STATUTORY RULES OF NORTHERN IRELAND

1995 No. 388

PENSIONS

The Judicial Pensions (Preservation of Benefits) 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 (Preservation of Benefits) Order (Northern Ireland) 1995 and shall come into operation on 1st November 1995.

Interpretation

2. In this Order—

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

"full rate" means the rate at which a pension might have been paid to an office-holder if his service had continued until normal pension age, but calculated by reference to—

(a) the pensionable pay (as defined by section 3(3)(a) of the 1993 Act), or

(b) in respect of a pension payable under section 19 of the 1993 Act, the pensionable pay if the pension-capped salary had fallen to be determined under section 3(3)(b) of the 1993 Act without the limit imposed by reference to the permitted maximum there mentioned,

attaching to the office of the office-holder at the date he ceased (within the meaning of Article 4 below) to hold office;

"normal pension age" means the earliest age at which an office-holder would have been able to retire with a pension immediately payable under section 2(1) 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

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

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

"relevant service" means service in qualifying judicial office;

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

Application

3. This Order shall apply to an office-holder with a pension payable under the scheme constituted by Part I of the 1993 Act and to an office-holder with a pension payable under section 19 of that Act.

Ceasing to hold office

4. An office-holder shall be treated as not ceasing to hold office for the purpose of this Order where—

(a) he moves from one qualifying judicial office to another; or

(b) at the time that he ceases to hold scheduled office he is entitled to a pension under section 2(2), 2(3), or 2(4) of the 1993 Act; or

(c) he holds scheduled office on the last day of service but has made no election under section 1(2) of the 1993 Act for Part I of the 1993 Act to apply to him.

Preserved pension

5.—(1) An office-holder who has completed two years of relevant service, but who ceases to hold scheduled office before normal pension age, shall be eligible for a pension when he reaches normal pension age.

(2) The annual rate at which that pension shall be paid shall be calculated in accordance with the formula (A/B) × C where—

(a) A is the number of years and days of completed relevant service (expressed in years and fractions of years as appropriate) of the office-holder;

(b) B is the number of years and days of completed relevant service (expressed in years and fractions of years as appropriate) which the office-holder would have served if that service had continued until normal pension age; and

(c) C is the full rate.

(3) Where the office-holder has entered into one or more contracts to purchase added years under the Judicial Added Years Scheme constituted under Part IV of the Judicial Pensions (Additional Voluntary Contributions) Regulations 1995(**3**), then for the purposes of the calculation in paragraph (2), the number of years included in A in paragraph (2)(a) shall be increased by the result of the calculation of the formula (D/E) × F applied to each contract entered into where—

(a) D is the number of years and days (expressed in years and fractions of years as appropriate) during which added years were purchased by the office-holder;

(b) E is the number of years and days (expressed in years and fractions of years as appropriate) during which added years would have been purchased if the office-holder had continued in service until normal pension age; and

(c) F is the number of added years that the office-holder contracted to purchase.

(**3**) S.I.1995/639