

## SCHEDULE 3

### Modifying provisions and amendments

## PART 3

### Amendments

#### Amendments to the Judicial Pensions and Retirement Act 1993

11.—(1) Part 1 of the Judicial Pensions and Retirement Act 1993 <sup>M1</sup> (new arrangements for judicial pensions) is amended as follows.

(2) In section 2 (the judicial officer's entitlement to a pension)—

- (a) in subsection (7)(c), after “shall” insert “ (subject to subsection (7A)) ”, and
- (b) after subsection (7) insert—

“(7A) Subsection (7)(c) does not apply where, at the date of the retirement, the person—

- (a) is a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; and
- (b) is entitled under that scheme to early payment of benefits on the grounds of ill-health.”

(3) In section 4 (lump sum on the judicial officer's retirement or death), after subsection (3) insert—

“(3A) Subsection (3) does not apply where, at the date of the person's death—

- (a) the person is a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; and
- (b) a lump sum is payable under that scheme on the person's death.”

(4) In section 5 (surviving spouse's and surviving civil partner's pension), after subsection (6) insert—

“(7) In a case within subsection (6)(c), section 2(7)(c) (deemed increase in period of service) is to be disregarded in determining the rate that would have been the appropriate annual rate of the deceased's pension if, at the date of death—

- (a) the deceased was a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014, and
- (b) under that scheme, benefits are payable on the deceased's death to a widow, widower or surviving civil partner of the deceased.”

(5) In section 8 (rate of children's pension), after subsection (4) insert—

“(5) Section 5(7) accordingly applies for the purposes of this section in a case within section 5(6)(c), but as if the reference in section 5(7)(b) to the benefits payable on the deceased's death included a reference to benefits payable to surviving dependants of the deceased.”

#### Marginal Citations

M1 1993 c. 8.

**Changes to legislation:**

The Judicial Pensions Regulations (Northern Ireland) 2015, Paragraph 11 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Rule associated Parts and Chapters:**

Whole provisions yet to be inserted into this Rule (including any effects on those provisions):

- Sch. 3 para. 7A inserted by [S.R. 2016/138 reg. 2\(2\)](#) (On the coming into operation day of this amendment Sch. 3 para. 7 of SR2015 No. 76 ceases to have effect.)