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STATUTORY INSTRUMENTS

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**1995 No. 636**

**PENSIONS**

**The Judicial Pensions (Transfer Between  
Judicial Pension Schemes) Regulations 1995**

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>31st March 1995</i>

The Lord Chancellor, and, in relation to judicial offices whose jurisdiction is exercised exclusively in Scotland, the Secretary of State, in exercise of the powers conferred on them by sections 12 and 29 of the Judicial Pensions and Retirement Act 1993<sup>(1)</sup> and with the concurrence of the Treasury, hereby make the following Regulations—

**Title and commencement**

1. These Regulations may be cited as the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995 and shall come into force on 31st March 1995.

2. In these Regulations—

“former scheme” means any relevant scheme of the member (except a voluntary contributions scheme) prior to his transfer to the Part I scheme other than the last existing scheme;

“last existing scheme” means:

- (a) the relevant scheme of the member immediately prior to his transfer to the Part I scheme;
- (b) where a member was a member of a relevant scheme prior to appointment as Lord Chancellor and is subsequently re-appointed to qualifying judicial office, the relevant scheme at the date he last held qualifying judicial office; or
- (c) where Part I of the 1993 Act applies to a member by virtue of section 1(c) of that Act, the relevant scheme of the member at the date he last held qualifying judicial office;

“member” means a member of a relevant scheme to whom section 12 of the 1993 Act applies;

“Part I scheme” means the scheme constituted under Part I of the 1993 Act;

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<sup>(1)</sup> 1993 c. 8; by virtue of section 12(4) 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 Scotland, the Secretary of State, or (b) subject to (a), the Lord Chancellor.

“relevant scheme” means any judicial pension scheme constituted otherwise than by or under the 1993 Act;

“the 1993 Act” means the Judicial Pensions and Retirement Act 1993;

“voluntary contributions scheme” means a judicial pension scheme providing for the purchase of benefits additional to those provided by or under the Part I scheme or a relevant scheme by means of additional voluntary contributions;

“15 year scheme”, “20 year scheme”, “30 year scheme” and “40 year scheme” means a scheme in respect of which service in qualifying judicial office for 15, 20, 30 or 40 years, as the case may be, is a condition of eligibility for an annual pension at the rate of one half of the last annual salary payable in respect of that office.

### **Purpose and effect**

**3.**—(1) These regulations shall apply for the purposes of valuing a member’s relevant rights which are to be transferred to the Part I scheme under section 12 of the 1993 Act.

(2) The sum of a member’s relevant rights in his last existing scheme and his relevant rights in any former scheme shall form the total amount to be transferred into the Part I scheme.

(3) The total amount to be transferred into the Part I scheme shall be expressed as a period of notional service in the office held by the member at the date of transfer in accordance with regulations 5, 6 and 7.

### **Service multiplier**

**4.** For the purposes of regulations 5(1)(b) and 6(1)(b), the service multiplier appropriate to the member in respect of the last existing scheme or any former scheme shall be—

- (a) in relation to a 15 year scheme: 1.25;
- (b) in relation to a 20 year scheme: 1;
- (c) in relation to a 30 year scheme: 0.67;
- (d) in relation to a 40 year scheme: 0.5.

### **Valuation of relevant rights: last existing scheme**

**5.**—(1) The value of a member’s relevant rights to be transferred from his last existing scheme to the Part I scheme shall be calculated in accordance with the formula  $A \times B$  where—

- (a) A is the member’s length of service in qualifying judicial offices that were subject to his last existing scheme (expressed in years and days) excluding any period during which an election referred to in section 13(8) of the 1993 Act is in force; and
- (b) B is the service multiplier appropriate to the member in respect of his last existing scheme.

(2) For the purpose of the calculation—

- (a) the number of days in A shall be expressed in decimal form to four decimal places by dividing them by 365; and
- (b) the decimal part of the product  $A \times B$  shall be converted back into days by multiplying it by 365.

