

SCHEDULE 1

Payments for extra pension

PART 3

Effective pension age payments

CHAPTER 1

Exercising the effective pension age option

Effective pension age option exercisable by member

24.—(1) This paragraph applies if an active member of this scheme in relation to a continuous period of pensionable service has a normal pension age above 65 years.

(2) Subject to sub-paragraphs (3) and (4), the member may opt to make periodical payments for an effective pension age of 1, 2 or 3 years below the member's normal pension age ("effective pension age option").

(3) An effective pension age option may not be exercised to achieve an effective pension age below 65 years.

(4) The member may opt to make periodical payments for an effective pension age of any period up to 3 years below the member's normal pension age if that would achieve an effective pension age of 65 years.

(5) An effective pension age is—

(a) relative to normal pension age; and

(b) automatically adjusted to reflect any change in normal pension age.

Exercising the effective pension age option

25.—(1) A member may exercise an effective pension age option by notice to the scheme manager in a form required by the scheme manager.

(2) The option notice must state the effective pension age which is to apply under the option.

(3) A member may exercise an effective pension age option more than once.

(4) A member may not exercise an effective pension age option during—

(a) a period of assumed pay; or

(b) any scheme year in which the member has reached the overall limit of extra pension for that year.

Payment of pension at effective pension age

26.—(1) For any part of a scheme year in which a member makes periodical payments for an effective pension age option, the member is entitled to payment of a full retirement earned pension or partial retirement earned pension attributable to the option at the effective pension age stated in the option without actuarial reduction.

(2) The amount of pension attributable to the option is reduced if the periodical payments are stopped before the end of the periodical payment period.

(3) For any period in which the periodical payments are stopped, an amount of standard earned pension is credited to the active member's account instead of an amount of earned pension attributable to the option.

Member ceases to be in pensionable service under this scheme

27.—(1) An effective pension age option in relation to a continuous period of pensionable service under this scheme ceases to have effect when the member ceases to be in that pensionable service.

(2) Periodical payments cease to be payable from the member's last day of pensionable service.

(3) In the circumstances provided for in regulation 129, the member is entitled to a refund under that regulation of the periodical payments.

(4) If the member re-enters pensionable service under this scheme after a gap in pensionable service not exceeding 5 years, should the member so opt, the periodical payments resume in the first pay period after the member re-enters pensionable service unless—

- (a) the periodical payments have been refunded to the member under regulation 129; or
- (b) a transfer value payment has been made to another scheme in respect of the member's accrued rights under this scheme.

(5) The periodical payments resume under sub-paragraph (4) even if the member has reached the overall limit of extra pension for the scheme year in which the payments resume.

Cancellation of option

28.—(1) A member may, by notice to the scheme manager, cancel an effective pension age option at any time during the periodical payment period.

(2) If the member cancels the option, the periodical payments cease to be payable from the beginning of the next scheme year after the scheme manager receives notice of the cancellation.

(3) If the member exercises an effective pension age option again within a period not exceeding 5 years, the periodical payments resume from the first pay period of the next scheme year beginning after the date on which the member exercises the option again.

(4) The periodical payments resume under sub-paragraph (3) even if the member has reached the overall limit of extra pension for the scheme year in which the payments resume.

Value of an effective pension age option

29.—(1) The value of an effective pension age option at any time is a value determined by the scheme manager as at that time.

(2) A member who has exercised an effective pension age option—

- (a) may at any time ask the scheme manager to provide a statement of the value of the effective pension age option; and
- (b) must ask the scheme manager to provide a statement of the value of the effective pension age option before an added pension option may be exercised in relation to the member.

CHAPTER 2

Making effective pension age payments

Amount of periodical payments

30.—(1) Periodical payments for an effective pension age are payable by deduction by the member's employer from the member's pensionable earnings in every pay period during the periodical payment period.

(2) The amount of the periodical payments is an amount—

- (a) determined by the scheme manager; and
- (b) set out in a notice to the member.

(3) The scheme manager must determine the amount by reference to actuarial tables having regard to—

- (a) the member's age and gender; and
- (b) the number of years before the member will reach normal pension age.

(4) Before the start of every scheme year, the scheme manager must—

- (a) review the amount of the periodical payments; and
- (b) if the scheme manager re-determines the amount, send the member notice of the amount payable from the start of the next scheme year.

Periodical payment period

31. The periodical payment period—

(a) begins with—

- (i) if the member exercises the option within 3 months after joining this scheme — the first appropriate pay period beginning on or after the date on which the scheme manager receives the option notice; or
- (ii) in any other case — the first appropriate pay period of the scheme year beginning on or after the date on which the scheme manager receives the option notice; and

(b) ends on the earlier of—

- (i) the date on which the member ceases to be in pensionable service in the eligible employment to which the option relates; and
- (ii) the date on which the member reaches the effective pension age.

Periodical payments during period of assumed pay

32.—(1) Subject to sub-paragraph (2), during a period of assumed pay the member may—

- (a) stop the periodical payments; or
- (b) continue the periodical payments as if the member were receiving pensionable earnings at the full rate.

(2) During any period in which the member is receiving statutory maternity pay within the meaning of the Social Security Contributions and Benefits Act 1992 or is on paid ordinary maternity leave, paid adoption leave or paid paternity leave, the member may—

- (a) stop the periodical payments; or
- (b) make periodical payments of an amount determined by reference to the member's actual pay during that period.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Judicial Pensions Regulations 2015 No. 182

(3) A member may stop that part of the periodical payments which relates to the years after the member would reach the age of 60 and before the member would reach the age of 65 without stopping that part of the periodical payments which relates to the years after the member would reach the age of 65 and before the member would reach normal pension age.

(4) If a member stops the periodical payments during a period of assumed pay, the member may, by notice to the scheme manager in a form required by the scheme manager, resume the periodical payments in the next pay period after the period of assumed pay ends.