

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 4A

#### SURVIVING CIVIL PARTNERS' PENSIONS: TRANSITIONAL PROVISIONS

**F1** SI 2005/3325

##### *Service on and after the relevant date*

- 3 (1) A member who—
- (a) holds judicial office on the relevant date; and
  - (b) continues to do so after that date,
- shall have the annual value of a surviving civil partner's pension in respect of the member calculated on the assumption that all of the member's relevant service fell after the relevant date.
- (2) Sub-paragraph (1) does not apply if, within six months of the date of the member's formation of a civil partnership, the member opts for the annual value of the surviving civil partner's pension to be calculated under sub-paragraph (3).
- (3) Where the annual value of a surviving civil partner's pension falls to be calculated under this sub-paragraph, its value shall be determined by applying the formula—
- $$\text{CPP1} = (\text{CPP2} \times \text{RS1}) \text{ divided by } \text{RS2}$$
- where—
- CPP1 is the annual value of the surviving civil partner's pension,
  - CPP2 is the annual value of the surviving civil partner's pension that would be payable on the assumption mentioned in sub-paragraph (1),
  - RS1 is the length of the member's relevant service after the relevant date, and
  - RS2 is the whole of the member's relevant service.
- (4) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service on or before the relevant date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service on or before that date adds to the amount of the personal pension.
- (5) No period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 is in force in respect of the member concerned shall be taken into account for the purposes of any calculation under sub-paragraph (3).
- (6) An election under sub-paragraph (2) must be made in writing to the administrators.
- (7) An election under sub-paragraph (2) is irrevocable.]

**Changes to legislation:**

There are currently no known outstanding effects for the *Judicial Pensions Act (Northern Ireland) 1951*, Paragraph 3.