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STATUTORY INSTRUMENTS

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**1995 No. 637**

**The Judicial Pensions (Transfer of  
Accrued Benefits) Regulations 1995**

**PART III**

**TRANSFER INTO THE PART I SCHEME AND SECTION 19 SCHEME**

**Limits on the amount of payments**

**10.** In respect of payments into a scheme under paragraph 11(1) of Schedule 2 to the 1993 Act there shall be no limit on the amount that the Minister may accept into the Part I scheme or section 19 scheme.

**Qualifying schemes**

**11.** For the purposes of paragraph 11(3) of Schedule 2 to the 1993 Act, the requirements to be met by a qualifying scheme are—

- (a) in relation to a transfer in to a Part I scheme those set out in sub-paragraphs (i) to (iv) of regulation 5(a); and
- (b) in relation to a transfer in to a section 19 scheme that set out in regulation 5(b).

**Manner of accepting payment**

**12.** Payments into the Part I scheme shall be made direct from the trustees or administrators of the qualifying scheme and in no other manner.

**Benefits to be provided**

**13.** The benefits to be provided to a member in respect of the transfer payment into the Part I scheme or the section 19 scheme shall be —

- (a) an annual pension payable to the member from the same date and at the same intervals as his pension under the Part I scheme; and
- (b) derivative benefits payable at the same intervals and to the same persons as the benefits under the Part I scheme are payable.

**Part I scheme: Calculation of pension credit**

**14.—(1)** This regulation and regulation 15 apply for the purposes of calculating the annual pension and derivative benefits to be provided to the qualifying member to reflect the transfer payment into the Part I or section 19 scheme (“the pension credit”).

(2) In this regulation —

- (a) the guaranteed minimum pension used in the calculations shall be that provided by the Department of Social Security or, in relation to Northern Ireland, the Department of

Health and Social Services which correspond to the application of revaluation orders under section 148 of the Social Security Administration Act 1992 or section 130 of the Social Security Administration (Northern Ireland) Act 1992.

- (b) the transfer payment shall include the amount of any limited revaluation premium (as defined in section 55 of the Pension Schemes Act 1993 and section 51 of the Pension Schemes (Northern Ireland) Act 1993) paid by a previous scheme.

(3) The pension credit in respect of a transfer into the Part I scheme shall be calculated in accordance with the formula—

(a) 
$$\frac{TP/MLA + (2 \times g78 + g88) \times GMP}{P + 2\frac{1}{4} \times L + \frac{1}{2} \times SF1}$$

in respect of a member who is married at the relevant date; or

(b) 
$$\frac{TP/MLA - (g78 + 2 \times g88) \times SF2 + (2 \times g78 + g88) \times GMP}{P + 2\frac{1}{4} \times L + \frac{1}{2} \times SF1}$$

in respect of a member who is male and unmarried at the relevant date; or

(c) 
$$\frac{TP/MLA - g88 \times SF2 + (2 \times g78 + g88) \times GMP}{P + 2\frac{1}{4} \times L + \frac{1}{2} \times SF1}$$

in respect of a member who is female and unmarried at the relevant date.

(4) For the purposes of the calculations in paragraph (3)—

- (a) P is the pension factor set out in Table 5 applicable to the member's age last birthday as at the relevant date;
- (b) L is the lump sum factor set out in Table 5 applicable to the member's age last birthday as at the relevant date;
- (c) SF1 is the spouse's factor applicable to the member's age last birthday as at the relevant date set out under the heading—
- (i) WM in Table 5 where the member is married at the relevant date;
  - (ii) WS in Table 5 where the member is unmarried at the relevant date.
- (d) SF2 is the spouse's factor applicable to the member's age last birthday as at the relevant date set out under the heading—
- (i) GSM in Table 5 where the member is male and unmarried at the relevant date; and
  - (ii) GSF in Table 5 where the member is female and unmarried at the relevant date.
- (e) g78 is the guaranteed minimum pension per annum accrued prior to the 6th April 1988;
- (f) g88 is the guaranteed minimum pension per annum accrued on or after 6th April 1988;
- (g) GMP is the guaranteed minimum pension factor applicable to the member's age last birthday as at the relevant date set out under the heading —
- (i) GM in Table 5 where the member is male; and
  - (ii) GF in Table 5 where the member is female.
- (h) TP is the transfer payment from the scheme from which the member is transferring.

(5) The lump sum credit shall be  $2\frac{1}{4} \times$  pension credit.

(6) The spouse's pension credit shall be  $\frac{1}{2} \times$  pension credit.

(7) The children's pension credit shall bear the same proportion to the pension credit as the children's pensions bear to the deceased's judicial pension under section 8 of the 1993 Act.

### **Section 19 scheme: Calculation of pension credit**

15.—(1) The pension credit to be made in respect of a transfer into the section 19 scheme shall be calculated in accordance with the formula —

$$\frac{TP/MLA}{PP + 2\frac{1}{4} \times LL + \frac{1}{2} \times SF}$$

where —

- (a) PP is the pension factor set out in Table 6 applicable to the member's age last birthday as at the relevant date;
- (b) LL is the lump sum factor set out in Table 6 applicable to the member's age last birthday as at the relevant date;
- (c) SF is the spouse's factor applicable to the member's age last birthday as at the relevant date set out under the heading—
  - (i) WMM in Table 6 where the member is married at the relevant date; and
  - (ii) WSS in Table 6 where the member is unmarried at the relevant date.
- (d) TP is the transfer payment from a source other than a scheme referred to in regulation 5(a) from which the member is transferring.

(2) The lump sum credit shall be  $\frac{1}{4} \times$  pension credit.

(3) The spouse's pension credit shall be  $\frac{1}{2} \times$  pension credit.

(4) The children's pension credit shall bear the same proportion to the pension credit as the children's pensions bear to the deceased's judicial pension under section 8 of the 1993 Act.

### **Refusal to accept**

16. Where the pension credit available to be transferred into the Part I scheme is less than twice the aggregate accrued annual rate of the guaranteed minimum pension of the member at the relevant date, the transfer payment shall be rejected.