

**1989 No. 124****PENSIONS****The Personal Pension Option (No.3)  
Regulations (Northern Ireland) 1989**

*Made* . . . . . 31st March 1989

*Coming into operation* . . . . . 6th April 1989

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 18(2) of the Social Security (Northern Ireland) Order 1986(a) and of all other powers enabling it in that behalf, after consultation with the Department of Finance and Personnel in accordance with Article 18(2)(b) of that Order and with the consent of the Department of Finance and Personnel in accordance with Article 18(4) of that Order, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Personal Pension Option (No. 3) Regulations (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

(2) In these regulations references to a person's eligibility for a pension are, in relation to an office which carries entitlement to a pension, references to such entitlement.

*Modification of the Lands Tribunal and Compensation Act (Northern Ireland) 1964*

2. The provisions of the Lands Tribunal and Compensation Act (Northern Ireland) 1964(c) specified in the Schedule shall apply with the modifications specified in that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 31st March 1989.

(L.S.)

*A. N. Burns*

Assistant Secretary

(a) S.I. 1986/1888 (N.I. 18)

(b) By virtue of the Personal Pensions (Appropriate Authority) (Designation) Order (Northern Ireland) 1989 (S.R. 1989 No. 65)

(c) 1964 c. 29 (N.I.)

The Department of Finance and Personnel hereby consents to the foregoing regulations.

Sealed with the Official Seal of the Department of Finance and Personnel on 31st March 1989.

(L.S.)

*F. P. Smyth*

Assistant Secretary

**Provisions of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 applying with modifications**

The provisions of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 shall apply with the following modifications:

1. After section 2 (Terms of appointment and remuneration etc of members) there shall be inserted the following section—

“2A.—(1) The provisions regulating the amounts which may be received by way of superannuation under an order made under subsection (5) of section 2 are to take effect subject to the modifications contained in this section.

(2) In this section—

“election” means an election made under subsection (3);

“judicial office” means office as the President or other member of the Lands Tribunal appointed under section 1;

“judicial pension scheme” means an occupational pension scheme constituted by an order made under subsection (5) of section 2 to provide a personal pension, lump sum or any widow’s or children’s pension to a person in judicial office and his widow and children; and “relevant judicial pension scheme” has a corresponding meaning;

“personal pension scheme” means a scheme in respect of which there is in force a current appropriate scheme certificate issued by the Occupational Pensions Board, in accordance with Article 4 of the Social Security (Northern Ireland) Order 1986.

(3) A person who is eligible for a pension in judicial office shall while in that office—

(a) be deemed to be a member of the relevant judicial pension scheme except during such time as an election is in force in respect of him; and

(b) be entitled at any time to become a member of a personal pension scheme by serving on the Lord Chancellor a written notice of election, identifying the personal pension scheme, to take effect on a date not less than three months after the date on which it was served.

(4) At any time after a person has made an election and while he continues to hold judicial office—

(a) he may make a written application to the Lord Chancellor requesting admission to membership of the judicial pension scheme relevant to the judicial office which he holds;

(b) the Lord Chancellor may, if satisfied that the applicant is in good health, admit him to the relevant judicial pension scheme on a date not less than three months after the date on which the application was served; and

(c) upon the date of the applicant’s admission to the relevant judicial pension scheme, his election shall cease to be in force.

(5) An applicant under subsection (4) shall supply such evidence relating to his health as the Lord Chancellor may reasonably require and shall submit to any medical examination reasonably specified by the Lord Chancellor.

(6) The Lord Chancellor shall notify an applicant under subsection (4) of his decision in writing within three months after the date on which the application was served.

(7) Subject to the provisions of subsection (4), an election shall be irrevocable and an election shall not cease to be in force by reason only of a person becoming the holder of a judicial office different from the one which he held when he made the election.

(8) An election shall not affect its maker's eligibility for a pension which accrued under any judicial pension scheme before that election came into force.

(9) While an election remains in force in respect of a person—

(a) his service shall not be counted for the purpose of determining the allowances and gratuities payable to or in respect of him; and

(b) no contribution shall be made by him towards the cost of a widow's and children's pension,

under or by virtue of the judicial pension scheme.”.

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#### EXPLANATORY NOTE

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

These regulations modify the Lands Tribunal and Compensation Act (Northern Ireland) 1964 so as to allow the President and other members of the Lands Tribunal to elect to have a personal pension instead of acquiring pension rights under that Act.

The regulations amend the occupational pension scheme under that Act by enabling members of that scheme to exercise personal pension options, as provided in the Social Security (Northern Ireland) Order 1986.