



# Judicial Pensions Act 1981

## 1981 CHAPTER 20

### PART I

#### RATE OF PENSION

#### CHAPTER I

##### THE HIGHER JUDICIARY

### 1 Interpretation

In this Chapter "high judicial office" means any of the offices listed in the first column of the Table below, and "relevant service", in relation to high judicial office, has the meaning given in the second column of that Table.

TABLE

<i>Office</i>	<i>Relevant service</i>
Lord of Appeal in Ordinary.	Service as a Lord of Appeal in Ordinary or as a judge of the Supreme Court of England and Wales, the Court of Session or the Supreme Court of Northern Ireland.
Judge of the Supreme Court of England and Wales, other than the Lord Chancellor.	Service as a Lord of Appeal in Ordinary or as any judge of the Supreme Court of England and Wales.
Judge of the Court of Session.	Service as a Lord of Appeal in Ordinary or as any judge of the Court of Session.

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*Status: This is the original version (as it was originally enacted).*

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<i>Office</i>	<i>Relevant service</i>
Judge of the Supreme Court of Northern Ireland	Service as a Lord of Appeal in Ordinary or as any judge of the Supreme Court of Northern Ireland.

## 2 Rate of pension

- (1) A holder of high judicial office on retirement from that office shall be entitled during his life to a pension at the annual rate provided by this section—
  - (a) if he retires after 15 years relevant service or after he has attained the age of 70 years, or
  - (b) if at the time of his retirement he is disabled by permanent infirmity from the performance of the duties of his office.
- (2) The annual rate of the pension payable under this section to a person retiring from any office after 15 or more years relevant service shall be one half of his last annual salary.
- (3) The annual rate of the pension payable under this section to a person retiring from any office after less than 15 years relevant service shall be—
  - (a) if the period of relevant service does not amount to 6 years, one quarter of his last annual salary ;
  - (b) if the period amounts to 6 years or more, one quarter of that salary plus 1/40th of that salary for each completed year of service exceeding 5.

## 3 Former holder of office other than high judicial office

- (1) This section applies to a holder of high judicial office who, immediately before his appointment to high judicial office, was the holder of any other of the judicial offices described in Part I of Schedule 1 to the House of Commons Disqualification Act 1975, being an office in respect of which pensions are payable in pursuance of this or any other public general Act or under any other enactment, scheme or arrangement approved for the purposes of this section by the Lord Chancellor.
- (2) Where a person to whom this section applies retires from his office having qualified, otherwise than by retirement after attaining the age of 70 years, for a pension under this Chapter then if he so elects—
  - (a) the amount of the pension which may be paid to him under this Chapter shall be an amount equal to the pension for which he would have been eligible if he had continued to serve in his former office until his retirement at the salary then payable to a holder of that office, and
  - (b) any lump sum payable in his case under Part II of this Act shall be calculated as if his last annual salary were the salary payable at the date of his retirement to a holder of his former office.
- (3) Where a person to whom this section applies dies while holding his office, and his legal personal representatives so elect, any derivative benefit payable in respect of him under Part II of this Act shall be calculated as if the pension for which he would have been eligible if he had retired at the time of his death were a pension of the amount described in subsection (2)(a) above, and as if his last annual salary were the salary payable at the time of his death to a holder of his former office.

- (4) An election under this section shall be made within the period of three months beginning with the retirement or death of the person by or in respect of whom it is made, and shall be made in writing addressed to the Minister.

#### **4 Provision against double pensions**

Not more than one pension shall be paid to the same person under this Chapter, or under this Chapter and the Lord Chancellor's Pension Act 1832.

