



# 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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<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), 15/80ths of his last annual salary plus 1/80th 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 2/80ths 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,  $\frac{6}{40}$ ths 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  $\frac{1}{40}$ th 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.

## **PART II**

### **LUMP SUMS AND WIDOWS' AND CHILDREN'S PENSIONS**

#### **16 Application of Part II, and interpretation**

In this Part of this Act—

- "judicial office" means an office in column 1 of the following Table,
- "derivative benefit" means any lump sum under this Part of this Act or any widow's or children's pension,
- "the personal pension", in relation to any derivative benefit or contribution to the cost of a derivative benefit (the "related" derivative benefit or

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contribution) means the pension eligibility for which is a condition of the granting of the derivative benefit,

"relevant service", in relation to a pension for service in a judicial office, or in relation to a related benefit or contribution, means the kind of service, under one or more appointments, set out against that judicial office in column 2 of the Table.

TABLE

<i>Judicial office</i>	<i>Relevant service</i>
Lord Chancellor.	Service as Lord Chancellor in the first or any subsequent term of office.
Lord of Appeal in Ordinary.	Service as a Lord of Appeal in Ordinary or as a judge of the Supreme Court, the Court of Session or the Supreme Court of Northern Ireland.
Judge of the Supreme Court.	Service as a Lord of Appeal in Ordinary or as a judge of the Supreme Court.
Judge of the Court of Session.	Service as a Lord of Appeal in Ordinary or as a judge of the Court of Session.
Judge of the Supreme Court of Northern Ireland.	Service as a Lord of Appeal in Ordinary or as a Judge of the Supreme Court of Northern Ireland.
Circuit judge in England and Wales.	Service as a Circuit judge.
Sheriff principal or salaried sheriff in Scotland.	Pensionable service as a sheriff in Scotland.
Stipendiary magistrate in England and Wales.	Service as a stipendiary magistrate in England or Wales.
Judge Advocate General who has duly elected that section 9 of this Act shall apply to him.	Service as Judge Advocate General.
Member of Lands Tribunal or Lands Tribunal for Scotland.	Service as a member of either of those Tribunals.
Chairman of the Scottish Land Court.	Service as Chairman of the Scottish Land Court.
President of Industrial Tribunals or other office pensionable under section 12 of this Act.	Relevant service as defined by section 12(5) of this Act.
Social Security Commissioner.	Salaried service as a Social Security Commissioner, and any other service which under section 13(4)(b) of this Act counts as service as a Commissioner.
Any office in paragraph 1 of Schedule 1 to this Act, except where under	Relevant service as defined in paragraph 2 of Schedule 1 to this Act in relation to the office.



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<i>Judicial office</i>	<i>Relevant service</i>
paragraph 3 of that Schedule this Part of this Act does not apply.	

## **17 Lump sum on retirement or death**

- (1) Where a person on retirement becomes eligible for a pension for service in any judicial office, he may be granted a lump sum equal to twice the annual amount of that pension.
- (2) Where a person was serving in any judicial office at the time of his death and, if he had then retired on the ground of permanent infirmity, would have become eligible for a pension for that service, his legal personal representatives may be granted a lump sum equal to—
  - (a) twice the annual amount of the pension for which he would have been so eligible, or
  - (b) his last annual salary,whichever is the greater.
- (3) Where a person on retirement becomes eligible for a pension for service in any judicial office but dies so soon after that the sums paid or payable to him on account of that pension plus an amount equal to twice the annual amount of that pension fall short of his last annual salary for such service, his legal personal representatives may be granted a lump sum equal to the deficiency.
- (4) In relation to the office of President of Industrial Tribunals, or any other office pensionable under section 12 above, any reference in this section to last annual salary is a reference to last annual remuneration apart from any allowances.

### *Widows' and children's pensions*

## **18 Conditions of grant**

- (1) Subject to the provisions of this Part of this Act, on the death of a male person (hereinafter in this Part of this Act referred to as " the deceased ") who—
  - (a) had become eligible for a pension for service in any judicial office, or
  - (b) was serving in any judicial office at the time of his death and would, if he had then retired on the ground of permanent infirmity, have become eligible for a pension for that service,there may be granted in respect of his service—
  - (i) where he leaves a widow, a pension to that widow (hereafter in this Part of this Act referred to as a " widow's pension "), and
  - (ii) where he had a wife at any time during his relevant service (whether or not the marriage continued until his death and whether or not a widow's pension is or can be granted), a pension for the benefit of the children of the marriage and of children adopted by him during the marriage (hereafter in this Part of this Act referred to as a " children's pension ").
- (2) If the Minister is satisfied that a person (" the child ") excluded from subsection (1)(ii) above because adopted after the termination of the marriage was before the termination of the marriage wholly or mainly dependent on the deceased person, and that the deceased person had before the termination of the marriage formed the intention of

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adopting the child, the Minister may direct that the said exclusion in subsection (1) (ii) above shall not apply to the child.

