

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

Sections 9(4) and 14.

#### CERTAIN SUPREME COURT AND COUNTY COURT OFFICERS, AND PRESIDENT OF TRANSPORT TRIBUNAL

#### PART I

1 This Schedule applies to the following officers:—

*Supreme Court officers*

*County court officers*

*Transport Tribunal*

President of the Transport Tribunal.

#### Textual Amendments

- F1** List substituted (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), **Sch. 5 para. 2**
- F2** Words repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 78(3), 125(7), **Sch. 20**
- F3** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(3), **Sch. 18 para. 32**
- F4** Words repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 78(3), 125(7), **Sch. 20**
- F5** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(3), **Sch. 18 para. 32**
- F6** Entry in Sch. 1 para. 1 repealed (31.3.1995) by 1993 c. 8, s. 31(2)(4), **Sch.9**; S.I. 1995/631, **art. 2**

#### *Relevant service*

- 2
- (1) In this Schedule “relevant service” in relation to any office of the Supreme Court listed in paragraph 1 above means service in that or any other office of the Supreme Court so listed, or as president of the Transport Tribunal.
  - (2) In this Schedule “relevant service”, in relation to the office of county court registrar, or assistant county court registrar, means service in either of those offices.
  - (3) In this Schedule “relevant service”, in relation to the office of the president of the Transport Tribunal, means service in that office, or in any office of the Supreme Court listed in paragraph 1 above.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Person within principal civil service pension scheme prior to appointment*

- 3 (1) This paragraph has effect as respects a person who at the time of his appointment to an office within paragraph 1 above was employed in the civil service of the State and was subject to the principal civil service pension scheme.
- (2) If such a person so elects—
- (a) he shall continue to be subject to the principal civil service pension scheme as if service in an office within paragraph 1 above were employment in the civil service of the State, and
  - (b) the provisions of Parts II, III, and IV of this Schedule, and of Part II of this Act, shall not apply to him.
- (3) An election under this paragraph shall be made by notice in writing in such form and within such period as may be prescribed by the Lord Chancellor.

**PART II**

PENSION BENEFITS

*Personal pension*

- 4 (1) An officer to whom this Schedule applies may be granted a pension—
- (a) if he retires after not less than [<sup>F7</sup>the prescribed number of years of][<sup>F7</sup>15 years] relevant service and at the time of his retirement he has attained the age of 65, or
  - (b) if he retires after not less than [<sup>F8</sup>2 years] relevant service, and—
    - (i) at the time of his retirement he has attained the age of 72, or
    - (ii) if [<sup>F9</sup>the Treasury] is satisfied by means of a medical certificate that he is incapable from infirmity of mind or body of discharging the duties of his office and that the infirmity is likely to be permanent.
- [<sup>F10</sup>(2) In sub-paragraph (1)(a) above the prescribed number of years is—
- (a) where the officer is the Lord Chancellor's Legal Visitor, 10 years,
  - (b) in any other case, 15 years.]

(3) The annual rate of the pension payable under this paragraph to a person retiring after not less than 20 years relevant service shall not exceed one half of his last annual salary.

(4) The annual rate of the pension payable under this paragraph to a person retiring after less than 20 years relevant service shall not exceed—

    - [<sup>F11</sup>(a) if the period of relevant service amounts to less than 5 (but not less than 2) years, 6/80ths of his last annual salary,
    - (aa)] if the period of relevant 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 relevant service exceeding 5,
    - (b) if the period of relevant service amounts to not less than 10 years (but less than 20 years) one quarter of that salary plus 2/80ths for each completed year of relevant service after the first 10 years.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

- F7** “15 years” substituted (E.W.) for “the prescribed number of years of” by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5 para. 2\(b\)\(i\)](#)
- F8** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 83(1)(c)
- F9** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 118(4)(b)
- F10** [Sch. 1 para. 1\(2\)](#) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5 para. 2\(b\)\(ii\)](#), [Sch. 7](#)
- F11** [Sch. 1 para. 1\(4\)\(a\)](#) and “(aa)” substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 83(4)

#### *Retirement for ill-health*

- 5 An officer to whom this Schedule applies who retires on the ground of ill-health, and who is not eligible for a lump sum under Part II of this Act, may be granted a lump sum not exceeding—
- if his relevant service is less than 2 years, 5/60ths of his last annual salary,
  - if his relevant service is not less than 2 years, 7/60ths of his last annual salary for each completed year of relevant service.

#### *Retirement before qualifying for pension*

- 6 An officer to whom this Schedule applies who—
- retires after not less than 2 years relevant service, otherwise than on the ground of ill-health, and
  - has attained the age of 60, and
  - is not eligible for a lump sum under Part II of this Act,
- may be granted a lump sum not exceeding 2/60ths of his last annual salary for each completed year of relevant service.

