1995 No. 189

PENSIONS

The Judicial Pensions (Additional Voluntary Contributions) Regulations (Northern Ireland) 1995

Made	*5th May 1995*
Coming into operation . .	*1st June 1995*
To be laid before Parliament	

The Lord Chancellor, in exercise of the powers conferred on him by the enactments specified in Schedule 1 and of all other powers enabling him in that behalf, and with the consent of the Treasury, hereby makes the following Regulations:—

PART I

PRELIMINARY

Citation and commencement

1.1 These Regulations may be cited as the Judicial Pensions (Additional Voluntary Contributions) Regulations (Northern Ireland) 1995 and shall come into operation on 1st June 1995.

Interpretation

1.2—(1) In these Regulations—

"additional voluntary contributions" means any contributions by a member of an existing scheme over and above those contributions towards the cost of providing surviving spouse's and children's benefits which are required as a condition of membership (whether made by deductions from salary or from a lump sum on death or retirement);

"AVC scheme" means a judicial pension scheme other than a FSAVC scheme providing for the purchase of benefits additional to those provided by or under an existing scheme by means of additional voluntary contributions;

"approved scheme" means a retirement benefits scheme approved under Chapter I, Part XIV of the 1988 Act, or such other legislation as may be in force from time to time in respect of such approval;

"death benefit" means a lump sum payable on the death of a member;

"existing scheme" means a judicial pension scheme constituted—

(*a*) under or by virtue of the County Courts Act (Northern Ireland) 1959(**a**) as modified and amended;

(*b*) under or by virtue of the Resident Magistrates' Pensions Act (Northern Ireland) 1960(**b**) as modified and amended; or

(*c*) under or by virtue of the Judicial Pensions Act (Northern Ireland) 1951(**c**) as modified and amended;

and which is not a voluntary contributions scheme;

"FSAVC scheme" means a retirement benefits scheme approved under section 591(2)(*h*) of the 1988 Act established by a pension provider other than the administrators of a judicial pension scheme and to which only the member contributes;

"Index", at any time, means the index of retail prices published by the Central Statistical Office of Chancellor of the Exchequer, or any successor as agreed as appropriate by the Board of Inland Revenue, for the calendar month three months prior to that time;

"judicial pension scheme" means any public service pension scheme as defined in section 1 of the Pension Schemes (Northern Ireland) Act 1993(**d**) under which pensions and other benefits are payable in respect of one or more scheduled offices (whether or not in respect of service in such offices alone);

"leading scheme" and "main scheme" shall have the meanings given to them in Regulation 2 of the 1993 Regulations;

"normal pension age", in relation to a member, means the age at which the member would be able to retire from his existing scheme with a pension immediately payable;

"PCSPS" means the Principal Civil Service Pension Scheme established under section 1 of the Superannuation Act 1972(**e**);

"retirement benefits scheme" has the meaning given to it in section 611 of the 1988 Act;

"scheduled office" means an office listed in Schedule 2;

"the 1988 Act" means the Income and Corporation Taxes Act 1988(**f**);

"the 1993 Act" means the Judicial Pensions and Retirement Act 1993(**g**);

"the 1993 Regulations" means the Retirement Benefits Schemes (Restriction on Discretion to Approve) (Additional Voluntary Contributions) Regulations 1993(**h**);

"retained death benefits" has the meaning given to it in Regulation 2.4;

"voluntary contributions scheme" means an FSAVC scheme or an AVC scheme.

(**a**) 1959 c. 25 (N.I.)
(**b**) 1960 c. 2 (N.I.)
(**c**) 1951 c. 24 (N.I.)
(**d**) 1993 c. 49
(**e**) 1972 c. 11
(**f**) 1988 c. 1
(**g**) 1993 c. 8
(**h**) S.I. 1993/3016

PART II

JUDICIAL ADDITIONAL VOLUNTARY CONTRIBUTIONS SCHEME

Interpretation and application

2.1—(1) In this Part—

"aggregated retirement benefit" shall mean the total amount of all benefits, other than retained benefits, that may be paid to a retired member including the pension equivalent of any lump sum;

"authorised insurance company" means either—

(*a*) a company which is a United Kinigdom branch or office of an insurance company to which Part II of the Insurance Companies Act 1982 applies and which is authorised under section 3 or 4 of that Act to carry on ordinary long-term insurance business; or

(*b*) an EC company as defined by section 2(6) of the Insurance Companies Act 1982 which is lawfully carrying on ordinary long-term insurance business in the United Kingdom;

"final salary" means the amount of salary received in the twelve months prior to the date of leaving scheduled office that has been assessed for tax under Schedule E under Part V of the 1988 Act;

"the scheme" means the Judicial Additional Voluntary Contributions Scheme constituted by this Part;

