STATUTORY RULES OF NORTHERN IRELAND

1995 No. 389

PENSIONS

The Judicial Pensions (Guaranteed Minimum Pension) Order (Northern Ireland) 1995

Made - - - -	*10th October 1995*
Coming into operation	*1st November 1995*

The Lord Chancellor, as the appropriate authority designated by the Treasury as having responsibility for the public service pension scheme established under the Judicial Pensions and Retirement Act 1993(**1**) for the purposes of section 137 of the Pension Schemes (Northern Ireland) Act 1993(**2**), in exercise of the powers conferred by the said section 137, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Judicial Pensions (Guaranteed Minimum Pension) Order (Northern Ireland) 1995 and shall come into operation on 1st November 1995.

Interpretation

2. In this Order—

"the Act" means the Pension Schemes (Northern Ireland) Act 1993;

"the 1993 Act" means the Judicial Pensions and Retirement Act 1993;

"office-holder" means a person who holds, or has held, scheduled office;

"pensionable age" has the meaning given to it in the Act;

"qualifying judicial office" has the meaning given to it in section 1(6) of the 1993 Act;

"scheduled office" means an office listed in the Schedule;

"the scheme" means the occupational pension scheme constituted by Part I of the 1993 Act.

(**1**) 1993 c. 8

(**2**) 1993 c. 49; section 137(1) provides that an Order under section 137 shall be made by the "appropriate authority" which, by virtue of section 137(2), shall be the Minister of the Crown or government department designated by the Treasury or the Department of Finance and Personnel as having responsibility for the pension scheme in question

Application

3. This Order shall apply in relation to an office-holder who is a member of the scheme by virtue of section I of the 1993 Act.

Entitlement to a pension

4.—(1) An office-holder who attains pensionable age and who has ceased to hold scheduled office shall be entitled to receive, from that age, not less than the guaranteed minimum pension, the weekly rate of which shall be calculated in accordance with section 10, section 12(1) and (5) and section 14 of the Act, unless accrued rights have been extinguished under section 56 of the Act.

(2) The commencement of the office-holder's guaranteed minimum pension may be postponed—

(a) for a period, not exceeding five years, for which he continues to hold scheduled office after attaining pensionable age;

(b) with his consent, for a period exceeding five years for which he continues to hold scheduled office after attaining pensionable age; or

(c) with his consent, for a period for which he continues in employment after attaining pensionable age otherwise than in scheduled office;

and in such a case section 11 of the Act shall apply to the calculation of the guaranteed minimum pension.

(3) An office-holder—

(a) who attains pensionable age;

(b) who has ceased to hold scheduled office;

(c) to whom section 9(2) of the Act applies; and

(d) who does not have a guaranteed minimum under sections 10 to 12 of the Act,

shall be entitled to receive, from that age, a pension not less than the amount which would be determined as the office-holder's guaranteed minimum, calculated in accordance with paragraph (1), were section 10(3)(b) not to apply to that office-holder.

(4) An office-holder shall be treated as not ceasing to hold office for the purpose of this Order where he moves from one qualifying judicial office to another.

(5) The pension payable under this Article shall continue for the life of the office-holder.

Surviving spouse's guaranteed minimum pension

5.—(1) As from the date of death of an office-holder, whether before or after attaining pensionable age, his surviving spouse shall be entitled to receive a guaranteed minimum pension the weekly rate of which shall be no less than the guaranteed minimum ascertained in accordance with section 13(2) and (3) or (4) of the Act as appropriate.

(2) Paragraph (1) shall apply, in the case of a widow for the period mentioned in section 13(5) of the Act and in the case of a widower, in the circumstances prescribed under section 13(6) of that Act.

(3) Paragraph (1) shall not apply if—

(a) at the date of his death the office-holder's accrued rights to a guaranteed minimum pension have been extinguished under section 56 of the Act; or

(b) the surviving spouse's accrued rights are extinguished under that section.