#### *Premature retirement on abolition of office*

- 7 An officer to whom this Schedule applies may on retirement in consequence of the abolition of his office, or of the reorganisation of his department, be granted a special allowance or allowances by way of compensation, not exceeding what might be granted if he retired on the ground of ill-health.

#### *Discharge for inefficiency*

- 8 (1) If an officer to whom this Schedule applies is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and he is ineligible for a pension under paragraph 4 above, [<sup>F12</sup>the Treasury] may, if he thinks the special circumstances of the case justify it, grant him such a pension as [<sup>F12</sup>the Treasury] thinks just and proper, but not exceeding the amount for which the officer’s length of relevant service would qualify him under paragraph 4 above.
- (2) Before making any grant under this paragraph [<sup>F12</sup>the Treasury] shall consider any representations which the officer may have submitted [<sup>F13</sup>to it].

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The reasons for making any grant under this paragraph, and the amount of any such grant, shall be set out by [<sup>F12</sup>the Treasury] in a minute which shall be laid before Parliament within 14 days after being made.

#### Textual Amendments

- F12** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 118(4)(b)  
**F13** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 118(7)(a)

#### *Re-employment after retirement*

- 9 (1) If a person to whom a pension has been granted under paragraph 4 or 7 above is appointed to an office in any public department the pension shall not be paid for any period after that appointment if his annual salary in that office (“the new salary”) is equal to his last annual salary in the office from which he retired when the pension was granted (“the salary before retirement”).
- (2) If the new salary is less than the salary before retirement the amount of the pension shall not exceed the difference.
- (3) In sub-paragraph (1) above the reference to an office in a public department includes a reference to employment in any body or institution listed in Schedule 1 to the <sup>M1</sup>Superannuation Act 1972, or to an office so listed.

#### Marginal Citations

- M1** 1972 c. 11.

#### *Allocation of benefit to spouse or dependant*

- 10 (1) In this paragraph and paragraphs 11 and 12 below—
- (a) “retiring officer” means an officer to whom this Schedule applies who is granted a pension under paragraph 4, 7 or 8 above otherwise than on the ground of ill-health,
  - (b) “the personal pension” means that pension,
  - (c) “the date of retirement” means the beginning of the period in respect of which the personal pension is paid,
  - (d) a “derivative pension” means a pension granted under sub-paragraph (2) below,
  - (e) “prescribed” means prescribed by rules under this paragraph.
- (2) [<sup>F14</sup>The Treasury] may make rules for securing that, in the prescribed circumstances, and subject to the prescribed conditions as to proof of good health and other prescribed matters, a retiring officer of a prescribed class shall be allowed to surrender, as from the date of retirement, the prescribed part, not exceeding one third, of the personal pension in return for the grant of a pension to the retiring officer’s spouse, or to a dependant of his.
- (3) The derivative pension shall be of such value as, according to tables prepared from time to time by the Government Actuary, is actuarially equivalent to the value of the part of the personal pension which is surrendered.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) Rules under this paragraph may prescribe classes of persons for the purposes of this paragraph by reference to the age which they have attained at a prescribed date.
- (5) Rules under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F14** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(4)(b)

- 11 (1) A derivative pension for the benefit of the spouse of a retiring officer shall, according as the retiring officer may, in conformity with rules under paragraph 10 above, elect, be payable either—
  - (a) in respect of the period, if any, for which the spouse survives the retiring officer, or
  - (b) in respect both of the period of their joint lives (from the date of retirement) and of the period, if any, for which the spouse survives the retiring officer, and the rules may provide for the pension under paragraph (b) above to be at one rate during the joint lives, and at a higher rate thereafter.
- (2) A derivative pension for the benefit of a dependant (not being the spouse) of a retiring officer shall be payable for the period, if any, for which the dependant survives the retiring officer.
- 12 (1) Any suspension of a pension under paragraph 9 above shall be disregarded in determining the date of retirement as defined in paragraph 10(1)(c) above.
- (2) In applying paragraph 9 above to a pension part of which is surrendered under paragraph 10 above the salary before retirement, as defined in paragraph 9 (1) above, shall be treated as reduced by the annual amount so surrendered.
- 13 The fact that Part II of this Act applies to a person shall not affect any rights of his under paragraphs 10 to 12 above, and any calculation to be made under Part II of this Act shall be made as if any surrender under those paragraphs of a part of a pension had not been made.

