

Changes to legislation: There are currently no known outstanding effects for the Resident Magistrates' Pensions Act (Northern Ireland) 1960, SCHEDULE 2. (See end of Document for details)

[^{F1}SCHEDULE 2

Section 4A(2).

F1 1991 NI 24

[^{F2}PART]1

WIDOWERS' PENSIONS: TRANSITIONAL PROVISIONS

F2 SI 2005/3325

GENERAL

- 1 [^{F3}In this Part of 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.

F3 SI 2005/3325

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)—

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- (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—
- (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}PART 2

SURVIVING CIVIL PARTNERS' PENSIONS: TRANSITIONAL PROVISIONS

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GENERAL

- 5 In this Part of this Schedule—
- “the relevant date” means 4th December 2005 [^{F5}, but means 12th January 2020 in relation to a civil partnership formed between two people not of the same sex] ; 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.

F5 Words in Sch. 2 para. 5 inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **56(8)** (with regs. 6-9)

SERVICE WHOLLY ON OR BEFORE THE RELEVANT DATE

- 6 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

- 7 (1) A member who—
- (a) holds judicial office on the relevant date; and
- (b) continues to do so after that date,
- 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) An election under sub#paragraph (2) must be made in writing to the administrators.

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(6) An election under sub#paragraph (2) is irrevocable.]]

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