” to “a year” there shall be substituted the words “do not exceed the maximum allowable remuneration”.
- (3) The subsection set out in sub-paragraph (4) below shall be inserted—
- (a) numbered as subsection (2A), after subsection (2) of section 9 of the 1951 Act;
 - (b) numbered as subsection (2A), after subsection (2) of section 125 of the 1959 Act;
 - (c) numbered as subsection (4A), after subsection (4) of section 7 of the 1960 Act.
- (4) The subsection inserted by sub-paragraph (3) above is as follows—
- “(0) For the purposes of subsection (1)(c)(ii), the “maximum allowable remuneration” at any time is an annual rate (£1,614 a year, at the passing of the Judicial Pensions and Retirement Act 1993) equal to that at which a pension of £250 a year—
- (a) first awarded under the principal civil service pension scheme (within the meaning of that Act) on 1st June 1972, and
 - (b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971 to such a pension, would (as so increased) be payable at that time, rounding any resulting fraction of £1 up to the next whole £1.”
- (5) A paragraph in the same terms as the subsection set out in sub-paragraph (4) above, but with the substitution of the word “paragraph” for the word “subsection”, shall be inserted, numbered as paragraph (2A), after paragraph (2) of Article 9 of the 1964 Order.
- (6) Paragraph 18 of Schedule 1 to the ^{M10}Superannuation (Amendment) Act (Northern Ireland) 1966 (orders increasing the earnings limit in subsection (1)(c)(ii) of each of the sections specified in sub-paragraph (1) above) shall cease to have effect.

Marginal Citations

M10 1966 c. 27 (N.I.).

Appeals

- 7 (1) The following enactments (which correspond to section 15 of the 1981 Act) shall cease to have effect, that is to say—
- (a) section 116(6) of the 1959 Act;
 - (b) section 14 of the 1960 Act;
 - (c) paragraph 6(4) of Schedule 10 to the 1975 Act.
- (2) The section set out in sub-paragraph (3) below shall be inserted—
- (a) numbered as section 132A, after section 132 of the 1959 Act;
 - (b) numbered as section 21A, after section 21 of the 1960 Act.
- (3) The section inserted by sub-paragraph (2) above is as follows—

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Appeals.

- “0 (1) If any person to whom this section applies is aggrieved by any decision taken by the administrators of a relevant pension scheme concerning—
- (a) the interpretation of the rules of the scheme, or
 - (b) the exercise of any discretion under the scheme,
- he shall have a right of appeal to the Lord Chancellor against that decision.
- (2) On deciding an appeal under this section, the Lord Chancellor may give to the administrators such directions as he considers necessary or expedient for implementing his decision.
- (3) The persons to whom this section applies are the following—
- (a) any member of the scheme;
 - (b) the widow or widower, or any surviving dependant, of a deceased member of the scheme;
 - (c) where the decision relates to the question—
 - (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) is such a person, or
 - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,the person so claiming.
- (4) The Lord Chancellor may by regulations make provision as to the manner in which, and time within which, appeals under this section are to be brought.
- (5) Regulations made under this section shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.
- (6) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (7) In this section—
- “the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme;
 - “member”, in relation to a pension scheme, means a person whose service in an office is, was or is to be subject to the scheme;
 - “relevant pension scheme” means any pension scheme constituted under or by virtue of this Act;
 - “rules”, in relation to a relevant pension scheme, means the provisions of this Act, and of any regulations or orders made under this Act, so far as relating to that scheme.”
- (4) A paragraph in the same terms as the section set out in sub-paragraph (3) above, but with the substitution of the words “ this paragraph ” for the words “this section”, wherever occurring, shall be inserted, numbered as paragraph 7B, after paragraph 7A of Schedule 10 to the 1975 Act.

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Additional voluntary contributions

- 8 (1) The following enactments (which correspond to section 33A of the 1981 Act), that is to say—
- (a) section 11A of the 1951 Act,
 - (b) section 127A of the 1959 Act, and
 - (c) section 9A of the 1960 Act,
- shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1), after the word “provision” there shall be inserted “ (a) ” and for the words “under the scheme” there shall be substituted the words “whether under the scheme or otherwise; or
- (b) imposing conditions with respect to the exercise by any such person of any entitlement (whether or not under paragraph (a)) which he may have to make any such voluntary contributions.”
- (3) After that subsection there shall be inserted—
- “(1A) The regulations may make provision for the purpose of imposing, in a case where a member makes voluntary contributions, upper limits with respect to—
- (a) the aggregate value of the aggregable benefits which may be paid to or in respect of any such member; and
 - (b) the amount which any such member may pay by way of such contributions;
- and, without prejudice to the generality of paragraph (b), the regulations may, in particular, impose such an upper limit on the amount which a member may pay by way of voluntary contributions as will, so far as reasonably practicable, secure that the aggregate value referred to in paragraph (a) will not exceed the limit prescribed under that paragraph.
- (1B) The regulations may—
- (a) prescribe the manner in which aggregable benefits are to be valued for the purpose of any such aggregation as is mentioned in subsection (1A);
 - (b) confer on the administrators of a judicial pension scheme power to require a member who is making, or who wishes to make, voluntary contributions to provide such information as they may require concerning any retained benefits of his;
 - (c) permit the disclosure by those administrators of any information which they may obtain concerning any such retained benefits—
 - (i) to, or to any officers of, the Commissioners of Inland Revenue; or
 - (ii) to, or to any servants or agents of, any authorised provider who is, or may be, concerned in the investment of the voluntary contributions or the provision of the additional benefits in question.”
- (4) In subsection (2), in paragraph (b) (no limit on voluntary contributions, other than an upper limit corresponding to that imposed by section 594 of the ^{M11}Income and Corporation Taxes Act 1988) after the words “other than” there shall be inserted the words “either or both of the following, that is to say—

