

1995 No. 189

PENSIONS

The Judicial Pensions (Additional Voluntary Contributions) Regulations (Northern Ireland) 1995

Made 5th May 1995

Coming into operation 1st June 1995

To be laid before Parliament

The Lord Chancellor, in exercise of the powers conferred on him by the enactments specified in Schedule 1 and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:—

PART I

PRELIMINARY

Citation and commencement

1.1 These Regulations may be cited as the Judicial Pensions (Additional Voluntary Contributions) Regulations (Northern Ireland) 1995 and shall come into operation on 1st June 1995.

Interpretation

1.2—(1) In these Regulations—

“additional voluntary contributions” means any contributions by a member of an existing scheme over and above those contributions towards the cost of providing surviving spouse’s and children’s benefits which are required as a condition of membership (whether made by deductions from salary or from a lump sum on death or retirement);

“AVC scheme” means a judicial pension scheme other than a FSAVC scheme providing for the purchase of benefits additional to those provided by or under an existing scheme by means of additional voluntary contributions;

“approved scheme” means a retirement benefits scheme approved under Chapter I, Part XIV of the 1988 Act, or such other legislation as may be in force from time to time in respect of such approval;

“death benefit” means a lump sum payable on the death of a member;

“existing scheme” means a judicial pension scheme constituted—

- (a) under or by virtue of the County Courts Act (Northern Ireland) 1959(a) as modified and amended;
 - (b) under or by virtue of the Resident Magistrates' Pensions Act (Northern Ireland) 1960(b) as modified and amended; or
 - (c) under or by virtue of the Judicial Pensions Act (Northern Ireland) 1951(c) as modified and amended;
- and which is not a voluntary contributions scheme;
- “FSAVC scheme” means a retirement benefits scheme approved under section 591(2)(h) of the 1988 Act established by a pension provider other than the administrators of a judicial pension scheme and to which only the member contributes;
- “Index”, at any time, means the index of retail prices published by the Central Statistical Office of Chancellor of the Exchequer, or any successor as agreed as appropriate by the Board of Inland Revenue, for the calendar month three months prior to that time;
- “judicial pension scheme” means any public service pension scheme as defined in section 1 of the Pension Schemes (Northern Ireland) Act 1993(d) under which pensions and other benefits are payable in respect of one or more scheduled offices (whether or not in respect of service in such offices alone);
- “leading scheme” and “main scheme” shall have the meanings given to them in Regulation 2 of the 1993 Regulations;
- “normal pension age”, in relation to a member, means the age at which the member would be able to retire from his existing scheme with a pension immediately payable;
- “PCSPS” means the Principal Civil Service Pension Scheme established under section 1 of the Superannuation Act 1972(e);
- “retirement benefits scheme” has the meaning given to it in section 611 of the 1988 Act;
- “scheduled office” means an office listed in Schedule 2;
- “the 1988 Act” means the Income and Corporation Taxes Act 1988(f);
- “the 1993 Act” means the Judicial Pensions and Retirement Act 1993(g);
- “the 1993 Regulations” means the Retirement Benefits Schemes (Restriction on Discretion to Approve) (Additional Voluntary Contributions) Regulations 1993(h);
- “retained death benefits” has the meaning given to it in Regulation 2.4;
- “voluntary contributions scheme” means an FSAVC scheme or an AVC scheme.

(a) 1959 c. 25 (N.I.)
 (b) 1960 c. 2 (N.I.)
 (c) 1951 c. 24 (N.I.)
 (d) 1993 c. 49
 (e) 1972 c. 11
 (f) 1988 c. 1
 (g) 1993 c. 8
 (h) S.I. 1993/3016

PART II

JUDICIAL ADDITIONAL VOLUNTARY CONTRIBUTIONS SCHEME

*Interpretation and application***2.1—(1)** In this Part—

“aggregated retirement benefit” shall mean the total amount of all benefits, other than retained benefits, that may be paid to a retired member including the pension equivalent of any lump sum;

“authorised insurance company” means either—

(a) a company which is a United Kingdom branch or office of an insurance company to which Part II of the Insurance Companies Act 1982 applies and which is authorised under section 3 or 4 of that Act to carry on ordinary long-term insurance business; or

(b) an EC company as defined by section 2(6) of the Insurance Companies Act 1982 which is lawfully carrying on ordinary long-term insurance business in the United Kingdom;

