1993 No. 40

PENSIONS

Judicial Pensions (Spouses' and Children's Benefits) Regulations (Northern Ireland) 1993

Made	*1st February 1993*
Coming into operation . .	*15th February 1993*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 10 of, and Schedule 3 to, the Administration of Justice Act 1973(**a**) and of all other powers enabling it in that behalf, and with the consent of the Treasury(**b**), hereby makes the following regulations:

PART I

GENERAL

Citation, commencement and revocation

1.—(1) These regulations may be cited as the Judicial Pensions (Spouses' and Children's Benefits) Regulations (Northern Ireland) 1993.

(2) These regulations shall come into operation on 15th February 1993.

(3) The Judicial Pensions (Widows' and Children's Benefits) Regulations (Northern Ireland) 1989(**c**) are hereby revoked in so far as they apply to the following offices, that is to say—

(*a*) President of the Industrial Court;

(*b*) President of the Industrial Tribunals;

(*c*) Whole-time member of a panel of Chairmen of Industrial Tribunals,

but without prejudice to their continued application in relation to an office-holder whose relevant service was wholly before the date of coming into operation of these regulations.

Interpretation

2.—(1) The Interpretation Act 1978(**d**) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(**a**) 1973 c. 15; section 10 was repealed in part by Schedule 4 to the Judicial Pensions Act 1981 c. 20
(**b**) *See* Article 5 of S.I. 1973/2163 for transfer of functions from the Ministry of Finance for Northern Ireland to the Minister for the Civil Service and Article 2 of S.I. 1981/1670 for transfer of functions from the Minister for the Civil Service to the Treasury
(**c**) S.R. 1989 No. 144
(**d**) 1978 c. 30

(2) In these regulations, unless the context otherwise requires,—

"the Act of 1951" means the Judicial Pensions Act (Northern Ireland) 1951(**a**);

"the Act of 1969" means the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969(**b**);

"contribution" means a contribution towards the cost of a spouse's pension;

"dependent children" means a child or children of an office-holder for whose benefit a "children's pension" as defined in section 6 of the Act of 1951 can enure;

"lump sum" means the lump sum payable under section 5(1) or (2) of the Act of 1951 on the retirement or death of an office-holder;

"office-holder" means a person serving in an office specified in section 2(1) of the Act of 1969(**c**);

"periodical payment" means a contribution in the form of a deduction from the office-holder's salary;

"personal pension" means the superannuation allowance for which an office-holder becomes eligible on retirement (or, if he dies in office, would have become eligible had he retired on the ground of infirmity at the time of his death);

"the regulations of 1989" means the Judicial Pensions (Widows' and Children's Benefits) Regulations (Northern Ireland) 1989;

"relevant service" means service in an office in respect of which service a superannuation allowance may be granted under or by virtue of section 2 of the Act of 1969;

"responsible authority" means, in relation to an office-holder, the person or body responsible for paying his salary;

references to a "spouse's pension" include references to a children's pension;

"standard rate" in relation to periodical payments has the meaning given in regulation 10(2) below.

Application of regulations

3.—(1) These regulations do not apply in respect of an office-holder whose relevant service was wholly before the day on which they come into operation.

(2) Subject to paragraph (3) below, contributions towards the cost of the liability for any pension under Part II of the Act of 1951, as modified by

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(**a**) 1951 c. 20 (N.I.) to which the Fourth Schedule was added by Article 3(2) of S.I. 1991/2631 (N.I. 24). Section 2(6) of the Act of 1969 which applies sections 5, 6, 6A, 7 to 11A, 15 and 17A of the Act of 1951 to the offices to which these regulations apply was amended by Article 7(2) of S.I. 1991/2631 (N.I. 24)

(**b**) 1969 c. 7 (N.I.)

(**c**) Section 2(1) was amended by Article 7(1) of S.I. 1980/1959 (N.I. 17), by paragraph 1 of the Schedule to S.R. 1989 No. 123 and by Schedule 2, paragraph 1 of 1989 c. 32

Schedule 3 to the Administration of Justice Act 1973, for the benefit of a person's spouse and children in respect of relevant service shall be made in accordance with Parts II and III of these regulations.

(3) No contribution shall be made by an office-holder for any period of service during which an election under section 2A(**a**) of the Act of 1969 is in operation in respect of him.

Extension of time

4. The responsible authority may, if satisfied in any particular case that it would be reasonable so to do, extend the time for giving any notice under these regulations.

PART II

CONTRIBUTION MADE ENTIRELY OUT OF LUMP SUM

Application of Part II

5.—(1) This Part shall have effect for determining the amount of the contribution (if any) to be made, by way of reduction in his lump sum, in the case of an office-holder who has made no periodical payments.

(2) No contribution by way of reduction in his lump sum shall be made in the case of a person who at no time during his relevant service had a spouse or dependent children.

Male office-holders

6.—(1) Subject to paragraph (2) below, the amount of the contribution of a male office-holder shall be three quarters of the lump sum.

(2) If a male office-holder was married at any time during his relevant service, but is not married at the end of his relevant service, the amount of the contribution shall (instead of that in paragraph (1) above) be three quarters of the lump sum—

(*a*) multiplied by the total number of months of his relevant service during which he was married or had dependent children; and

(*b*) divided by the total number of months of his relevant service.

Female office-holders: relevant service wholly after 14th February 1993

7.—(1) Subject to paragraph (2) below, if the whole of a female office-holder's relevant service is, or by virtue of an option exercised under paragraph 4(1) and (2)(*b*) of the Fourth Schedule to the Act of 1951 is treated as, service after 14th February 1993 the amount of her contribution shall be three quarters of the lump sum.

(**a**) Section 2A was inserted by paragraph 3 of the Schedule to S.R. 1989 No. 123

(2) If a female office-holder was married at any time during her relevant service (and such service is treated as being wholly after 14th February 1993), but is not married at the end of her relevant service, the amount of the contribution shall (instead of that in paragraph (1) above) be three quarters of the lump sum—

(*a*) multiplied by the total number of months of her relevant service during which she was married or had dependent children; and

(*b*) divided by the total number of months of her relevant service.

Female office-holders: relevant service partly before 15th February 1993

8.—(1) Subject to paragraph (2) below, if a female office-holder's relevant service is not, or is not treated as, wholly after 14th February 1993, the amount of the contribution shall be three quarters of the lump sum—

(*a*) multiplied by the total number of months of her relevant service after 14th February 1993; and

(*b*) divided by the total number of months of her relevant service.

(2) If a female office-holder was married at any time during her relevant service and after 14th February 1993 (and such service is treated as being partly before and partly after 14th February 1993), but is not married at the end of her relevant service, the amount of the contribution shall (instead of that in paragraph (1) above) be that arrived at under paragraph (1) above—

(*a*) multiplied by the total number of months of her relevant service after 14th February 1993 during which she was married or had dependent children; and

(*b*) divided by the total number of months of her relevant service after 14th February 1993.

(3) If a female office-holder was married during her relevant service, but is neither married nor has dependent children on or after 15th February 1993 no contribution by way of reduction in her lump sum shall be made.

Supplemental

9. For the purpose of determining the amount of any contribution payable under this Part, there shall be disregarded any amount by which (in consequence of the operation of section 5(2) of the Act of 1951) that sum may exceed twice the annual amount of the personal pension.

PART III

PERIODICAL PAYMENTS

Election to make periodical payments

10.—(1) Subject to paragraphs (2) to (7) below, an office-holder may elect to make periodical payments.

(2) Without prejudice to regulation 11 below, periodical payments may only be made at the standard rate of 4 per cent. of the office-holder's salary for the time being.