- (3) Subject to the provisions of this Part of this Act, on the death of a female person (hereafter in this Part of this Act referred to as " the deceased "), who—
- (a) had become eligible for a pension for service in any judicial office, or
  - (b) was serving in any judicial office at the time of her death and would, if she had then retired on the ground of permanent infirmity, have become eligible for a pension for that service,

there may be granted in respect of her service a pension for the benefit of children of any marriage of hers and of children adopted by her (hereafter in this Part of this Act referred to as a " children's pension ").

## **19 Widow's pension**

- (1) No widow's pension may be granted if the marriage with the deceased took place after he retired from relevant service.
- (2) The widow's pension shall determine on her death or remarriage but may, if the Minister specially directs, be paid in respect of any period after re-marriage when she has no husband.
- (3) The annual amount of the widow's pension may be one half of the annual amount of the personal pension.

## **20 Children's pension: beneficiaries**

- (1) A children's pension may be granted if, and be paid so long as and whenever, there are persons for whose benefit it can enure.
- (2) Subject to the provisions of this section, the persons for whose benefit a children's pension can enure are any such children as are referred to in subsection (1) or subsection (3) of section 18 above, as the case may be, who are for the time being in their period of childhood and full-time education.
- (3) A children's pension cannot enure for the benefit of a person conceived after the end of the deceased's relevant service.
- (4) A children's pension cannot enure for the benefit of any person who was adopted by the deceased after the end of his relevant service:

Provided that if the Minister is satisfied that a person (" the child ") falling within this subsection was before the end of the relevant service wholly or mainly dependent on the deceased person, and that the deceased person had, before the termination of the relevant service, formed the intention of adopting the child the Minister may direct that this subsection shall not apply to the child.

- (5) A children's pension cannot enure for the benefit of a female person who at the time of the death of the deceased was married and if, after the death of the deceased, a female person marries, she shall thereupon cease to be a person for whose benefit a children's pension can enure.
- (6) A children's pension in respect of a woman's service cannot enure for the benefit of a child of any marriage of hers whose father is alive when the woman retires, or, as the case may be, dies while serving, unless the Minister specially directs that it shall enure.

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## **21 Meaning of "period of childhood and full-time education "**

- (1) A person shall be deemed for the purposes of section 20 above to be in his period of childhood and full-time education while either—
  - (a) he is under the age of sixteen, or
  - (b) he is receiving full-time instruction at any university, college, school or other educational establishment, or
  - (c) he is undergoing training by any person (hereinafter referred to as " the employer ") for any trade, profession or vocation in such circumstances that—
    - (i) he is required to devote the whole of his time to the training for a period of not less than two years, and
    - (ii) while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him, do not exceed £808 a year, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training.
- (2) A person shall not be deemed for the purposes of this section to satisfy the conditions specified in paragraph (b) or the conditions specified in paragraph (c) of subsection (1) above, unless there has up till then been no time since he attained the age of sixteen when he did not satisfy one or other of those conditions.
- (3) In subsection (1) above " emoluments " means any salary, fees, wages, perquisites or profits or gains whatsoever, and includes the value of free board, lodging or clothing, and, for the purposes of paragraph (c)(ii) of that subsection, where a premium has been paid in respect of the training of a person, all emoluments at any time receivable by him, or payable by the employer in respect of him, shall be deemed to be receivable or payable by way of return of the premium, unless and except to the extent that the amount thereof exceeds in the aggregate the amount of the premium.
- (4) As respects any period during which neither of the conditions specified in paragraphs (b) and (c) of subsection (1) above is satisfied in relation to a person, the Minister may, if he thinks fit, and is satisfied that that person's full-time education ought not to be regarded as completed, direct either—
  - (a) that that period shall be ignored for the purposes of subsection (2) above, or
  - (b) that that period shall be so ignored and shall also be treated as part of his period of childhood and full-time education for all the other purposes of section 20 above.
- (5) The Minister may by order vary the sum of £808 in subsection (1)(c)(ii) above. An order under this subsection shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) An order under subsection (5) above—
  - (a) shall not authorise the payment, or increase, of any instalment of a pension in respect of a period falling before the date when the order takes effect, and
  - (b) if it increases or further increases the sum mentioned in subsection (1)(c)(ii) above, shall for the purposes of subsection (2) above apply to periods before the date when the order takes effect, as well as to later periods.

