
STATUTORY INSTRUMENTS

1996 No. 52

The Judicial Pensions (Additional Voluntary Contributions) (Amendment) Regulations 1996

1. These Regulations may be cited as the Judicial Pensions (Additional Voluntary Contributions) (Amendment) Regulations 1996 and shall come into force on 2nd February 1996.
2. The Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(1) (“the principal regulations”) 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 principal regulations.
3. After regulation 2.2(3) insert—
 - “(4) Before his application for membership of the scheme is accepted, an applicant shall provide, and shall authorise to be provided, such information as shall be requested by the scheme administrators relating to his medical history and state of health.”.
4. Regulation 2.7(2) is amended as follows—
 - (a) in sub-paragraph (a), after “50 and 75” insert “with an immediate pension”; and
 - (b) in sub-paragraph (c), for “on any other grounds” substitute “in any other circumstances”.
5. In regulation 2.12(2)—
 - (a) in the table in sub-paragraph (a), delete “for each year” in the second place where it appears; and
 - (b) in sub-paragraph (b), for “3(a)” substitute “(2)(a)”.
6. In regulation 2.28(2), delete “as appropriate”.
7. After regulation 2.30 insert—

“Administrative expenses

2.31. Any administrative expenses incurred, to an extent agreed by the scheme administrators, by the authorised provider by virtue of acting as authorised provider under these Regulations may be defrayed out of sums received by way of voluntary contributions.”.

8. For regulation 3.1 substitute—

“3.1.—(1) Paragraph (2) shall apply where a member of a scheme constituted under Part I of the 1993 Act or an existing scheme wishes to make contributions to a FSAVC scheme for the purpose of improving his personal pension benefits or the lump sum payable by virtue of his having died in service.

(2) Notwithstanding the provisions of section 18, there shall be taken into account for the purpose of assessing the maximum amount of contributions the member is entitled to make—

- (a) in relation to the personal pension benefits, the member’s retained benefits;
- (b) in relation to the lump sum payable by virtue of the member having died in service, the member’s retained death benefits.

(3) Paragraph (2) shall not apply where the member makes contributions to a FSAVC scheme for any purpose other than that set out in paragraph (1).”.

9. Regulation 4.3 is amended as follows—

- (a) for paragraph (3) substitute—

“(3) The administrators shall require the provision of information relating to retained benefits in accordance with regulation 2.3.”.

- (b) for paragraph (4)(a) substitute—

“(a) the period referred to in paragraph (5); and”.

- (c) after paragraph (4) insert—

“(5) The period referred to in paragraph (4)(a) is—

- (a) where Part I applies to a member by virtue of section 1(1)(a) of the 1993 Act, the length of prospective service (in years and days) from the date of the scheme member’s first appointment to qualifying judicial office to his assumed retirement age; or
- (b) in all other cases, the length of prospective service to the assumed retirement age of the scheme member (in years and days) at the date of the commencement of the period of notional service on the basis that such service ends on the day before the day of transfer into the Part I scheme.

(6) In this regulation “notional service” means the total period of service credited to a member who transfers into the Part I scheme from another judicial pension scheme, on the date of his transfer into that scheme, calculated in accordance with the Judicial Pensions (Transfer Between Judicial Pension Schemes) Regulations 1995(2).”.

10. Regulation 4.5 is amended as follows—

- (a) in the definition of “lump sum benefit” in paragraph (1), for “regulation 2.8(1)” substitute “regulations 2.3(1) and 2.8(1)”; and
- (b) for paragraph (2) substitute—

“(2) The administrators shall require the provision of information relating to retained benefits in accordance with regulation 2.3.”.

11. Regulation 4.7 is amended as follows—

- (a) in paragraph (1), for “Regulations 4.6(1) to (3) and 4.6(6)” substitute “Regulation 4.6(2), (3) and (6)”.
- (b) after paragraph (1) insert—

“(1A) The right to purchase added units of surviving spouse’s pension must be exercised by notice in writing to the administrators while the member is still holding qualifying judicial office and may not be exercised if the member has reached his assumed retirement age or in the twelve months before he reaches that date.”.

