
STATUTORY INSTRUMENTS

2000 No. 2986

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

Amendments to the Judicial Pensions and Retirement Act 1993

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

“SCHEDULE 2A

PENSION CREDITS

1.—(1) In any case where—

- (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,

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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⁽¹⁾, or
- (c) any other payment,

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

⁽¹⁾ 1993 c. 48.