

1989 No. 116

PENSIONS

The Judicial Pensions (Preserved Benefits and Personal Pension Option) Order (Northern Ireland) 1989

Made 23rd March 1989

Coming into operation 6th April 1989

The Lord Chancellor, as the appropriate authority designated by the Treasury(a) for the purposes of Article 61(1) of the Social Security Pensions (Northern Ireland) Order 1975(b) as having responsibility for the public service pension schemes established under the enactments listed in Schedule 1 to the Judicial Pensions (Preservation of Benefits) Order (Northern Ireland) 1988(c), in exercise of the powers conferred by the said Article 61(1), hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Judicial Pensions (Preserved Benefits and Personal Pension Option) Order (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

Interpretation

2. In this Order—

“the Act of 1959” means the County Courts Act (Northern Ireland) 1959(d);

“the Act of 1960” means the Resident Magistrates’ Pensions Act (Northern Ireland)(e);

“the Principal Order” means the Judicial Pensions (Preservation of Benefits) Order (Northern Ireland) 1988;

“the Regulations” means the Personal Pension Option (No. 1) Regulations (Northern Ireland) 1989(f);

“judicial office” means the office of county court judge or resident magistrate; and

references to a person’s eligibility for a pension are, in relation to a judicial office which carries entitlement to a pension, references to such entitlement.

(a) Substituted for the Minister for the Civil Service by S.I. 1981/1670

(b) S.I. 1975/1503 (N.I. 15)

(c) S.R. 1988 No. 293

(d) 1959 c. 25 (N.I.)

(e) 1960 c. 2 (N.I.)

(f) S.R. 1989 No. 100

3. For the purposes of assessing a person's eligibility for a pension under the Principal Order he shall be deemed not to have held judicial office at any time when an election under section 116A of the Act of 1959 or section 2A of the Act of 1960, as the case may be, as modified by the Regulations was in force in respect of him.

Dated 23rd March 1989

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order provides that any period during which an election made by a county court judge or resident magistrate under the Personal Pension Option (No. 1) Regulations (Northern Ireland) 1989 (S.R. 1989 No. 100) is in force shall not count as relevant service in connection with the preservation of benefits under the Judicial Pensions (Preservation of Benefits) Order (Northern Ireland) 1988, S.R. 1988 No. 293. A county court judge or resident magistrate may elect under those Regulations to have a personal pension instead of acquiring pension rights under the County Courts Act (Northern Ireland) 1959 or the Resident Magistrates' Pensions Act (Northern Ireland) 1960.