
DRAFT STATUTORY RULES OF NORTHERN IRELAND

2015 No. 0000

PUBLIC SERVICE PENSIONS

The Judicial Pensions Regulations (Northern Ireland) 2015

*Made - - - - 2015
Coming into operation in accordance with
regulation 1(2) and (3)*

THE JUDICIAL PENSIONS
REGULATIONS (NORTHERN IRELAND) 2015

PART 1

1. Citation and commencement
2. Interpretation

PART 2

3. Establishment and scope

PART 3

Governance

4. Scheme manager
5. Delegation
6. Judicial Pension Board: establishment
7. Judicial Pension Board: membership
8. Judicial Pension Board: conflicts of interest
9. Scheme advisory board: establishment
10. Scheme advisory board: membership
11. Scheme advisory board: conflicts of interest
12. Payment of fees and expenses

PART 4

CHAPTER 1

13. Qualifying judicial office

14. Eligible persons
15. Service in 2 or more qualifying judicial offices

CHAPTER 2

16. Application of Chapter
17. Enrolment
18. Opting into this scheme
19. When does an option in take effect
20. Opting out of this scheme
21. Opting out before the end of one month
22. Opting out after one month

CHAPTER 3

23. Pensionable earnings
24. Meaning of “assumed pay”

CHAPTER 4

25. Meaning of “deferred member”

PART 5

CHAPTER 1

26. Descriptions of accrued pension
27. Descriptions of full retirement pension
28. Descriptions of partial retirement pension

CHAPTER 2

29. Calculation of “retirement index adjustment”
30. Determination of “the age addition”
31. Determination of “the assumed age addition”

CHAPTER 3

32. Calculation of amount of accrued pension for purpose of deferment or full retirement
33. Calculation of amount of accrued pension for purpose of partial retirement

CHAPTER 4

34. Establishment of pension accounts: general
35. Closure and adjustment of pension accounts on transfer out

CHAPTER 5

36. Application of Chapter
37. Establishment of active member's account
38. Receipt of a transfer value payment
39. Amount of pension for a scheme year
40. Opening balance, index adjustment and age addition
41. Closure of active member's account

CHAPTER 6

42. Application of Chapter
43. Establishment of deferred member's account
44. Provisional amount of deferred pension
45. Adjustment of provisional amount
46. Closure of deferred member's account after gap in pensionable service not exceeding 5 years

CHAPTER 7

47. Establishment of full retirement account
48. Amount of full retirement pension
49. Closure of full retirement account

CHAPTER 8

50. Establishment of partial retirement account
51. Amount of partial retirement pension

CHAPTER 9

52. Establishment of pension credit member's account
53. Other pension accounts

PART 6

CHAPTER 1

54. Application of Part
55. Qualifying service

CHAPTER 2

56. Entitlement to full retirement pension
57. Annual rate of full retirement pension (active members)
58. Annual rate of full retirement pension (deferred members)

59. Full retirement pension ceases to be payable

CHAPTER 3

60. Exercise of partial retirement option
61. Partial retirement option notice
62. Option proportion
63. Entitlement to partial retirement pension or full retirement pension
64. Annual rate of partial retirement pension
65. Annual rate of full retirement pension

CHAPTER 4

66. Meaning of “permanent breakdown in health”
67. Meaning of “incapacity for employment”
68. Entitlement to ill-health pension
69. Annual rate of ill-health pension
70. Deferral of accrued earned pension attributable to a transfer value payment
71. Deferral of added pension attributable to recent payments

CHAPTER 5

72. Options under this Chapter
73. Exercising an option under this Chapter
74. Option to buy out early payment reduction
75. Option to defer payment of added pension
76. Option to commute part of pension
77. Option to commute whole of member’s accrued pensions (serious ill-health)

CHAPTER 6

78. Allocation election
79. Restriction on total amount of pension that may be allocated
80. Making an allocation election
81. Effect of allocation election
82. Adjustment of allocated benefit (members who have reached the age of 75)

PART 7

83. Entitlement to pension credit member’s pension
84. Claim for early payment
85. Annual rate of pension credit member’s pension
86. Option to buy out early payment reduction
87. Reduction in pension debit member’s benefits
88. Pension credit member’s rights
89. Option for pension credit member to commute part of pension