## **22 Children's pension: rate and mode of payment**

- (1) Only one children's pension shall be granted in respect of the service of any one person, but—

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- (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure, and
  - (b) it shall be paid to such person or persons as the Minister may from time to time direct, and different parts thereof may be directed to be paid to different persons, and
  - (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension can for the time being enure or for the benefit of such of them as the Minister from time to time directs.
- (2) Where the deceased leaves no widow and, if he leaves a widow, after her death, the annual amount of a children's pension—
- (a) while the persons for whose benefit it can enure are two or more in number, may amount to two-thirds of the annual amount of the personal pension,
  - (b) while there is only one such person, may amount to one-third of the annual amount of the personal pension.
- (3) Subject to the provisions of subsection (4) below, where the deceased leaves a widow, the annual amount of a children's pension during her life—
- (a) while the persons for whose benefit it can enure are two or more in number, may amount to one half the annual amount of the personal pension,
  - (b) while there is only one such person, may amount to one quarter of the annual amount of the personal pension.
- (4) Notwithstanding anything in the preceding provisions of this section, where the deceased leaves a widow who remarries, no children's pension shall be payable as respects any period when she has a husband unless the Minister specially directs that such a pension shall be so payable, but, if the Minister does specially so direct, he may, if he thinks fit, further direct that subsection (2) above shall apply as respects any such period notwithstanding that the widow is alive.
- (5) Where the deceased was a woman, subsection (2) above shall apply as it applies where the deceased was a man leaving no widow and subsections (3) and (4) above shall not apply.

### *Contributions*

## **23 Contribution towards cost of widow's and children's pension**

- (1) There shall be made towards the cost of the liability for any pension or pensions under sections 16 to 20 above in respect of a man's relevant service such contribution as may be prescribed by regulations made for the purposes of this section.
- (2) The prescribed contributions shall be in the form either of a reduction of the lump sum payable in respect of the relevant service or deductions from the salary payable in respect of the relevant service, or partly in one of those forms and partly in the other.
- (3) Regulations made for the purposes of this section may make provision for consequential and incidental matters, including provision excluding or modifying the operation of this Act or any enactment passed before 18th April 1973 ; and in particular any regulations providing for contributions by deduction from salary may make consequential provision as to any enactment referring or relating to lump sums payable under this Part of this Act.

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- (4) Regulations for the purposes of this section may be made, with the concurrence of the Minister, by the Lord Chancellor or, in relation to pensions for service in offices existing only in Scotland, by the Secretary of State.
- (5) Regulations under this section shall be made by statutory instrument which shall be subject to annulment pursuant to a resolution of either House of Parliament.

## **24 Judicial office held by a woman**

- (1) Where the personal pension is or would be payable to a woman—
  - (a) a contribution towards the cost of liabilities for the benefit of the woman's children shall be made, taking the form of a reduction in the lump sum which may be granted under this Part of this Act in respect of that woman's service,
  - (b) the amount of that contribution shall be ascertained from tables prepared for the purposes of this section by the Government Actuary.
- (2) If the woman has at any time during her relevant service so elected, no contribution shall be made, and no children's pension shall be payable for the benefit of her children.
- (3) An election authorised to be made under this section shall be in writing, shall be made to the Minister, and shall be made in the lifetime of the person who makes it.
- (4) Section 23 above shall apply to a woman's relevant service as it applies to a man's relevant service, and the preceding provisions of this section shall have effect subject to any regulations made by virtue of this subsection.