“final salary” means the amount of salary received in the twelve months prior to the date of leaving scheduled office that has been assessed for tax under Schedule E under Part V of the 1988 Act;

“the scheme” means the Judicial Additional Voluntary Contributions Scheme constituted by this Part;

“preserved retirement benefits” means any pensions or derivative benefits which have been preserved in accordance with the provisions of an order made under section 137 of the Pension Schemes (Northern Ireland) Act 1993;

“qualifying scheme” means an occupational pension scheme, a personal pension scheme, or an annuity purchased from an authorised insurance company or other pension arrangement which is—

- (i) a retirement benefits scheme which has been approved or for which approval is sought under Chapter I, Part XIV of the 1988 Act, or a relevant statutory scheme as defined by section 611A of the 1988 Act; or
- (ii) a personal pension scheme as defined by section 630 of the 1988 Act which has been approved under Chapter IV, Part XIV of the 1988 Act; or
- (iii) an annuity contract approved for the purposes of sections 431(4)(d) or (e) or 591(2)(g) of the 1988 Act; or
- (iv) a fund to which section 608 of the 1988 Act applies.

(2) The scheme shall be administered in accordance with the Regulations set out in this Part.

(3) The administrators of the scheme shall be the administrators of the member’s existing scheme.

(4) The pension equivalent of a lump sum shall be calculated by dividing the cash value of the lump sum by 12.

Membership

2.2—(1) Membership of the scheme shall be open to any member of an existing scheme.

(2) Application for membership of the scheme shall be made in writing to the administrators.

Retained benefits

2.3—(1) The administrators shall require any person who is, or who wishes to become a member of the scheme, to provide such information as the administrators may require, concerning any retained benefits (but not retained death benefits) that that person may have which are derived from the following—

- (a) a retirement benefits scheme which has been approved or for which approval is sought under Chapter I Part XIV of the 1988 Act;
- (b) a relevant statutory scheme as defined by section 611A of the 1988 Act;
- (c) a fund to which section 608 of the 1988 Act applies;
- (d) a retirement benefits scheme which has been accepted by the Inland Revenue as corresponding within the meaning of section 596(2)(b) of the 1988 Act;
- (e) (i) a retirement annuity or trust scheme approved under section 620 of the 1988 Act; or
(ii) a personal pension scheme (as defined by section 630 of the 1988 Act) approved under section 631 of the 1988 Act (other than an arrangement to which only minimum contributions are paid) which related to relevant earnings from the current employment or previous employments;
- (f) transfer payments from overseas schemes held in a type of arrangement defined in (a), (b) or (e) above;
- (g) preserved retirement benefits in respect of any scheduled office, including such benefits which have been transferred to another scheme whether or not in the United Kingdom.

(2) Retained benefits may be disregarded where the total of—

- (a) the resulting annual pension; and
- (b) the pension equivalent of any lump sum payable;

is less than £260.

2.4—(1) The administrators shall also require details of retained death benefits.

(2) Retained death benefits worth less than £2,500 may be disregarded.

(3) For the purposes of calculating the retained death benefit there shall be ignored—

- (a) any benefits representing a return of the member's own contributions plus interest; and

(b) benefits derived from a return of surplus funds under annuity contracts approved under section 620 of the 1988 Act or personal pension schemes approved under section 631 of the 1988 Act.

(4) In this Regulation—

“retained death benefits” means any lump sum benefits payable on the member’s death derived from the sources set out in sub-paragraphs (a)-(g) of Regulation 2.3(1).

2.5 The administrators may disclose any information obtained relating to retained benefits or retained death benefits—

- (i) to, or to any officers of, the Commissioners of Inland Revenue; or
- (ii) to, or to any servants or agents of, any authorised provider who is, or may be, concerned in the investment of the voluntary contributions or the provision of the additional benefits in question.

Maximum benefits

2.6—(1) The aggregated retirement benefit shall not exceed the figure equal to the lesser of—

- (a) the amount referred to in paragraph (2)(a), (b) or (c) as appropriate; and
- (b) the greater of—
 - (i) 2/3rds of the member’s final salary less retained benefits; and
 - (ii) 1/60th of the member’s final salary for each year of service up to a maximum of 40 years.