#### *Allocation of benefit on marriage after retirement*

- 14 (1) This paragraph has effect as respects an officer to whom this Schedule applies—
  - (a) who is retired and has not attained the age of 70, and
  - (b) who has married since his retirement, and
  - (c) who has been, or is to be, granted a pension (“the personal pension”) under paragraph 4, 7 or 8 above otherwise than on the ground of ill-health.
- (2) [<sup>F15</sup>The Treasury] may make rules for securing that, in the prescribed circumstances, and subject to the prescribed conditions as to proof of good health and other prescribed matters, any such officer shall be allowed to surrender, as from the date of his marriage, the prescribed part of the personal pension in return for the grant of a pension (the “derivative pension”) to the officer’s spouse.
- (3) The part of the personal pension so surrendered, together with any part thereof surrendered under paragraph 10 above, shall not exceed one third of the personal pension.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (4) The derivative pension shall be of such value as, according to tables prepared from time to time by the Government Actuary, is actuarily equivalent, at the date of the marriage, to the value of that part of the personal pension which is surrendered.
- (5) The derivative pension shall, according as the officer may, in conformity with rules under this paragraph, elect be payable either—
  - (a) in respect of the period, if any, for which the spouse survives the officer, or
  - (b) in respect both of the period of their joint lives (from the date of the marriage) and of the period, if any, for which the spouse survives the officer,
 and the rules may provide for the pension under paragraph (b) above to be at one rate during the joint lives, and a higher rate thereafter.
- (6) In applying paragraph 9 above to a pension part of which is surrendered under this paragraph in respect of any period after the marriage the salary before retirement, as defined in paragraph 9(1) above, shall be treated as reduced by the annual amount so surrendered.
- (7) In this paragraph “prescribed” means prescribed by rules under this paragraph.
- (8) Rules under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **Textual Amendments**

**F15** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 118(4)(b)

### **PART III**

#### PERSONS INJURED, OR CONTRACTING DISEASE, IN DISCHARGE OF THEIR DUTIES

- 15 (1) This paragraph applies where an officer to whom this Schedule applies—
  - (a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or
  - (b) is injured while in an area outside the United Kingdom for the purposes of his employment, and the injury is directly attributable to the existence in or near that area of a state of war, revolution, or serious and widespread internal disturbance, or is the direct result of deliberate acts of the local population or of sporadic political disturbances, and is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or
  - (c) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.
- (2) <sup>F16</sup>The Treasury] may grant to the officer, and, if he dies as a direct result of the injury or disease, to all or any of the following persons, that is to say—
  - (a) his widow <sup>F17</sup>or, in the case of a female officer, her widower],
  - <sup>F18</sup>(aa) his or her surviving civil partner,]

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) his mother, or, where his mother is dead, his father, if his mother, or, as the case may be, his father, is wholly or mainly dependent on him at the time of his death.
- (c) his children, and
- (d) where he has no children who are, under the terms of the warrant hereinafter mentioned, eligible for the grant of a gratuity or allowance under this paragraph, any brother or sister of his who is wholly or mainly dependent on him at the time of his death,

such gratuity or annual allowance as [<sup>F16</sup>the Treasury] may consider reasonable, and as may be permitted by the terms of a warrant of [<sup>F16</sup>the Treasury] under this paragraph.

(3) <sup>F19</sup> .....

(4) Where an officer to whom this Schedule applies is employed outside the United Kingdom for the purposes of Her Majesty's Government in the United Kingdom and suffers an aggravation of a disease from which he is already suffering, being an aggravation to which he is exposed by the nature of his duty outside the United Kingdom and which is not wholly or mainly due to his own serious and culpable negligence or misconduct, this paragraph shall apply in relation to him as if, when he sustained the aggravation, he had contracted such a disease as is mentioned in subparagraph (1)(c) above.

(5) A warrant under this paragraph may be revoked or varied by a subsequent warrant of [<sup>F16</sup>the Treasury] thereunder.

(6) In this paragraph, unless the context otherwise requires—  
“brother” includes, in relation to a person, every male child of his father or mother,  
“child”, in relation to a person, includes an illegitimate child, a stepchild and an adopted child,  
“father” includes, in relation to a person, his stepfather and a male person by whom he has been adopted,  
“mother” includes, in relation to a person, his stepmother and a female person by whom he has been adopted,  
“sister” includes, in relation to a person, every female child of his father or mother.

(7) [<sup>F16</sup>The Treasury] may treat a person for all or any of the purposes of this paragraph as wholly or mainly dependent on another person notwithstanding that for the time being he is not in fact so dependent on him, if [<sup>F20</sup>it is satisfied] that it is reasonable to expect that the first-mentioned person will again become dependent on the second-mentioned person and is further satisfied that the break in dependence ought in all the circumstances to be regarded as a temporary one.