## **CHAPTER II**

### **OTHER JUDICIAL OFFICES**

#### **5 Circuit judge in England or Wales**

- (1) A Circuit judge may on the recommendation of the Lord Chancellor be granted a pension—
- (a) if he retires after 15 years service and at the time of his retirement he has attained the age of 65 years, or
  - (b) if he vacates his office in accordance with section 17 of the Courts Act 1971 (age limit and removal on ground of incapacity or misbehaviour), or
  - (c) if the Lord Chancellor is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 15 years service shall be one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 15 years service shall be—
- (a) if the period of service does not amount to 5 years,  $\frac{6}{40}$ ths of his last annual salary,
  - (b) if the period of service amounts to 5 years or more, one quarter of that salary plus  $\frac{1}{40}$ th for each completed year of service exceeding 5.
- (4) If a person to whom a pension has been granted under this section (before he has attained the age of 72) in consequence of any such incapacity as is referred to in subsection (1)(c) above resumes the duty of a Circuit judge, the payment of the pension shall be suspended during the period of his resumed service, but at the end of that period the pension shall again be payable and be recalculated in accordance with subsections (2) and (3) above, and for that purpose the period of his resumed service shall be added to the period of his former service.
- (5) In this section " service " means service as a Circuit judge.
- (6) A pension under this section shall be payable at such intervals, not exceeding three months, as the Minister may determine.

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## **6 Sheriffs in Scotland**

For sheriffs in Scotland pensions shall be payable in accordance with the Sheriffs' Pensions (Scotland) Act 1961.

## **7 Stipendiary magistrates in England and Wales**

- (1) A stipendiary magistrate in England or Wales may on the recommendation of the Lord Chancellor be granted a pension if he retires after not less than 5 years service, and—
  - (a) at the time of his retirement he has attained the age of 65, or
  - (b) the Lord Chancellor is satisfied by means of a medical certificate that by reason of infirmity of mind or body he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 20 years service shall not exceed one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 20 years service shall not exceed—
  - (a) if the period of service amounts to less than 10 years (but not less than 5),  $\frac{15}{80}$ ths of his last annual salary plus  $\frac{1}{80}$ th for each completed year of service exceeding 5,
  - (b) if the period of service amounts to not less than 10 years (but less than 20), one quarter of that salary plus  $\frac{2}{80}$ ths for each completed year of service after the first 10 years.
- (4) A person to whom a pension is granted under this section on retirement on a medical certificate shall, until he attains the age of 65, be liable to be called upon to fill any public office or situation under the Crown in the United Kingdom for which his previous public services may render him eligible; and if he declines, when called upon to do so, to take upon him such office or situation, or declines or neglects to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the pension which has been granted to him.
- (5) Any sums payable on account of a pension under this section shall be paid at such times in each year as the Minister may determine.
- (6) In this section " service " means service as a stipendiary magistrate in England or Wales.

## **8 Judge Advocate General: choice between civil service scheme and special provision**

- (1) Section 9 below shall apply to a person holding the office of Judge Advocate General if within 3 months after appointment to that office he gives notice in writing to the Minister that he elects that section 9 shall apply to him.
- (2) In the case of a person who holds the office of Judge Advocate General, but to whom section 9 below does not apply, the principal civil service pension scheme shall have effect as if service in that office were employment in the civil service of the State.

## **9 Judge Advocate General: special provision**

- (1) A person to whom this section applies may be granted a pension if he retires after not less than 5 years service and at the time of his retirement—
  - (a) he has attained the age of 60, or
  - (b) he is disabled by a permanent infirmity from performing the functions of his office.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 15 years service shall be one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 15 years service (but not less than 5) shall be one quarter of his last annual salary plus 1/40th for each completed year of service exceeding 5.
- (4) Part III of Schedule 1 to this Act (injury or disease sustained in course of duty) shall have effect—
  - (a) as if references to an officer to whom that Schedule applies included references to a person to whom this section applies, and
  - (b) as if, in relation to an allowance granted under the said Part III to a person to whom this section applies paragraph 16(1)(a) referred to a pension under this section.
- (5) In this section " service " means service as Judge Advocate General.

## **10 President or other member of either Lands Tribunal**

- (1) There may be paid to persons who have been members of the Lands Tribunal, or the Lands Tribunal for Scotland, such superannuation allowances as the appropriate Minister may, with the approval of the Minister for the Civil Service, determine.
- (2) In this section " the appropriate Minister " means—
  - (a) in relation to the Lands Tribunal, the Lord Chancellor,
  - (b) in relation to the Lands Tribunal for Scotland, the Secretary of State.