(3) The transfer value arrived at by applying the formula shall be rounded up to the next full day.

(4) Where a member holds two qualifying judicial offices concurrently, no day shall be counted more than once.

### **Valuation of relevant rights: former schemes**

6.—(1) The value of a member’s relevant rights to be transferred from any former scheme into the Part I scheme shall be calculated in accordance with the formula  $A \times B \times (C/D)$  where—

- (a) A is the member’s length of service in qualifying judicial offices that were subject to the former scheme (expressed in years and days) excluding any period during which an election referred to in section 13(8) of the 1993 Act is in force;
- (b) B is the service multiplier appropriate to the member in respect of the former scheme;
- (c) C is the salary of the office that the member held while a member of the former scheme at the date of transfer from that former scheme to another former scheme or the last existing scheme as appropriate;
- (d) D is the salary of the office that the member held while a member of his last existing scheme at the date of transfer into the last existing scheme.

(2) For the purposes of the calculation—

- (a) the number of days in A shall be expressed in decimal form to four decimal places by dividing them by 365; and
- (b) the decimal part of the product of  $A \times B \times (C/D)$  shall be converted back into days by multiplying it by 365.

(3) Regulation 5(3) and (4) shall apply to the valuation of relevant rights in a former scheme as they apply to the valuation of relevant rights in the last existing scheme.

### **Voluntary contributions: valuation of benefits purchased under the Judicial Added Benefits Scheme**

7.—(1) In this regulation—

“The Judicial Added Benefits Scheme” means the scheme of that name constituted under Part IV of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(2);

“normal pension age” means the age at which a member could retire under his last existing scheme with a pension immediately payable.

(2) Any added units of benefit which a member has purchased under the Judicial Added Benefits Scheme shall be valued by using the formula  $D \times (A/B \times C)$  where—

- (a) A is the number of contributions made to the Judicial Added Benefits Scheme;
- (b) B is the number of contributions potentially payable from the commencement of contributions to the member’s normal pension age;
- (c) C is the number of added units of benefit which the member has contracted to purchase; and
- (d) D is the appropriate service credit figure, determined, subject to sub-paragraph (e), by reference to the age of the member at his last birthday at the date of transfer, set out in the relevant table in Schedule 1.
- (e) in the case of a member of the Land Tribunal scheme or District Judiciary scheme, D shall be determined by reference both to the age of the member at his last birthday at the date of transfer, and his age last birthday at the date of entry into the Land Tribunal scheme or District Judiciary scheme as appropriate, as set out in the table relating to those schemes in Schedule 1.

(3) For the purposes of the calculation—

- (a) the product of  $D \times (A/B \times C)$  shall be expressed to four decimal places; and

- (b) the decimal part of the product shall be converted into days by multiplying it by 365.
- (4) The transfer value arrived at by applying the formula shall be rounded up to the next full day.
- (5) Schedule 2 shall apply for the purpose of determining the relevant table in Schedule 1 appropriate to the member.

**Voluntary contributions: treatment of added years purchased**

8. Any added years which a member may have purchased while belonging to a relevant scheme shall be treated, for the purposes of regulation 5, as if they had been actual years served under his last existing scheme.

**Voluntary contributions: relevant rights in voluntary contributions schemes**

9.—(1) Any relevant rights that a member may have in a voluntary contributions scheme that is open to members both of the member's last existing scheme and members of the Part I scheme shall either—

- (a) remain within that voluntary contributions scheme; or
- (b) be transferred into the Part I scheme in accordance with the Judicial Pensions (Transfer of Accrued Benefits) Regulations 1995(3);

as the member wishes.

(2) Any relevant rights that a member may have in any other voluntary contributions scheme (except the Judicial Added Benefits Scheme as defined in regulation 7) shall either—

- (a) be transferred into the Judicial Additional Voluntary Contributions Scheme constituted by Part II of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(4) provided that the scheme falls within regulation 2.22 of those Regulations; or
- (b) be transferred into the Part I scheme in accordance with the Judicial Pensions (Transfer of Accrued Benefits) Regulations 1995;

as the member wishes.