#### Textual Amendments

- F16** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(4)(b)
- F17** Words inserted (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), Sch. 18 para. 33; S.I. 1991/2730, art. 2, Sch.
- F18** Sch. 1 para. 15(2)(aa) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), art. 65

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- F19** Sch. 1 para. 15(3) repealed (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), Sch. 20; S.I. 1991/2730, art. 2, Sch.
- F20** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(7)(b)

- 16 (1) Any annual allowance granted under paragraph 15 above to the officer who is injured or contracts the disease shall not, together with—
- (a) any pension under paragraph 4 above, and
  - (b) the annuity value of any lump sum under section 17(1) of this Act, or Part II of this Schedule,
- for which he is otherwise eligible, exceed five-sixths of the annual salary of his office.
- (2) In this paragraph “annuity value”, in relation to any lump sum, means its value computed in accordance with the Tables for immediate life annuities framed under Part II of the <sup>M2</sup>Government Annuities Act 1929 which are in force when the officer retires.
- (3) Any reduction which, under section 23 or 24 of this Act, or paragraph 23 of Schedule 2 to this Act, is, or is to be, effected in any lump sum payable under section 17(1) of this Act shall be left out of account for the purposes of this paragraph, and accordingly the annuity value of that lump sum shall be determined as if no such reduction had been made.

#### Marginal Citations

**M2** 1929 c. 29.

- 17 (1) If a warrant under paragraph 15 above authorises [<sup>F21</sup>the Treasury] to take into account, as against any sums otherwise payable under the warrant, any damages which are recovered or recoverable by or on behalf of the recipient of the payments under that paragraph in respect of the injury, disease or death in consequence of which the payments are made, and [<sup>F21</sup>the Treasury] makes any payments without taking such damages into account, then if and when [<sup>F21</sup>the Treasury] is satisfied that there are any damages to be so taken into account [<sup>F22</sup>it shall] have the right to recover from the recipient—
- (a) where the amount of the payments made by [<sup>F21</sup>the Treasury] is less than the net amount of the damages, the amount of those payments,
  - (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.
- (2) So far as any amount recoverable under this paragraph represents a payment made by [<sup>F21</sup>the Treasury] from which income tax has been deducted before payment, the proper allowance shall be made in respect of the amount so deducted, and in this paragraph “the net amount of the damages” means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.
- (3) No proceeding shall be brought to recover any amount under this paragraph—
- (a) after the death of the recipient of the payments, or
  - (b) after the expiration of two years from the date on which the amount of the damages taken into account in arriving at the amount so recoverable is finally



*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

determined (whether in court proceedings or in arbitration proceedings or by agreement between the parties) or from the date on which the final determination of that amount first came to the knowledge of [F21the Treasury], whichever date is the later.

- (4) A certificate issued by [F21the Treasury] and stating the date on which the final determination of any amount of damages first came to the knowledge of [F21the Treasury] shall be admissible in any proceedings as sufficient evidence of that date.
- (5) The provisions of this paragraph are without prejudice to any right of [F21the Treasury] under any such warrant to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of the payment.

#### Textual Amendments

**F21** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 118\(4\)\(b\)](#)

**F22** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 118\(7\)\(c\)](#)

## PART IV

### SUPPLEMENTAL

#### *Temporary abatement of salary to be disregarded*

- 18 Any reference in this Schedule to the salary of an office is, as regards any period in respect of which any temporary abatement of salary of that office has been made for the purpose of effecting economy in national expenditure, a reference to the salary which would have been payable to the holder of the office but for that abatement.

#### *Service in the armed forces*

- 19 An officer to whom this Schedule applies shall not be entitled to reckon the same period of time both for the purpose of a pension or lump sum under Part II of this Schedule, and for the purpose of naval, military or air force non-effective pay.

#### *Distribution of money without representation*

- 20 (1) Where on the death of an officer to whom this Schedule applies any sum not exceeding [F23£5000] is due from a government department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then if the responsible authority so direct, but subject to regulations (if any) made by [F24the Treasury], proof of the title of the personal representatives of that person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the department to be beneficially entitled to the personal or moveable estate of that person, or to or among any one or more of those persons or, in the case of the illegitimacy of that person or his children, to or among such persons as the department think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.
- (2) In this paragraph the “responsible authority” means the government department prescribed by order of [F24the Treasury] for the purpose of this paragraph.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

An order under this paragraph shall be contained in a statutory instrument which shall be subject to annulment in pursuance of a resolution of either House or Parliament.

- (3) In sub-paragraph (1) above references to a government department include references to any body or institution listed in Schedule 1 to the <sup>M3</sup>Superannuation Act 1972.
- (4) Sub-paragraph (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the <sup>M4</sup>Administration of Estates (Small Payments) Act 1965 substituting for references to £500 such higher amount as may be specified in the order.

#### Textual Amendments

**F23** Figure substituted by [S.I. 1984/539, art. 3](#)

**F24** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 118\(4\)\(b\)](#)

#### Marginal Citations

**M3** 1972 c. 11.

**M4** 1965 c. 32.

#### *Delegation of Minister's power to grant pensions or other benefits*

- 21 The [<sup>F25</sup>Treasury] may, to such extent and subject to such conditions as [<sup>F25</sup>it thinks] fit, delegate to any Minister or officer of the Crown any power of granting a pension or other benefit under this Schedule.

