STATUTORY INSTRUMENTS

1991 No. 2631 (N.I. 24)

The Judicial Pensions (Northern Ireland) Order 1991

- - - - - - 19th November 1991

Title and commencement

1.—(1) This Order may be cited as the Judicial Pensions (Northern Ireland) Order 1991.

(2) This Order shall come into operation on such day or days as the Lord Chancellor may by order appoint[F1].

F1 partly exercised by SR 1991/537; 1993/33; 1995/188

Interpretation

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

(2) In this Order—

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

"the Act of 1959" means the County Courts Act (Northern Ireland) 1959;

"the Act of 1960" means the Resident Magistrates' Pensions Act (Northern Ireland) 1960 and

"the Act of 1969" means the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.

Widowers' pensions

3.—(1) In the Act of 1959, after section 122 (power to grant widows' and children's pensions) there shall be inserted the following section—

"**Widowers' pensions.**

122A. Section 122 shall have effect in relation to the death of a female person as it has effect in relation to the death of a male person but as if—

(a) for the words "widow", "widows' pension" and "wife" there were substituted " widower ", " widower's pension " and " husband ";

(b) for the words "his" and "him" there were substituted " her "; and

(c) for the word "he" there were substituted " she ".".

(2) In the Act of 1951—

(a) after section 6 there shall be inserted the following section—

"**Widowers' pensions.**

6A.—(1) Section 6 shall have effect in relation to the death of a female person as it has effect in relation to the death of a male person but as if—

(a) for the words "widow", "widow's pension" and "wife" there were substituted " widower ", " widower's pension " and " husband ";

(b) for the words "his" and "him" there were substituted " her "; and

(c) for the word "he" there were substituted " she ".

(2) The transitional provisions set out in the Fourth Schedule to this Act shall have effect in relation to widowers' pensions."

; and

(b) after the Third Schedule there shall be inserted the provisions set out in Schedule 1.

(3) In the Act of 1960—

(a) after section 4 there shall be inserted as section 4A the section set out in paragraph (2)(a), but with the substitution—

(i) in paragraph (1) of the words " section 4 " for "section 6", and

(ii) in paragraph (2) of the words " Schedule 2 " for "the Fourth Schedule";

(b) the Schedule (rules for calculating pension) shall be numbered as Schedule 1 and any reference to that Schedule in any statutory provision shall be construed as a reference to that Schedule as so numbered; and

(c) after Schedule 1 there shall be inserted as Schedule 2 the Schedule set out in Schedule 1 to this Order, but with the substitution in the heading—

(i) of the words " Section 4A(2) " for "Section 6A(2)", and

(ii) of the words " Schedule 2 " for "Fourth Schedule".

Widowers' and widows' pensions: supplemental

4.—(1) The section set out in paragraph (2) shall be inserted—

(a) in the Act of 1959 in substitution for section 123 of that Act;

(b) in the Act of 1960 in substitution for section 5 of that Act; and

(c) in the Act of 1951 in substitution for section 7 of that Act.

(2) The section is as follows—

"**Widows' and widowers' pensions.**

0.—(1) No widow's or widower's pension may be granted if the marriage with the deceased took place after he or she retired from relevant service.

(2) A widow's or widower's pension shall come to an end on the death of the widow or widower.

(3) Where a widow's or widower's pension is payable the Treasury may, on or at any time after the re-marriage of the widow or widower, direct that it shall cease to be payable.

(4) Where such a direction has been given the Treasury may at any time direct that payment of the pension is to be resumed.

(5) The annual amount of a widow's or widower's pension may be one half of the annual amount of the personal pension.".

Transfer of accrued rights to and from pension schemes

5. The amendments set out in Schedule 2 shall have effect to make provision for the transfer of accrued rights into and out of the pension schemes constituted by the Act of 1959, the Act of 1960 and the Act of 1951.

Voluntary contributions

6.—(1) The section set out in paragraph (2) shall be inserted—

(a) in the Act of 1959 as section 127A;

(b) in the Act of 1960 as section 9A; and

(c) in the Act of 1951 as section 11A.

(2) The section is as follows—

"**Voluntary contributions.**

0.—(1) The Lord Chancellor shall by regulations, made with the consent of the Treasury, make provision entitling any member of a judicial pension scheme constituted by this Act to make voluntary contributions towards the cost of the provision of additional benefits under the scheme.

(2) The regulations—

(a) may not prohibit the payment of voluntary contributions;

(b) may not impose any limit on the amount which any member may pay by way of voluntary contributions other than an upper limit corresponding to that for the time being fixed by or under section 594 of the Income and Corporation Taxes Act 1988 (exempt statutory schemes);

(c) must secure that any voluntary contributions paid by a member of a scheme are used to provide prescribed additional benefits for or in respect of him; and

(d) must secure that the value of such additional benefits is reasonable, having regard to—

(i) the amount paid by way of voluntary contributions;

(ii) the value of the other benefits provided under the scheme; and

(iii) the general value of benefits available to a person under any contract of life insurance entered into by him with an insurance company to which Part II of the Insurance Companies Act 1982 (regulation of insurance companies carrying on insurance business within the United Kingdom) applies.

(3) The regulations may, in particular—

(a) provide that the value of additional benefits offered on payment of voluntary contributions shall be determined in accordance with prescribed rules based on tables prepared for the purposes of the regulations by the Government Actuary; and

(b) prescribe the manner in which it is to be determined in any case whether the amount of a person's contributions exceed any limit imposed by virtue of subsection (2)(b).

(4) Nothing in subsection (2) shall be taken to prevent the regulations from limiting the overall amount which a member may pay by way of voluntary contributions by reference to the maximum entitlement of members under the scheme.