

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10. (See end of Document for details)

SCHEDULES

SCHEDULE 10

Modifications etc. (not altering text)

- C1** Certain functions transferred by [S.R. 1976/281](#), [art. 3](#), [Sch.](#), [S.I. 1982/338](#) (N.I. 6) arts. 3, 4(1) and Social Security Act 1986 (c. 50 SIF 113:1) s. 82, Sch. 9 Pt. III para. 10
- C2** Power to amend Sch. 10 conferred by [S.I. 1986/1888](#) (N.I. 18), [arts. 18\(3\)](#), [79\(1\)\(6\)](#)

1–4 **F1**

Textual Amendments

- F1** Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992](#) (c. 9, SIF 113:1), [s. 3 Schs. 1, 3](#).

5 (1) **F2**

(2) For the purposes of this paragraph, paragraph 6 below and Part II of the ^{M1}Judicial Pensions Act (Northern Ireland) 1951, service before the coming into force of section 97(3) by any person as a Commissioner, deputy Commissioner, umpire or deputy umpire for the purposes of the former principal Act, the former Industrial Injuries Act or the enactments re-enacted by those Acts and remunerated by means of a salary shall be treated as service by that person as a Commissioner appointed under that subsection and so remunerated.

[^{F3}(3) This paragraph and paragraphs 6, 7 and 7A shall have effect as if contained in the [Social Security Administration \(Northern Ireland\) Act 1992](#).]

Textual Amendments

- F2** Whole Act, except sections 97(4) and 158 and paragraphs 5(2), 6, 7 and 7A of Schedule 10 repealed by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992](#) (c. 9, SIF 113:1), [s. 3 Schs. 1, 3](#).
- F3** Para. 5(3) added by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992](#) (c. 9, SIF 113:1), s. 4, [Sch. 2 para. 10\(1\)](#).

Modifications etc. (not altering text)

- C3** [Sch. 10 para 5\(2\)](#): Power to modify conferred (7.2.1994) by [1993 c. 49](#), ss. 182, 183, 184, [Sch. 5 Pt. II para. 17\(2\)\(3\)\(h\)](#); [S.R. 1994/17](#), [art. 2](#)

Marginal Citations

- M1** [1951 c. 20](#) (N.I.)

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10. (See end of Document for details)

Commissioners' pensions

- 6 (1) The [^{F4}Lord Chancellor] may from time to time recommend to the [^{F5}Treasury] that there shall be paid out of [^{F6}money provided by Parliament] to a Commissioner who at the date of his retirement is remunerated by means of a salary an annual sum by way of superannuation allowances calculated in accordance with sub-paragraph (2),—
- [^{F7}(a) if he retires pursuant to paragraph 1 of Schedule 2 to the ^{M2} Social Security Administration (Northern Ireland) Act 1992;]
- (b) if he retires after 15 years' service and at the time of retirement has attained the age of 65; or
- (c) if the [^{F4}Lord Chancellor] is satisfied by means of a medical certificate that at the time of his retirement he is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- [^{F8}(1ZA) The Lord Chancellor must consult the Lord Chief Justice before satisfying himself as mentioned in sub-paragraph (1)(c).
- (1ZB) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (1ZA)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]
- [^{F9}(1A) Sub-paragraph (1) shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.]
- (2) When the number of completed years of service is as specified in column (1) of the Table below, the annual allowance shall not exceed the fraction of the last annual salary respectively specified in column (2) of the Table—

TABLE

<i>Years of service</i>	<i>Fraction of salary</i>
Less than 5	6/40ths
5	10/40ths
6	11/40ths
7	12/40ths
8	13/40ths
9	14/40ths
10	15/40ths
11	16/40ths
12	17/40ths
13	18/40ths
14	19/40ths
15 or more	20/40ths

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10. (See end of Document for details)

- (3) For the purpose of this paragraph—
- (a) service as a Commissioner which is not remunerated by means of a salary shall be disregarded;
 - (b) the [^{F5}Treasury] may by regulations provide for counting as service as a Commissioner pensionable service in any other capacity under the Crown.

