

1989 No. 100**PENSIONS****The Personal Pension Option (No. 1) Regulations
(Northern Ireland) 1989**

Made 22nd 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 Lord Chancellor in accordance with Article 18(2)(b) of that Order and with the consent of the Lord Chancellor 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. 1) 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 Judicial Pensions Act (Northern Ireland) 1951

2. The provisions of the Judicial Pensions Act (Northern Ireland) 1951(c) specified in Schedule 1 shall apply with the modifications specified in that Schedule.

Modification of the County Courts Act (Northern Ireland) 1959

3. The provisions of the County Courts Act (Northern Ireland) 1959(d) specified in Schedule 2 shall apply with the modifications specified in that Schedule.

Modification of the Resident Magistrates' Pensions Act (Northern Ireland) 1960

4. The provisions of the Resident Magistrates' Pensions Act (Northern Ireland) 1960(e) specified in Schedule 3 shall apply with the modifications specified in that Schedule.

(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) 1951 c. 20 (N.I.)

(d) 1959 c. 25 (N.I.)

(e) 1960 c. 2 (N.I.)

Modification of the Social Security (Northern Ireland) Act 1975

5. The provisions of the Social Security (Northern Ireland) Act 1975(a) specified in Schedule 4 shall apply with the modifications specified in that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd March 1989.

(L.S.)

A. N. Burns

Assistant Secretary

I consent

Mackay of Clashfern, C.

Dated 23rd March 1989.

Provisions of the Judicial Pensions Act (Northern Ireland) 1951 applying with modifications

The provisions of the Judicial Pensions Act (Northern Ireland) 1951 shall apply with the following modifications:

1. After section 3 (Application of Part II) there shall be inserted the following section—

“3A. For the purpose of the calculation of any derivative benefit under this Part, in respect of a person who is eligible for a pension for service in any office, there shall be left out of account any period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 was in force in respect of that person.”.

2. In section 11 (Contribution towards cost of widow's and children's pension) the following sub-section shall be inserted after sub-section (1)—

“(1A) No contribution shall be made by a person under sub-section (1) for any period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 is in force in respect of that person.”.

Provisions of the County Courts Act (Northern Ireland) 1959 applying with modifications

The provisions of the County Courts Act (Northern Ireland) 1959 shall apply with the following modifications:

1. After section 116 (Pensions of judges) there shall be inserted the following section—

“116A.—(1) The provisions regulating the pensions which may be received under section 116 and Part I of the Second Schedule are to take effect subject to the modifications contained in this section.

(2) In this section—

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

“judges’ pension scheme” means the occupational pension scheme constituted by this Act;

“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 respect of his office as a judge shall while in that office:

(a) be deemed to be a member of the judges’ 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 office as a judge:

(a) he may make a written application to the Lord Chancellor requesting admission to membership of the judges’ 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 judges’ pension scheme, his election shall cease to be in force.

(5) An applicant under sub-section (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-section (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-section (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 in computing the pension for which he is eligible under any judicial pension scheme.”

2. After section 119 (Application of succeeding provisions of this Part) there shall be inserted the following section—

“119A. For the purpose of the calculation of any derivative benefit under the succeeding provisions of this Part, in respect of a person who is eligible for a pension for service in any judicial office, there shall be left out of account any period of service during which an election under section 116A was in force in respect of that person.”

**Provisions of the Resident Magistrates' Pensions Act (Northern Ireland) 1960
applying with modifications**

The provisions of the Resident Magistrates' Pension Act (Northern Ireland) 1960 shall apply with the following modifications:

1. After section 2 (Pensions of resident magistrates) there shall be inserted the following section—

“2A.—(1) The provisions regulating the pensions which may be received under section 2 and the Schedule are to take effect subject to the modifications contained in this section.

(2) In this section—

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

“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;

“resident magistrates' pension scheme” means the occupational pension scheme constituted by this Act.

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

(a) be deemed to be a member of the resident magistrates' 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 office as a resident magistrate:

(a) he may make a written application to the Lord Chancellor requesting admission to membership of the resident magistrates' 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 resident magistrates' pension scheme, his election shall cease to be in force.

(5) An applicant under sub-section (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-section (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-section (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 in computing the pension for which he is eligible under any judicial pension scheme.”

2. After section 3 (Lump sum on retirement or death) there shall be inserted the following section—

“3A. For the purpose of the calculation of any lump sum under this Act, in respect of a person who is eligible for a pension for service in any judicial office, there shall be left out of account any period of service during which an election under section 2A was in force in respect of that person.”.

3. After section 4 (Power to grant widows’ and children’s pensions) there shall be inserted the following section—

“4A. For the purpose of the calculation of any widow’s or children’s pension under this Act, in respect of a person who is eligible for a pension for service in any judicial office, there shall be left out of account any period of service during which an election under section 2A was in force in respect of that person.”.

4. In section 9 (Contributions towards cost of widow’s and children’s pension) the following sub-section shall be inserted after sub-section (1)—

“(1A) No contribution shall be made by a person under sub-section (1) for any period of service during which an election under section 2A is in force in respect of that person.”.

Provisions of the Social Security (Northern Ireland) Act 1975 applying with modifications

The provisions of the Social Security (Northern Ireland) Act 1975 shall apply with the following modifications:

1. After paragraph 7 (Commissioners' pensions: supplementary) of Schedule 10 there shall be inserted the following paragraph—

“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);

“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 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
- (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 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.’’.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations modify the Judicial Pensions Act (Northern Ireland) 1951, the County Courts Act (Northern Ireland) 1959, the Resident Magistrates' Pensions Act (Northern Ireland) 1960 and the Social Security (Northern Ireland) Act 1975 so as to allow social security commissioners, county court judges and resident magistrates to elect to have a personal pension instead of acquiring pension rights under those statutory provisions.

The regulations enable the pension schemes under the said statutory provisions to comply with the provisions contained in the Social Security (Northern Ireland) Order 1986 which enable members of occupational pension schemes to exercise personal pension options.