

## SCHEDULE 4

Article 95

### Amendments of subordinate legislation made pursuant to the Judicial Pensions and Retirement Act 1993

#### **The Judicial Pensions (Miscellaneous) Regulations 1995(1)**

1. The Judicial Pensions (Miscellaneous) Regulations 1995 are amended as follows.
- 2.—(1) Regulation 4B (circumstances in which a personal representative may make an election) is amended as follows.
  - (2) After “surviving spouse's”, in each place, insert “or surviving civil partner's”.
  - (3) After “surviving spouse”, in each place, insert “or surviving civil partner”.

#### **The Judicial Pensions (Qualifying Judicial Offices etc.) (City of London) Order 1995(2)**

3. The Judicial Pensions (Qualifying Judicial offices etc.) (City of London) Order 1995 is amended as follows.
4. In article 10 (adjustment of overpayment), in paragraph (2)(b) after “surviving spouse's” insert “or surviving civil partner's”.

#### **The Judicial Pensions (Transfer of Accrued Benefits) Regulations 1995(3)**

5. The Judicial Pensions (Transfer of Accrued Benefits) Regulations 1995 are amended as follows.
  - 6.—(1) Regulation 6 (Part I scheme: calculation of cash equivalents) is amended as follows.
    - (2) In paragraph (1)—
      - (a) after “married”, in each place, insert “or a civil partner”, and
      - (b) for “unmarried”, in each place, substitute “neither married nor a civil partner”.
    - (3) In paragraph (2)—
      - (a) after “spouse's”, in each place, insert “or civil partner's”,
      - (b) for “unmarried”, in each place, substitute “neither married nor a civil partner”, and
      - (c) in sub-paragraph (f)(i), after “married” insert “or a civil partner”.
  - 7.—(1) Regulation 7 (section 19 scheme: calculation of cash equivalents) is amended as follows.
    - (2) In paragraph (1)—
      - (a) in sub-paragraph (a), after “married” insert “or a civil partner”, and
      - (b) in sub-paragraph (b), for “unmarried” substitute “neither married nor a civil partner”.
    - (3) In paragraph (2)(d), after “spouse's” insert “or civil partner's”.
  - 8.—(1) Regulation 14 (Part I scheme: calculation of pension credit) is amended as follows.
    - (2) In paragraph (3)—
      - (a) in sub-paragraph (a), after “married” insert “or a civil partner”, and

(1) [S.I. 1995/632](#), amended by [S.I. 1996/2893](#), [1997/1687](#).

(2) [S.I.1995/ 633](#).

(3) [S.I. 1995/637](#).

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) for “unmarried”, in each place, substitute “neither married nor a civil partner”.
- (3) In paragraph (4)—
  - (a) after “spouse's”, in each place, insert “or civil partner's” ,
  - (b) in sub-paragraph (c)(i), after “married” insert “or a civil partner”, and
  - (c) for “unmarried”, in each place, substitute “neither married nor a civil partner”.
- (4) In paragraph (6), after “spouse's” insert “or civil partner's”.

**9.**—(1) Regulation 15 (section 19 scheme: calculation of pension credit) is amended as follows.

- (2) In paragraph (1)—
  - (a) in sub-paragraph (c), after “spouse's” insert “or “civil partner's””,
  - (b) in sub-paragraph (c)(i), after “married” insert “or a civil partner”, and
  - (c) in sub-paragraph (c)(ii), for “unmarried” substitute “neither married nor a civil partner”.
- (3) In paragraph (3), after “spouse's” insert “or civil partner's”.

**10.** In Schedule 2 (which shows tables of market level adjustment factors), after “Spouse's”, in each column heading, insert “or Civil Partner's”.

#### **The Judicial Pensions (Additional Benefits for Disregarded Earnings) Regulations 1995(4)**

**11.** The Judicial Pensions (Additional Benefits for Disregarded Earnings) Regulations 1995 are amended as follows.

**12.** In regulation 3 (timing and manner of payments of pensions and lump sums under section 19), in paragraph (2), after “surviving spouse's”, in each place, insert “or surviving civil partner's”.

#### **The Judicial Pensions (Contributions) Regulations 1998(5)**

**13.** The Judicial Pensions (Contributions) Regulations 1998 are amended as follows.

**14.**—(1) Regulation 2 (interpretation) is amended as follows.

- (2) In paragraph (1)—
  - (a) in the definition of “contribution”, after “surviving spouse's” insert “or surviving civil partner's ”, and
  - (b) in the definition of “office-holder”, after “surviving spouse's” insert “or surviving civil partner's”.

**15.**—(1) Regulation 12 (contributions liability period) is amended as follows.

- (2) In paragraph (3)—
  - (a) for “unmarried” substitute “neither married nor a civil partner”, and
  - (b) after “spouse” insert “or a civil partner”.
- (3) In paragraph (4)—
  - (a) for “unmarried” substitute “neither married nor a civil partner”, and
  - (b) after “spouse” insert “or a civil partner”.
- (4) In paragraph (5), after “spouse”, in each place, insert “or a civil partner”.

---

(4) [S.I. 1995/640](#).  
(5) [S.I. 1998/1219](#).

- (5) In paragraph (6), after “spouse”, in each place, insert “or a civil partner”.
- (6) In paragraph (7), after “spouse”, in each place, insert “or a civil partner”.
- (7) In paragraph (8), after “married” insert “or a civil partner”.
- (8) In paragraph (9)(a), after “married” insert “or a civil partner”.
- (9) After paragraph (10) insert—

“(11) Where, at the date he ceases to hold qualifying judicial office, an office holder—

- (a) has made an election under Schedule 1A, paragraph 3(2) in respect of a surviving civil partner’s pension; and
- (b) has never had a spouse or eligible children during his service in qualifying judicial office;

his contributions liability period shall not include his service in qualifying judicial office before 5<sup>th</sup> December 2005.”.

**16.—**(1) Regulation 15 (refund of contributions-section 1(1)(a) office holders) is amended as follows.

(2) In paragraph (2) —

- (a) for “unmarried” substitute “neither married nor a civil partner”, and
- (b) after “spouse” insert “, civil partner”.

(3) In paragraph (3) —

- (a) for “unmarried” substitute “neither married nor a civil partner”, and
- (b) after “spouse”, in each place, insert “, civil partner”.

(4) After paragraph (3) insert—

“(3A) Where, at the date he ceases to hold qualifying judicial office, an office holder—

- (a) has made an election under Schedule 1A, paragraph 3(2) in respect of a surviving civil partner’s pension, and
- (b) has never had a spouse or eligible children during his service in qualifying judicial office,

there shall be refunded, together with compound interest, contributions in respect of a period equal to the difference between—

- (i) the total period during which contributions have been paid (subject to a maximum of 20 years), and
- (ii) the period of service (subject to a maximum of 20 years) on or after 5<sup>th</sup> December 2005.

(3B) Paragraph (3A) shall apply without prejudice to any other refund to which an office holder is entitled under this regulation.”.

(5) In paragraph (4)(a), after “married” insert “or a civil partner”.