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STATUTORY INSTRUMENTS

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**1991 No. 2631**

**The Judicial Pensions (Northern Ireland) Order 1991**

**Title and commencement**

1.—(1) This Order may be cited as the Judicial Pensions (Northern Ireland) Order 1991.

(2) This Order shall come into operation on such day or days as the Lord Chancellor may by order appoint.

**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Act of 1951” means the Judicial Pensions Act (Northern Ireland) 1951;

“the Act of 1959” means the County Courts Act (Northern Ireland) 1959;

“the Act of 1960” means the Resident Magistrates' Pensions Act (Northern Ireland) 1960 and

“the Act of 1969” means the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.

**Widowers' pensions**

3.—(1) In the Act of 1959, after section 122 (power to grant widows' and children's pensions) there shall be inserted the following section—

**“Widowers' pensions.**

**122A.** Section 122 shall have effect in relation to the death of a female person as it has effect in relation to the death of a male person but as if—

- (a) for the words “widow”, “widows' pension” and “wife” there were substituted “widower”, “widower's pension” and “husband”;
- (b) for the words “his” and “him” there were substituted “her”; and
- (c) for the word “he” there were substituted “she”.

(2) In the Act of 1951—

(a) after section 6 there shall be inserted the following section—

**“Widowers' pensions.**

**6A.—**(1) Section 6 shall have effect in relation to the death of a female person as it has effect in relation to the death of a male person but as if—

- (a) for the words “widow”, “widow's pension” and “wife” there were substituted “widower”, “widower's pension” and “husband”;
- (b) for the words “his” and “him” there were substituted “her”; and

- (c) for the word “he” there were substituted “she”.
- (2) The transitional provisions set out in the Fourth Schedule to this Act shall have effect in relation to widowers' pensions.”; and
- (b) after the Third Schedule there shall be inserted the provisions set out in Schedule 1.
- (3) In the Act of 1960—
  - (a) after section 4 there shall be inserted as section 4A the section set out in paragraph (2)(a), but with the substitution—
    - (i) in paragraph (1) of the words “section 4” for “section 6”, and
    - (ii) in paragraph (2) of the words “Schedule 2” for “the Fourth Schedule”;
  - (b) the Schedule (rules for calculating pension) shall be numbered as Schedule 1 and any reference to that Schedule in any statutory provision shall be construed as a reference to that Schedule as so numbered; and
  - (c) after Schedule 1 there shall be inserted as Schedule 2 the Schedule set out in Schedule 1 to this Order, but with the substitution in the heading—
    - (i) of the words “Section 4A(2)” for “Section 6A(2)”, and
    - (ii) of the words “Schedule 2” for “Fourth Schedule”.

#### **Widowers' and widows' pensions: supplemental**

- 4.—(1) The section set out in paragraph (2) shall be inserted—
  - (a) in the Act of 1959 in substitution for section 123 of that Act;
  - (b) in the Act of 1960 in substitution for section 5 of that Act; and
  - (c) in the Act of 1951 in substitution for section 7 of that Act.
- (2) The section is as follows—

#### **“Widows' and widowers' pensions.**

- .—(1) No widow’s or widower’s pension may be granted if the marriage with the deceased took place after he or she retired from relevant service.
- (2) A widow’s or widower’s pension shall come to an end on the death of the widow or widower.
- (3) Where a widow’s or widower’s pension is payable the Treasury may, on or at any time after the re-marriage of the widow or widower, direct that it shall cease to be payable.
- (4) Where such a direction has been given the Treasury may at any time direct that payment of the pension is to be resumed.
- (5) The annual amount of a widow’s or widower’s pension may be one half of the annual amount of the personal pension.”

#### **Transfer of accrued rights to and from pension schemes**

- 5. The amendments set out in Schedule 2 shall have effect to make provision for the transfer of accrued rights into and out of the pension schemes constituted by the Act of 1959, the Act of 1960 and the Act of 1951.

#### **Voluntary contributions**

- 6.—(1) The section set out in paragraph (2) shall be inserted—

- (a) in the Act of 1959 as section 127A;
  - (b) in the Act of 1960 as section 9A; and
  - (c) in the Act of 1951 as section 11A.
- (2) The section is as follows—

**“Voluntary contributions.**

.—(1) The Lord Chancellor shall by regulations, made with the consent of the Treasury, make provision entitling any member of a judicial pension scheme constituted by this Act to make voluntary contributions towards the cost of the provision of additional benefits under the scheme.

(2) The regulations—

- (a) may not prohibit the payment of voluntary contributions;
- (b) may not impose any limit on the amount which any member may pay by way of voluntary contributions other than an upper limit corresponding to that for the time being fixed by or under section 594 of the Income and Corporation Taxes Act 1988 (exempt statutory schemes);
- (c) must secure that any voluntary contributions paid by a member of a scheme are used to provide prescribed additional benefits for or in respect of him; and
- (d) must secure that the value of such additional benefits is reasonable, having regard to—
  - (i) the amount paid by way of voluntary contributions;
  - (ii) the value of the other benefits provided under the scheme; and
  - (iii) the general value of benefits available to a person under any contract of life insurance entered into by him with an insurance company to which Part II of the Insurance Companies Act 1982 (regulation of insurance companies carrying on insurance business within the United Kingdom) applies.

