



Welfare Reform and Pensions Act 1999

1999 CHAPTER 30

PART IV

PENSION SHARING

CHAPTER I

SHARING OF RIGHTS UNDER PENSION ARRANGEMENTS

Adaptation of statutory schemes

42 Extension of scheme-making powers

- (1) Power under an Act to establish a pension scheme shall include power to make provision for the provision, by reference to pension credits which derive from rights under—
 - (a) the scheme, or
 - (b) a scheme in relation to which the scheme is specified as an alternative for the purposes of paragraph 2 of Schedule 5, of benefits to or in respect of those entitled to the credits.
- (2) Subsection (1) is without prejudice to any other power.
- (3) Subsection (1) shall apply in relation to Acts whenever passed.
- (4) No obligation to consult shall apply in relation to the making, in exercise of a power under an Act to establish a pension scheme, of provision of a kind authorised by subsection (1).
- (5) Any provision of, or under, an Act which makes benefits under a pension scheme established under an Act a charge on, or payable out of—
 - (a) the Consolidated Fund,
 - (b) the Scottish Consolidated Fund, or

Status: This is the original version (as it was originally enacted).

(c) the Consolidated Fund of Northern Ireland, shall be treated as including any benefits under the scheme which are attributable (directly or indirectly) to a pension credit which derives from rights to benefits charged on, or payable out of, that fund.

(6) In this section—

“pension credit” includes a credit under Northern Ireland legislation corresponding to section 29(1)(b);

“pension scheme” means a scheme or arrangement providing benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of persons to whom the scheme or arrangement applies.

43 Power to extend judicial pension schemes

(1) The appropriate minister may by regulations amend the Sheriffs' Pensions (Scotland) Act 1961, the Judicial Pensions Act 1981 or the Judicial Pensions and Retirement Act 1993 for the purpose of—

(a) extending a pension scheme under the Act to include the provision, by reference to pension credits which derive from rights under—

(i) the scheme, or

(ii) a scheme in relation to which the scheme is specified as an alternative for the purposes of paragraph 2 of Schedule 5,

of benefits to or in respect of those entitled to the credits, or

(b) restricting the power of the appropriate minister to accept payments into a pension scheme under the Act, where the payments represent the cash equivalent of rights under another pension scheme which are attributable (directly or indirectly) to a pension credit.

(2) Regulations under subsection (1)—

(a) may make benefits provided by virtue of paragraph (a) of that subsection a charge on, and payable out of, the Consolidated Fund;

(b) may confer power to make subordinate legislation, including subordinate legislation which provides for calculation of the value of rights in accordance with guidance from time to time prepared by a person specified in the subordinate legislation.

(3) The appropriate minister for the purposes of subsection (1) is—

(a) in relation to a pension scheme whose ordinary members are limited to those who hold judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, and

(b) in relation to any other pension scheme, the Lord Chancellor.

(4) In this section—

“pension credit” includes a credit under Northern Ireland legislation corresponding to section 29(1)(b);

“pension scheme” means a scheme or arrangement providing benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of persons to whom the scheme or arrangement applies.