



Judicial Pensions Act 1981

1981 CHAPTER 20

PART I **U.K.**

RATE OF PENSION

CHAPTER II **U.K.**

OTHER JUDICIAL OFFICES

5 **Circuit judge in England or Wales. **U.K.****

- (1) A Circuit judge may on the recommendation of the Lord Chancellor be granted a pension—
- if he retires after 15 years service and at the time of his retirement he has attained the age of 65 years, or
 - if he vacates his office in accordance with section 17 of the ^{M1}Courts Act 1971 (age limit and removal on ground of incapacity or misbehaviour), or
 - 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.

[^{F1}(1A) The Lord Chancellor must consult the Lord Chief Justice of England and Wales before making a recommendation in a case that falls within subsection (1)(b) or (c).]

- (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—
- if the period of service does not amount to 5 years, 6/40ths of his last annual salary,
 - if the period of service amounts to 5 years or more, one quarter of that salary plus 1/40th for each completed year of service exceeding 5.

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- (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 [^{F2}the Treasury] may determine.
- [^{F3}(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F1** S. 5(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), Sch. 4 para. 111(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F2** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(4)(a)
- F3** S. 5(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), Sch. 4 para. 111(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

Marginal Citations

- M1** 1971 c. 23.

6 Sheriffs in Scotland. **U.K.**

For sheriffs in Scotland pensions shall be payable in accordance with the ^{M2}Sheriffs’ Pensions (Scotland) Act 1961.

Marginal Citations

- M2** 1961 c. 42.

7 Stipendiary magistrates in England and Wales. **U.K.**

- (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 [^{F4}2 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.
- [^{F5}(1A) The Lord Chancellor must consult the Lord Chief Justice before making a recommendation in a case that falls within subsection (1)(b).]

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- (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—
 - [^{F6}(a) if the period of service amounts to less than 5 (but not less than 2) years, 6/80ths of his last annual salary,
 - (aa) 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 [^{F4}the Treasury] may determine.
- (6) In this section “service” means service as a stipendiary magistrate in England or Wales.
- [^{F7}(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F4** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 83(1)(a)
- F5** S. 7(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), Sch. 4 para. 112(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F6** S. 7(3)(a) and “(aa)” substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 83(2)
- F7** S. 7(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), Sch. 4 para. 112(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

8 Judge Advocate General: choice between civil service scheme and special provision. **U.K.**

- (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 [^{F8}the Treasury] 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.

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Textual Amendments

F8 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 83(1)(a)**

9 Judge Advocate General: special provision. **U.K.**

- (1) A person to whom this section applies may be granted a pension if he retires after not less than [^{F9}2 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.
- [^{F10}(3A) The annual rate of pension payable under this section to a person retiring after less than 5 (but not less than 2) years service shall be 6/80ths of his last annual salary.]
- (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.

Textual Amendments

F9 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 83(1)(b)**

F10 [S. 9\(3A\)](#) inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 83(3)**

10 President or other member of [^{F11}the Lands Tribunal for Scotland]. **U.K.**

- (1) There may be paid to persons who have been members of [^{F12} . . . the Lands Tribunal for Scotland, such superannuation allowances as the [^{F13}Secretary of State] may, with the approval of [^{F14}the Treasury], determine.
- (2) [^{F15}

Textual Amendments

F11 Words in [s. 10](#) heading substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 5(1)(2), **Sch. 1 para. 140(a)** (with [Sch. 5](#))

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- F12** Words in s. 10(1) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 140(b)(i)** (with Sch. 5)
- F13** Words in s. 10(1) substituted (1.6.2009) by The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 140(b)(ii)** (with Sch. 5)
- F14** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 118(2)**
- F15** S. 10(2) omitted (1.6.2009) by virtue of The Transfer of Tribunal Functions (Lands Tribunal and Miscellaneous Amendments) Order 2009 (S.I. 2009/1307), art. 5(1)(2), **Sch. 1 para. 140(c)** (with Sch. 5)

11 President of pensions appeals tribunals. **U.K.**

In the case of any person appointed as president of the pension appeal tribunals established under the ^{M3}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 [^{F16}the Treasury] 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 [^{F16}the Treasury], pay to him a sum of such amount as the Lord Chancellor may, with the like approval, determine.