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- (i) such upper limit as may be imposed by virtue of subsection (1A)(b); or
 - (ii) ”.
- (5) At the end of that subsection there shall be added the words—
- “ but paragraphs (c) and (d) have effect only in relation to a voluntary contributions scheme constituted by or under this Act. ”
- (6) In subsection (3) (regulations about valuation of benefits etc)—
- (a) the word “and” immediately preceding paragraph (b) shall be omitted; and
 - (b) in that paragraph, for the words “limit imposed by virtue of” there shall be substituted the words “ such limit as is mentioned in ”.
- (7) At the end of that subsection there shall be added—
- “(c) provide for any administrative expenses incurred by any person by virtue of this section to be defrayed out of sums received by way of voluntary contributions;
 - (d) provide for the manner in which voluntary contributions are to be made;
 - (e) make provision for, and in connection with, the valuation of a person’s accrued rights—
 - (i) under any occupational or personal pension scheme, which are to be transferred into a voluntary contributions scheme, or
 - (ii) under any voluntary contributions scheme, which on termination of his membership of that scheme may fall to be transferred into another scheme;
 - (f) prescribe the additional benefits which are to be available under a voluntary contributions scheme and the rates and times at which those benefits are to be payable;
 - (g) make provision for and in connection with the making of elections between different benefits available under voluntary contributions schemes;
 - (h) provide for the terms on which a person may terminate his membership of a voluntary contributions scheme;
 - (i) provide for the terms on which surplus funds may be refunded to a person who has made payments by way of voluntary contributions to a voluntary contributions scheme;
 - (j) specify any authorised providers—
 - (i) who are to invest any prescribed voluntary contributions, or
 - (ii) who are to provide any prescribed additional benefits,and, if two or more authorised providers are so specified, may make provision entitling any person who makes prescribed payments by way of voluntary contributions to elect between those authorised providers.”
- (8) Subsection (4) (limitation of voluntary contributions by reference to maximum entitlement of members) shall be omitted and before subsection (5) there shall be inserted—

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“(4A) The regulations may provide for such additional benefits arising under or by virtue of this section as may be prescribed—

- (a) to be charged on, and paid out of, the Consolidated Fund of the United Kingdom; or
- (b) to be paid out of money provided by the Parliament of the United Kingdom.”

(9) After subsection (6) there shall be added—

“(7) In this section—

“administrators”, in relation to any scheme, means the persons entrusted with the administration of that scheme;

“aggregable benefits” means—

- (a) any pensions or other benefits under a judicial pension scheme, other than such additional benefits as are mentioned in subsection (1);
- (b) such additional benefits so mentioned as may be prescribed; and
- (c) such retained benefits as may be prescribed;

“authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means a person who is authorised under Chapter III of Part I of the Financial Services Act 1986 to invest those sums or, as the case may be, to provide that benefit;

“employment” has the same meaning as it has in the Social Security Pensions (Northern Ireland) Order 1975 (and accordingly includes employment as a self-employed earner, within the meaning of that Order);

“judicial pension scheme” means a scheme constituted by this Act;

“member” means member of a judicial pension scheme;

“occupational pension scheme” has the meaning given by Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975;

“personal pension scheme” has the meaning given by Article 2(2) of the Social Security (Northern Ireland) Order 1986;

“prescribed” means specified in, or determined in accordance with, the regulations;

“relevant benefits” has the meaning given by section 612(1) of the Income and Corporation Taxes Act 1988;

“retained benefits”, in the case of any person, means any rights retained by him to relevant benefits under any occupational or personal pension scheme which has, or which may be expected to qualify for, tax-exemption or tax-approval, being rights which accrued during some previous employment;

“surplus funds”, in relation to a person and any voluntary contributions scheme, means any funds which are, or have been, held for the purposes of that voluntary contributions scheme and which fall to be returned to him in consequence of any such limit as is mentioned in subsection (2)(b);

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“tax-exemption” and “tax-approval” have the meaning given by Article 2(2) of the Social Security (Northern Ireland) Order 1986;

“voluntary contributions”, in relation to any member of a judicial pension scheme, means voluntary contributions towards the provision of additional benefits, whether under that scheme or otherwise;

“voluntary contributions scheme” means any occupational pension scheme if and to the extent that it is a scheme under which such additional benefits as are mentioned in subsection (1) are, or are to be, provided;

and, where a person’s voluntary contributions are made by deduction from salary, any reference to payment of, or by way of, voluntary contributions shall be taken to include a reference to the making of voluntary contributions by deduction or, as the case may require, to any voluntary contributions so made.

- (8) Without prejudice to subsections (3)(c) and (d) and (4A), there may be paid out of money provided by the Parliament of the United Kingdom—
- (a) any sums required for or in connection with the operation or administration of any prescribed voluntary contributions scheme; or
 - (b) any administrative expenses incurred under or by virtue of this section by a Minister of the Crown or government department.
- (9) Any sums received under this section may be paid into the Consolidated Fund of the United Kingdom.”

Marginal Citations

M11 1988 c. 1.

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