^{F10}(4)

- (5) This paragraph is without prejudice to the pension benefits conferred by the ^{M3}Judicial Pensions Act (Northern Ireland) 1951.

Textual Amendments

- F4** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(1\)\(a\)](#)
- F5** Word substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(1\)\(b\)](#)
- F6** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(2\)](#)
- F7** Para. 6(1)(a) substituted by [Social Security \(Consequential Provisions\) \(Northern Ireland\) Act 1992 \(c. 9, SIF 113:1\), s. 4, Sch. 2 para. 10\(2\)](#).
- F8** Sch. 10 para. 6(1ZA)(1ZB) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 5 para. 21\(2\)](#); [S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 12\(a\)](#)
- F9** Sch. 10 para. 6(1A) inserted (31.3.1995) by [1993 c. 8, s. 31, Sch. 8 para.11](#); [S.I. 1995/631, art. 2](#)
- F10** Sch. 10 para. 6(4) repealed (31.3.1995) by [1993 c. 8, ss. 24, 31, Sch.3 Pt. III para. 7\(1\)\(c\), Sch. 9](#); [S.I. 1995/631, art. 2](#).

Modifications etc. (not altering text)

- C4** Para. 6 excluded by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8, SIF 113:1\), ss. 39, 41, 48–50 Sch. 2 para. 1\(6\)](#)
- C5** Para. 6: certain functions transferred by [Social Security Act 1986 \(c. 50, SIF 113:1\), s. 82, Sch. 9 Pt. II, paras. 3\(1\)\(a\), 4, 8\(2\)](#)
- C6** Sch. 10 para. 6: power to modify conferred (7.2.1994) by [1993 c. 49, ss. 182, 183, 184, Sch. 5 Pt. II para. 17\(2\)\(3\)\(h\)](#); [S.R. 1994/17, art. 2](#)

Marginal Citations

- M2** [1992 c. 8\(113:1\)](#).
- M3** [1951 c. 20 \(N.I.\)](#)

Commissioners' pensions: supplementary

- 7 (1) Paragraph 6(1) shall have effect notwithstanding that a Commissioner may, during his period of service as Commissioner, undertake other duties of a judicial or advisory nature for the purposes of this Act and, for the purposes of that sub-paragraph and paragraph 6(2), the last annual salary of any such person shall include any salary payable in respect of those other duties.
- (2) Subject to sub-paragraph (3)—
- (a) a person about to be appointed as Commissioner and remunerated by means of a salary;
 - (b) a person who, being a Commissioner is about to be remunerated by means of a salary,

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10. (See end of Document for details)

shall, before being so appointed or, as the case may be, remunerated, furnish to the ^{F11}Lord Chancellor]satisfactory evidence that his health is suitable for the discharge of the duties of the office.

- (3) A person of the kind referred to in sub-paragraph (2)(a) or (b) may elect that he shall not, before being appointed a Commissioner or, as the case may be, remunerated by means of a salary, furnish evidence as to his health, and where a Commissioner is so appointed or remunerated after having made such an election, then, subject to sub-paragraph (4), as respects him—

- (a) paragraph 6(1) shall not have effect until he has completed 5 years' service; and
- (b) Part II of the Judicial Pension Act (Northern Ireland) 1951 shall not have effect until he has completed 10 years' service;

and where the ^{F11}Lord Chancellor]is satisfied that his health has throughout his service been such that it has enabled him duly to discharge the duties of his office, the ^{F11}Lord Chancellor]may after the completion of the relevant period of service, direct that the said sub-paragraph or, as the case may be, the said Part, shall have effect as if he had not made that election.

- (4) A Commissioner who has made an election under sub-paragraph (3) may at any time during his tenure of office furnish to the ^{F11}Lord Chancellor]satisfactory evidence as to his health, and the ^{F11}Lord Chancellor]may thereupon direct that for the purposes of paragraph 6(1) of this Schedule and of Part II of the ^{M4}Judicial Pensions Act (Northern Ireland) 1951 that Commissioner shall be treated as if he had not made that election.