#### Textual Amendments

**F25** Word(s) substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 118\(7\)\(d\)](#)

#### *Minister to determine certain questions*

- 22 The decision of [<sup>F26</sup>the Treasury] shall be final on any question which arises—
- (a) as to the claim of any person or class of persons under paragraph 4 or 6 above.
  - (b) as to the application of any provision in Part II or III, or this Part, of this Schedule to any person,
  - (c) as to the amount of any pension or lump sum under this Schedule,
  - (d) as to the reckoning of service for any pension or lump sum under this Schedule.

The reference in head (b) above to provisions of this Schedule does not include a reference to paragraph 9 or 23 of this Schedule.

#### Textual Amendments

**F26** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\), s. 118\(4\)\(b\)](#)

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *President of the Transport Tribunal*

- 23 (1) Any pension benefit paid to or in respect of any person as having been president of the Transport Tribunal shall, subject to sub-paragraph (2) below, be defrayed as part of the expenses of that Tribunal.
- (2) Where the pension benefit mentioned in sub-paragraph (1) above is only partly in respect of service as a president of the Transport Tribunal, it shall be defrayed only as to a proportion as part of the expenses of the Tribunal, and that proportion shall be determined by [<sup>F27</sup>the Treasury], regard being had to the relevant length of service and rate of remuneration in the relevant offices.
- (3) In this paragraph “pension benefit” includes any superannuation or other retiring allowance or gratuity, and benefits payable to or in respect of the pensioner under Part II of this Act.

#### **Textual Amendments**

**F27** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 118(2)

PROSPECTIVE

## [<sup>F28</sup>SCHEDULE 1A

### TRANSFER OF ACCRUED BENEFITS

#### **Textual Amendments**

**F28** [Sch. 1A](#) inserted (*prosp.*) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), ss. 81, 124, [Sch. 13](#)

#### **PART I**

#### GENERAL

#### *Interpretation*

1 [ In this Schedule—  
<sup>F29</sup>(1)]

[<sup>F30</sup>“authorised insurer” means—

- (i) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out contracts of long-term insurance, or
- (ii) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out contracts of long-term insurance;]

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

“disregarded service”, in relation to any member of a scheme, means any period of service in judicial office during which an election under section 14A(9) above is in force in respect of the qualifying member;

“normal pension age” means the earliest age at which, if his service had continued until retirement at that age, a member of a scheme might have been entitled to receive a pension under the scheme;

“prescribed” means prescribed by regulations;

“protected rights” has the same meaning as in the [<sup>F31</sup>the Pension Schemes Act 1993] and, in relation to Northern Ireland, the [<sup>F32</sup>the Pension Schemes (Northern Ireland) Act 1993];

“qualifying member” means a person to whom Part II of this Schedule applies;

“qualifying service” means the service, or relevant service, by reference to which a qualifying member’s entitlement to benefit under the scheme is calculated; and

“scheme” means the relevant occupational pension scheme constituted by this Act or the Sheriffs’ Pensions (Scotland) Act <sup>M5</sup>1961.

[<sup>F33</sup>(2) The definition of “authorised insurer” in sub-paragraph (1) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section;
- (c) Schedule 2 to that Act.]

#### Textual Amendments

- F29** Sch. 1A para. 1 becomes Sch. 1A para. 1(1) (1.12.2001) by virtue of 1990 c.41, Sch. 13 (as amended (1.12.2001) by S.I. 2001/3649, art. 326(1)(2))
- F30** Sch. 1A para. 1: definition of “authorised insurer” substituted for definition of “authorised insurance company” (1.12.2001) by 1990 c. 41, Sch. 13 (as amended (1.12.2001) by S.I. 2001/3649, art. 326(1)(3))
- F31** Words in Sch. 1A para. 1 substituted (7.2.1994) by 1993 c. 48, s. 190, Sch. 8 para. 14(a) (with s. 164); S.I. 1994/86, art. 2
- F32** Words in Sch. 1A para. 1 substituted (N.I.) (7.2.1994) by 1993 c. 49, s. 184, Sch. 7 para. 18(a); S.R. 1994/17, art. 2
- F33** Sch. 1A para. 1(2) inserted (1.12.2001) by 1990 c. 41, Sch. 13 (as amended (1.12.2001) by S.I. 2001/3649, art. 326(1)(4))

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

- C1** Sch. 1A para. 1 amended (1.7.1994) by S.I. 1994/1696, reg. 68, Sch. 8 Pt. I para. 7(2)

#### Marginal Citations

- M5** 1961 c. 42 (71:2).

### *Regulations*

- 2 Regulations for the purposes of this Schedule—
- (a) may be made, with the concurrence of the Treasury, by the Lord Chancellor or, in relation to Scotland, the Secretary of State;
  - (b) shall be made by statutory instrument;

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament;
- (d) may make different provision for different cases; and
- (e) may make provision for consequential, transitional and incidental matters.