(3) Where paragraphs (1) or (2) apply, the member shall notify the administrators in writing of his wishes before the date of transfer into the Part I scheme.

**Effect of transferred rights**

10. Any service credited to a member by virtue of section 12 of the 1993 Act and these Regulations shall be treated for all purposes in the same way as actual service by the member after the relevant day.

Dated 6th March 1995

*Mackay of Clashfern, C.*

Dated 7th March 1995

*Ian Lang*  
One of Her Majesty's Principal Secretaries of  
State

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(3) S.I. 1995/637.  
(4) S.I. 1995/639.

We concur

Dated 7th March 1995

*Andrew Mitchell*  
*Timothy Wood*  
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.

SCHEDULE 1

Regulation 7

HIGHER JUDICIARY SCHEME

Age last Birthday	Service Credit (years)
56	0.825
57	0.820
58	0.815
59	0.810
60	0.805
61	0.800
62	0.795
63	0.785
64	0.780
65	0.795
66	0.835
67	0.880
68	0.930

CIRCUIT JUDICIARY SCHEME

Age last Birthday	Service Credit (years)
58	0.750
59	0.740
60	0.735
61	0.725
62	0.720
63	0.710
64	0.700
65	0.710
66	0.745
67	0.780
68	0.815
69	0.865
70	0.920

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LAND TRIBUNAL SCHEME AND DISTRICT JUDICIARY SCHEME

Age last Birthday at date of transfer	Age last Birthday at Entry into the Land Tribunal Scheme or District Judiciary Scheme								
	46-49	50	51	52	53	54	55	56	57-70
46	1.030								
47	1.030								
48	1.030								
49	1.030								
50	1.025	1.005							
51	1.025	1.005	0.965						
52	1.025	1.005	0.965	0.925					
53	1.025	1.005	0.960	0.925	0.890				
54	1.025	1.005	0.960	0.920	0.885	0.850			
55	1.025	1.005	0.960	0.920	0.885	0.845	0.815		
56	1.025	1.000	0.955	0.920	0.880	0.845	0.810	0.775	
57	1.025	1.000	0.955	0.915	0.875	0.840	0.805	0.770	0.755
58	1.025	1.000	0.955	0.910	0.875	0.835	0.800	0.765	0.750
59	1.025	1.000	0.950	0.910	0.870	0.830	0.795	0.760	0.740
60	1.025	1.000	0.950	0.905	0.865	0.825	0.785	0.750	0.735
61	1.025	1.000	0.950	0.905	0.860	0.820	0.780	0.745	0.725
62	1.025	0.995	0.945	0.900	0.855	0.815	0.775	0.735	0.720
63	1.025	0.995	0.945	0.895	0.850	0.805	0.765	0.725	0.710
64	1.025		0.940	0.890	0.845	0.800	0.760	0.720	0.700
65				0.915	0.865	0.815	0.770	0.730	0.710
66					0.915	0.860	0.810	0.765	0.745
67						0.905	0.850	0.800	0.780
68							0.900	0.845	0.820
69								0.895	0.865
70									0.920

STIPENDIARY MAGISTRATE SCHEME AND SHERIFF PRINCIPAL SCHEME

Age last Birthday	Service Credit (years)
46	1.030
47	1.030

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Age last Birthday	Service Credit (years)
48	1.030
49	1.030
50	1.025
51	1.025
52	1.025
53	1.025
54	1.025
55	1.025
56	1.025
57	1.025
58	1.025
59	1.025
60	1.025
61	1.025
62	1.025
63	1.025

