



# Judicial Pensions Act 1981

## 1981 CHAPTER 20

### PART III

#### SUPPLEMENTAL

#### [33A <sup>F1</sup> Voluntary contributions.

(1) Regulations shall make provision

- <sup>F2</sup>(a) [ entitling any member of a judicial pension scheme constituted by this Act or the Sheriffs' Pensions (Scotland) Act 1961 to make voluntary contributions towards the cost of the provision of additional benefits [<sup>F3</sup>whether under the scheme or otherwise; or
- (b) imposing conditions with respect to the exercise by any such person of any entitlement (whether or not under paragraph (a) above) which he may have to make any such voluntary contributions.]

[ The regulations may make provision for the purpose of imposing, in a case where a <sup>F4</sup>(1A) member makes voluntary contributions, upper limits with respect to—

- (a) the aggregate value of the aggregable benefits which may be paid to or in respect of any such member; and
- (b) the amount which any such member may pay by way of such contributions;

and, without prejudice to the generality of paragraph (b) above, the regulations may, in particular, impose such an upper limit on the amount which a member may pay by way of voluntary contributions as will, so far as reasonably practicable, secure that the aggregate value referred to in paragraph (a) above will not exceed the limit prescribed under that paragraph.

(1B) The regulations may—

- (a) prescribe the manner in which aggregable benefits are to be valued for the purpose of any such aggregation as is mentioned in subsection (1A) above;
- (b) confer on the administrators of a judicial pension scheme power to require a member who is making, or who wishes to make, voluntary contributions to

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provide such information as they may require concerning any retained benefits of his;

- (c) permit the disclosure by those administrators of any information which they may obtain concerning any such retained 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.]

(2) The regulations—

- (a) may not prohibit the payment of voluntary contributions;
- (b) may not impose any limit on the amount which any member may pay by way of voluntary contributions other than <sup>F5</sup>[<sup>F6</sup> . . . —
  - (i) such upper limit as may be imposed by virtue of subsection (1A)(b) above; <sup>F7</sup> . . .
  - (ii) <sup>F7</sup> . . . . .]
- (c) must secure that any voluntary contributions paid by a member of a scheme are used to provide prescribed additional benefits for or in respect of him; and
- (d) must secure that the value of such additional benefits is reasonable, having regard to—
  - (i) the amount paid by way of voluntary contributions;
  - (ii) the value of the other benefits provided under the scheme; and
  - <sup>F8</sup>(iii) [ the general value of benefits available to a person under any contract of life insurance entered into by him with an insurer;]

[<sup>F9</sup>but paragraphs (c) and (d) above have effect only in relation to a voluntary contributions scheme constituted by or under this Act or the Sheriffs' Pensions (Scotland) Act 1961.]

(3) The regulations may, in particular—

- (a) provide that the value of additional benefits offered on payment of voluntary contributions shall be determined in accordance with prescribed rules based on tables prepared for the purposes of the regulations by the Government Actuary; <sup>F10</sup> . . .
- (b) prescribe the manner in which it is to be determined in any case whether the amount of a person's contributions exceeds any [<sup>F11</sup>such limit as is mentioned in] subsection (2)(b) above.
- <sup>F12</sup>(c) [ provide for any administrative expenses incurred by any person by virtue of this section to be defrayed out of sums received by way of voluntary contributions;
- (d) provide for the manner in which voluntary contributions are to be made;
- (e) make provision for, and in connection with, the valuation of a person's accrued rights—
  - (i) under any occupational or personal pension scheme, which are to be transferred into a voluntary contributions scheme, or
  - (ii) under any voluntary contributions scheme, which on termination of his membership of that scheme may fall to be transferred into another scheme;
- (f) prescribe the additional benefits which are to be available under a voluntary contributions scheme and the rates and times at which those benefits are to be payable;

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- (g) make provision for and in connection with the making of elections between different benefits available under voluntary contributions schemes;
- (h) provide for the terms on which a person may terminate his membership of a voluntary contributions scheme;
- (j) provide for the terms on which surplus funds may be refunded to a person who has made payments by way of voluntary contributions to a voluntary contributions scheme;
- (k) specify any authorised providers—
  - (i) who are to invest any prescribed voluntary contributions, or
  - (ii) who are to provide any prescribed additional benefits,and, if two or more authorised providers are so specified, may make provision entitling any person who makes prescribed payments by way of voluntary contributions to elect between those authorised providers.]

<sup>F13</sup>(4) . . . . .

[ The regulations may provide for such additional benefits arising under or by virtue of <sup>F14</sup>(4A) this section as may be prescribed—

- (a) to be charged on, and paid out of, the Consolidated Fund; or
- (b) to be paid out of money provided by Parliament.]