(2) The amount referred to in paragraph (1)(a) above shall be—

- (a) where the member retires at his normal pension age the amount calculated by applying the appropriate fraction (ascertained in accordance with the following table, into which fractions of a year may be interpolated in accordance with paragraph (3) below) to his final salary—

<i>Years of Service</i>	<i>Appropriate fraction</i>
Year 1 to 5	1/60th for each year
Year 6	8/60
Year 7	16/60
Year 8	24/60
Year 9	32/60
Year 10 or more	40/60 for each year;

- (b) where the member retires before his normal pension age on the ground of ill-health the amount determined in accordance with paragraph (2)(a) which the member could have received had he remained in service until his normal pension age;

- (c) where the member leaves the scheme before his normal pension age on any other ground an amount calculated in accordance with the formula $\frac{M \times N}{NS}$

NS

where—

- (i) M is the maximum pension which would have been available to the member at his normal pension age;
- (ii) N is the number of years and days of service (expressed in years and fractions of years as appropriate) in the member's existing scheme completed at the date of leaving the scheme; and
- (iii) NS is the number of years and days of service (expressed in years and fractions of years as appropriate) in the member's existing scheme which the member would have completed had he remained in service until his normal pension age.

(3) Where the number of years of service at retirement is less than ten and is not an exact number of years, the interpolation referred to in paragraph (2)(a) above shall be effected as follows—

- (a) where the number of complete years of service is less than five, $1/365$ of a sixtieth for each additional day shall be added to the appropriate fraction;
- (b) where the number of complete years of service is five, $3/365$ of a sixtieth for each additional day shall be added to the appropriate fraction;
- (c) where the number of complete years of service is greater than five, $8/365$ of a sixtieth for each additional day shall be added to the appropriate fraction.

2.7—(1) The aggregated retirement benefit shall (subject to paragraph (2) below) be determined by the administrators by aggregating—

- (a) any benefits from the member's existing scheme, including benefits resulting from the purchase of added benefits under that scheme; and
- (b) any benefit from a voluntary contributions scheme.

(2) Any benefits that are attributable to the pension of a surviving spouse or child shall not be aggregated for the purpose of determining the aggregated retirement benefit.

2.8—(1) This Regulation applies where—

- (a) a lump sum is payable by virtue of the member having died in service before retirement; or
- (b) death occurs once the member has left pensionable service where his entitlement to a lump sum was preserved under an order made under section 141 of the Pension Schemes Act 1993(a) or section 137 of the Pension Schemes (Northern Ireland) Act 1993.

(2) Where this Regulation applies, the maximum lump sum which may be paid shall be the greater of—

- (a) £5,000; or
- (b) 4 times the annual rate of the member's final salary.

2.9—(1) Any surviving spouse's or children's pension payable to the surviving spouse or child in respect of a deceased member, shall not exceed a pension of 2/3rds of the member's maximum aggregated retirement benefit as determined in Regulation 2.6 on the basis that—

- (a) the member had no retained benefits; and
- (b) that, at the date of death he had retired on the ground of ill-health rather than died.

(2) Where pensions are payable to more than one person, the total amount of those pensions shall not exceed the member's maximum aggregated retirement benefit determined on the same basis as in paragraph (1).

Increase to pensions in payment

2.10 The maximum amount of pension benefit ascertained under Regulations 2.6 to 2.9 may be increased by up to 3% for each complete year, or in proportion to the increase in the Index which has occurred since payment of the pension commenced, if greater.

Maximum contributions

2.11—(1) The member shall instruct the administrators in writing as to the level of contributions that he wishes to make.

(2) A member's contributions to the scheme in any tax year shall not exceed whichever is the smaller of (a) and (b) as set out in paragraph (3).

(3) The amounts referred to in paragraph (2) are—

- (a) (i) in the case of a single contribution, by the member into the scheme, the amount determined by the scheme administrators which, if the member were to leave service immediately after making the payment, is likely to provide benefits equal to the limits set out in Regulations 2.6 to 2.9; or
- (ii) in the case of an annual contribution, the amount determined by the scheme administrators which, if maintained at that level until the member's normal pension age is likely to provide benefits equal to the limits set out in Regulations 2.6 to 2.9; and

(b) that percentage of the member's total salary that is subject to tax under Schedule E under Part V of the 1988 Act which, together with any contributions made by the member to any other judicial pension scheme (including voluntary contributions schemes) will bring the total contributions to 15% of that salary.

