

*Status: Point in time view as at 03/01/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Pensions Act 2011, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 34

#### CONTRIBUTIONS TOWARDS COST OF JUDICIAL PENSIONS ETC

##### PART 1

#### CONTRIBUTIONS TOWARDS COST OF JUDICIAL PENSIONS

*District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))*

- 1 (1) The District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960 is amended as follows.
- (2) Before section 9 (and after the heading “Contributions”) insert—

##### **Contributions towards cost of pension etc**

“8A (1) The Lord Chancellor may, by regulations made with the consent of the Treasury, make provision for and in connection with requiring contributions to be made towards the cost of the liability for relevant benefits.

- (2) The prescribed contributions are to be—
- (a) made by the person to or in respect of whom the relevant benefits are to be, or may be, provided;
  - (b) made for the person's period of relevant service;
  - (c) in the form of deductions from the salary payable for that service.
- (3) But no contribution is to be made by a person—
- (a) for any period of service during which an election under section 2A is in force in respect of the person;
  - (b) for any period of service after the person has completed, in the aggregate, 20 years' relevant service;
  - (c) for any other prescribed period of service;
  - (d) in any prescribed circumstances.
- (4) For the purposes of subsection (3)(b), it does not matter whether the person's relevant service was service before or after the commencement of paragraph 1 of Schedule 5 to the Pensions Act 2011 (but no contribution is to be made for a person's service before that commencement).

- (5) In this section—

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

“relevant benefits” means—

- (a) a pension under section 2;

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- (b) a lump sum under section 3;  
 “relevant service” means service as a district judge (magistrates' courts) in Northern Ireland.
- (6) Regulations under this section may make provision for consequential, transitional and incidental matters.
- (7) Regulations made under this section shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.”
- (3) In section 10(a) (district judges (magistrates' courts) serving again after retirement) after “any contribution” insert “ by virtue of section 9 ”.

**Commencement Information**

**II** Sch. 5 para. 1 in force at 3.1.2012 by S.I. 2011/3034, art. 3(j)

*Judicial Pensions Act 1981 (c. 20)*

- 2 (1) The Judicial Pensions Act 1981 is amended as follows.
- (2) In section 25(1)(a) (persons serving again after retirement) after “any contribution” insert “ by virtue of section 23 ”.
- (3) After section 33 insert—

**“33ZA Contributions towards cost of certain judicial pensions etc**

- (1) The appropriate Minister may, by regulations made with the concurrence of the Treasury, make provision for and in connection with requiring contributions to be made towards the cost of the liability for relevant benefits.
- (2) The prescribed contributions are to be—
- (a) made by the person to or in respect of whom the relevant benefits are to be, or may be, provided;
  - (b) made for the person's period of relevant service;
  - (c) in the form of deductions from the salary payable for that service.
- (3) But no contribution is to be made by a person—
- (a) for any period of service during which an election under section 14A is in force in respect of the person;
  - (b) for any period of service after the person has completed, in the aggregate, 20 years' relevant service;
  - (c) for any other prescribed period of service;
  - (d) in any prescribed circumstances.
- (4) For the purposes of subsection (3)(b), it does not matter whether the person's relevant service was service before or after the commencement of paragraph 2 of Schedule 5 to the Pensions Act 2011 (but no contribution is to be made for a person's service before that commencement).
- (5) In this section—

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“the appropriate Minister” means—

- (a) in relation to offices existing only in Scotland, the Secretary of State, or
- (b) subject to paragraph (a), the Lord Chancellor;

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

“relevant benefits” means—

- (a) a pension under section 7 or Schedule 1;
- (b) a pension for a sheriff (but not a sheriff principal) under section 1 of the Sheriffs' Pensions (Scotland) Act 1961;
- (c) a lump sum under section 17, so far as relating to a pension within paragraph (a) or (b);

“relevant service”—

- (a) in relation to a pension under section 7 or a lump sum under section 17 so far as relating to such a pension, means service as a stipendiary magistrate in England or Wales;
- (b) in relation to a pension for service in an office in paragraph 1 of Schedule 1 (except where under paragraph 3 of that Schedule this section does not apply) or a lump sum under section 17 so far as relating to such a pension, means relevant service as defined in paragraph 2 of that Schedule in relation to the office;
- (c) in relation to a pension for a sheriff (but not a sheriff principal) under section 1 of the Sheriffs' Pensions (Scotland) Act 1961 or a lump sum under section 17 so far as relating to such a pension, means service as a sheriff (but not a sheriff principal).

(6) Regulations under this section—

- (a) are to be made by statutory instrument;
- (b) may make different provision for different cases or classes of case;
- (c) may make provision for consequential, transitional and incidental matters.

(7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

(4) In Schedule 1 (certain Senior Courts and county court officers and President of Transport Tribunal) in paragraph 3(2)(b) after “Part II” insert “ and section 33ZA ”.

#### **Commencement Information**

**12** Sch. 5 para. 2 in force at 3.1.2012 by S.I. 2011/3034, art. 3(j)

#### *Constitutional Reform Act 2005 (c. 4)*

- 3 (1) Paragraph 4 of Schedule 7 to the Constitutional Reform Act 2005 (Lord Chancellor's protected functions) is amended as follows.
- (2) In the entries relating to the Judicial Pensions Act 1981 at the appropriate place insert “ Section 33ZA. ”

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- (3) In the entries relating to the Judicial Pensions and Retirement Act 1993 at the appropriate place insert “ Section 9A. ”
- (4) In the entries relating to the District Judges (Magistrates' Courts) Pensions Act (Northern Ireland) 1960 at the appropriate place insert “ Section 8A. ”

**Commencement Information**

**I3** [Sch. 5 para. 3](#) in force at 3.1.2012 by [S.I. 2011/3034](#), [art. 3\(j\)](#)

**PART 2**

MINOR AMENDMENTS RELATING TO JUDICIAL PENSIONS

*Sheriffs' Pensions (Scotland) Act 1961 (c. 42)*

- 4 In section 9A of the Sheriffs' Pensions (Scotland) Act 1961 (appeals) after subsection (4) insert—
- “(4A) Regulations under subsection (3) are to be made by statutory instrument.
- (4B) A statutory instrument containing regulations under subsection (3) is subject to annulment in pursuance of a resolution of either House of Parliament.”

**Commencement Information**

**I4** [Sch. 5 para. 4](#) in force at 3.1.2012 by [S.I. 2011/3034](#), [art. 3\(j\)](#)

*Judicial Pensions Act 1981 (c. 20)*

- 5 In section 32A of the Judicial Pensions Act 1981 (appeals) after subsection (5) insert—
- “(5A) Regulations under subsection (4) are to be made by statutory instrument.
- (5B) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.”

**Commencement Information**

**I5** [Sch. 5 para. 5](#) in force at 3.1.2012 by [S.I. 2011/3034](#), [art. 3\(j\)](#)

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