"preserved retirement benefits" means any pensions or derivative benefits which have been preserved in accordance with the provisions of an order made under section 137 of the Pension Schemes (Northern Ireland) Act 1993;

"qualifying scheme" means an occupational pension scheme, a personal pension scheme, or an annuity purchased from an authorised insurance company or other pension arrangement which is—

(i) a retirement benefits scheme which has been approved or for which approval is sought under Chapter I, Part XIV of the 1988 Act, or a relevant statutory scheme as defined by section 611A of the 1988 Act; or

(ii) a personal pension scheme as defined by section 630 of the 1988 Act which has been approved under Chapter IV, Part XIV of the 1988 Act; or

(iii) an annuity contract approved for the purposes of sections 431(4)(*d*) or (*e*) or 591(2)(*g*) of the 1988 Act; or

(iv) a fund to which section 608 of the 1988 Act applies.

(2) The scheme shall be administered in accordance with the Regulations set out in this Part.

(3) The administrators of the scheme shall be the administrators of the member's existing scheme.

(4) The pension equivalent of a lump sum shall be calculated by dividing the cash value of the lump sum by 12.

Membership

2.2—(1) Membership of the scheme shall be open to any member of an existing scheme.

(2) Application for membership of the scheme shall be made in writing to the administrators.

Retained benefits

2.3—(1) The administrators shall require any person who is, or who wishes to become a member of the scheme, to provide such information as the administrators may require, concerning any retained benefits (but not retained death benefits) that that person may have which are derived from the following—

(*a*) a retirement benefits scheme which has been approved or for which approval is sought under Chapter I Part XIV of the 1988 Act;

(*b*) a relevant statutory scheme as defined by section 611A of the 1988 Act;

(*c*) a fund to which section 608 of the 1988 Act applies;

(*d*) a retirement benefits scheme which has been accepted by the Inland Revenue as corresponding within the meaning of section 596(2)(*b*) of the 1988 Act;

(*e*) (i) a retirement annuity or trust scheme approved under section 620 of the 1988 Act; or

(ii) a personal pension scheme (as defined by section 630 of the 1988 Act) approved under section 631 of the 1988 Act (other than an arrangement to which only minimum contributions are paid)

which related to relevant earnings from the current employment or previous employments;

(*f*) transfer payments from overseas schemes held in a type of arrangement defined in (*a*), (*b*) or (*e*) above;

(*g*) preserved retirement benefits in respect of any scheduled office,

including such benefits which have been transferred to another scheme whether or not in the United Kingdom.

(2) Retained benefits may be disregarded where the total of—

(*a*) the resulting annual pension; and

(*b*) the pension equivalent of any lump sum payable;

is less than £260.

2.4—(1) The administrators shall also require details of retained death benefits.

(2) Retained death benefits worth less than £2,500 may be disregarded.

(3) For the purposes of calculating the retained death benefit there shall be ignored—

(*a*) any benefits representing a return of the member's own contributions plus interest; and

(*b*) benefits derived from a return of surplus funds under annuity contracts approved under section 620 of the 1988 Act or personal pension schemes approved under section 631 of the 1988 Act.

(4) In this Regulation—

"retained death benefits" means any lump sum benefits payable on the member's death derived from the sources set out in sub-paragraphs (*a*)-(*g*) of Regulation 2.3(1).

2.5 The administrators may disclose any information obtained relating to retained benefits or retained death benefits—

(i) to, or to any officers of, the Commissioners of Inland Revenue; or

(ii) to, or to any servants or agents of, any authorised provider who is, or may be, concerned in the investment of the voluntary contributions or the provision of the additional benefits in question.

Maximum benefits

2.6—(1) The aggregated retirement benefit shall not exceed the figure equal to the lesser of—

(*a*) the amount referred to in paragraph (2)(*a*), (*b*) or (*c*) as appropriate; and

(*b*) the greater of—

(i) 2/3rds of the member's final salary less retained benefits; and

(ii) 1/60th of the member's final salary for each year of service up to a maximum of 40 years.

(2) The amount referred to in paragraph (1)(*a*) above shall be—

(*a*) where the member retires at his normal pension age the amount calculated by applying the appropriate fraction (ascertained in accordance with the following table, into which fractions of a year may be interpolated in accordance with paragraph (3) below) to his final salary—

Years of Service	*Appropriate fraction*
Year 1 to 5	1/60th for each year
Year 6	8/60
Year 7	16/60
Year 8	24/60
Year 9	32/60
Year 10 or more	40/60 for each year;

(*b*) where the member retires before his normal pension age on the ground of ill-health the amount determined in accordance with paragraph (2)(*a*) which the member could have received had he remained in service until his normal pension age;

(*c*) where the member leaves the scheme before his normal pension age on any other ground an amount calculated in accordance with the formula $\frac{M \times N}{NS}$