Authorised provider

2.12 A member's contributions and any transfer payment under Regulation 2.18 shall be invested with an authorised provider for the purpose of providing benefits.

2.13 The administrators may require an authorised provider to surrender the whole or part of the value of such contributions and transfer payment, in which case the administrators shall reinvest such contributions in accordance with Regulation 2.12.

Manner of making contributions

2.14 A member may make contributions into the scheme to the limits set out in Regulation 2.11, by either—

- (a) single payments to the limit of two in any one financial year; or
- (b) regular payments;

and in either case payment must be made by way of deduction from the member's salary.

Investment of contributions

2.15 The administrators shall invest any contributions made under Regulation 2.14 and any transfer payment accepted under Regulation 2.18 as soon as reasonably practicable, with the authorised provider.

2.16 Where the authorised provider offers more than one type of investment the member may elect that his contributions be paid into particular types of investments.

2.17 The investments made in respect of a member with the authorised provider may be realised and reinvested with the authorised provider at the request of the member, in such amounts, at such times and in such manner as may be specified by the administrators with the approval of the authorised provider.

Transfer values in

2.18 A payment representing the cash equivalent of a member's accrued rights in any other qualifying scheme shall only be accepted by the scheme if it is from another voluntary contributions scheme and it is certified by the administrator of that scheme to derive from only the member's own contributions to that scheme, and any transfer payment into that scheme, with any interest that may be payable.

2.19 Where a member wishes to make such a payment from a non-judicial occupational pension scheme, he shall declare to the administrators the contributions already made and the salary received in the 12 months prior to the date of transfer into the scheme.

Benefits which may be provided

2.20—(1) Subject to the limits referred to in Regulations 2.6 to 2.9, a member shall be entitled to the benefits attributable to the contributions paid by the member, and by any payment accepted under Regulation 2.18.

(2) The benefits permitted are—

(a) subject to Regulation 2.22, a pension payable to the member from the member's retirement during his lifetime, under which:

(i) payments may be guaranteed to be payable for up to 10 years after retirement in any event; or

(ii) payments may be guaranteed to be payable for up to 5 years after retirement with any balance in respect of any period between

death and the expiry of that period of 5 years being paid in one lump sum on death;

- (b) a lump sum payable on the death of the member;
- (c) where the member dies before retirement, or in the circumstances referred to in Regulation 2.24(2)(c), the total realisable value of the investments made by the administrators with the contributions paid by the member and any transfer payment accepted under Regulation 2.18;
- (d) subject to Regulation 2.22, a pension payable on the death of the member after retirement to one or more of—
 - (i) his spouse during the remainder of her lifetime; and
 - (ii) his children until the child reaches the age of 18, or if later, ceases to receive full-time education or vocational training.

(3) Pensions may be level in payment, increase at a fixed rate not exceeding 3% per annum compound or vary in line with the Index.

(4) In the case of benefits payable at or after a member's retirement, the member may choose which of the above types of benefit shall be payable and shall give notice in writing to the administrators at retirement of his choice.

2.21 Benefits under this scheme shall be paid by the administrators in accordance with these Regulations and shall only be payable—

- (a) at the date that the member's pension under the member's existing scheme comes into payment; or
- (b) in relation to a surviving spouse's or children's pension, at the date at which those benefits become payable under the member's existing scheme.

2.22 Benefits at retirement may normally only be taken in pension form but the whole of the member's pension may be commuted for a lump sum, from which any tax payable by the administrators shall be deducted, where—

- (a) the pension equivalent of the member's pension benefits from all sources does not exceed £260 per annum;
- (b) the pension is payable under Regulation 2.20(2)(d) and does not exceed £260 per annum;
- (c) the administrators are satisfied on medical evidence that the member is fatally ill.

2.23—(1) A member may nominate a person to receive any lump sum payable on his death by giving notice in writing to the administrators.

(2) If no such nomination is made, the administrators shall pay the lump sum to the personal representatives of the member.

Leaving the scheme

2.24—(1) A member may cease to be a member of the scheme at any time before benefits provided under Regulation 2.20 are paid.

