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STATUTORY INSTRUMENTS

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**2000 No. 2986**

**PENSIONS**

**The Judicial Pensions and Retirement Act  
1993 (Amendment) Regulations 2000**

*Made - - - - 1st November 2000*  
*Laid before Parliament 10th November 2000*  
*Coming into force - - 1st December 2000*

The Lord Chancellor, in exercise of the powers conferred upon him by section 43 of the Welfare Reform and Pensions Act 1999<sup>(1)</sup>, makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Judicial Pensions and Retirement Act 1993 (Amendment) Regulations 2000 and shall come into force on 1st December 2000.

**Amendments to the Judicial Pensions and Retirement Act 1993**

2. The following shall be inserted after section 23 of the Judicial Pensions and Retirement Act 1993<sup>(2)</sup>:—

**“Pension credits**

**23A.** Schedule 2A to this Act shall have effect with respect to the creation and implementation of pension credits affecting a pension scheme constituted by Part I or Section 19 of this Act.”

3. The following shall be inserted after Schedule 2 to that Act:—

“SCHEDULE 2A

PENSION CREDITS

1.—(1) In any case where—

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(1) 1999 c. 30.  
(2) 1993 c. 8.

- (a) a person (“the transferee”) becomes entitled to a pension credit under section 29 of the Welfare Reform and Pensions Act 1999 (“the 1999 Act”); and
- (b) that pension credit is derived from the rights of another person (“the transferor”) under—

- (i) an occupational pension scheme constituted by Part I or section 19 of this Act; or
- (ii) any scheme in relation to which a scheme within sub-paragraph (i) is specified as an alternative for the purposes of paragraph 2 of Schedule 5 to the 1999 Act,

the transferee shall become entitled to rights under this paragraph in respect of that pension credit.

(2) The rights which are to be provided under this paragraph shall be so calculated as to be appropriate rights for the purposes of paragraph 5 of Schedule 5 to the 1999 Act, and any regulations made by the Secretary of State for the purposes of that paragraph shall apply accordingly.

(3) Subject to sub-paragraph (2) above, the rights which are to be provided under this paragraph, shall be such as may be prescribed by the appropriate Minister in regulations, which shall provide for the calculation and payment of any sums payable as part of those rights.

(4) Regulations under sub-paragraph (3) above may—

- (a) provide for the calculation of the amounts payable in such manner as may, in the particular case, be approved by a person prescribed by the regulations, or in accordance with guidance from time to time prepared by a person so prescribed;
- (b) include provision by reference to regulations made under section 30 of or Schedule 5 to the 1999 Act; or
- (c) include provision by reference to regulations made under paragraph 13 of Schedule 2 to this Act.

(5) Section 28(1) of this Act shall apply to any pension or lump sum payable by virtue of this paragraph as if it were—

- (a) a pension or lump sum under Part I of this Act; or
- (b) a payment authorised by section 19 of this Act,

payable to the transferor in respect of the office which he held at the time of the order or agreement under which the pension credit arose.

2. The appropriate Minister shall have no power to accept, for the benefit of a member of a judicial pension scheme—

- (a) a payment under paragraph 1(3) of Schedule 5 to the 1999 Act,
- (b) a payment under section 95 of the Pension Schemes Act 1993(3), or
- (c) any other payment,

to the extent that that payment directly or indirectly represents a pension credit.”.

Dated 1st November 2000

*Irvine of Lairg, C.*

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## EXPLANATORY NOTE

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

These Regulations insert a new Schedule into the Judicial Pensions and Retirement Act 1993. This adapts the judicial pension scheme created by that Act, in such a way as to allow the beneficiaries of pension sharing orders to acquire benefits under the scheme. This applies whether the party against whom the order is made is a member of the scheme created under the Act or of another judicial pension scheme. The new Schedule also authorises the making of further regulations providing for the nature and amount of the benefits acquired, and provides that the judicial pension scheme may not receive a payment representing a pension credit.