### *Special cases*

## **25 Persons serving again after retirement**

- (1) Where any person after retirement from service in a judicial office resumes his service, that retirement shall be left out of account for all the purposes of this Part of this Act except that—
  - (a) if a lump sum was granted on that retirement without any contribution being made, then unless that person on resumption of his service, or within three months of his marrying while again serving, refunds by way of contribution such sum, not exceeding three quarters of the lump sum granted on the prior retirement as the Minister may determine, no pension shall be granted to any widow or child of his, and
  - (b) any lump sum granted on that retirement, less any refund, shall be set off against any lump sum to be granted in respect of his service.
- (2) Where the person resuming service after retirement is a woman, paragraph (a) of subsection (1) above and the reference to a refund in paragraph (b) shall be omitted.
- (3) Where a refund is made under subsection (1) above, all such adjustments shall be made, including payments out of the Consolidated Fund or out of money provided by Parliament and payments into the Exchequer, as will secure that the position is the same as if the lump sum had been reduced by an amount equal to the refund and no refund had been made.

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

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**26 Lord Chancellor**

Any reference in this Part of this Act to retirement shall in relation to a Lord Chancellor be taken as a reference to resignation of office.

*Supplemental*

**27 Disregard of abatement of pension under s. 65 of Social Security Act 1973**

In making any calculation under this Part of this Act any abatement of a pension falling to be made under any order made under section 65 of the Social Security Act 1973 shall be left out of account.

**28 Effect of certain nullity decrees**

Where a marriage which is voidable, but not void from the beginning, is declared to be null by any court of competent jurisdiction, the same results shall follow under this Part of this Act as would have followed thereunder if the marriage had not been voidable and had been dissolved at the date of the declaration of nullity.

**29 Recommendation of a Minister required in certain cases**

The grant under this Part of this Act of a lump sum or widow's or children's pension conditional on eligibility for a pension requiring the recommendation to the Minister for the Civil Service or any other Minister shall require the like recommendation.

**PART III**

SUPPLEMENTAL

**30 Saving for Pensions (Increase) Act**

This Act is without prejudice to the operation of the Pensions (Increase) Act 1971.

**31 Payments charged on Consolidated Fund**

There shall be charged on, and paid out of, the Consolidated Fund—

- (a) any pension under Chapter I of Part I, or section 5 or 7, of this Act, and
- (b) any lump sum, or widow's or children's pension, under Part II of this Act conditional on eligibility for a pension payable out of the Consolidated Fund.

**32 Other financial provisions**

(1) Subsection (2) below applies where—

- (a) the rate of a pension payable to a person under section 12. or 13 above is or would be increased in respect of service in a capacity prescribed under section 12(5) or 13(4)(b) as the case may be, and
- (b) a pension payable wholly in respect of service in that prescribed capacity would be paid and borne otherwise than out of money provided by Parliament.

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

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- (2) Any pension benefits paid to or in respect of that person as having been the holder of an office mentioned in section 12(1) or 13(1) above shall, to such extent as the Minister may determine, having regard to the relative length of service and rate of remuneration in that office and in the prescribed capacity, be paid and borne in like manner as that in which a pension payable to him wholly in respect of service in the prescribed capacity would have been paid or borne.
- (3) In this section—
  - (a) "pension" includes any superannuation or other retiring allowance or gratuity,
  - (b) "pension benefits" includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or employment to other persons by way of widow's or orphan's pension or otherwise.

### **33 Interpretation**

In this Act, unless the context otherwise requires—

- "the Minister" means the Minister for the Civil Service,
- "stipendiary magistrate" in England and Wales includes a metropolitan stipendiary magistrate.

### **34 County court registrars and assistant registrars**

- (1) For the purposes of this Act the annual salary of a county court registrar or assistant registrar who is also a district registrar of the High Court shall be deemed to include any salary payable in respect of his services as district registrar.
- (2) Nothing in this Act shall apply to a county court registrar or assistant registrar unless a direction has been given in his case under section 22 of the County Courts Act 1959 (exclusion of outside employment), and for the purposes of this Act his period of service shall be reckoned as from the date on which the direction was given.

### **35 Saving for certain Circuit judges in the City of London**

The provisions of this Act relating to Circuit judges have effect subject to paragraphs 5, 6 and 7 of Schedule 2 to the Courts Act 1971.

### **36 Transitory provisions, amendments and repeals**

- (1) Schedules 2 and 3 to this Act (transitory provisions and consequential amendments) shall have effect.
- (2) The enactments and instruments specified in Schedule 4 to this Act shall be repealed to the extent specified in the third column of that Schedule.

### **37 Short title and commencement**

- (1) This Act may be cited as the Judicial Pensions Act 1981.
- (2) This Act shall come into force at the expiration of a period of one month beginning with the date on which it is passed.