(2) Subject to Part IV, Chapter IV of the Pension Schemes (Northern Ireland) Act 1993, the member shall, on leaving the scheme, request the administrators to do one or more of the following as appropriate—

- (a) to transfer the value of the member's accrued benefits to an approved scheme of a subsequent employer, or to a personal pension scheme subject, in each case, to the receiving scheme—
 - (i) being willing to accept the transfer value; and
 - (ii) meeting the prescribed requirements referred to in section 95(2)(a) of the Pension Schemes Act 1993 or section 91(2)(a) of the Pension Schemes (Northern Ireland) Act 1993,

and the administrators shall certify to the receiving scheme that the whole of the transfer value derives from the member's contributions and any transfer payment accepted under Regulation 2.18 and that all of it must be used to secure a non-commutable pension;

- (b) to use the value of the member's accrued benefits to purchase one or more insurance policies of the type described in section 95(2)(c) of the Pension Schemes Act 1993 or section 91(2)(c) of the Pension Schemes (Northern Ireland) Act 1993;
- (c) if the member's service, together with any service whilst a member of a previous employer's pension scheme from which a transfer value has been paid to this scheme, totals less than two years, to pay the member the value of his accrued benefits after deduction of any tax payable by the administrators;
- (d) to purchase an annuity contract approved under sections 431(4)(d) and (e) and 591(2)(g) of the 1988 Act from an authorised insurance company, as defined by the 1993 Act.

(3) Where a member ceases to make contributions to the scheme (except where he ceases to make contributions to an existing scheme by reason of transferring to the scheme constituted under Part I of the 1993 Act) he may, if he wishes, leave his accrued benefits in the scheme until such time as his benefits under his existing scheme become payable.

(4) For the purpose of this Regulation, the value of a member's accrued benefits shall be the total realisable value of the investments made by the administrators with the contributions paid by the member and any transfer payment accepted under Regulation 2.18.

(5) Without prejudice to the effect of sections 91(1), (9) and 95 of the Pension Schemes (Northern Ireland) Act 1993, where a transfer value is paid out from the scheme the administrators will be discharged from any obligation to provide any benefits in respect of the scheme.

Surplus funds

2.25 The administrators of the scheme shall comply with the requirements of Regulation 5 (Restriction on discretion to approve — other schemes) of the 1993 Regulations and where the scheme is the leading scheme in relation to a member, with the requirements of Regulation 6 (Calculation of surplus funds) of those Regulations so far as they concern main schemes.

2.26 Whenever the administrators are liable for any tax in respect of any payment made to any person under this Part they shall deduct sums equal in total to such tax from any payments made to such person.

PART III

FREE-STANDING ADDITIONAL VOLUNTARY CONTRIBUTION SCHEMES

Maximum contributions

3.1—(1) Where a member of an existing scheme wishes to make contributions to a FSAVC scheme for the purpose of improving his personal pension benefits, then any retained benefits of the member shall be taken into account for the purpose of assessing the maximum amount of contribution that he is entitled to make.

(2) Paragraph (1) shall not apply where the member makes contributions to a FSAVC scheme for any other purpose.

Contributions under the 1988 Act

3.2 Nothing in these Regulations shall affect the duty of the FSAVC scheme provider to apply the limits on contributions in accordance with section 591 of the 1988 Act.

The 1993 Regulations

3.3—(1) The administrators shall comply with the requirements of Regulation 4 (Restriction on discretion to approve — free-standing additional voluntary contributions schemes) of the 1993 Regulations.

(2) Where a pension scheme is a leading scheme, the administrators shall comply with Regulation 6 (Calculation of surplus funds) of the 1993 Regulations insofar as it relates to a main scheme.

(3) Regulations 2.6 to 2.9 shall apply for the purpose of calculating the surplus funds referred to in Regulation 6 of the 1993 Regulations.

PART IV

JUDICIAL ADDED BENEFITS SCHEME

Interpretation

4.1—(1) In this Part, unless the context otherwise requires—

“the JABS” means the Judicial Added Benefits Scheme constituted by this Part of the Regulations;

“pension-capped salary” in relation to a member means, for any period of 12 months, so much of his aggregate salary in that period as, within the meaning of section 590C(1) of the 1988 Act does not exceed the permitted maximum for the relevant year of assessment.

(2) Except where otherwise provided, any reference to added units of benefits shall include a reference to parts of units of benefit.

