
STATUTORY INSTRUMENTS

2005 No. 3325

The Civil Partnership (Judicial Pensions
and Church Pensions, etc.) Order 2005

PART 6

Amendments of the Judicial Pensions Act 1981

67. In Schedule 2 (transitory provisions), after paragraph 28 insert—

“PART 5

SURVIVING CIVIL PARTNERS' PENSIONS

General

29. In this Part of this Schedule—

“the relevant date” means 4th December 2005; and

“member” means a person who holds judicial office and to or in respect of whom benefits are payable under this Act, or the Sheriffs' Pensions (Scotland) Act 1961⁽¹⁾, on his or her retirement.

Service wholly on or before the relevant date

30. No surviving civil partner's pension shall be payable in respect of a member who retires on or before the relevant date.

Service on and after the relevant date

31.—(1) A member who—

(a) holds judicial office on the relevant date; and

(b) continues to do so after that date,

shall have the annual value of a surviving civil partner's pension in respect of the member calculated on the assumption that all of the member's relevant service fell after the relevant date.

(2) Sub-paragraph (1) does not apply if, within six months of the date of the member's formation of a civil partnership, the member opts for the annual value of the surviving civil partner's pension to be calculated under sub-paragraph (3).

(3) Where the annual value of a surviving civil partner's pension falls to be calculated under this sub-paragraph, its value shall be determined by applying the formula—

$$CPP1 = (CPP2 \times RS1) \text{ divided by } RS2$$

where—

CPP1 is the annual value of the surviving civil partner's pension,

CPP2 is the annual value of the surviving civil partner's pension that would be payable on the assumption mentioned in sub-paragraph (1),

RS1 is the length of the member's relevant service after the relevant date, and

RS2 is the whole of the member's relevant service.

(4) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service on or before the relevant date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service on or before that date adds to the amount of the personal pension.

(5) An election under sub-paragraph (2) must be made in writing to the administrators.

(6) An election under sub-paragraph (2) is irrevocable.”.