(5) Regulations made under this section may make provision for consequential and incidental matters, including, in particular, consequential provision with respect to any enactment referring or relating to lump sums payable under Part II of this Act.

[ The regulations may make different provision for different classes or descriptions of <sup>F15</sup>(5A) voluntary contributions scheme.]

(6) Regulations under this section may be made—

- (a) by the Lord Chancellor; or
- (b) in relation to pensions for service in offices existing only in Scotland, by the Secretary of State,

with the consent of the Treasury.

(7) The power to make regulations under this section shall be exercisable by statutory instrument.

(8) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[ In this section—

<sup>F16</sup>(9) “ administrators ”, in relation to any scheme, means the persons entrusted with the administration of that scheme;

“ aggregable benefits ” means—

- (a) any pensions or other benefits under a judicial pension scheme, other than such additional benefits as are mentioned in subsection (1) above;
- (b) such additional benefits so mentioned as may be prescribed; and
- (c) such retained benefits as may be prescribed;

[<sup>F17</sup>“ authorised provider ”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means—

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- (a) a person who has permission under [F18Part 4A] of the Financial Services and Markets Act 2000 to invest such sums or, as the case may be, to provide that benefit;
- (b) F19 ...
- (c) F19 ...]

“employment” has the same meaning as it has in the [F20 Pension Schemes Act 1993 ] (and accordingly includes employment as a self-employed earner, within the meaning of that Act);

[F21“insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance;
- (b) F22 ...]

“judicial pension scheme” has the meaning given by section 14A(2) above;

“member” means member of a judicial pension scheme;

“occupational pension scheme” has the meaning given by [F23 section 1 of the Pension Schemes Act 1993 ] or, in relation to Northern Ireland, [F24 section 1 of the Pension Schemes (Northern Ireland) Act 1993 ];

“personal pension scheme” has the meaning given by [F25 section 1 of the Pension Schemes Act 1993 ] or, in relation to Northern Ireland, [F26 section 1 of the Pension Schemes (Northern Ireland) Act 1993];

“prescribed” means specified in, or determined in accordance with, the regulations;

F27 .....

“retained benefits”, in the case of any person, means any rights retained by him to F28 . . . benefits under any occupational or personal pension scheme which [F29is registered under Part 4 of the Finance Act 2004 ], being rights which accrued during some previous employment;

“surplus funds”, in relation to a person and any voluntary contributions scheme, means any funds which are, or have been, held for the purposes of that voluntary contributions scheme and which fall to be returned to him in consequence of any such limit as is mentioned in subsection (2)(b) above;

F30 .....

“voluntary contributions”, in relation to any member of a judicial pension scheme, means voluntary contributions towards the provision of additional benefits, whether under that scheme or otherwise;

“voluntary contributions scheme” means any occupational pension scheme if and to the extent that it is a scheme under which such additional benefits as are mentioned in subsection (1) above are, or are to be, provided;

and, where a person’s voluntary contributions are made by deduction from salary, any reference to payment of, or by way of, voluntary contributions shall be taken to include a reference to the making of voluntary contributions by deduction or, as the case may require, to any voluntary contributions so made.

[ In subsection (9), the definitions of “authorised provider” and “insurer” must be read F31(9A) with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.

F32(9B) .....

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F32(9C) .....

F32(9D) .....

F32(9E) .....]

(10) Without prejudice to subsections (3)(c) and (d) and (4A) above, there may be paid out of money provided by Parliament—

- (a) any sums required for or in connection with the operation or administration of any prescribed voluntary contributions scheme; or
- (b) any administrative expenses incurred under or by virtue of this section by a Minister of the Crown or government department.

(11) Any sums received under this section may be paid into the Consolidated Fund.]]

