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STATUTORY INSTRUMENTS

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**1999 No. 3147**

**The Welfare Reform and Pensions  
(Northern Ireland) Order 1999**

**PART V**

**PENSION SHARING**

**CHAPTER I**

**SHARING OF RIGHTS UNDER PENSION ARRANGEMENTS**

*Adaptation of statutory schemes*

**Extension of scheme-making powers**

**39.**—(1) Power under any statutory provision to establish a pension scheme shall include power to make provision for the provision, by reference to pension credits which derive from rights under—

- (a) the scheme, or
- (b) a scheme in relation to which the scheme is specified as an alternative for the purposes of paragraph 2 of Schedule 5,

of benefits to or in respect of those entitled to the credits.

(2) Paragraph (1) is without prejudice to any other power.

(3) Paragraph (1) shall apply in relation to statutory provisions whenever passed or made.

(4) No obligation to consult shall apply in relation to the making, in exercise of a power under any statutory provision to establish a pension scheme, of provision of a kind authorised by paragraph (1).

(5) Any statutory provision which makes benefits under a pension scheme established under a statutory provision a charge on, or payable out of—

- (a) the Consolidated Fund; or
- (b) the Consolidated Fund of the United Kingdom,

shall be treated as including any benefits under the scheme which are attributable (directly or indirectly) to a pension credit which derives from rights to benefits charged on, or payable out of, that fund.

(6) In this Article—

“pension credit” includes a credit under section 29(1)(b) of the Welfare Reform Act;

“pension scheme” means a scheme or arrangement providing benefits, in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of persons to whom the scheme or arrangement applies.

### Power to extend judicial pension schemes

**40.**—(1) The appropriate authority may by regulations amend any statutory provision to which paragraph (2) applies for the purpose of—

- (a) extending a pension scheme under that statutory provision to include the provision, by reference to pension credits which derive from rights under—
  - (i) the scheme, or
  - (ii) a scheme in relation to which the scheme is specified as an alternative for the purpose of paragraph 2 of Schedule 5,
 of benefits to or in respect of those entitled to the credits, or
- (b) restricting the power of the appropriate authority to accept payments into a pension scheme under that statutory provision, where the payments represent the cash equivalent of rights under another pension scheme which are attributable (directly or indirectly to a pension credit).

(2) For the purposes of this Article, this paragraph applies to the pension schemes under the following statutory provisions, namely—

- (a) the Judicial Pensions Act (Northern Ireland) 1951;
- (b) the County Courts Act (Northern Ireland) 1959;
- (c) the Resident Magistrates' Pensions Act (Northern Ireland) 1960;
- (d) the Lands Tribunal and Compensation Act (Northern Ireland) 1964;
- (e) the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969;
- (f) the Social Security (Northern Ireland) Act 1975;<sup>F1</sup> . . .
- (g) the Judicature (Northern Ireland) Act 1978.
- <sup>F1</sup>(h) the Judicial Pensions Act 1981 (c. 20); and
- (i) the Judicial Pensions and Retirement Act 1993 (c. 8).]

(3) Regulations under paragraph (1)—

- (a) may make benefits provided by virtue of sub-paragraph (a) of that paragraph a charge on, and payable out of, the Consolidated Fund in the case of pension schemes to which paragraph<sup>F1</sup> (2)(d) or (e)] applies or the Consolidated Fund of the United Kingdom in the case of pension schemes to which paragraph<sup>F1</sup> (2)(a), (b), (c), (f), (g), (h) or (i)] applies;
- (b) may confer power to make subordinate legislation, including subordinate legislation which provides for calculation of the value of rights in accordance with guidance from time to time prepared by a person specified in the subordinate legislation.

(4) The appropriate authority for the purposes of paragraph (1) is—

- (a) in relation to a pension scheme referred to in paragraph<sup>F1</sup> (2)(a), (b), (c), (f), (g), (h) or (i)], the Lord Chancellor;
- (b) in relation to a pension scheme referred to in paragraph (2)(d), the Department of Finance and Personnel;
- (c) in relation to a pension scheme referred to in paragraph (2)(e), the Department of Economic Development.

(5) In this Article—

“pension credit” includes a credit under section 29(1)(b) of the Welfare Reform Act;

“pension scheme” means a scheme or arrangement providing benefits in the form of pensions or otherwise, payable on termination of service, or on death or retirement, to or in respect of persons to whom the scheme or arrangement applies.

**F1** 2002 c. 26

**Changes to legislation:**

There are currently no known outstanding effects for the The Welfare Reform and Pensions (Northern Ireland) Order 1999, Cross Heading: Adaptation of statutory schemes.