
STATUTORY INSTRUMENTS

1995 No. 2961

PENSIONS

**The Judicial Pensions (Contributions)
(Amendment) Regulations 1995**

Made - - - - 20th November 1995
Laid before Parliament 20th November 1995
Coming into force - - 11th December 1995

The Lord Chancellor, and in relation to judicial offices whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, in exercise of the powers conferred on them by section 9 of the Judicial Pensions and Retirement Act 1993(1) and with the concurrence of the Treasury, hereby make the following Regulations—

1. These Regulations may be cited as the Judicial Pensions (Contributions) (Amendment) Regulations 1995 and shall come into force on 11th December 1995.

2. The Judicial Pensions (Contributions) Regulations 1995(2) shall be amended in accordance with the following provisions of these Regulations and, in those provisions, any reference to a regulation by number alone shall be construed as a reference to the regulation so numbered in the 1995 Regulations.

3. In regulation 3(1), for “retires” there shall be substituted “ceases to hold qualifying judicial office”.

4. For regulation 3(4) there shall be substituted—

“(4) The period of time for which an office-holder has to make contributions under paragraph (1) shall be reduced by the amount of any contributions credit granted to the office-holder in accordance with regulation 4.”

5. In sub-paragraph (b) of regulation 4(3)—

(a) after “(5)(c)” there shall be inserted “and (d)”; and

(b) for the words from and including “3% of the pension-capped salary” to the end of that sub-paragraph there shall be substituted “3% of the pension-capped salary which would

(1) 1993 c. 8; by virtue of section 9(5) the power to make these Regulations is vested in “the appropriate Minister” which expression is defined in section 30(1) as (a) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State or (b) subject to (a), the Lord Chancellor.

(2) S.I.1995/638.

have been paid to the office-holder had he held the office or offices which he held while a member of his last existing scheme throughout the period of notional service”.

6. For regulation 4(4)(b) there shall be substituted—

“(b) subject to paragraph (5)(c) and (e), B is the total of—

(i) the amount of the contributions calculated in accordance with paragraph (3)(b) in respect of the last existing scheme; and

(ii) the amount of the contributions that the office-holder would have paid throughout the length of the notional service that relates to any former scheme on the basis that that notional service ends—

(1) in respect of the former scheme of which he was a member immediately before entering the last existing scheme, the day immediately prior to the first day of notional service attributable to the last existing scheme; and

(2) in respect of any other former scheme, the day immediately prior to the first day of notional service attributable to the former scheme of which he was next a member;

at the rate of 3% of the pension-capped salary that would have been paid to him had he held the office or offices held while a member of the former scheme in question throughout the period of notional service that relates to that former scheme;”.

7. After regulation 4(5)(c), there shall be added—

“(d) where, in paragraph (3)(b), the length of notional service exceeds 20 years, there shall be taken into account only the amount of contributions which would have been made by the office-holder during the first 20 years of the notional service commencing on the first day of notional service attributable to the last existing scheme;

(e) where, in paragraph (4)(b), the length of notional service in the last existing scheme and any former schemes exceeds 20 years, there shall be taken into account only the amount of contributions which would have been made by the office-holder during the first 20 years of the notional service commencing on the first day of notional service attributable to the first former scheme of which the office-holder was a member; and

(f) where an office-holder held more than one office successively while a member of the last existing scheme or while a member of a former scheme, he shall be treated as having held each office during the period of notional service attributable to that scheme for that period of time which bears the same proportion to the total length of notional service as the period actually served in that office bears to the total length of actual service while a member of that scheme.”.

8. In regulation 5(1)—

(a) for “(3)” there shall be substituted “(4)”; and

(b) for “period of service” there shall be substituted “period of notional service”.

9. For regulation 5(3) there shall be substituted the following—

“(3) An election made under this regulation shall, if it has not been previously revoked, cease to have effect when the office-holder has made additional contributions for a period equal in length to the period of notional service for which contributions have not been credited.

(3A) Where an office-holder makes additional contributions at a rate of 3% then, for every year during which he makes contributions at that rate, he shall be treated as having made additional contributions for a period of one year.

