
STATUTORY RULES OF NORTHERN IRELAND

2023 No. 63

**The Judicial Pensions (Amendment)
Regulations (Northern Ireland) 2023**

Amendment of the Judicial Pensions Regulations 2015

- 16.**—(1) Schedule 2 (transitional provisions) is amended as follows.
- (2) In paragraph 1 (interpretation)—
- (a) in the definition of “closing date”—
 - (i) for “an existing” substitute “a relevant”, and
 - (ii) for “that scheme” substitute “such a scheme”;
 - (b) in the definition of “full protection member”, for “8 and 9” substitute “8, 9 and 9A”;
 - (c) in the definition of “protected member” for “an existing” substitute “a relevant”;
 - (d) in the definition of “tapered protection closing date” for “an existing” substitute “a relevant”;
 - (e) for the definition of “tapered protection member” substitute—
 - ““tapered protection member”—
 - (a) in relation to an existing scheme, has the meaning given in paragraphs 12, 13 and 13A; and
 - (b) in relation to the Fee-Paid Judges Scheme, means a person who meets the conditions in sub-paragraphs (a) to (d) of regulation 14(6);”;
 - (f) in the definition of “transition date”—
 - (i) for “an existing” substitute “a relevant”;
 - (ii) for “that scheme” substitute “such a scheme”, and
 - (g) in the definition of “transition member” for “an existing” substitute “a relevant”.
- (3) In paragraph 2 (meaning of “continuity of service”)—
- (a) renumber the existing text as sub-paragraph (1);
 - (b) in that paragraph for “an existing” substitute “a relevant”, and
 - (c) at the end insert—
 - “(2) In this paragraph a reference to “pensionable service” in relation to the Fee-Paid Judges Scheme is a reference to qualifying judicial service.”.
- (4) In paragraph 3 (meaning of “tapered protection closing date”)—
- (a) in sub-paragraph (1)—
 - (i) for “an existing” substitute “a relevant”, and
 - (ii) omit “under Part 4 of this Schedule”, and
 - (b) after sub-paragraph (2) insert—
 - “(3) In this paragraph “the option” means—

- (a) in relation to an existing scheme, the option under Part 4 of this Schedule;
- (b) in relation to the Fee-Paid Judges Scheme, the option under regulation 14(6)(d).”

(5) After paragraph 9 (members moving between schemes after the scheme closing date) insert—

“Members with previous service in a fee-paid office

9A. A person (P) is a full protection member of an existing scheme if—

- (a) P was serving in a fee-paid office on 31st March 2012;
- (b) P was aged 55 years or over on 1st April 2012;
- (c) the appropriate Minister has notified P that P is eligible to a pension in respect of their service in that fee-paid office;
- (d) P either—
 - (i) was an active member of an existing scheme on the scheme closing date, or
 - (ii) begins service, which would have been pensionable under an existing scheme, after scheme closing date, and
- (e) P would, unless P dies, reach normal pension age under that scheme on or before 1st April 2022.”

(6) After paragraph 13 (members moving between schemes after the scheme closing date) insert—

“Members with previous service in a fee-paid office

13A. A person (P) is a tapered protection member of an existing scheme if—

- (a) P was serving in a fee-paid office on 31st March 2012;
- (b) P was aged between 51 years and 6 months and 55 years on 1st April 2012;
- (c) the appropriate Minister has notified P that P is eligible to a pension in respect of their service in that fee-paid office;
- (d) P either—
 - (i) was an active member of an existing scheme on the scheme closing date, or
 - (ii) begins service, which would have been pensionable under an existing scheme, after the scheme closing date, but before the tapered protection closing date for that scheme, and
- (e) P would, unless P dies, reach normal pension age under that scheme during the period beginning with 2nd April 2022 and ending with 1st September 2025.”

(7) In the heading before paragraph 15 for “an existing” substitute “a relevant”.

(8) In paragraph 15 (transition member who has not reached normal pension age), in sub-paragraphs (1), (2) and (3) for “an existing” in each place where it occurs substitute “a relevant”.

(9) In paragraph 16 (annual rate of surviving adult’s pensions when transition member dies in service)—

- (a) in sub-paragraphs (2) and (3) and in the definition of “period of service” in sub-paragraph (4), for “an existing” in each place where it occurs substitute “a relevant”, and
- (b) at the end, insert—

“(5) In this paragraph a reference to “pensionable service” in relation to the Fee-Paid Judges Scheme is a reference to qualifying judicial service.”

(10) In paragraph 17 (annual rate of eligible child’s pension when transition member dies in service)—

- (a) in sub-paragraphs (2) and (3) and in the definition of “period of service” in sub-paragraph (4), for “an existing” in each place where it occurs substitute “a relevant”, and
- (b) at the end, insert—

“(5) In this regulation a reference to “pensionable service” in relation to the Fee-Paid Judges Scheme is a reference to qualifying judicial service.”.

(11) In paragraph 18(2)(b) (death in service lump sum) for “an existing” substitute “a relevant”.

(12) In paragraph 19 (death out of service lump sum)—

- (a) for “an existing” in each place where it occurs substitute “a relevant”; and
- (b) for “the existing” substitute “the relevant”.

(13) In the heading to Part 7 for “an existing scheme” substitute “relevant schemes”.

(14) In the heading to paragraph 21 for “the existing” substitute “a relevant”.

(15) In paragraph 21 (repayment of contributions under the existing scheme) for “an existing” in both places where it occurs substitute “a relevant”.

(16) In the heading to paragraph 23 for “the existing” substitute “a relevant”.

(17) In paragraph 23 (nomination under existing scheme continues to have effect) for sub-paragraph (3) substitute—

“(3) In this paragraph, “existing nomination” means—

- (a) a nomination which—
 - (i) was made for the purpose of a relevant scheme; and
 - (ii) at the closing date, had effect under that scheme; or
- (b) a nomination which—
 - (i) was made in anticipation of membership of the Fee-Paid Judges Scheme; and
 - (ii) at the closing date would have had effect under that scheme if it had been in force.”.

Commencement Information

- I1** Reg. 16(2)(a) comes into force in accordance with reg. 1(3)
- I2** Reg. 16(2)(b),(5),(6) in operation at 2.5.2023 for specified purposes, see [reg. 1\(3\)](#)
- I3** Reg. 16(3)-(4) comes into force in accordance with reg. 1(3)
- I4** Reg. 16(7)-(14) comes into force in accordance with reg. 1(3)
- I5** Reg. 16(c)-(g) comes into force in accordance with reg. 1(3)

Changes to legislation:

There are currently no known outstanding effects for the The Judicial Pensions (Amendment) Regulations (Northern Ireland) 2023, Section 16.