Textual Amendments

- F16** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), **s. 118(4)(a)**

Marginal Citations

- M3** 1943 c. 39.

12 President or chairman of [^{F17}employment tribunals] **U.K.**

- (1) This section applies to any holder on a full-time basis of any of the following offices established by regulations under [^{F18}section 1(1) of [^{F19}the Employment Tribunals Act 1996]], namely—
- (a) [^{F20}President of the Employment Tribunals (England and Wales)],
- (b) [^{F21}President of the Employment Tribunals (Scotland)],
- (c) member of a panel of [^{F22}Employment Judges] 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

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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 [^{F23}the Treasury]; 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.

Textual Amendments

- F17** Words in sidenote to s. 12 substituted (1.8.1998) by 1998 c. 8, ss. **1(2)(b)**, 16(2)(3)(b); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F18** Words in s. 12(1) substituted (22.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 6** (with s.38)
- F19** Words in s. 12(1) substituted (1.8.1998) by 1998 c. 8, ss. **1(2)(c)**, 16(2)(3)(b); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F20** Words in s. 12(1) substituted (1.8.1998) by 1998 c. 8, ss. **1(2)(d)**, 16(2)(3)(b); S.I. 1998/1658, art. 2(1), **Sch. 1**
- F21** Words in s. 12(1) substituted (1.8.1998) by 1998 c. 8, ss. **1(2)(e)**, 16(2)(3)(b); S.I. 1998/1658, art.2(1), **Sch. 1**
- F22** Words in s. 12(1)(c) substituted (1.10.2013) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 14 para. 13(1)**; S.I. 2013/2200, art. 3(g)
- F23** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. **118(4)(a)**

13 Social Security Commissioner. **U.K.**

- (1) A Social Security Commissioner may on the recommendation of [^{F24}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, or

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- (b) if at the time of his retirement he has attained the age of 72, or
- (c) if [^{F24}the Lord Chancellor] 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.

[^{F25}(1A) In a case that falls within subsection (1)(c), the Lord Chancellor must consult—

- (a) ^{F26}
 - (b) the Lord President of the Court of Session before making a recommendation in relation to a Commissioner who holds office in Scotland;
 - (c) the Lord Chief Justice of Northern Ireland before making a recommendation in relation to a Commissioner who holds office in Northern Ireland.]
- (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, 6/40ths 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 1/40th 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) [^{F27}the Treasury] 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.

[^{F28}(7) ^{F26}

- (8) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this section.
- (9) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

Textual Amendments

- F24** Words substituted by [S.I. 1984/1818](#), [arts. 2, 3](#)
- F25** [S. 13\(1A\)](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 15\(1\), 148\(1\)](#), [Sch. 4 para. 113\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(e\)](#)
- F26** [S. 13\(1A\)\(a\)\(7\)](#) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 9\(1\)](#), {[Sch. 3 para. 37](#)}
- F27** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), [s. 118\(4\)\(a\)](#)
- F28** [S. 13\(7\)-\(9\)](#) inserted (3.4.2006) by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 15\(1\), 148\(1\)](#), [Sch. 4 para. 113\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(e\)](#)

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Modifications etc. (not altering text)

- C1** S. 13 excluded (E.W.S.) (1.7.1992) by [Social Security Administration Act 1992 \(c. 5\)](#), 41, 43, 50-52, 192(4), Sch. 2 para. 1(6);
 S. 13 excluded (E.W.S.) (at different dates for specified purposes) by [1998 c. 14, s. 14\(12\)](#), [Sch. 4 para. 4\(2\)](#); [S.I. 1999/1958, art. 2, Sch. 1](#) (as amended by [S.I. 1999/3178, art. 3\(20\)](#), [Sch. 20](#)); [S.I. 1999/2422, art. 2, Sch. 1](#) (subject to transitional provisions in [Sch. 14](#))(as amended by [S.I. 1999/3178, art. 3\(20\)](#), [Sch. 20](#)); [S.I. 1999/2739, art. 2, Sch. 1](#) (subject to transitional provisions in [Sch. 2](#)); [S.I. 1999/2860, art. 2, Sch. 1](#) (subject to transitional provisions in [Schs. 16-18](#))(as amended by [S.I. 1999/3178, art. 3\(20\)](#), [Sch. 20](#)); [S.I. 1999/3178, art. 2, Sch. 1](#) (subject to transitional provisions in [Schs. 21-23](#))

[^{F29}13A Registrar of Criminal Appeals. **U.K.**

There may be paid to persons who have held the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals such superannuation allowances as the Lord Chancellor may, with the approval of the Treasury, determine.]