*Other provisions about transfer values*

- 3 [F34 Chapter 1 of Part 4ZA of the Pension Schemes Act 1993] (transfer values) and [F35 Chapter 1 of Part 4ZA of the Pension Schemes (Northern Ireland) Act 1993] (corresponding Northern Ireland provisions) shall not apply in relation to those schemes to which this Schedule applies.

**Textual Amendments**

- F34** Words in Sch. 1A para. 3 substituted (6.4.2015) by [Pension Schemes Act 2015 \(c. 8\), s. 89\(3\)\(b\), Sch. 4 para. 1](#) (with s. 87)
- F35** Words in Sch. 1A para. 3 substituted (6.4.2015) by [Pension Schemes Act 2015 \(c. 8\), s. 89\(3\)\(b\), Sch. 4 para. 47](#) (with s. 87)

**PART II**

TRANSFERS OUT

*Qualifying members*

- 4 (1) Where the conditions mentioned in sub-paragraph (2) are satisfied, this Part of this Schedule applies to any person—
- (a) to or in respect of whom benefits are payable under a scheme; and
  - (b) whose qualifying service ends after this Schedule comes into force.
- (2) The conditions are that—
- (a) his qualifying service ends at least one year before he reaches normal pension age; and
  - (b) on the date on which it ends—
    - (i) he has accrued rights to benefit under the scheme; or
    - (ii) he would have such rights if his service in judicial office had also ended on that date.

*Qualifying member's right to a transfer payment*

- 5 (1) When his qualifying service ends, a qualifying member acquires a right to the cash equivalent at the relevant date of any benefits—
- (a) which have accrued to, or in respect of him, under the scheme; or
  - (b) where service of his in judicial office is disregarded service, which would have so accrued if his service in judicial office had ended on the same date as that on which his qualifying service ended.
- (2) In this paragraph “the relevant date” means—
- (a) the date when the qualifying member's qualifying service ends; or

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) the date of any application which he has made under paragraph 6 and which has not been withdrawn,  
 whichever is the later.

*Method of taking cash benefit*

- 6 (1) A qualifying member who acquires a right to a cash equivalent under paragraph 5 may only take it by exercising the option conferred by this paragraph.
- (2) The option is that of requiring the Treasury to use the cash equivalent in whichever of the following ways the qualifying member chooses—
- (a) for acquiring transfer credits allowed under the rules of another occupational pension scheme—
- (i) whose trustees or managers are able and willing to accept him; and
- (ii) which satisfies prescribed requirements;
- (b) for acquiring rights allowed under the rules of a personal pension scheme—
- (i) whose trustees or managers are able and willing to accept him; and
- (ii) which satisfies prescribed requirements;
- (c) for purchasing from one or more authorised [<sup>F36</sup>insurers] —
- (i) chosen by the qualifying member; and
- (ii) willing to accept payment on his account from the Treasury, one or more annuities which satisfy prescribed requirements;
- (d) for subscribing to other pension arrangements which satisfy prescribed requirements.
- (3) Without prejudice to the generality of the power to prescribe requirements under sub-paragraph (2), such requirements may provide that pension arrangements or a scheme or annuity must satisfy such requirements of [<sup>F37</sup>the Commissioners for Revenue and Customs] as may be prescribed.
- (4) A qualifying member may exercise his option in different ways in relation to different portions of his cash equivalent.
- (5) A qualifying member who exercises his option must do so in relation to the whole of his cash equivalent or, where sub-paragraph (6) applies, in relation to the whole of the reduced cash equivalent.
- (6) Where—
- (a) the trustees or managers of—
- (i) an occupational pension scheme which is not a contracted-out scheme, or
- (ii) a personal pension scheme which is not an appropriate scheme under [<sup>F38</sup>section 7 of the Pension Schemes Act 1993], [<sup>F39</sup>section 3 of the Pension Schemes (Northern Ireland) Act 1993] or under any prescribed provision, or
- (iii) a self-employed pension arrangement within the meaning of regulation 2D of the Occupational Pension Schemes (Transfer Values) Regulations <sup>M6</sup>1985, regulation 2D of the Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) <sup>M7</sup>1985, regulation 2A of the Personal Pension Schemes (Transfer Values) Regulations <sup>M8</sup>1987, regulation 2A of the Personal Pension

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Schemes (Transfer Values) Regulations (Northern Ireland) <sup>M9</sup>1987  
or any other prescribed provision,

are able or willing to accept a transfer payment only in respect of a qualifying member's rights other than his accrued rights to a guaranteed minimum pension or his protected rights; and

- (b) the member has not required the Treasury to use the portion of his cash equivalent which represents a guaranteed minimum pension or protected rights in any of the ways specified in sub-paragraph (2),

paragraph 5, this paragraph and paragraph 7 are to be read as conferring on the member an option only in respect of the reduced cash equivalent.

