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STATUTORY RULES OF NORTHERN IRELAND

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**2016 No. 138**

**PUBLIC SERVICE PENSIONS**

**The Judicial Pensions (Amendment)  
Regulations (Northern Ireland) 2016**

*Laid before the Assembly in draft*

*Made - - - - 8th March 2016*

*Coming into operation in accordance with regulation 1*

The Department of Justice makes these Regulations in exercise of the powers conferred by sections 1(1) and (2)(b), 2(1) and 3(1), (2), (3)(a) and (4) and paragraph 2 of Schedule 2 to, the Public Service Pensions Act (Northern Ireland) 2014<sup>(1)</sup>.

In accordance with section 21 of that Act, the Department of Justice has consulted such persons and representatives of such persons as appear to it likely to be affected by these Regulations.

In accordance with section 3(5) of that Act, the Department of Finance and Personnel has consented to the making of these Regulations.

Pursuant to section 24(1) of that Act, a draft of this instrument has been laid before, and approved by resolution of the Assembly.

**Citation, commencement and expiry**

**1.** These Regulations may be cited as the Judicial Pensions (Amendment) Regulations (Northern Ireland) 2016 and come into operation on the same day as paragraph 38 of Schedule 13 to the Pensions Act (Northern Ireland) 2015<sup>(2)</sup> comes into operation. On that day paragraph 7 of Schedule 3 to the Judicial Pensions Regulations (Northern Ireland) 2015<sup>(3)</sup> ceases to have effect.

**Amendments to the Judicial Pensions Regulations (Northern Ireland) 2015**

**2.—**(1) The Judicial Pensions Regulations (Northern Ireland) 2015 are amended as follows.

(2) After paragraph 7 of Schedule 3 insert—

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(1) 2014 c.2 (N.I.).  
(2) 2015 c.5 (N.I.).  
(3) S.R. 2015 No. 76.

**“Protection of increases in guaranteed minimum pensions after abolition of contracting-out**

7A.—(1) Chapter 3 of Part 4 of the 1993 Act (protection for early leavers: protection of increases in guaranteed minimum pensions (“anti-franking”)) is modified as follows.

(2) In the application of that Chapter to P as a member of the old scheme—

- (a) in section 83(1)(a)(i) (general protection principle), the reference to the time when P ceases to be in pensionable service under a scheme that was, before the second abolition date, a salary-related contracted-out scheme is to be taken as a reference to the time when P ceases to be in pensionable service in relation to this scheme; and
- (b) subsequent references to “the cessation date” are to be construed accordingly.”

Sealed with the Official Seal of the Department of Justice on 8th March 2016



*David Ford*  
Minister of Justice

The Department of Finance and Personnel consents to the foregoing Regulations.  
Sealed with the Official Seal of the Department of Finance and Personnel on 9th March 2016



*Emer Morelli*  
A senior officer of the  
Department of Finance and Personnel

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Judicial Pensions Regulations (Northern Ireland) 2015 ([S.R. 2015 No. 76](#)) so as to modify the definition of “cessation date” in section 83 of the Pensions Schemes (Northern Ireland) Act 1993 ([1993 c.49](#)).

Chapter 3 of Part 4 of the 1993 Act concerns “anti-franking”, or the protection of increases in guaranteed minimum pensions (“GMPs”) which contracted-out schemes had to provide until 1997. For this purpose, the Regulations provide that the “cessation date”, when a person ceases to be in contracted-out employment under the old scheme (and from which point GMPs may need to be increased) is treated as the date when the person leaves the new scheme, and not the date when they transfer from their old scheme to their new scheme. New Regulation 7A includes a subsequent modification of the definition of “cessation date” in section 83 of the 1993 Act; that definition was amended by the Pensions Act (Northern Ireland) 2015 ([2015 c.5 \(N.I.\)](#)) as part of the abolition of contracting-out.