



# Judicial Pensions and Retirement Act 1993

## 1993 CHAPTER 8

### PART I **U.K.**

#### NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

##### *Derivative benefits*

#### **6 Grant and payment of a children's pension. **U.K.****

- (1) Upon the death of a person to whom this Part applies ("the deceased") a pension in respect of his service in qualifying judicial office shall be granted for the benefit of such persons as may from time to time be the eligible children of the deceased (a "children's pension").
- (2) The persons who, for the purposes of this Part, are the "eligible children" of the deceased at any time are—
  - (a) any natural children of the deceased,
  - (b) any step-children of the deceased,
  - (c) any children adopted by the deceased before his retirement from qualifying judicial office, and
  - (d) any children adopted by the deceased after his retirement from qualifying judicial office and in respect of whom a direction is given under subsection (5) below,

who are for the time being in their period of childhood and full-time education.

- (3) Only one children's pension shall be granted in respect of the service of any one person, but—
  - (a) the rate of the pension shall vary in accordance with section 8 below, according to the number of his eligible children for the time being;
  - (b) the pension shall be paid to such person or persons as the Treasury may from time to time direct, and different parts of the pension may be directed to be paid to different persons; and

*Status: Point in time view as at 01/04/2008. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Section 6. (See end of Document for details)*

- (c) the person to whom all or any part of the pension is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons who are for the time being eligible children of the deceased or, as the case may be, for the benefit of such of them as the Treasury may from time to time direct.
- (4) A children’s pension—
- (a) shall be paid so long as and whenever there are eligible children of the deceased; and
- (b) shall be payable at such intervals, not exceeding three months, as the Treasury may determine.
- (5) The Treasury may direct that a person (“the child”) who was adopted by the deceased is to be regarded as falling within paragraph (d) of subsection (2) above if they are satisfied—
- (a) that the deceased had, before his retirement from qualifying judicial office, formed the intention of adopting the child; and
- (b) that, immediately before that retirement, the child was wholly or mainly dependent on the deceased.
- (6) Where the deceased died while holding qualifying judicial office, his death shall be treated for the purposes of subsection (2)(c) above as his retirement from such office.
- [<sup>F1</sup>(7) In this section, “step-children of the deceased” means—
- (a) any children who—
- (i) are the natural children of a person who at any time was married to, or the civil partner of, the deceased, and
- (ii) at the time of the marriage or the formation of the civil partnership, either had been born or were in gestation;
- (b) any children adopted by such a person before the marriage to, or the formation of the civil partnership with, the deceased; and
- (c) any children adopted by such a person after the marriage to, or the formation of the civil partnership with, the deceased in a case where the adoption proceedings were pending at the time of the marriage or the formation of the civil partnership.]
- (8) For the purposes of this section the “natural children” of any person are any children of whom that person is the genetic father or mother.

#### Textual Amendments

**F1** S. 6(7) substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 71](#)

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

**C1** S. 6 applied (with modifications) (E.W.S.) (31.3.1995) by [S.I. 1995/634](#), [art. 6\(1\)](#)

**C2** S. 6 applied (with modifications) (N.I.) (1.11.1995) by [S.R. 1995/388](#), [art. 6\(1\)](#)

**C3** S. 6(2)(c)(d)(5)(7)(b) modified (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), [reg. 5](#), [Sch. 4](#)

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