

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

SCHEDULE [F1]

Section 2.

RULES FOR CALCULATING PENSION

F1 1991 NI 24

PART I

- 1 When the number of completed years of service as a resident magistrate is that specified in the first column of the following table, the annual pension shall not exceed the fraction of the retiring salary respectively specified in the second column of that table.

Years of service	Fraction of retiring salary
[F2]two to four]	[F2]six eightieths]
five	fifteen eightieths
six	sixteen eightieths
seven	seventeen eightieths
eight	eighteen eightieths
nine	nineteen eightieths
ten	twenty eightieths
eleven	twenty-two eightieths
twelve	twenty-four eightieths
thirteen	twenty-six eightieths
fourteen	twenty-eight eightieths
fifteen	thirty eightieths
sixteen	thirty-two eightieths
seventeen	thirty-four eightieths
eighteen	thirty-six eightieths
nineteen	thirty-eight eightieths
twenty or more	forty eightieths

F2 1991 NI 24

- 2 Any period of service after twenty years shall not be taken into account for the purposes of this Part.

PART II

- 1 Where a person to whom paragraph (b) of sub-section (2) of section two applies has served as a resident magistrate for less than five years and his aggregated service

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is not less than ten years' service, subject to paragraph 3, the amount of the annual pension shall not exceed one-eightieth of his retiring salary as a resident magistrate in respect of each year of his aggregated service.

2 Where a person to whom paragraph (b) of sub-section (2) of section two applies has served as a resident magistrate for not less than five years, subject to paragraph 3, the amount of the annual pension shall not exceed the aggregate of—

- (a) the annual amount of the pension (calculated in accordance with Part I) for which he would have become eligible if he had served only as a resident magistrate (without regard to any service by him in whole-time employment to which the Superannuation Acts apply); and
- (b) one-eightieth of his retiring salary as a resident magistrate in respect of each year of service in whole-time employment to which the Superannuation Acts apply.

3 A pension calculated under this Part shall not exceed whichever is the greater of the following amounts, that is to say—

- (a) one-half of the resident magistrates' retiring salary; or
- (b) one-half of his retiring salary in any employment to which the Superannuation Acts apply.

4 In this Part “retiring salary” in relation to any employment to which the Superannuation Acts apply has the same meaning as in section eighteen.

[^{F3}SCHEDULE 2

Section 4A(2).

F3 1991 NI 24

[^{F4}PART]1

WIDOWERS' PENSIONS: TRANSITIONAL PROVISIONS

F4 SI 2005/3325

GENERAL

1 [^{F5}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.

F5 SI 2005/3325

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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—
- (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,

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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.

[^{F6}PART 2

SURVIVING CIVIL PARTNERS' PENSIONS: TRANSITIONAL PROVISIONS

F6 SI 2005/3325

GENERAL

- 5 In this Part of this Schedule—
- “the relevant date” means 4th December 2005 [^{F7}, 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.

F7 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,

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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) An election under sub#paragraph (2) must be made in writing to the administrators.

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

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