90. Option for pension credit member to commute whole pension (serious ill-health)

PART 8

CHAPTER 1

91. Surviving adults
92. Meaning of “surviving nominated partner”
93. Meaning of “surviving adult’s pension”
94. Meaning of dependant’s earned pension
95. Meaning of dependant’s ill-health pension
96. Meaning of “dependant’s added pension”
97. Entitlement to surviving adult’s pension
98. Annual rate of surviving adult’s pensions payable on death of pensioner member
99. Annual rate of surviving adult’s pensions payable on death of deferred member
100. Annual rate of surviving adult’s pensions payable on death of active member (death in service)
101. Reduction in pensions in cases of wide age disparity

CHAPTER 2

102. Meaning of “eligible child’s pension”
103. Meaning of “eligible child”
104. Eligible child’s pension
105. Annual rate of eligible child’s pension

CHAPTER 3

106. Payment of pensions under this Part
107. Stopping payment and recovery of pensions paid under this Part
108. Provisional awards of eligible child’s pensions: later adjustments
109. Adjustment of benefits to comply with the 2004 Act where members die over the age of 75
110. Guaranteed minimum pensions for surviving spouses and civil partners

CHAPTER 4

111. Payment of lump sum death benefit
112. Nominations for lump sum death benefits
113. Invalid nominations of individuals
114. Payment of lump sum death benefit to nominees or personal representatives
115. Members affected by court orders to former spouses and civil partners on death
116. Pension protection lump sum death benefit
117. Recovery of payments

- 118. Payment of pension instead of lump sum for members who have reached the age of 75

CHAPTER 5

- 119. Meaning of “final pay”
- 120. Meaning of “annualised final pay”
- 121. Amount payable on death of active member (death in service)
- 122. Amount payable on death of deferred member or pensioner member (death out of service)
- 123. Amount payable on death of pension credit member

PART 9

- 124. Rate of member contributions
- 125. Amount of pensionable earnings
- 126. Payment of member contributions
- 127. Employers’ contributions
- 128. Deduction of payments for extra pension under Schedule 1
- 129. Refund of all member contributions and payments for extra pension made by the member
- 130. Refund of payments for extra pension made by the member

PART 10

CHAPTER 1

- 131. Application of Part
- 132. Interpretation of Part

CHAPTER 2

- 133. Transfer value payments made to other schemes or pension arrangements
- 134. Application for a statement of entitlement
- 135. Statement of entitlement
- 136. Request for transfer value payment to be made
- 137. Calculating the amount of a transfer value
- 138. Effect of transfers-out

CHAPTER 3

- 139. Application of Chapter
- 140. Interpretation of Chapter
- 141. Transfer payment requests
- 142. Transfer statement
- 143. Amount of transferred pension

PART 11

- 144. Appointment of scheme actuary and actuarial valuations
- 145. Employer cost cap

PART 12

CHAPTER 1

- 146. Meaning of “dual capacity member”
- 147. Payment of benefits to or in respect of a dual capacity member

CHAPTER 2

- 148. Late payment of retirement index adjustment
- 149. Commutation of small pensions
- 150. Guaranteed minimum pensions

CHAPTER 3

- 151. Forfeiture: offences committed by members
- 152. Forfeiture: offences committed by a member’s beneficiary
- 153. Forfeiture: relevant monetary obligations and relevant monetary losses
- 154. Set-off

CHAPTER 4

- 155. Scheme manager to be scheme administrator for the purposes of Part 4 of Finance Act 2004
- 156. Payment on behalf of members of lifetime allowance charge
- 157. Reduction of benefits where lifetime allowance charge payable
- 158. Information about payment of annual allowance charge
- 159. Reduction of benefits where annual allowance charge paid by scheme manager

CHAPTER 5

- 160. General prohibition on unauthorised payments
 - 161. Calculation of periods of membership and service
 - 162. Determination of questions
 - 163. Evidence of entitlement
 - 164. Provision of benefit information statements to members
 - 165. Information to be provided by employers
 - 166. Transitional provisions
 - 167. Modifying provisions and amendments
- Signature

