1975 No. 374

PENSIONS

The Judicial Pensions (Widows' and Children's Benefits) Order (Northern Ireland) 1975

Made . . . . . 31*st December* 1975

Coming into operation . . . 21*st January* 1976

The Department(a) of Finance in exercise of the powers conferred by section 10(8) of the Administration of Justice Act 1973(b) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Judicial Pensions (Widows' and Children's Benefits) Order (Northern Ireland) 1975 and shall come into operation on 21st January 1976.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Superannuation Acts" means the Superannuation Act (Northern Ireland) 1967(d) and the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969(e);

"office-holder" has the meaning assigned to it by Article 3;

"pensionable pay" means the salary by reference to which an office-holder's pension is calculated;

"periodical contributions" means contributions from salary in accordance with the Superannuation Acts or Article 8;

"responsible authority" means the person or body responsible for paying an office-holder's salary.

Application

3. This Order shall apply in relation to the pension benefits of any resident magistrate or county court registrar included in Schedule 5 to the Superannuation (Northern Ireland) Order 1972(f) (persons remaining subject to the Superannuation Acts) and any such person is referred to in this Order as an "office-holder".

(a) Formerly Ministry: *see* 1973 c. 36 Sch. 5 para. 8(1)
(b) 1973 c. 15
(c) 1954 c. 33 (N.I.)
(d) 1967 c. 24 (N.I.)
(e) 1969 c. 7 (N.I.)
(f) S.I. 1972 p. 1073 (N.I. 10)

Increase of widow's and children's pensions

4.—(1) The annual amount of the widow's pension that may be granted under the Superannuation Acts and the annual amount of the children's pension (being widow's or children's pensions to which this Order applies) that may be so granted shall be increased in accordance with the provisions of this Order: and where the widow's pension or children's pension (if any) that may be granted is so increased, there shall be made towards the cost of the liability therefor contributions in accordance with the provisions of this Order.

(2) Subject to Article 5 the annual value of the widow's pension or children's pension that may be granted shall be determined by reference to the proportions which the reckonable service before and after 18th April 1973 bear to the whole of the reckonable service and shall be the amount obtained by adding—

(*a*) the part proportionate to the service before that date of the annual amount of the pension that might have been granted if this Order had not been made; and

(*b*) the part proportionate to the service after that date of the annual amount of the pension that might have been granted if the office-holder had elected that paragraph 1(*a*) of Article 5 should apply to him.

Election by office-holder

5.—(1) An office-holder may elect—

(*a*) that (i) the annual amount of his widow's pension shall be one-half of the annual amount of his pension; and

(ii) the annual amount of a children's pension, while there is only one person for whose benefit it can enure, shall (if he leaves a widow) amount to one-quarter of the annual amount of his pension, and (in any other case) to one-third of the annual amount of his pension, and while there are two or more persons for whose benefit it can enure shall (if he leaves a widow) amount to one-half and (in any other case) to two-thirds of the annual amount of his pension; and

(iii) Article 4(2) shall not apply to him; or

(*b*) that the provisions of the Superannuation Acts shall continue to apply to him as if this Order had not been made.

(2) If an office-holder dies without having made an election under paragraph (1) his widow may exercise any right her husband might have exercised under this Article.

(3) An election under either paragraph (1) or paragraph (2) may be made by notice in writing given to the responsible authority within six months from the coming into operation of this Order.

(4) The Department of Finance may, if satisfied that it would be reasonable to do so, extend the time for giving any notice under this Order.

Contributions

6.—(1) This Order shall govern the paying of contributions by an office-holder, other than an office-holder who has made an election under Article 5(1)(*b*), in lieu of section 52 of the Superannuation Act (Northern Ireland) 1967 and the said section shall have effect accordingly.

(2) Contributions towards the cost of the liabilities assumed under the Superannuation Acts as modified by this Order for the benefit of a man's wife and children shall be paid in accordance with the succeeding provisions of this Order.

Contributions by reduction of lump sum

7.—(1) The additional allowance payable to an office-holder on retirement or the death benefit payable in the event of his death shall be reduced—

(*a*) if he elects that Article 5(1)(*a*) shall apply to him, by three one hundred and sixtieths of his pensionable pay for each year of reckonable service in respect of which he had paid no periodical contributions and by one one hundred and sixtieth of his pensionable pay for each year of reckonable service in respect of which he has paid periodical contributions at the rate of 1¼%;

(*b*) where Article 4(2) applies to him, by one eightieth of his pensionable pay for each year of reckonable service before 18th April 1973 in respect of which he has paid no periodical contributions and by three one hundred and sixtieths of his pensionable pay for each year of reckonable service after 17th April 1973 in respect of which he has paid no periodical contributions and by one one hundred and sixtieth of his pensionable pay for each year of service after 17th April 1973 in respect of which he has paid periodical contributions at the rate of 1¼%.

(2) The additional allowance or death benefit referred to in paragraph (1) shall not be reduced for any year of reckonable service before 18th April 1973 in respect of which an office-holder has paid or is deemed to have paid periodical contributions amounting to 1¼% of his salary, if Article 4(2) applies to him, or for any year of reckonable service after 17th April 1973 in respect of which he has paid or is deemed to have paid periodical contributions amounting to 1½% of his salary, if Article 4(2) or Article 5(1)(*a*) apply to him.

Periodical contributions

8.—(1) Where Article 4(2) applies to an office-holder or an office-holder elects that Article 5(1)(*a*) shall apply to him he may elect to pay periodical contributions in the form of periodical payments from salary at the standard rate of 1½%. He may also elect to pay additional periodical contributions in accordance with paragraph (6).

(2) An office-holder who elects to pay periodical contributions under paragraphs (1) or (6) shall do so by notice in writing given to the responsible authority within six months from the coming into operation of this Order but an office-holder who marries or re-marries while in office and who is not then paying periodical contributions may elect to do so by notice in writing given to the responsible authority within six months from the date of his marriage or re-marriage.

(3) An election made under this Article shall be irrevocable but an office-holder whose marriage comes to an end after he has made such an election may revoke his election by notice in writing given to the responsible authority within six months from the date that his marriage comes to an end.

(4) Where an office-holder elects to pay periodical contributions under paragraph (1) he may also elect to pay additional periodical contributions in respect of reckonable service for which no periodical contributions have been