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THE SUPERANNUATION ACT 1984

The Judicial Pensions (Implementation of Pension Credits) Regulations 2000

Coming into force

1st November 2004

In exercise of the powers conferred on the Civil Service Commission by section 1 of the Superannuation Act 1984¹, and of all other enabling powers, the following Scheme is hereby made:—

Citation and commencement

1. These Regulations may be cited as the Judicial Pensions (Implementation of Pension Credits) Regulations 2000 and shall come into force on 1st November 2004 immediately after the coming into force of the Judicial Pensions and Retirement Act 1993 (Amendment) Regulations 2000(2).

Interpretation

2. In these Regulations—

“the 1993 Act” means the Judicial Pensions and Retirement Act 1993;

“the 1999 Act” means the Welfare Reform and Pensions Act 1999(3);

all words and phrases defined in section 30(1) of the 1993 Act or section 29(8) of the 1999 Act have the meanings given by those sections.

Implementation of pension credits

3. These Regulations apply to the calculation and verification of the rights to be conferred on the transferee in the case specified in paragraph 1(1) of Schedule 2A to the 1993 Act.

4.—(1) The appropriate rights in a case to which these Regulations apply shall consist of a pension of an annual rate calculated in accordance with the following paragraphs of this regulation, payable from the later of —

¹ 1984 c.8

- (a) the day on which the transferee attains the age of 65, or
- (b) the end of the implementation period as determined in accordance with section 34 of the 1999 Act.
- (2) Where the transferor has not received a lump sum under section 4 of the 1993 Act before the pension sharing order was made, the appropriate rights shall also include a lump sum of an amount equal to two and one-quarter times the annual rate of the pension referred to in paragraph (1) above, payable on the day on which the pension begins to be payable.
- (3) The annual rate shall be calculated —
- (a) in such manner as may be approved by the Government Actuary or by an actuary authorised by the Government Actuary to act on his behalf for that purpose; and
 - (b) so as to ensure that the value of the rights, when calculated in accordance with regulations made by the Department of Health and Social Security under paragraph 5(b) of Schedule 5 to the 1999 Act, equals the amount of the pension credit.
5. Where the transferee dies after the making of the pension sharing order but before attaining the age of 65, a lump sum of an amount equal to two and one-quarter times the annual rate of the pension calculated in accordance with regulation 4(3) may be paid —
- (a) to the person (if any) nominated by the transferee for the purposes of this regulation by notice in writing to the administrators of the scheme constituted by Part I of the 1993 Act; or
 - (b) in default of such nomination, to his personal representatives.
6. If the transferee, or the person nominated or personal representatives in a case within regulation 5, is aggrieved by any decision taken by the administrators of a judicial pension scheme concerning the rights to be conferred on the transferee, he shall have a right of appeal to the Governor against that decision, and section 20 of the 1993 Act shall apply with the necessary modifications.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are consequential upon the introduction of pension sharing by the Welfare Reform and Pensions Act 1999, and provide for the implementation of pension credits derived from a person's rights under a judicial pension scheme. The effect is that the transferee is entitled to a pension and a lump sum calculated in such a way that their value, calculated in accordance with regulation 10 of the Pension Sharing (Implementation and Discharge of Liability) Regulations 2000(4), is equal to the amount of the pension credit.