1989 No. 100

PENSIONS

The Personal Pension Option (No. 1) Regulations (Northern Ireland) 1989

Made . . . . . *22nd March 1989*

Coming into operation . . *6th April 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 18(2) of the Social Security (Northern Ireland) Order 1986(**a**) and of all other powers enabling it in that behalf, after consultation with the Lord Chancellor in accordance with Article 18(2)(**b**) of that Order and with the consent of the Lord Chancellor in accordance with Article 18(4) of that Order, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Personal Pension Option (No. 1) Regulations (Northern Ireland) 1989 and shall come into operation on 6th April 1989.

(2) In these regulations references to a person's eligibility for a pension are, in relation to an office which carries entitlement to a pension, references to such entitlement.

Modification of the Judicial Pensions Act (Northern Ireland) 1951

2. The provisions of the Judicial Pensions Act (Northern Ireland) 1951(**c**) specified in Schedule 1 shall apply with the modifications specified in that Schedule.

Modification of the County Courts Act (Northern Ireland) 1959

3. The provisions of the County Courts Act (Northern Ireland) 1959(**d**) specified in Schedule 2 shall apply with the modifications specified in that Schedule.

Modification of the Resident Magistrates' Pensions Act (Northern Ireland) 1960

4. The provisions of the Resident Magistrates' Pensions Act (Northern Ireland) 1960(**e**) specified in Schedule 3 shall apply with the modifications specified in that Schedule.

(a) S.I. 1986/1888 (N.I. 18)
(b) By virtue of the Personal Pensions (Appropriate Authority) (Designation) Order (Northern Ireland) 1989 (S.R. 1989 No. 65)
(c) 1951 c. 20 (N.I.)
(d) 1959 c. 25 (N.I.)
(e) 1960 c. 2 (N.I.)

Modification of the Social Security (Northern Ireland) Act 1975

5. The provisions of the Social Security (Northern Ireland) Act 1975(**a**) specified in Schedule 4 shall apply with the modifications specified in that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services on 22nd March 1989.

(L.S.) *A. N. Burns*
Assistant Secretary

I consent *Mackay of Clashfern,* C.

Dated 23rd March 1989.

(a) 1975 c. 15

SCHEDULE 1 Regulation 2

Provisions of the Judicial Pensions Act (Northern Ireland) 1951 applying with modifications

The provisions of the Judicial Pensions Act (Northern Ireland) 1951 shall apply with the following modifications:

1. After section 3 (Application of Part II) there shall be inserted the following section—

"3A. For the purpose of the calculation of any derivative benefit under this Part, in respect of a person who is eligible for a pension for service in any office, there shall be left out of account any period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 was in force in respect of that person.".

2. In section 11 (Contribution towards cost of widow's and children's pension) the following sub-section shall be inserted after sub-section (1)—

"(1A) No contribution shall be made by a person under sub-section (1) for any period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 is in force in respect of that person.".

SCHEDULE 2 Regulation 3

Provisions of the County Courts Act (Northern Ireland) 1959 applying with modifications

The provisions of the County Courts Act (Northern Ireland) 1959 shall apply with the following modifications:

1. After section 116 (Pensions of judges) there shall be inserted the following section—

"116A.—(1) The provisions regulating the pensions which may be received under section 116 and Part I of the Second Schedule are to take effect subject to the modifications contained in this section.

(2) In this section—

"election" means an election made under sub-section (3);

"judges' pension scheme" means the occupational pension scheme constituted by this Act;

"personal pension scheme" means a scheme in respect of which there is in force a current appropriate scheme certificate issued by the Occupational Pensions Board in accordance with Article 4 of the Social Security (Northern Ireland) Order 1986.

(3) A person who is eligible for a pension in respect of his office as a judge shall while in that office:

(*a*) be deemed to be a member of the judges' pension scheme except during such time as an election is in force in respect of him; and

(*b*) be entitled at any time to become a member of a personal pension scheme by serving on the Lord Chancellor a written notice of election, identifying the personal pension scheme, to take effect on a date not less than three months after the date on which it was served.

(4) At any time after a person has made an election and while he continues to hold office as a judge:

(*a*) he may make a written application to the Lord Chancellor requesting admission to membership of the judges' pension scheme; and

(*b*) the Lord Chancellor may, if satisfied that the applicant is in good health, admit him to that scheme on a date not less than three months after the date on which the application was served; and

(*c*) upon the date of the applicant's admission to the judges' pension scheme, his election shall cease to be in force.

(5) An applicant under sub-section (4) shall supply such evidence relating to his health as the Lord Chancellor may reasonably require and shall submit to any medical examination reasonably specified by the Lord Chancellor.

(6) The Lord Chancellor shall notify an applicant under sub-section (4) of his decision in writing within three months after the date on which the application was served.

(7) Subject to the provisions of sub-section (4), an election shall be irrevocable.

(8) An election shall not affect its maker's eligibility for a pension which accrued under a judicial pension scheme before that election came into force.

(9) While an election remains in force in respect of a person, his service shall not be counted as service in computing the pension for which he is eligible under any judicial pension scheme.".