



Superannuation (Miscellaneous Provisions) Act 1967

1967 CHAPTER 28

9 Pensions for whole-time presidents or chairmen of industrial tribunals.

(1) The Minister of Labour may from time to time make to the Treasury, as respects any holder on a full-time basis of any of the following offices established by regulations under section 12 of the Industrial Training Act 1964 and remunerated, apart from any allowances, on an annual basis, 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,

a recommendation that the Treasury shall pay to that holder (hereafter in this section referred to as " the pensioner ") out of moneys provided by Parliament an annual sum by way of superannuation allowance calculated in accordance with subsection (3) of this section.

(2) No such allowance shall be payable unless—

- (a) the pensioner is at the time of his retirement over the age of seventy-two or, where he retires after fifteen years service, over the age of sixty-five; or
- (b) the Minister of Labour is satisfied by means of a medical certificate that at the time of the pensioner's retirement the pensioner is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that the incapacity is likely to be permanent.

(3) The said annual sum shall be a sum not exceeding such proportion of the pensioner's last annual remuneration (apart from any allowances) as in the following Table corresponds with the number of the pensioner's completed years of relevant service.

TABLE

<i>Years of service</i>	<i>Fraction of remuneration</i>
Less than 5	six-fortieths

Status: This is the original version (as it was originally enacted).

<i>Years of service</i>	<i>Fraction of remuneration</i>
5	ten-fortieths
6	eleven-fortieths
7	twelve-fortieths
8	thirteen-fortieths
9	fourteen-fortieths
10	fifteen-fortieths
11	sixteen-fortieths
12	seventeen-fortieths
13	eighteen-fortieths
14	nineteen-fortieths
15 or more	twenty-fortieths

- (4) 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) of this section (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 Treasury ; and regulations under this subsection shall be made by statutory instrument and—
- may be made generally or subject to specified exceptions or in relation to specified cases or classes of case ;
 - 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;
 - may make different provision for different cases or classes of case; and
 - shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The decision of the Treasury shall be final on any question arising as to—
- the amount of any superannuation allowance under subsection (1) of this section ; or
 - the reckoning of any service for the purpose of calculating such an allowance.
- (6) Sections 2 to 8 of the Administration of Justice (Pensions) Act 1950 (which provide for the payment of lump sums on retirement or death and of widows' and children's pensions in the case of persons eligible for pensions for service in any of the capacities listed in Schedule 1 to that Act) shall have effect as if—
- the capacity of holder on a full-time basis of any of the offices referred to in subsection (1) of this section were listed in the said Schedule 1; and
 - in relation to that capacity the expression "relevant service" in the said sections 2 to 8 had the meaning assigned by subsection (4) of this section; and
 - in relation to such a holder of such an office, any reference in the said section 2 to his last annual salary were a reference to his last annual remuneration apart from any allowances.
- (7) Where the rate of the superannuation allowance payable to any person under subsection (1) of this section is or would be increased by virtue of regulations made under subsection (4) of this section in respect of relevant service in some capacity

other than as holder of one of the offices referred to in subsection (1) of this section, and a pension payable to him wholly in respect of service in that other capacity would have been paid and borne otherwise than out of moneys provided by Parliament, any pension benefits paid to or in respect of him as having been the holder of such an office shall, to such extent as the Treasury may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.

- (8) In this section, the expression " pension " includes any superannuation or other retiring allowance or gratuity, and the expression " pensionable " shall be construed accordingly, and the expression " pension benefits " includes benefits payable to or in respect of the pensioner by virtue of subsection (6) of this section.