- (5) A person to whom a superannuation allowance has been granted under paragraph 6 before he has attained the age of 72 in consequence of an incapacity of the kind referred to in paragraph 6(1)(c) shall, until he has attained that age, be liable to be required by the ^{F12}Lord Chancellor]to resume the duties of a Commissioner with the salary attached thereto, and if (being in a competent state of health) he declines when so required to resume those duties, or declines or neglects to execute those duties, he shall forfeit his right to the allowance so granted to him.

^{F13}(5A) The Lord Chancellor must consult the Lord Chief Justice before requiring a person to resume the duties of Commissioner in accordance with sub-paragraph (5).

- (5B) The Lord Chief Justice may nominate any of the following to exercise his functions under sub-paragraph (5A)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

- (6) Whenever a person has resumed his duties pursuant to sub-paragraph (5) the payment of the superannuation allowance granted to him shall be suspended during the period of his resumed service, but, subject to the provisions of that sub-paragraph, at the end of that period the superannuation allowance shall again be payable and be recalculated in accordance with the provisions of paragraph 6(2), and for that purpose the period of his resumed service shall be added to the period of his former service.

- (7) Where the rate of the superannuation allowance payable to any person under paragraph 6(1) as Commissioner is or would be increased by virtue of regulations made under paragraph 6(3)(b) in respect of service in some other capacity, any

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10. (See end of Document for details)

pension benefits paid to or in respect of him as having been a Commissioner shall, to such extent as the ^{F14}Treasury] may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in the manner in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.

- (8) In paragraph 6 and this paragraph—
- (a) “pension” includes any superannuation or other retiring allowance or gratuity, and “pensionable” shall be construed accordingly; and
 - (b) “pension benefits” includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person’s service or employment to other persons by way of ^{F15}surviving spouse’s, surviving civil partner’s] or children’s pension or otherwise.

Textual Amendments

- F11** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(1\)\(a\)](#)
- F12** Words substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(3\)](#).
- F13** Sch. 10 para. 7(5A)(5B) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 5 para. 21\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 12(a)
- F14** Word substituted by [Social Security Act 1986 \(c. 50, SIF 113:1\) s. 82, Sch. 9 para. 10\(1\)\(b\)](#)
- F15** Words in [Sch. 10 para. 7\(8\)\(b\)](#) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\), regs. 1\(2\), 60\(a\)](#) (with regs. 6-9)

Modifications etc. (not altering text)

- C7** Para. 7 excluded by [Social Security Administration \(Northern Ireland\) Act 1992 \(c. 8, SIF 113:1\), ss. 39, 41, 48–50](#) Sch. 2 para. 1(6)
- C8** Para. 7: certain functions transferred by [Social Security Act 1986 \(c. 50, SIF 113:1\), s. 82, Sch. 9 Pt. II, paras. 3\(1\)\(a\), 4, 8\(2\)](#)

Marginal Citations

- M4** [1951 c. 20 \(N.I.\)](#)

^{F16}7A (1) The provisions regulating the pensions which may be received under paragraph 6 are to take effect subject to the modifications contained in this paragraph.

(2) In this paragraph—

“ Commissioners’ pension scheme ” means the occupational pension scheme constituted by this Act and the Judicial Pensions Act (Northern Ireland) 1951;

“ election ” means an election made under sub-paragraph (3);

^{F17} ... ^{F17} ... ^{F17} ... ^{F17} ... ^{F17} ...

(3) A person who is eligible for a pension in respect of his office as a Commissioner shall while in that office:

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

^{F18}(b) be entitled at any time to serve on the Lord Chancellor a written notice of election not to be a member of the Commissioners’ pension scheme, to take effect on a date not less than one month after the date on which it was served.]