Textual Amendments

- F29** S. 13A inserted by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), [s. 78\(2\)](#)

14 Other judicial offices. **U.K.**

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.

[^{F30}14A **U.K.**

- (1) The provisions regulating the pensions which may be received under the preceding sections and schedule 1 of this Act and under the Sheriffs’ Pensions (Scotland) Act 1961 are to take effect subject to the modifications contained in this section.

- (2) In this section—

“election” means an election made under subsection (3) of this section;

“judicial office” means one of the several offices referred to in sections 1, 5, 6, 7, 8, 10, 11, 12, 13 and 14 of and schedule 1 to this Act;

“judicial pension schemes” means the occupational pension schemes constituted by this Act and the Sheriffs’ Pensions (Scotland) Act 1961 to provide personal pensions and derivative benefits to persons in any of the judicial offices and their [^{F31}widows, surviving civil partners and children], and “judicial pension scheme” and “relevant judicial pension scheme” have corresponding meanings;

“the Minister” in relation to judicial office held exclusively in Scotland means the Secretary of State for Scotland and otherwise means the Lord Chancellor;

^{F32}

- (3) A person who is eligible for a pension in any judicial office shall while in judicial office

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- (a) be deemed to be a member of the relevant judicial pension scheme except during such time as an election is in force in respect of him; and
 - [^{F33}(b) be entitled at any time to serve on the Minister a written notice of election not to be a member of the relevant judicial pension scheme, to take effect on a date not less than one month after the date on which it was served.]
- (4) At any time after a person has made an election and while he continues to hold judicial office
- (a) he may make a written application to the Minister requesting admission to membership of the judicial pension scheme relevant to the judicial office which he holds, and
 - (b) the Minister may, if satisfied that the applicant is in good health, admit him to the relevant judicial pension scheme on a date not less than three months after the date on which the application was served, and
 - (c) upon the date of the applicant's admission to the relevant judicial pension scheme, his election shall cease to be in force.
- (5) An application under subsection (4) above shall supply such evidence relating to his health as the Minister may reasonably require and shall submit to any medical examination reasonably specified by the Minister.
- (6) The Minister shall notify an application under subsection (4) of his decision in writing within three months after the date on which the application was served.
- (7) Subject to the provisions of subsection (4) above, an election shall be irrevocable and an election shall not cease to be in force by reason only of a person becoming the holder of a judicial office different from the one which he held when he made the election.
- (8) An election shall not affect its maker's eligibility for a pension which accrued under any judicial pension scheme before that election came into force.
- (9) While an election remains in force in respect of a person, his service shall not be counted as service or relevant service in computing the pension for which he is eligible under any judicial pension scheme.]

Textual Amendments

- F30** S. 14A inserted by S.I. 1988/1417, reg. 3, **Sch. para. 1**
- F31** S. 14A(2): Words in definition of "judicial pension schemes" substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), **art. 50**
- F32** S. 14A(2): definition of "personal pension scheme" omitted (19.12.2003) by virtue of [The Judicial Pensions \(Election against Benefits\) Regulations 2003 \(S.I. 2003/2916\)](#), **reg. 3(2)**
- F33** S. 14A(3)(b) substituted (19.12.2003) by [The Judicial Pensions \(Election against Benefits\) Regulations 2003 \(S.I. 2003/2916\)](#), **reg. 3(3)** (with reg. 2(1)(3))

Modifications etc. (not altering text)

- C2** S. 14A(3) modified (31.3.1995) by [1993 c. 8, s. 13\(8\)\(9\)\(a\)](#) (with s. 1); [S.I. 1995/631](#), **art. 2**

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Textual Amendments

F34 S. 15 repealed (31.3.1995) by 1993 c. 8, s. 24, Sch. 3 Pt. I para. 2(1), **Sch.9**; S.I. 1995/631, **art. 2**

Changes to legislation:

There are currently no known outstanding effects for the Judicial Pensions Act 1981, Chapter II.