(3) The JABS shall be administered in accordance with the Regulations set out in this Part.

(4) The administrators of the JABS shall be the administrators of the member's existing scheme.

Membership

4.2—(1) Membership of the JABS shall be open to any member of an existing scheme.

(2) A member of the JABS shall, subject to the provisions of these Regulations, have a right to purchase added units of benefit in his existing scheme.

Limits on the added benefits that may be purchased under the JABS

4.3—(1) For the purposes of this Regulation—

“aggregated retirement benefit” has the meaning given to it in Regulation 2.1 and shall be determined in accordance with Regulation 2.7; and

“lump sum benefit” means the aggregate of the lump sum benefits that may be paid to the member from the sources set out in Regulation 2.7(1).

(2) The administrators shall require the provision of information relating to retained benefits and retained death benefits in accordance with Regulations 2.3 and 2.4.

(3) The aggregated retirement benefit shall not exceed the figure calculated in accordance with Regulation 2.6(1).

(4) The lump sum benefit shall not exceed the figure calculated in accordance with sub-paragraphs (a) or (b) as appropriate—

(a) on retirement at the member's normal pension age the appropriate fraction of final salary (as defined in Regulation 2.1) ascertained in accordance with the scale set out in the Occupational Pension Schemes (Maximum Rate Lump Sum) Regulations 1987(a) as amended from time to time; and

(b) on retirement before the member's normal pension age on the ground of ill-health, the fraction of final salary ascertained in accordance with the scale set out in the Occupational Pension Schemes (Maximum Rate Lump Sum) Regulations 1987, as amended from time to time, which the member could have received had he remained in service until his normal pension age.

(5) Added units of benefit in the JABS may be purchased up to such amount as the administrators determine will provide benefits equal to the lesser of the aggregated retirement benefit and the lump sum benefit.

Manner of making contributions into the JABS

4.4—(1) The right to purchase added units of benefit must be exercised by notice in writing to the administrators while the member is still holding

scheduled office and may not be exercised if the member has reached his normal pension age.

(2) Before contracting to purchase added units of benefit the member must sign a declaration stating that he has no reason to believe that his health may prevent him from serving until his normal pension age.

(3) Contributions to the JABS shall be made by way of periodical deductions from salary only and shall commence on a date agreed between the administrators and the member.

(4) The rate of contribution for each added unit of benefit shall be calculated, to two decimal places, in accordance with the formula $(A/B) \times$ annual salary where—

(i) A is the sum of the personal benefits and family benefits percentage figures set out in the appropriate table in Schedule 3 which correspond to the length of time between the date agreed under Regulation 4.4(3) and the member's normal pension age; and

(ii) B is the length of time referred to in sub-paragraph (i) in years and days (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 4.5

(5) For each part unit of benefit purchased the rate shall be that determined in paragraph (4) multiplied by the appropriate decimal fraction (to four decimal places), to a minimum of 0.01%.

(6) The making of periodical contributions at the relevant rate to the JABS shall continue until the member—

(i) reaches his normal pension age; or

(ii) dies; or

(iii) leaves scheduled office; or

(iv) notifies the administrators that he wishes the contributions to cease, whichever occurs first.

(7) Schedule 4 to these Regulations shall apply for the purposes of determining which of the tables in Schedule 3 is appropriate to the member.

Maximum contributions

4.5 A member's contribution to the JABS in any tax year shall not exceed the smaller of—

(a) such amount determined by the administrators, which if maintained at that level until his normal pension age, is likely to provide benefits equal to the limits set out in Regulation 4.3(5); and

(b) that percentage of the member's salary which is subject to tax under Schedule E under Part V of the 1988 Act which, together with any contributions made by the member to his existing scheme and any other judicial pension scheme (including voluntary contributions schemes) will bring total contributions to 15% of that salary.

Valuation of benefits under the JABS

4.6—(1) If a member leaves scheduled office on or after reaching his normal pension age, any added unit of benefit that he has purchased shall entitle him to an additional pension benefit under his existing scheme of 1/40th of his annual salary at the date of retirement together with a lump sum of 2/40ths of his annual salary at the date of retirement and shall entitle his surviving spouse to a surviving spouse's pension of 1/80th of that salary payable on his death and so proportionately for any part unit of benefit purchased.

