

## SCHEDULES

### SCHEDULE 9

#### TRIBUNALS: TRANSITIONAL PROVISION

##### PART 4

#### AMENDMENTS TO THE JUDICIAL PENSIONS AND RETIREMENT ACT 1993

18 After section 12 insert—

#### **“12A Transfer of rights under other public service pension schemes**

- (1) Where this Part—
  - (a) begins, on or after the day on which this section comes into force, to apply to a person by virtue of section 1(1)(d) above, or
  - (b) begins to apply to a person—
    - (i) by virtue of section 1(1)(e) above, or
    - (ii) by virtue of paragraph 11(4) of Schedule 9 to the Tribunals, Courts and Enforcement Act 2007,any relevant public service pension rights of his shall be transferred to the scheme constituted by this Part.
- (2) Where a person’s rights under a public service pension scheme are transferred under subsection (1) above—
  - (a) that scheme shall no longer have effect in relation to him, and
  - (b) no pension or lump sum under the scheme shall be paid to or in respect of him.
- (3) Regulations may make provision—
  - (a) for calculating, whether by actuarial assessment or otherwise, the amount or value of the rights transferred under subsection (1) above, and
  - (b) prescribing the manner in which those rights are to be given effect under this Part.
- (4) Without prejudice to the generality of paragraph (b) of subsection (3) above, regulations under that paragraph may provide for rights transferred under subsection (1) above to be given effect by crediting the person in question with such service, on or after the day on which this Part first applies to the person, as may be prescribed.
- (5) For the purposes of this section, a persons’s “relevant public service pension rights” are the person’s accrued rights to benefit under any public service pension scheme, but this is subject to subsections (6) to (8) below.

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*Status: This is the original version (as it was originally enacted).*

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- (6) A person's rights under a public service pension scheme are not "relevant public service pension rights" if the scheme is a judicial pension scheme other than—
- (a) the principal civil service pension scheme, or
  - (b) the principal civil service pension scheme for the civil service of Northern Ireland.
- (7) A person's rights—
- (a) under the principal civil service pension scheme, or
  - (b) under the principal civil service pension scheme for the civil service of Northern Ireland,
- are not "relevant public service pension rights" if they are transferred under section 12 above.
- (8) A person's rights under a public service pension scheme are not "relevant public service pension rights" unless at least some of his service which was subject to the scheme was qualifying tribunal service and, in that event, all of his rights under the scheme shall be regarded as relevant public service pension rights.
- (9) In this section—
- “prescribe” means prescribe in regulations;
- “public service pension scheme” means any public service pension scheme, as defined in—
- (a) section 1 of the Pension Schemes Act 1993, or
  - (b) section 1 of the Pension Schemes (Northern Ireland) Act 1993;
- “qualifying tribunal service” means—
- (a) service as, or as a member of, a tribunal specified in a list in Schedule 6 to the Tribunals, Courts and Enforcement Act 2007 that has effect for the purposes of section 30 of that Act, or
  - (b) service as an authorised decision-maker for a tribunal, within the meaning given by section 31(4) of that Act;
- “regulations” means regulations made by the Lord Chancellor with the concurrence of the Treasury.

### **12B Rate of pension etc. where rights transferred under section 12 or 12A**

Entitlement to, and the rate or amount of, any judicial pension or derivative benefit payable under this Part to or in respect of a person whose rights are transferred under section 12 or 12A above shall be determined by reference to—

- (a) any rights of his that are transferred under section 12 above,
- (b) any rights of his that are transferred under section 12A above, and
- (c) his service in qualifying judicial office on or after the day on which this Part first applies to him.”