SCHEDULE 1 — Payments for extra pension

PART 1 — General

1. Interpretation
2. Meaning of “amount of extra pension”
3. Meaning of “overall limit of extra pension”
4. Limit on added pension options
5. Amount of accrued added pension may not exceed overall limit of extra pension
6. Actuarial advice

PART 2 — Payments for added pension

CHAPTER 1

Exercising the added pension option

7. Added pension option exercisable by member
8. Added pension option exercisable by employer or third party

CHAPTER 2

Periodical payments for added pension

9. Application of Chapter
10. Member’s option to make periodical payments for added pension
11. Cancellation of option by member
12. Periodical payments
13. Amount of added (self only) pension for a scheme year (periodical payments)
14. Amount of added (all beneficiaries) pension for a scheme year (periodical payments)

CHAPTER 3

Lump sum payments for added pension made by member

15. Application of Chapter
16. Member’s option to make a lump sum payment for added pension
17. Statement of amount of added pension
18. Amount of added (self only) pension (lump sum payment)
19. Amount of added (all beneficiaries) pension (lump sum payment)

CHAPTER 4

Lump sum payments for added pension made by employer or third party

20. Application of Chapter
21. Employer or third party option to make a lump sum payment for added pension
22. Amount of added (self only) pension (lump sum payment)
23. Amount of added (all beneficiaries) pension (lump sum payment)

PART 3 — Effective pension age payments

CHAPTER 1

Exercising the effective pension age option

24. Effective pension age option exercisable by member
25. Exercising the effective pension age option
26. Payment of pension at effective pension age
27. Member ceases to be in pensionable service under this scheme
28. Cancellation of option
29. Value of an effective pension age option

CHAPTER 2

Making effective pension age payments

30. Amount of periodical payments
31. Periodical payment period
32. Periodical payments during period of assumed pay

SCHEDULE 2 — Transitional provisions

PART 1 — General

1. Interpretation
2. Meaning of “continuity of service”
3. Meaning of “tapered protection closing date”
4. Meaning of “active member of an existing scheme”
5. Commencement of active membership of this scheme
 - PART 2 — Exceptions to section 18(1) of the Act: full protection members of an existing scheme
 6. Exception for full protection members during protection period
 7. Full protection member not eligible to join this scheme
 8. Members of an existing scheme on scheme closing date
 9. Members moving between schemes after the scheme closing date
 - PART 3 — Exceptions to section 18(1) of the Act: tapered protection members of an existing scheme
 10. Exception for tapered protection members during protection period
 11. Tapered protection member not eligible to join this scheme
 12. Member of an existing scheme on scheme closing date
 13. Members moving between schemes after the scheme closing date
 - PART 4 — Option for tapered protection members of an existing scheme
 14. Option to begin pensionable service before the transition date
 - PART 5 — Payment of ill-health benefits to transition members with continuity of service
 15. Transition member who has not reached normal pension age under an existing scheme
 - PART 6 — Payment of death benefits in respect of transition members with continuity of service
 16. Annual rate of surviving adult’s pensions payable under this scheme when a transition member dies in service
 17. Annual rate of eligible child’s pension payable under this scheme when a transition member dies in service
 18. Death in service lump sum
 19. Death out of service lump sum
 - PART 7 — Transitional provisions relating to an existing scheme

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Northern Ireland Statutory Rule: *The Judicial Pensions Regulations (Northern Ireland) 2015 No. 76*

20. Pensionable service under an existing scheme
21. Repayment of contributions under the existing scheme
22. Qualifying for retirement benefits under the existing scheme
23. Nomination under the existing scheme continues to have effect

SCHEDULE 3 — Modifying provisions and amendments

PART 1 — Modification of contracting-out provisions

1. Application of this Part
2. Contracting-out

PART 2 — Modification of early leaver and other provisions

3. Application of this Part
4. Certification
5. Preservation of benefit
6. Revaluation of preserved benefit
7. Protection of increases in guaranteed minimum pensions
8. Transfer values
9. Transfer values regulations
10. Cash transfers and contribution refunds

PART 3 — Amendments

11. Amendments to the Judicial Pensions and Retirement Act 1993
12. Amendment to the Public Service Pensions Act (Northern Ireland) 2014

Explanatory Note