

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Part II. (See end of Document for details)

SCHEDULES

SCHEDULE 2

HOLDERS OF CERTAIN EXISTING JUDICIAL OFFICES

PART II

SUPPLEMENTARY PROVISIONS WITH RESPECT TO CERTAIN JUDICIAL OFFICERS

- 4 (1) If and so long as any holder of the office of Vice-Chancellor of the County Palatine of Lancaster is also a Circuit judge (whether by virtue of paragraph 1 above or otherwise), he shall take judicial precedence next after the judges of the High Court.
- (2) Notwithstanding the repeal by this Act of section 14(1) of the ^{M1}Administration of Justice Act 1928, paragraph (d) of that subsection (terms of appointment of Vice-Chancellor of the County Palatine of Lancaster) shall continue to apply in relation to the person who is the holder of that office on the appointed day (but not in relation to any subsequent holder of that office) and shall on and after that day apply in relation to him not only in his capacity as Vice-Chancellor but also in his capacity as a Circuit judge; and accordingly, and without prejudice to paragraph 3(2) above, section 17(4) of this Act shall not apply in relation to that person.
- (3) Without prejudice to paragraph 8 below, the Lord Chancellor, with the consent of the Minister for the Civil Service, may make such arrangements as seem to him to be appropriate to secure that the superannuation benefits payable to or in respect of the person who, on the appointed day, holds office as Vice-Chancellor of the County Palatine of Lancaster are not less favourable than those which he enjoyed immediately before the appointed day; and any such arrangements may provide for the cost of those benefits to be defrayed in part by the Duchy of Lancaster.
- (4) Rules under section 39A of the ^{M2}Superannuation Act 1965 (provision for superannuation benefits payable to or in respect of persons employed in two or more judicial offices of specified descriptions) may make provision with respect to the superannuation benefits payable to or in respect of any person who, immediately before the appointed day, held office as registrar or assistant registrar of the Lancaster Palatine Court, as if his office were included in those specified in paragraphs (a) to (i) of subsection (3) of that section.

Marginal Citations

M1 1928 c. 26.

M2 1965 c. 74.

- 5 Nothing in section 16, section 18(1) or section 19 of this Act shall apply to the manner of appointment or remuneration of, or the pensions and other benefits payable to or in respect of, any person holding office as Recorder of London or

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Common Serjeant and accordingly those matters shall continue to be provided for as mentioned in Parts II and III of the ^{M3}City of London (Courts) Act 1964.

Modifications etc. (not altering text)

C1 Paras. 5–8 extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(2\)](#)

Marginal Citations

M3 1964 c. iv.

- 6 After the appointed day no person shall be appointed an additional judge of the Central Criminal Court under . . . ^{F1} the City of London (Courts) Act 1964, but section 7 of that Act (remuneration and pensions of additional judges and holders of certain other judicial offices) shall continue on and after the appointed day to apply in relation to any person who, immediately before that day, held office as such an additional judge, notwithstanding that he becomes a Circuit judge, and accordingly sections 18(1) and 19 of this Act shall not apply in relation to any such person.

Textual Amendments

F1 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. XIII](#)

Modifications etc. (not altering text)

C2 Paras. 5–8 extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(2\)](#)

- 7 On the appointed day section 14 of the ^{M4}City of London (Courts) Act 1964 (appointment and removal of the assistant judge of the Mayor’s and City of London Court) shall cease to have effect, but so much of section 18(3) of that Act as provides for the payment of the remuneration of, and any pension or other benefits payable to or in respect of, the assistant judge shall continue on and after the appointed day to apply to the person who immediately before that day held office as the assistant judge of the Mayor’s and City of London Court, and accordingly sections 18(1) and 19 of this Act shall not apply in relation to that person.

Modifications etc. (not altering text)

C3 Paras. 5–8 extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(2\)](#)

Marginal Citations

M4 1964 c. iv.

- 8 Notwithstanding anything in sections 17 to 19 of this Act, the Lord Chancellor shall make such arrangements as seem to him to be appropriate to secure that, in the case of any person who becomes a Circuit judge as mentioned in paragraph 1 above and whose salary as such is charged on and paid out of the Consolidated Fund, so long as he continues to serve as a Circuit judge his remuneration and the other terms and conditions of his service are not less favourable than those which he enjoyed immediately before the appointed day.

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Modifications etc. (not altering text)

C4 Paras. 5–8 extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(2\)](#)

9 (1) Subject to the preceding provisions of this Part of this Schedule, for the purpose of determining—

- (a) the annual pension payable to a Circuit judge under section [F²5 of the Judicial Pensions Act 1981], or
- (b) any such derivative benefit payable to or in respect of him as is referred to in [F³section 19(5) of this Act],

service before the day appointed for the purposes of section 16 of this Act in any of the judicial offices specified in paragraph 1(2) above, and service (before 1st April 1965) as a salaried chairman or deputy chairman of the court of quarter sessions for the county of London or of Middlesex, shall be treated as service as a Circuit judge.

(2) Subject to sub-paragraph (3) below, in any case where—

- (a) any such pension or derivative benefit as is referred to in sub-paragraph (1) above becomes payable to or in respect of any person; and
- (b) the period of that person's service which falls to be taken into account in determining the amount of that pension or benefit includes, by virtue of sub-paragraph (1) above, service in any judicial office specified in paragraph 1(2) above,

rules made by the Lord Chancellor with the consent of the Minister for the Civil Service may make provision for the payment of contributions towards the cost of the superannuation benefits payable to or in respect of that person by any authority which, before the appointed day, was responsible, directly or indirectly, for meeting the whole or any part of the cost of the superannuation benefits payable to or in respect of former holders of that office.

(3) Rules made under sub-paragraph (2) above shall not require the payment of any contribution in the case of a person who serves at least fifteen completed years as a Circuit judge, disregarding any period of service taken into account by virtue of sub-paragraph (1) above.

(4) The power to make rules under sub-paragraph (2) above shall be exercisable by statutory instrument, and any statutory instrument containing any such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F2 Words substituted by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(3\)](#)

F3 Words substituted by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 36(1), [Sch. 3 para. 6\(1\)\(4\)](#)

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