#### Textual Amendments

- F1 S. 33A inserted (6.3.1995) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 82(1); S.I. 1995/641, art. 2
- F2 Word in s. 33A(1) inserted (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(2\)](#); S.I. 1995/631, art. 2
- F3 Words in s. 33A(1) substituted (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(2\)](#); S.I. 1995/631, art. 2
- F4 S. 33A(1A)(1B) inserted (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(3\)](#); S.I. 1995/631, art. 2
- F5 Words in s. 33A(2)(b) omitted (6.4.2006) by virtue of [The Taxation of Judicial Pensions \(Consequential Provisions\) Order 2006 \(S.I. 2006/497\)](#), art. 7, [Sch. para. 2\(a\)](#)
- F6 Words in s. 33A(2)(b) inserted (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(4\)](#); S.I. 1995/631, art. 2
- F7 S. 33A(2)(b)(ii) and preceding word omitted (6.4.2006) by virtue of [The Taxation of Judicial Pensions \(Consequential Provisions\) Order 2006 \(S.I. 2006/497\)](#), art. 7, [Sch. para. 2\(a\)](#)
- F8 S. 33A(2)(d)(iii) substituted (1.12.2001) by S.I. 2001/3649, [art. 110\(1\)\(2\)](#)
- F9 Words in s. 33A(2) added (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(5\)](#); S.I. 1995/631, art. 2
- F10 Word in s. 33A(3)(a) repealed (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(6\)\(a\)](#), [Sch. 9](#); S.I. 1995/631, art. 2
- F11 Words in s. 33A(3)(b) substituted (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(6\)\(b\)](#); S.I. 1995/631, art. 2
- F12 S. 33A(3)(c)-(k) added (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(7\)](#); S.I. 1995/631, art. 2
- F13 S. 33A(4) repealed (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(8\)](#), [Sch. 9](#); S.I. 1995/631, art. 2
- F14 S. 33A(4A) inserted (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(8\)](#); S.I. 1995/631, art. 2
- F15 S. 33A(5A) inserted (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(9\)](#); S.I. 1995/631, art. 2
- F16 S. 33A(9)-(11) added (31.3.1995) by 1993 c. 8, s. 24, [Sch. 3 Pt. I para. 3\(10\)](#); S.I. 1995/631, art. 2
- F17 S. 33A(9): definition of “authorised provider” substituted (1.12.2001) by S.I. 2001/3649, [art. 110\(1\)\(3\)\(a\)](#)
- F18 Words in s. 33A(9) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), [Sch. 18 para. 42](#) (with [Sch. 20](#)); S.I. 2013/423, art. 3, [Sch.](#)
- F19 Words in s. 33A(9) omitted (31.12.2020) by virtue of [The EEA Passport Rights \(Amendment, etc., and Transitional Provisions\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1149\)](#), reg. 1(3), [Sch. para. 26\(a\)\(i\)](#) (with reg. 4); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F20 Words in s. 33A(9) substituted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 8 para. 13\(a\)](#) (with s. 164); S.I. 1994/86, art. 2
- F21 S. 33A(9): definition of “insurer” inserted (1.12.2001) by S.I. 2001/3649, [art. 110\(1\)\(3\)\(b\)](#)

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- F22** Words in s. 33A(9) omitted (31.12.2020) by virtue of The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1149), reg. 1(3), **Sch. para. 26(a)(ii)** (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)
- F23** Words in s. 33A(9) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 13(b)** (with s. 164); S.I. 1994/86, **art. 2**
- F24** Words in s. 33A(9) substituted (N.I.) (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 17(a)**; S.R. 1994/17, **art. 2**.
- F25** Words in s. 33A(9) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 13(c)** (with s. 164); S.I. 1994/86, **art. 2**
- F26** Words in s. 33A(9) substituted (N.I.) (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 17(b)**; S.R. 1994/17, **art. 2**.
- F27** S. 33A(9): definition of "relevant benefits" omitted (6.4.2006) by virtue of The Taxation of Judicial Pensions (Consequential Provisions) Order 2006 (S.I. 2006/497), art. 7, **Sch. para. 2(b)(i)**
- F28** S. 33A(9): word in definition of "retained benefits" omitted (6.4.2006) by virtue of The Taxation of Judicial Pensions (Consequential Provisions) Order 2006 (S.I. 2006/497), art. 7, **Sch. para. 2(b)(ii)**
- F29** S. 33A(9): words in definition of "retained benefits" substituted (6.4.2006) by The Taxation of Judicial Pensions (Consequential Provisions) Order 2006 (S.I. 2006/497), art. 7, **Sch. para. 2(b)(ii)**
- F30** S. 33A(9): definitions of "tax-exemption" and "tax-approval" omitted (6.4.2006) by virtue of The Taxation of Judicial Pensions (Consequential Provisions) Order 2006 (S.I. 2006/497), art. 7, **Sch. para. 2(b)(iii)**
- F31** S. 33A(9A)-(9E) inserted (1.12.2001) by S.I. 2001/3649, **art. 110(1)(4)**
- F32** S. 33A(9B)-(9E) omitted (31.12.2020) by virtue of The EEA Passport Rights (Amendment, etc., and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1149), reg. 1(3), **Sch. para. 26(b)** (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)

**Modifications etc. (not altering text)**

- C1** S. 33A(2) amended (1.7.1994) by S.I. 1994/1696, reg. 68, **Sch. 8 para. 7(2)**

**Changes to legislation:**

There are currently no known outstanding effects for the Judicial Pensions Act 1981, Section 33A.