(2) Any unit purchased shall not be taken into account for the purposes of determining—

- (a) the length of service for the purpose of calculating entitlement to pension benefits under the existing scheme; or
- (b) the length of qualifying service for determining the date of retirement.

(3) If a member retires on the ground of ill-health or dies before his normal pension age, he shall be credited with the number of units for which he is paying contributions, provided that where—

- (a) he retires on the ground of ill-health or dies within twelve months of the date of contracting to purchase added units of benefit; or
- (b) he dies or retires on the ground of ill-health because of an incapacity to which he became subject within twelve months of that date,

the administrators are satisfied that the declaration, given in accordance with Regulation 4.4(2), was made in good faith.

(4) If a member ceases making contributions before his normal pension age for reasons other than death or retirement on the ground of ill-health, then, at the date he so ceases he shall be credited with added units of benefit in accordance with the formula $A \times (B/C)$ where—

- (a) A is the number of added units of benefit for which he had contracted to pay contributions;
- (b) B is the period (expressed in years and days) over which he has paid contributions for those added units; and
- (c) C is the period (expressed in years and days) calculated from the date of commencement of contributions, over which he would have paid contributions for those added units if he had continued in service until his normal pension age.

(5) If a member who has ceased to participate in the scheme under paragraph (4) above, subsequently starts to pay contributions again, this Regulation and Regulations 4.4 and 4.7 shall apply separately to those contributions and the value of benefits purchased with them.

Refund of contributions

4.7—(1) If a member who has bought added units of benefit under the JABS is both unmarried and has no eligible children at the time that he retires, dies or otherwise leaves his judicial pension scheme he shall be entitled to a refund in accordance with this Regulation.

(2) Where paragraph (1) applies, the amount to be refunded to a member of the JABS shall be calculated by applying the percentage figure ascertained in accordance with the formula A/B to the pension-capped salary he received during the period from the date he last ceased to have either a spouse or eligible children until the date of retirement where—

(i) A is the family benefits percentage figure set out in the appropriate table in Schedule 3 which corresponds to the length of time between the date agreed under Regulation 4.4(3) and the member's date of retirement; and

(ii) B is the length of time referred to in sub-paragraph (i) in years and days (expressed in years and fractions of a year to four decimal places).

(3) Schedule 4 to these Regulations shall apply for the purposes of determining which of the tables in Schedule 3 is appropriate to the member.

(4) Refunds made under this Regulation shall be—

(a) paid with compound interest at a rate announced annually by the Treasury in relation to the PCSPS and which is based on average building society interest rates; and

(b) subject to a deduction of the appropriate amount in respect of tax charged under section 598 of the 1988 Act.

Monies

4.8 Benefits payable to members under the JABS shall—

(a) in respect of a member holding the office of county court judge or resident magistrate at the date of retirement shall be charged on and paid out of the Consolidated Fund of the United Kingdom; and

(b) in respect of a member holding any other office within Schedule 4 at the date of retirement be paid out of money provided by Parliament.

Dated 5th May 1995

Mackay of Clashfern, C

We consent

Timothy Wood
Timothy Kirkhope

Dated 10th May 1995

Two of the Lords Commissioners
of Her Majesty's Treasury

Provisions conferring powers exercised in making these Regulations

section 127A of the County Courts Act (Northern Ireland) 1959(a)

section 9A of the Resident Magistrates' Pensions Act (Northern Ireland) 1960(b)

section 11A of the Judicial Pensions Act (Northern Ireland) 1951(c)

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- (a) 1959 c. 25 (N.I.); section 127A was inserted by S.I. 1991/2631 (N.I. 24) Article 6 and was amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 3, paragraph 8
- (b) 1960 c. 2 (N.I.); section 9A was inserted by S.I. 1991/2631 (N.I. 24) Article 6 and was amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 3, paragraph 8
- (c) 1951 c. 20 (N.I.); section 11A was inserted by S.I. 1991/2631 (N.I. 24) Article 6 and was amended by the Judicial Pensions and Retirement Act 1993 (c. 8), Schedule 3, paragraph 8