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10. (See end of Document for details)

- (4) At any time after a person has made an election and while he continues to hold office as a Commissioner:
- (a) he may make a written application to the Lord Chancellor requesting admission to membership of the Commissioners' pension scheme; and
 - (b) the Lord Chancellor may, if satisfied that the applicant is in good health, admit him to that 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 Commissioners' pension scheme, his election shall cease to be in force.
- (5) An applicant under sub-paragraph (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 sub-paragraph (4) of his decision in writing within three months after the date on which the application was served.
- (7) Subject to the provisions of sub-paragraph (4), an election shall be irrevocable.
- (8) An election shall not affect its maker's eligibility for a pension which accrued under a judicial pension scheme before that election came into force.
- (9) While an election remains in force in respect of a person, his service shall not be counted as service or relevant service in computing the pension for which he is eligible under any judicial pension scheme.]

Textual Amendments

- F16** Para. 7A inserted by S.R. (N.I.) No. 1989/100, reg. 5 Sch. 4.
- F17** Words in Sch. 10 para. 7A(2) omitted (19.12.2003) by virtue of [The Election Against Benefits Regulations \(Northern Ireland\) 2003](#) (S.R. 2003/482), regs. 1(1), **4(2)(a)**
- F18** Sch. 10 para. 7A(3)(b) substituted (19.12.2003) by [The Election Against Benefits Regulations \(Northern Ireland\) 2003](#) (S.R. 2003/482), regs. 1(1), **4(2)(b)**

Modifications etc. (not altering text)

- C9** Para. 7A excluded by [Social Security Administration \(Northern Ireland\) Act 1992](#) (c. 8, SIF 113:1), ss. **39, 41, 48–50** Sch. 2 para. 1(6)
- C10** Sch. 10 para. 7A: power to modify conferred (7.2.1994) by [1993 c. 49](#), ss. 182, 183, 184, **Sch. 5 Pt. II para. 17(2)(3)(h)**; S.R. 1994/17, **art. 2**
- C11** Sch. 10 para. 7A(3) modified (31.3.1995) by [1993 c. 8](#), ss. **13(8)(9)(f)**; S.I. 1995/631, **art. 2**

Appeals.

- [^{F19}7B (1) If any person to whom this section applies is aggrieved by any decision taken by the administrators of a relevant pension scheme concerning—
- (a) the interpretation of the rules of the scheme, or
 - (b) the exercise of any discretion under the scheme,
- he shall have a right of appeal to the Lord Chancellor against that decision.
- (2) On deciding an appeal under this paragraph, the Lord Chancellor may give to the administrators such directions as he considers necessary or expedient for implementing his decision.

Changes to legislation: There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10. (See end of Document for details)

- (3) The persons to whom this paragraph applies are the following—
- (a) any member of the scheme;
 - (b) the [^{F20}surviving spouse or surviving civil partner,] or any surviving dependant, of a deceased member of the scheme;
 - (c) where the decision relates to the question—
 - (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) is such a person, or
 - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,the person so claiming.
- (4) The Lord Chancellor may by regulations make provision as to the manner in which, and time within which, appeals under this paragraph are to be brought.
- (5) 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.
- (6) The administrators shall be entitled to appear and be heard on any appeal under this paragraph.
- (7) In this paragraph—
- “the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme;
 - “member”, in relation to a pension scheme, means a person whose service in an office is, was or is to be subject to the scheme;
 - “relevant pension scheme” means any pension scheme constituted under or by virtue of this Act;
 - “rules”, in relation to a relevant pension scheme, means the provisions of this Act, and of any regulations or orders made under this Act, so far as relating to that scheme.]

Textual Amendments

- F19** Sch. 10 para. 7B inserted (31.3.1995) by virtue of 1993 c.8, s. 24, **Sch. 3 Pt. III**, para. 7(4); S.I. 1995/631, **art. 2**
- F20** Words in Sch. 10 para. 7B(3)(b) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019](#) (S.I. 2019/1514), regs. 1(2), **60(b)** (with regs. 6-9)

Changes to legislation:

There are currently no known outstanding effects for the Social Security (Northern Ireland) Act 1975, SCHEDULE 10.