SCHEDULE 2

Regulation 7

EXISTING JUDICIAL SCHEME JUDICIAL  
OFFICES INCLUDED IN EACH ARRANGEMENT

**Higher Judiciary Scheme**

- Lord of Appeal in Ordinary
- Lord Chief Justice of England
- Master of the Rolls
- Lord President of the Court of Session
- Lord Chief Justice of Northern Ireland
- Lord Justice Clerk
- Lord Justice of Appeal (in England and Wales or Northern Ireland)
- President of the Family Division
- Vice-Chancellor
- High Court Judge (in England and Wales or Northern Ireland)
- Judge of the Court of Session



President or Vice-President of the Industrial Tribunals and the Fair Employment Tribunal, appointed under section 3 of the Fair Employment (Northern Ireland) Act 1989<sup>(5)</sup>

Chairman of Industrial Tribunals or of the Fair Employment Tribunal, appointed in pursuance of regulations under Article 30 of the Industrial Training (Northern Ireland) Order 1984<sup>(6)</sup> or appointed under section 3(1)(c) of the Fair Employment (Northern Ireland) Act 1989

Chairman of the Scottish Land Court

President of the Industrial Court appointed in pursuance of Article 91 of the Industrial Relations (Northern Ireland) Order 1992<sup>(7)</sup>

Recorder of London

Common Serjeant

### **Sheriff Principal Scheme**

Sheriff Principal in Scotland

### **Circuit Judiciary Scheme**

Circuit Judge

County Court Judge in Northern Ireland

Chief or other Social Security Commissioner

Chief or other Child Support Commissioner

Chief or other Social Security Commissioner for Northern Ireland

Chief or other Child Support Commissioner for Northern Ireland

President of the Industrial Tribunals (England and Wales)

President of the Industrial Tribunals (Scotland)

Chairman of Industrial Tribunals appointed in pursuance of regulations under section 128 of the Employment Protection (Consolidation) Act 1978<sup>(8)</sup>

President or Vice-President of Value Added Tax Tribunals

Chairman of Value Added Tax Tribunals

President, Regional Chairman or Chairman of Social Security Appeal Tribunals, Medical Appeal Tribunals, Disability Appeal Tribunals or Child Support Appeal Tribunals if in a 15 year scheme

President of Social Security Appeal Tribunals, Medical Appeal Tribunals, Disability Appeal Tribunals or Child Support Appeal Tribunals in Northern Ireland

President or other member of the Lands Tribunal for Northern Ireland

### **District Judiciary Scheme**

Sheriff in Scotland

Master or Registrar of the Supreme Court

Registrar of Civil Appeals

Master of the Court of Protection

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(5) 1989 c. 32.

(6) S.I. 1984/1159 (N.I.9).

(7) S.I. 1982/528 (N.I.8).

(8) 1978 c. 44.

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District Judge of the Principal Registry of the Family Division(\*)

District Judge in England and Wales(\*)

President, Regional Chairman or Chairman of Social Security Appeal Tribunals, Medical Appeal Tribunals, Disability Appeal Tribunals, Child Support Appeal Tribunals if in a 20 year scheme

Commissioner for the special purposes of the Income Tax Acts appointed under section 4 of the Taxes Management Act 1970(9)

President of Pensions Appeal Tribunals.

### **Land Tribunal Scheme**

President or other member of the Lands Tribunal, the Lands Tribunal for Scotland

President or other member of the Immigration Appeal Tribunal.

### **Stipendiary Magistrate Scheme**

Stipendiary Magistrate in England and Wales

Resident Magistrate appointed under the Magistrates' Courts Act (Northern Ireland) 1964(10)

Chairman of Social Security Appeal Tribunals, Medical Appeal Tribunals, Disability Appeal Tribunal or Child Support Appeal Tribunals in Northern Ireland.

(\*) Except for office-holders pensionable under the PCSPS, who are not eligible to join the judicial AVC schemes.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations apply to the transfer of benefits between existing judicial pension schemes and the pension scheme constituted by Part I of the Judicial Pensions and Retirement Act 1993. They provide for the valuation of the benefits to be transferred including those arising out of voluntary contributions.

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(9) 1970 c. 9.

(10) 1964 c. 21.