



# Judicial Pensions and Retirement Act 1993

## 1993 CHAPTER 8

### PART I

#### NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

##### *Derivative benefits*

#### **4 Lump sum on the judicial officer's retirement or death.**

- (1) Where a judicial pension commences to be paid to a person, there shall also be paid to him a lump sum of an amount equal to two and one-quarter times the annual rate of the pension.
- (2) Where a judicial pension commences to be paid to a person, but he dies so soon thereafter that the aggregate of—
  - (a) the sums paid or payable to him on account of that pension, including any increases under the <sup>M1</sup>Pensions (Increase) Act 1971, and
  - (b) the lump sum paid or payable to him under subsection (1) above,falls short of an amount equal to five times the annual rate in force in respect of that pension immediately before his death, including any increases under the Pensions (Increase) Act 1971, his personal representatives shall be granted a lump sum equal to the deficiency.
- (3) Where a person to whom this Part applies dies while holding qualifying judicial office, a lump sum of an amount equal to twice the amount of his pensionable pay shall be payable—
  - (a) to the person (if any) nominated by him for the purposes of this subsection by notice in writing to the administrators of the scheme constituted by this Part; or
  - (b) in default of any such nomination, to his personal representatives;and, in determining a person's pensionable pay for the purposes of this subsection, his death shall be treated as his retirement from qualifying judicial office.

[<sup>F1</sup>(3A) Subsection (3) does not apply where, at the date of the person's death—

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*Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Section 4. (See end of Document for details)*

- (a) the person is a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; and
- (b) a lump sum is payable under that scheme on the person's death.]

[<sup>F2</sup>(3A) Subsection (3) does not apply where, at the date of the person's death—

- (a) the person is a member of a scheme under section 1 of the Public Service Pensions Act 2013, and
- (b) a lump sum is payable under that scheme on the person's death.]

- (4) A person to whom a lump sum is paid under subsection (1) above but who resumes service in qualifying judicial office shall not be required to refund the lump sum; but if the whole or any part of it is not refunded, an amount equal to so much of it as has not been refunded shall be deducted from any lump sum which subsequently becomes payable to or in respect of him under subsection (1), (2) or (3) above.

#### Textual Amendments

- F1** S. 4(3A) inserted (N.I.) (1.4.2015) by [The Judicial Pensions Regulations \(Northern Ireland\) 2015 \(S.R. 2015/76\)](#), reg. 1(3), **Sch. 3 para. 11(3)**
- F2** S. 4(3A) inserted (1.4.2015) by [The Judicial Pensions Regulations 2015 \(S.I. 2015/182\)](#), reg. 1(4), **Sch. 3 para. 12(3)** (with regs. 148, 160)

#### Modifications etc. (not altering text)

- C1** S. 4(1) applied (with modifications) (E.W.S.) (31.3.1995) by [S.I. 1995/634](#), **art. 6(1)**
- C2** S. 4(1) applied (with modifications) (N.I.) (1.11.1995) by [S.R. 1995/388](#), **art. 6(1)**

#### Marginal Citations

- M1** 1971 c. 56.

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