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STATUTORY INSTRUMENTS

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**2003 No. 2916**

**PENSIONS**

**The Judicial Pensions (Election  
against Benefits) Regulations 2003**

*Made* - - - - *12th November 2003*  
*Laid before Parliament* *19th November 2003*  
*Coming into force* - - *19th December 2003*

The Secretary of State for Work and Pensions, in exercise of the powers conferred upon him by sections 181(1) and 182(3) of and paragraph 17(2) of Schedule 6 to the Pension Schemes Act 1993<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Judicial Pensions (Election against Benefits) Regulations 2003 and shall come into force on 19th December 2003.

**Transitional provisions**

2.—(1) Every reference in the Judicial Pensions Act 1981<sup>(2)</sup> or the Judicial Pensions and Retirement Act 1993<sup>(3)</sup> to an election made under section 14A(3)(b) of the Judicial Pensions Act 1981 shall be construed as including every election made under that section, whether before or after the coming into force of these Regulations.

(2) Every reference in the Judicial Pensions and Retirement Act 1993 to an election made under section 13 of that Act shall be construed as including every election made under that section, whether before or after the coming into force of these Regulations.

(3) Every election made under one of the sections cited in the preceding paragraphs before the coming into force of these Regulations shall for so long as it remains in force have the same effect as if it had been made under the respective section as modified by these Regulations.

**Modification of the Judicial Pensions Act 1981**

3.—(1) The Judicial Pensions Act 1981 shall have effect subject to the following modifications.

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(1) 1993 c. 48. Section 181(1) is cited because of the meaning there given to “regulations”.  
(2) 1981 c. 20. Section 14A was inserted by S.I.1988/1417.  
(3) 1993 c. 8.

- (2) In section 14A(2) the definition of “personal pension scheme” shall be omitted.
- (3) For section 14A(3)(b) there shall be substituted—
  - “(b) be entitled at any time to serve on the Minister a written notice of election not to be a member of the relevant judicial pension scheme, to take effect on a date not less than one month after the date on which it was served.”.

### **Modification of the Judicial Pensions and Retirement Act 1993**

4.—(1) The Judicial Pensions and Retirement Act 1993 shall have effect subject to the following modifications.

- (2) For section 13(1) there shall be substituted—
  - “(1) A person to whom this Part applies, or to whom it would apply but for this section, may at any time serve on the appropriate Minister a written notice of election that this Part should not apply to him.
    - (1A) A person appointed to a qualifying judicial office may, at any time before beginning to serve in that office, serve on the appropriate Minister a written notice of election that this Part should not apply to him in relation to that office.
    - (1B) An election under this section—
      - (a) if made by notice under subsection (1) above, shall take effect on the date specified in the notice, which shall be not less than one month after service of the notice;
      - (b) if made by notice under subsection (1A) above, shall take effect when the person appointed begins to serve in that office.”.
- (3) In section 13(9)—
  - (a) in the definition of “corresponding provisions”, for the words from “confers” to “pension scheme” there shall be substituted “confers a right on a person to elect that this Part shall not apply to him”; and
  - (b) the definition of “personal pension scheme” shall be omitted.

Signed by authority of the Secretary of State for Work and Pensions.

12th November 2003

*Malcolm Wicks*  
Minister of State,  
Department for Work and Pensions

## **EXPLANATORY NOTE**

*(This Note is not part of the Regulations)*

These Regulations modify the Judicial Pensions Act 1981 and the Judicial Pensions and Retirement Act 1993 consequential upon the provision of section 160 of the Pension Schemes Act 1993. The effect of the modified provisions is to allow a holder of judicial office to elect not to receive benefits under the judicial pension schemes, whether or not he becomes a member of a personal pension scheme, and without the need to notify the appropriate Minister of the identity of any personal pension scheme of which he becomes a member. Any election made before the coming into force of these Regulations shall have effect as if made under the amended provisions, thus allowing the office holder to become a member of a personal pension scheme other than that specified in the original election, or not to be a member of any such scheme.