(3) The regulations may, in particular—

- (a) provide that the value of additional benefits offered on payment of voluntary contributions shall be determined in accordance with prescribed rules based on tables prepared for the purposes of the regulations by the Government Actuary; and
- (b) prescribe the manner in which it is to be determined in any case whether the amount of a person’s contributions exceed any limit imposed by virtue of subsection (2)(b).

(4) Nothing in subsection (2) shall be taken to prevent the regulations from limiting the overall amount which a member may pay by way of voluntary contributions by reference to the maximum entitlement of members under the scheme.

(5) Regulations made under this section may make provision for consequential and incidental matters, including, in particular, consequential provision as to any statutory provision referring to or relating to lump sums payable under this Act.

(6) Regulations made under this section shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.”

(3) In Article 14 of the Social Security (Northern Ireland) Order 1986 (voluntary contributions) after paragraph (10A) there shall be inserted the following paragraph—

“(10B) This Article does not apply in relation to any pension payable under—

- (a) Part II of the Judicial Pensions Act (Northern Ireland) 1951;

- (b) Part XIII of the County Courts Act (Northern Ireland) 1959;
- (c) the Resident Magistrates' Pensions Act (Northern Ireland) 1960; or
- (d) section 2 of the Superannuation Act (Northern Ireland) 1969.”

**Amended application of Act of 1951 to pensions of President of Industrial Court and others**

7.—(1) Section 2 of the Act of 1969 (pensions for Presidents of the Industrial Court and of the Industrial Tribunals and the Fair Employment Tribunal, etc.) shall be amended as follows.

(2) In subsection (6) of that section—

(a) for the words from the beginning to “capacities” there shall be substituted “Section 5, 6, 6A, 7 to 11A, 15 and 17A of, and Schedule 2A and the Fourth Schedule to, the Judicial Pensions Act (Northern Ireland) 1951 (in this section referred to as “the relevant provisions”)”; and

(b) after paragraph (d) there shall be inserted the following—

“(e) in relation to the holder of such an office—

(i) any reference in sections 7 and 11A of, and Schedule 2A and paragraph 3 of the Fourth Schedule to, that Act to the Lord Chancellor were a reference to the Department of Economic Development,

(ii) any reference in the provisions mentioned in sub-paragraph (i) to the Treasury were a reference to the Department of Finance and Personnel; and

(iii) in paragraph 1 of Schedule 2A, in the definition of “disregarded service”; and in paragraph 4(4) of the Fourth Schedule any reference to paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 were a reference to section 2A of this Act; and

(f) in relation to the holder of such an office, in section 11A(6) of, and paragraph 2 of Schedule 2A and paragraph 3(3) of the Fourth Schedule to, that Act, for the words from “annulment” onwards there were substituted “negative resolution”.”

(3) In subsection (8) of that section for the words from “sections” to “1951” there shall be substituted “the relevant provisions”.

(4) In subsections (9) and (10) of that section for the words “the said sections 5 to 11 and 15” there shall be substituted “the relevant provisions”.

**Period of service to qualify for certain superannuation benefits**

8.—(1) In section 2(3)(a) of the Act of 1960, for the words “five years” there shall be substituted “two years”.

(2) At the beginning of the Table following paragraph 1 of Part I of Schedule 1 to the Act of 1960 there shall be inserted—

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“two to four”

“six eightieths”.

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(3) In section 2(2) of the Act of 1969 for the words “five years” there shall be substituted “two years”.

(4) At the beginning of the Table in section 2(3) of that Act there shall be inserted—

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“2 to 4...three-fortieths”.

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### **Functions of the Treasury**

**9.**—(1) The Act of 1959 and the Act of 1960 shall have effect subject to the following amendments (which reflect the transfer of certain functions to the Treasury).

(2) In the following provisions of the Act of 1959, namely sections 106(1) and (3), 107(1), 116(1), 123(2) and 126(1)(b) and (c) and (4), for the words “the Minister for the Civil Service”, wherever they occur, there shall be substituted “the Treasury”.

(3) In each of the following provisions of the Act of 1960, namely sections 2 to 4, 5(2), 7(5), 8(1) and (4), 11, 12(1), 13(1), 17(2) and 18(1)(a) and (b) and (3) for the words “the Ministry of Finance”, wherever they occur, there shall be substituted “the Treasury”.

(4) In section 2(4) of the Act of 1960 for the words “the Minister of Finance” there shall be substituted “the Treasury”.

(5) In sections 8(4), 12(1) and 13(1) of the Act of 1960 for the words “that Ministry”, wherever they occur, there shall be substituted “that Treasury”.

### **Consequential amendments and repeals**

**10.**—(1) Schedule 3 shall have effect for the purpose of making amendments consequential upon the foregoing provisions of this Order.

(2) The repeals set out in Schedule 4 shall have effect.

*G. I. de Deney*  
Clerk of the Privy Council