- (7) In this paragraph “reduced cash equivalent” means a sum equal to the balance of the cash equivalent to which the qualifying member would be entitled if sub-paragraph (6) did not apply, after deduction of an amount sufficient for the Treasury to meet its liability in respect of the member's guaranteed minimum pension or protected rights or those of his widow, or her widower.

#### Textual Amendments

- F36** Words in Sch. 1A para. 6(2)(c) substituted (1.12.2001) by 1990 c. 41 (as amended (1.12.2001) by S.I. 2001/3649, **art. 326(1)(5)**)
- F37** Words in Sch. 1A para. 6(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), ss. 50, 53(1), **Sch. 4 para. 29**; S.I. 2005/1126, **art. 2(2)(h)**
- F38** Words in Sch. 1A para. 6(6)(a)(ii) substituted (7.2.1994) by 1993 c. 48, s. 190, **Sch. 8 para. 14(c)** (with s. 164); S.I. 1994/86, **art. 2**
- F39** Words in Sch. 1A para. 6(6)(a)(ii) substituted (N.I.) (7.2.1994) by 1993 c. 49, s. 184, **Sch. 7 para. 18(c)**; S.R. 1994/17, **art. 17**, art. 2

#### Marginal Citations

- M6** S.I. 1985/1931.
- M7** S.R. 1985 No. 358.
- M8** S.I. 1987/1112.
- M9** S.R. 1987 No. 290.

#### *Calculation of cash equivalents*

- 7 (1) Cash equivalents are to be calculated and verified in the prescribed manner.
- (2) Regulations made under sub-paragraph (1) may, in particular, provide—
- (a) that in calculating cash equivalents account shall be taken—
- (i) of any surrender or forfeiture of the whole or part of a qualifying member's pension which occurs before the Treasury does what is needed to comply with the choice made by him in exercising his option;
- (ii) in a case where paragraph 6(6) applies, of the need to deduct an appropriate amount to provide a guaranteed minimum pension or give effect to protected rights; and
- (b) that in prescribed circumstances a qualifying member's cash equivalent shall be increased or reduced.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) Without prejudice to the generality of sub-paragraph (2), the circumstances that may be specified by virtue of paragraph (b) of that sub-paragraph include the length of time which elapses between the termination of a qualifying member's qualifying service and his exercise of the option conferred by paragraph 6.

*Time within which option must be exercised*

- 8 (1) A qualifying member may only exercise his option on or before the last option date.
- (2) The last option date is—
- (a) the date which falls one year before the date on which the qualifying member reaches normal pension age; or
  - (b) the end of the period of six months beginning with the date on which his qualifying service ends,
- whichever is the later.
- (3) A qualifying member loses the right to any cash equivalent under this Schedule if—
- (a) his pension becomes payable before he reaches normal pension age; or
  - (b) he fails to exercise his option on or before the last option date.

*Option to be exercised in writing*

- 9 (1) A qualifying member may only exercise his option by making an application in writing to the Treasury.
- (2) In any case where—
- (a) a qualifying member has exercised his option; and
  - (b) the Treasury has done what is needed to comply with the choice made by him in exercising his option,
- the Treasury shall be discharged from any obligation to provide benefits to which the cash equivalent related except, in any such cases as are mentioned in paragraph 6(6), to the extent that an obligation to provide guaranteed minimum pensions or give effect to protected rights continues to subsist.
- (3) If the Treasury receives an application under this paragraph, it shall be its duty, subject to the following provisions of this paragraph, to do what is needed to comply with the choice made by the qualifying member in exercising his option—
- (a) within twelve months of the date on which it receives his application; or
  - (b) by the date on which he attains normal pension age,
- whichever is the earlier.

*Cancellation of exercise of option*

- 10 (1) A qualifying member may cancel the exercise of his option by giving the Treasury notice in writing that he no longer wishes it to be exercised.
- (2) No such notice shall have effect if it is given to the Treasury at a time when, in order to comply with the choice made by the qualifying member in exercising his option, the Treasury has entered into an agreement with a third party to use the whole or part of his cash equivalent in a way specified in paragraph 6(2)(a), (b), (c) or (d).
- (3) A qualifying member who withdraws an application may make another.



*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### PART III

#### TRANSFERS IN

##### *Application to accept payment into scheme*

- 11 (1) Where a member of a scheme has asked the appropriate Minister to accept a payment representing the cash equivalent of his accrued rights in any other qualifying scheme, that Minister may—
- (a) to the extent to which it does not exceed the prescribed limit, accept the payment or any part of it; or
  - (b) refuse to accept the payment or any part of it.
- (2) A request under sub-paragraph (1) must be made—
- (a) in writing;
  - (b) before the person making it has reached normal pension age; and
  - (c) not less than one year before he becomes entitled to a pension on retirement from his qualifying service.
- (3) In this paragraph—
- “the prescribed limit” means the limit prescribed by regulations made by virtue of paragraph 13(a);
  - “qualifying scheme” means—
    - (a) an occupational pension scheme, a personal pension scheme, or an annuity purchased from an authorised [<sup>F40</sup>insurer], which satisfies prescribed requirements; or
    - (b) other prescribed pension arrangements; and
- “the appropriate Minister” means the Lord Chancellor, or, in relation to a member serving in an office existing only in Scotland, the Secretary of State.