- (c) for paragraph (2) substitute—

“(2) Contributions shall be expressed as a level monthly payment per unit of additional surviving spouse’s pension and the level of monthly payment, subject to a minimum of £1, shall be calculated in accordance with the formula

$\frac{A}{B}$

where—

- a A is determined by reference to the member’s age last birthday at the date agreed under regulation 4.6(3) (as applied by regulation 4.7(1)) and the member’s assumed retirement age as set out in the table in Schedule 2; and
- b B is the length of time between the date agreed under regulation 4.6(3) (as applied by regulation 4.7(1)), and the member’s assumed retirement age (expressed in years and fractions of a year to four decimal places);

subject to the limit on total contributions allowed in any one year by regulation 4.9(2).

(3) Where the member’s assumed retirement age does not fall on his birthday, the factor referred to in paragraph (2)(a) shall be determined by interpolation in accordance with paragraph (4).

(4) The interpolation referred to in paragraph (3) shall be effected by applying the formula

$$X + \frac{Z(Y - X)}{12}$$

where—

- a X is determined in accordance with paragraph 2(a) on the basis that reference to the member’s assumed retirement age was a reference to his age on his last birthday before his assumed retirement age;
- b Y is determined in accordance with paragraph 2(a) on the basis that the reference to the member’s assumed retirement age was a reference to his age on his next birthday after his assumed retirement age; and
- c Z is the number of months of service between the member’s last birthday before his assumed retirement age and his assumed retirement age.

(5) For each part unit of benefit purchased, the rate shall be that determined in accordance with paragraphs (2) and (3) multiplied by the appropriate decimal fraction (to four decimal places).”.

12. In regulation 4.9(2), remove the words “any contributions made by the member to” from subparagraph (a) and insert those words after “together with”.

13. In regulation 4.12, after paragraph (1) insert—

“(1A) If a member leaves qualifying judicial office on or after reaching his normal pension age, any added unit of benefit that he has purchased shall increase the rate of any children’s pension payable on his death in respect of service in such office in accordance with regulation 4.12A and so proportionately for any part unit of benefit purchased.”.

14. After regulation 4.12 insert—

“**4.12A.**—(1) This regulation applies for the purpose of determining the increase in the rate of children’s pension payable in the circumstances set out in regulation 4.12(1A).

(2) Where the annual rate of children’s pension before the application of this regulation and regulation 4.12 is that proportion of the annual rate of the member’s judicial pension which is set out in column 1 of the table below, the amount of the children’s pension shall be increased by that proportion of the member’s annual salary at the date of his death or retirement which is set out in column 2 of the table—

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

Rate of children's pension before increase	Rate of increase
1/4	1/160th
1/3rd	1/120th
1/2	1/80th
2/3rds	1/60th.”

15. Regulation 4.13 is amended as follows—

- (a) in paragraph (2)—
- (i) for “date of retirement” where it first appears substitute “date he ceased to make contributions in accordance with regulation 4.6(6)”; and
 - (ii) for “the member’s date of retirement” in sub-paragraph (i), substitute “the date the member ceased to make contributions in accordance with regulation 4.6(6)”; and
 - (iii) after “Schedule 1” insert “which”.
- (b) in paragraph (3)—
- (i) for “date of retirement” where it first appears, substitute “date he ceased to make contributions in accordance with regulation 4.6(6)”; and
 - (ii) for “the member’s date of retirement” in sub-paragraph (i), substitute “the date the member ceased to make contributions in accordance with regulation 4.6(6)”.
- (c) after paragraph (6) insert—
- “(7) For the purposes of this regulation, the references in the tables set out in Schedule 1 to assumed retirement age and the reference in the table set out in Schedule 3 to normal pension age shall be treated as if they were references to the date that contributions ceased.”.

16. For Schedule 2 to the principal regulations, substitute the Schedule attached to these Regulations.

Dated 10th January 1996

Mackay of Clashfern, C.

Dated 10th January 1996

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

We concur

Dated 11th January 1996

Liam Fox
Michael Bates
Two of the Lords Commissioners of Her
Majesty’s Treasury