STATUTORY RULES OF NORTHERN IRELAND

2006 No. 170

PENSIONS

The Judicial Pensions (Spouses' and Children's Benefits) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*22nd March 2006*
Coming into operation -	*6th April 2006*

The Department for Employment and Learning(**a**) in exercise of the powers conferred on it by section 10(8) of, and Schedule 3 to the Administration of Justice Act 1973(**b**) and now vested in it(**c**) and with the concurrence of the Treasury(**d**), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Judicial Pensions (Spouses' and Children's Benefits) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 6th April 2006.

(2) The Interpretation Act 1978(**e**) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

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

2. The Judicial Pensions (Spouses' and Children's Benefits) Regulations (Northern Ireland) 1993(**f**) are amended as follows.

3.—(1) In regulation 10(2) for "4 per cent.", substitute "2.4 per cent.".

(2) For regulation 10(5) substitute—

"(5) Subject to paragraphs (8) and (9), an election made under this regulation shall be irrevocable."

(3) After regulation 10(7) insert—

(**a**) Formerly the Department of Higher and Further Education, Training and Employment, See 2001 c.15 (N.I.)

(**b**) 1973 c.15; section 10 was repealed in part by section 36 of and Schedule 8 to the Judicial Pensions and Retirement Act 1993 (c.8) and section 41 of and Schedule 6, Part 1 to the Northern Ireland Constitution Act 1973; and amended by S.I. 2005/3325

(**c**) See Section 31 and Schedule 8 to 1993 c.8 which substituted the reference in Schedule 3 to the Administration of Justice Act 1973 to the Department of Health and Social Services for Northern Ireland with a reference to the Department of Economic Development and Article 4(b) and Part II of Schedule 2 to S.R. 1999 No. 481 for transfer of functions from Department of Economic Development to the Department of Higher and Further Education, Training and Employment

(**d**) 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 S.I. 1981/1670 for the transfer of functions from the Minister for the Civil Service to the Treasury

(**e**) 1978 c.30

(**f**) S.R. 1993 No. 40

"(8) An office-holder who ceases to be married after having made an election under this regulation may revoke his election by notice in writing to the responsible authority not later than six months after his so ceasing.

(9) Without prejudice to paragraph (8), an office-holder who is making periodical payments may on a single occasion and regardless of his marital status revoke his election to pay periodical payments by notifying the responsible authority in writing that he wishes to do so.

(10) A revocation made under paragraph (8) or (9) shall not prevent an office-holder subsequently electing to make periodical payments in accordance with paragraph (3).".

4. For regulation 11(2), substitute—

"(2) An office-holder who has back service and who elects to make periodical payments at the standard rate may also elect to make, in respect of that back service, additional payments at the following rates, namely, 2.4 per cent, 4.8 per cent, 6.6 per cent or a higher percentage, being a multiple of the standard rate.".

5. In regulation 12(4), for the words "15 per cent of the", substitute "the total".

6. Regulation 14(2) is revoked.

Sealed with the Official Seal of the Department for Employment and Learning on 22nd March 2006.

L.S.

Nuala Kerr
A senior officer of the Department for Employment and Learning.

Gillian Merron
Dave Watts
Two of the Lords of Her Majesty's Treasury.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the percentage of salary that is to form the rate of member contributions toward survivor benefits under the Judicial Pensions Act (Northern Ireland) 1951. They allow members of schemes under this Act to make additional contributions toward such benefits in respect of past service at a higher rate than at present, up to the maximum of their total salary in any financial year. The Regulations also revoke provisions relating to the taxation of refunded contributions, in accordance with changes to income taxation under the Finance Act 2004.

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