(3B) Where an office-holder makes additional contributions at a rate higher than 3% then, for every year during which he makes contributions at that rate, he shall be treated as having made additional contributions for a correspondingly longer period of years as set out in the table below—

Additional contributions	No. of years credit
6%	2
9%	3
12%	4

(3C) Where an office-holder makes additional contributions at a rate specified in paragraphs (3A) or (3B) for a part of a year, then the period of years for which he shall be treated as having made additional contributions under those paragraphs shall be reduced proportionately.”.

10. In regulation 6(1)—

- (a) in sub-paragraph (a), for “the scheme” there shall be substituted “the Part I scheme”; and
- (b) in sub-paragraph (b), for “while he had” there shall be substituted “until the date on which he last ceased to have”.

11. In regulation 6(4)—

- (a) in sub-paragraph (a), for “throughout his service to the notional date” there shall be substituted “throughout the period of his notional service and actual service in the Part I scheme up to the notional date”; and
- (b) in sub-paragraph (b), for “the contributions made” there shall be substituted “the period equal in length to the period of service during which actual contributions have been made”.

12. In regulation 6(6), for “ $(L/M \times 20) - (H \times P) \times 3\%$ ” there shall be substituted “ $((L/M \times 20) - H) \times P \times 3\text{percent}$ ”.

13. In regulation 6(7), for “ $N + ((L/M) \times 20)$ ” there shall be substituted “ $((L/M) \times 20)$ and commencing on N”.

14. In regulation 7(2), for “periodical payments” there shall be substituted “periodical contributions”.

15. For regulation 7(5) there shall be substituted the following—

“(5) Where an office-holder ceases to hold qualifying judicial office in the circumstances mentioned in regulation 6(6), there shall be refunded to him (subject to paragraph (6)) together with compound interest the contributions that are attributable to the period of service being the period (if any) by which Y exceeds $(Y/Z) \times 20$ where—

- (a) Y is the actual length of service of the office-holder while a member of the Part I scheme;
- (b) Z is the length of service which the office-holder would have served as a member of the Part I scheme if that service had continued until the earliest age at which he would have been able to retire with a pension immediately payable under section 2(1) of the 1993 Act; and

- (c) the periods Y and $(Y/Z) \times 20$ commence on the first day of service while a member of the Part I scheme.”.
16. At the beginning of regulation 8(1) there shall be inserted “Subject to paragraphs (7) and (8)”.
17. In regulation 8(2), for “Regulation 8(2) and (3)” there shall be substituted “Regulation 7(2) and (3)”.
18. In regulation 8(3)(c), at the end, there shall be added “together with compound interest”;
19. For regulation 8(4) there shall be substituted the following—
- “(4) Where an office-holder is unmarried at the date of retirement but—
- (a) during some period or periods of his service has had either a spouse or eligible children; and
- (b) the total of his contributions credit and the period equal in length to the period of service during which actual contributions have been made into the Part I scheme exceeds the total length of the period of his notional service and actual service in the Part I scheme up to the notional date,
- the amount to be refunded (subject to paragraph (10)) shall be calculated in accordance with the formula $K - Q$.”.
20. Regulation 8(5) shall be omitted.
21. In regulation 8(6)—
- (a) for “J exceeds K” there shall be substituted “K exceeds J”; and
- (b) for “J–K”, there shall be substituted “K–J”.
22. In regulation 8(8)—
- (a) after “section 1(1)(b)” there shall be inserted “or, except where paragraph (7) applies, by virtue of section 1(1)(d)”;
- (b) for “actual contributions made” there shall be substituted “the period equal in length to the period of service during which actual contributions have been made”; and
- (c) for “J–(B+S)” there shall be substituted “K–(B+S)”.

Dated 13th November 1995

Mackay of Clashfern, C.

Dated 15th November 1995

M. B. Forsyth
One of Her Majesty’s Principal Secretaries of
State

We concur

Dated 20th November 1995

Simon Burns
Derek Conway
Two of the Lords Commissioners of Her
Majesty's Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Judicial Pensions (Contributions) Regulations 1995 in order to correct some errors and to provide that the refund provisions of regulation 8(8) should apply to office-holders to whom the pension scheme constituted under Part 1 of the Judicial Pensions and Retirement Act 1993 applies by virtue of section 1(1)(d) of that Act as well as those to whom it applies by virtue of section 1(1)(b).