## **11 President of pensions appeals tribunals**

In the case of any person appointed as president of the pension appeal tribunals established under the Pensions Appeal Tribunals Act 1943—

- (a) the Lord Chancellor may pay such pension, allowances or gratuity to or in respect of him on his retirement or death, or make such payments towards the provision of such a pension, allowance or gratuity, as the Lord Chancellor with the approval of the Minister may determine, and
- (b) if, on his ceasing to hold office as president of the pensions appeal tribunals, it appears to the Lord Chancellor that there are special circumstances which make it right that he should receive compensation, the Lord Chancellor may, with the approval of the Minister, pay to him a sum of such amount as the Lord Chancellor may, with the like approval, determine.

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## **12 President or chairman of industrial tribunals**

- (1) This section applies to any holder on a full-time basis of any of the following offices established by regulations under section 128 of the Employment Protection (Consolidation) Act 1978, namely—
  - (a) President of the Industrial Tribunals (England and Wales),
  - (b) President of the Industrial Tribunals (Scotland),
  - (c) member of a panel of chairmen so established,
 if remunerated, apart from any allowances, on an annual basis.
- (2) A person to whom this section applies may on the recommendation of the Secretary of State be granted a pension—
  - (a) if he retires after 15 years relevant service and at the time of his retirement he has attained the age of 65, or
  - (b) if at the time of his retirement he has attained the age of 72, or
  - (c) if the Secretary of State is satisfied by means of a medical certificate that, at the time of his retirement, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (3) The annual rate of a pension payable under this section to a person retiring after not less than 15 years relevant service shall not exceed one half of his last annual salary.
- (4) The annual rate of a pension payable under this section to a person retiring after less than 15 years relevant service shall not exceed—
  - (a) if the period of relevant service is less than 5 years, 6/40ths of his last annual salary,
  - (b) if the period of relevant service is not less than 5 years (but less than 15 years), one quarter of his last annual salary plus 1/40th for each completed year of relevant service exceeding 5.
- (5) In this section the expression " relevant service " means service on a full-time basis as holder of any of the offices referred to in subsection (1) above (including such service remunerated otherwise than on an annual basis) or service in any such other capacity under the Crown as may be prescribed by regulations made by the Minister ; and regulations under this subsection shall be made by statutory instrument and—
  - (a) may be made generally or subject to specified exceptions or in relation to specified cases or classes of case,
  - (b) may provide that in calculating relevant service either the whole of a person's prescribed service of any description shall be taken into account or such part thereof only as may be determined by or under the regulations,
  - (c) may make different provision for different cases or classes of case, and
  - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section " last annual salary " means last annual remuneration apart from any allowances.

## **13 Social Security Commissioner**

- (1) A Social Security Commissioner may on the recommendation of the Secretary of State be granted a pension—

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- (a) if he retires after 15 years service and at the time of his retirement he has attained the age of 65, or
  - (b) if at the time of his retirement he has attained the age of 72, or
  - (c) if the Secretary of State is satisfied by means of a medical certificate that at the time of his retirement, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office and that the incapacity is likely to be permanent.
- (2) The annual rate of a pension payable under this section to a person retiring after not less than 15 years service shall not exceed one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 15 years service shall not exceed—
- (a) if the period of service does not amount to 5 years,  $\frac{6}{40}$ ths of his last annual salary,
  - (b) if the period of service amounts to 5 years or more, one quarter of his last annual salary plus  $\frac{1}{40}$ th for each completed year of service exceeding 5.
- (4) For the purposes of the preceding subsections—
- (a) service as Commissioner which is not remunerated by means of a salary shall be disregarded,
  - (b) the Minister may by regulations provide for counting as service as Commissioner pensionable service in any other capacity under the Crown.
- (5) Regulations under subsection (4)(b) above shall be made by statutory instrument.

#### **14 Other judicial offices**

Schedule 1 to this Act shall have effect as respects the pensions and other benefits of certain court officers and of the president of the Transport Tribunal.

#### **15 Minister to determine certain questions**

The decision of the Minister shall be final on any question as to—

- (a) the amount of any pension under section 5, 7, 12 or 13 above,
- (b) the reckoning of any service for such a pension, or
- (c) the application of any provision of section 5 or 7 above to any person.