
Changes to legislation: There are currently no known outstanding effects for the
Judicial Pensions Act (Northern Ireland) 1951. (See end of Document for details)

SCHEDULES

First Schedule rep. by 1959 c. 25 (NI)

Second Schedule—para. 1 spent; paras. 2, 3 rep. by 1959 c. 25 (NI); para. 4 rep. by SLR (NI) 1966

F1F2

<p>F1 prosp. inserted by 1991 NI 24</p> <p>F2 Sch 2A (which is still prosp.- see f020) am. by 2005 c. 11</p>
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F1F2

THIRD SCHEDULE

Section 18.

FINANCIAL

- 1 Save as otherwise directed by this Schedule, any derivative benefit shall be paid out of moneys provided by Parliament.
- 2 If the personal pension is or would be payable out of the Consolidated Fund, the derivative benefit shall be payable in the same manner.

Para. 3 rep. by 1962 c. 9 (NI)

- 4 (1) Any refund of the half of a lump sum under section thirteen of this Act shall be paid into the Exchequer.
- (2) Where such a refund is made as aforesaid, all such adjustments shall be made, including payments out of the Consolidated Fund or out of moneys provided by Parliament and payments into the Exchequer, as will secure that the position is the same as if the lump sum had been half what it was and no refund had been made.
- 5 In this Schedule any reference to a lump sum shall be construed as a reference to the net amount after any reduction under section twelve of this Act has been made and references in the preceding paragraphs of this Schedule to contributions do not include references to the contribution referred to in the said section twelve.

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[^{F3}FOURTH SCHEDULE

Section 6A(2).

WIDOWERS' PENSIONS: TRANSITIONAL PROVISIONS

F3 1991 NI 24

General

- 1 In this Schedule—
- “the commencement date” means the date on which Schedule 1 to the Judicial Pensions (Northern Ireland) Order 1991 came into operation; and
- “member” means a female person who holds judicial office and to, or in respect of whom, benefits are payable under this Act on her retirement.

Service wholly before the commencement date

- 2 Subject to paragraph 3, no widower's pension shall be payable in respect of a member who retires on or before the commencement date.

Members retiring between 7th December 1989 and commencement date

- 3 (1) A member who retires—
- (a) on or after 7th December 1989; but
- (b) before the commencement date,
- may, before the end of the period of six months beginning with the commencement date, opt for her husband to be entitled to a widower's pension on her death.
- (2) Regulations may make provision as to—
- (a) the manner and form in which an option under this paragraph is to be exercised;
- (b) the payment, by any member exercising such an option, of a contribution towards the cost of liability for the widower's pension; and
- (c) the annual value of a widower's pension granted as a result of the exercise of the option given by this paragraph.
- (3) Regulations for the purposes of sub-paragraph (2)—
- (a) may be made, with the concurrence of the Treasury, by the Lord Chancellor; and
- (b) shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Service partly before and partly after the commencement date

- 4 (1) No widower's pension shall be payable in respect of a member who—
- (a) holds judicial office on or before the commencement date; and
- (b) continues to do so after that date,
- unless, before the end of the period of six months beginning with that date, she opts for her husband to be entitled to a widower's pension on her death.
- (2) A member exercising such an option shall specify whether the annual value of the widower's pension is to be calculated—

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- (a) under sub-paragraph (3); or
 - (b) on the assumption that all her relevant service fell after the commencement date.
- (3) Where the annual value of a widower's pension falls to be calculated under this sub-paragraph its value shall be determined by applying the formula—

$$WP1 = WP2 \times RS1/RS2$$

where—

- WP1 is the annual value of the widower's pension,
- WP2 is the annual value of the widower's pension that would be payable on the assumption mentioned in sub-paragraph (2)(b),
- RS1 is the length of the member's relevant service after the commencement date, and
- RS2 is the whole of her relevant service.

- (4) No period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 is in force in respect of the member concerned shall be taken into account for the purposes of any calculation under sub-paragraph (3).
- (5) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service before the commencement date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service before that date adds to the amount of the personal pension.]

[^{F4}SCHEDULE 4A

Section 6A(3).

SURVIVING CIVIL PARTNERS' PENSIONS: TRANSITIONAL PROVISIONS

F4 SI 2005/3325

General

- 1 In this Schedule—
- “the relevant date” means 4th December 2005; and
 - “member” means a person who holds judicial office and to or in respect of whom benefits are payable under this Act on his or her retirement.

Service wholly on or before the relevant date

- 2 No surviving civil partner's pension shall be payable in respect of a member who retires on or before the relevant date.

Service on and after the relevant date

- 3 (1) A member who—
- (a) holds judicial office on the relevant date; and
 - (b) continues to do so after that date,

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shall have the annual value of a surviving civil partner's pension in respect of the member calculated on the assumption that all of the member's relevant service fell after the relevant date.

- (2) Sub-paragraph (1) does not apply if, within six months of the date of the member's formation of a civil partnership, the member opts for the annual value of the surviving civil partner's pension to be calculated under sub-paragraph (3).
- (3) Where the annual value of a surviving civil partner's pension falls to be calculated under this sub-paragraph, its value shall be determined by applying the formula—
$$\text{CPP1} = (\text{CPP2} \times \text{RS1}) \text{ divided by } \text{RS2}$$
where—
 - CPP1 is the annual value of the surviving civil partner's pension,
 - CPP2 is the annual value of the surviving civil partner's pension that would be payable on the assumption mentioned in sub-paragraph (1),
 - RS1 is the length of the member's relevant service after the relevant date, and
 - RS2 is the whole of the member's relevant service.
- (4) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service on or before the relevant date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service on or before that date adds to the amount of the personal pension.
- (5) No period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 is in force in respect of the member concerned shall be taken into account for the purposes of any calculation under sub-paragraph (3).
- (6) An election under sub-paragraph (2) must be made in writing to the administrators.
- (7) An election under sub-paragraph (2) is irrevocable.]

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