STATUTORY RULES OF NORTHERN IRELAND

2003 No. 482

PENSIONS

The Election Against Benefits Regulations (Northern Ireland) 2003

Made - - - -	*13th November 2003*
Coming into operation	*19th December 2003*

The Department for Social Development, in exercise of the powers conferred by section 177(4) of, and paragraph 17(2) of Schedule 5 to, the Pension Schemes (Northern Ireland) Act 1993(**1**), and now vested in it(**2**), and of all other powers enabling it in that behalf, after consultation with the Lord Chancellor in accordance with paragraph 17(2) of Schedule 5 to that Act(**3**) and with the consent of the Lord Chancellor in accordance with paragraph 17(4) of Schedule 5 to that Act, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Election Against Benefits Regulations (Northern Ireland) 2003 and shall come into operation on 19th December 2003.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Assembly.

Modification of the County Courts Act

2.—(1) The County Courts Act (Northern Ireland) 1959(**5**) shall have effect subject to the following modifications.

(2) In section 116A(**6**) –

(a) in subsection (2) the definition of "personal pension scheme" shall be omitted;

(b) in subsection (3) for paragraph (b) there shall be substituted the following paragraph –

(**1**) 1993 c. 49
(**2**) *See* Article 8(b) of S.R. 1999 No. 481
(**3**) By virtue of S.R. 1989 No. 65
(**4**) 1954 c. 33 (N.I.)
(**5**) 1959 c. 25 (N.I.)
(**6**) Section 116A was inserted by S.R. 1989 No. 100 and amended by paragraph 1 of Schedule 3 to the Pensions (Northern Ireland) Order 1995 (S.I.1995/3213 (N.I. 22))

"(b) be entitled at any time to serve on the Lord Chancellor a written notice of election not to be a member of the judges' pension scheme, to take effect on a date not less than one month after the date on which it was served.".

Modification of the Resident Magistrates' Pensions Act

3.—(1) The Resident Magistrates' Pensions Act (Northern Ireland) 1960(**7**) shall have effect subject to the following modifications.

(2) In section 2A(**8**) –

(a) in subsection (2) the definition of "personal pension scheme" shall be omitted;

(b) in subsection (3) for paragraph (b) there shall be substituted the following paragraph –

"(b) be entitled at any time to serve on the Lord Chancellor a written notice of election not to be a member of the resident magistrates' pension scheme, to take effect on a date not less than one month after the date on which it was served.".

Modification of the Social Security Act

4.—(1) The Social Security (Northern Ireland) Act 1975(**9**) shall have effect subject to the following modifications.

(2) In paragraph 7A of Schedule 10(**10**) –

(a) in sub-paragraph (2) the definition of "personal pension scheme" shall be omitted;

(b) in sub-paragraph (3) for head (b) there shall be substituted the following head –

"(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.".

Sealed with the Official Seal of the Department for Social Development on 13th November 2003.

John O'Neill
Senior Officer of the
Department for Social Development

(**7**) 1960 c. 2 (N.I.)
(**8**) Section 2A was inserted by S.R. 1989 No. 100 and amended by paragraph 2 of Schedule 3 to the Pensions (Northern Ireland) Order 1995
(**9**) 1975 c. 15
(**10**) Paragraph 7A was inserted by S.R. 1989 No. 100 and amended by paragraph 5 of Schedule 3 to the Pensions (Northern Ireland) Order 1995