The scheduled offices

County court judge

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

Chief or other Social Security Commissioner

Chief or other Child Support Commissioner

Circuit Judiciary Scheme

<i>Period to Normal Pension Age</i>	<i>Regular Contribution</i>	
	<i>Personal Benefits</i>	<i>Family Benefits</i>
Less than 1 year	28.9	5.5
Less than 2 years and not less than 1 year	28.5	6.0
Less than 3 years and not less than 2 years	28.1	6.4
Less than 4 years and not less than 3 years	27.6	6.7
Less than 5 years and not less than 4 years	27.2	7.1
Less than 6 years and not less than 5 years	26.9	7.3
Less than 7 years and not less than 6 years	26.6	7.6
Less than 8 years and not less than 7 years	26.3	7.8
Less than 9 years and not less than 8 years	26.0	8.1
Less than 10 years and not less than 9 years	25.7	8.2
Less than 11 years and not less than 10 years	25.4	8.4
Less than 12 years and not less than 11 years	25.2	8.5
Less than 13 years and not less than 12 years	24.9	8.6
Less than 14 years and not less than 13 years	24.6	8.7
Less than 15 years and not less than 14 years	24.3	8.7
Less than 16 years and not less than 15 years	24.0	8.7
Less than 17 years and not less than 16 years	23.6	8.7
Less than 18 years and not less than 17 years	23.2	8.7
Less than 19 years and not less than 18 years	22.8	8.6
Less than 20 years and not less than 19 years	22.4	8.5
Less than 21 years and not less than 20 years	21.9	8.5
Less than 22 years and not less than 21 years	21.5	8.4
Less than 23 years and not less than 22 years	21.1	8.2
Less than 24 years and not less than 23 years	20.7	8.1
Less than 25 years and not less than 24 years	20.2	8.0
Less than 26 years and not less than 25 years	19.8	7.9
Less than 27 years and not less than 26 years	19.4	7.8
Less than 28 years and not less than 27 years	19.0	7.7
Less than 29 years and not less than 28 years	18.6	7.5
Less than 30 years and not less than 29 years	18.7	7.4

Resident Magistrate Scheme

<i>Period to Normal Pension Age</i>	<i>Regular Contribution</i>	
	<i>Personal Benefits</i>	<i>Family Benefits</i>
Less than 1 year	34.3	4.6
Less than 2 years and not less than 1 year	34.1	4.8
Less than 3 years and not less than 2 years	33.9	5.0
Less than 4 years and not less than 3 years	33.8	5.3
Less than 5 years and not less than 4 years	33.6	5.5
Less than 6 years and not less than 5 years	33.3	5.7
Less than 7 years and not less than 6 years	33.1	5.9
Less than 8 years and not less than 7 years	32.9	6.1
Less than 9 years and not less than 8 years	32.7	6.2
Less than 10 years and not less than 9 years	32.5	6.3
Less than 11 years and not less than 10 years	32.2	6.4
Less than 12 years and not less than 11 years	31.8	6.5
Less than 13 years and not less than 12 years	31.7	6.5
Less than 14 years and not less than 13 years	31.7	6.6
Less than 15 years and not less than 14 years	31.2	6.6
Less than 16 years and not less than 15 years	30.4	6.6
Less than 17 years and not less than 16 years	29.9	6.5
Less than 18 years and not less than 17 years	29.8	6.6
Less than 19 years and not less than 18 years	29.5	6.6
Less than 20 years and not less than 19 years	28.9	6.5
Less than 21 years and not less than 20 years	28.2	6.4
Less than 22 years and not less than 21 years	27.6	6.4
Less than 23 years and not less than 22 years	27.4	6.3
Less than 24 years and not less than 23 years	26.9	6.3
Less than 25 years and not less than 24 years	26.4	6.2
Less than 26 years and not less than 25 years	25.8	6.2
Less than 27 years and not less than 26 years	25.3	6.1
Less than 28 years and not less than 27 years	24.8	6.0
Less than 29 years and not less than 28 years	24.3	6.0
Less than 30 years and not less than 29 years	23.8	5.9

Existing Judicial Scheme**Judicial Offices Included in Each Arrangement***Circuit Judiciary Scheme*

County court judge

Chief or other Social Security Commissioner

Chief or other Child Support Commissioner

*Resident magistrate Scheme*Resident Magistrate appointed under the Magistrates' Courts Act (Northern Ireland)
1964

EXPLANATORY NOTE*(This note is not part of the Regulations.)*

These Regulations make provision for the payment by members of existing judicial pension schemes of voluntary contributions towards the cost of additional benefits under their respective schemes.