#### Textual Amendments

- F40** Sch. 1A para. 11: words in definition of “qualifying scheme” substituted (1.12.2001) by 1990 c. 41 (as amended (1.12.2001) by S.I. 2001/3649, art. 326(1)(6))

##### *Cancellation of request*

- 12 (1) A member may, by notice in writing given to the appropriate Minister, cancel a request made by him under paragraph 11, at any time before it has been accepted.
- (2) A transferring member who withdraws an application may make another.

##### *Regulations*

- 13 Regulations may—
- (a) prescribe limits on the amounts which the appropriate Minister may accept under paragraph 11(1) above;
  - (b) make provision as to the manner in which payments are to be accepted into a scheme under this Part of this Schedule;

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) make provision as to the benefits which are to be provided to a member to reflect any such payment accepted with respect to him;
- (d) prescribe formulae, based on tables of factors provided by the Government Actuary, to be used when performing any calculation relating to the acceptance of transfer payments or the provision of benefits.

## SCHEDULE 2

Section 36.

### TRANSITORY PROVISIONS

#### PART I

##### *The Higher Judiciary*

- 1 (1) In the <sup>M10</sup>case of a person holding high judicial office on 17 December 1959 who did not elect that sections 1 and 2 of the Judicial Pensions Act 1959 should apply to him section 2 of this Act shall have effect as if the provisions about retirement on attaining the age of 70 were omitted.
- (2) The reference in section 3(1) of this Act to the judicial offices described in Part I of Schedule 1 to the <sup>M11</sup>House of Commons Disqualification Act 1975 shall include a reference to judge of a county court in England and Wales or any other office listed in paragraph 1(1) or (2) of Schedule 2 to the <sup>M12</sup>Courts Act 1971 (judicial offices abolished by that Act).
- (3) Nothing in Chapter I of Part I of this Act, or in the repeals made by this Act in the <sup>M13</sup>Judicial Pensions Act 1959, shall affect the rate or amount of any pension or benefit payable to or in respect of a person who retired or died before 17 December 1959.
- (4) Subject to sub-paragraph (3) above Chapter I of Part I of this Act shall apply in relation to persons who retired or died before the commencement of this Act.

#### **Marginal Citations**

- M10** 1959 (8 & 9 Eliz. 2) c. 9.  
**M11** 1975 c. 24.  
**M12** 1971 c. 23.  
**M13** 1959 (8 & 9 Eliz. 2) c.9.

##### *Circuit judges*

- 2 (1) Section 5 and the other provisions of this Act relating to Circuit judges have effect subject to Part II of Schedule 2 to the <sup>M14</sup>Courts Act 1971 (office-holders becoming Circuit judges).
- (2) The city council of Liverpool and the city council of Manchester shall be liable to pay to the Lord Chancellor under section 10(2) of the <sup>M15</sup>Criminal Justice Administration Act 1956, at such times as may be agreed between him and the council concerned,

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

one-half or such other part as may with the concurrence of [<sup>F41</sup>the Treasury] be so agreed, of any sums payable under that Act on account of any pension or other benefit payable after 1st January 1972 in respect of any person's service as Recorder of Liverpool or Recorder of Manchester before that date.

#### Textual Amendments

**F41** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 118(4)(c)

#### Marginal Citations

**M14** 1971 c. 23.

**M15** 1956 c. 34.

#### *Stipendiary magistrates in England and Wales*

- 3 In the case of a person who at a time immediately before 1st April 1974 held office as a stipendiary magistrate under section 29 of the Justices of the <sup>M16</sup>Peace Act 1949 contributions to his pension under section 7 of this Act, and to any derivative benefit, shall be paid and borne under the law in force at that time, and as if his service as a stipendiary magistrate after the beginning of April 1974 had been service as a metropolitan stipendiary magistrate.

#### Marginal Citations

**M16** 1949 c. 101.

- 4 This Act shall not apply to a pension or other benefit payable wholly in respect of service, as a stipendiary magistrate in England or Wales, ending before 1st April 1974, or affect the person by whom or manner in which any such benefits are to be paid or borne.
- 5 In relation to persons who did not serve as stipendiary magistrates in England and Wales after the beginning of April 1974, in the Table in section 16 of this Act for the entry relating to such magistrates substitute—

“Metropolitan police magistrate	Service as a metropolitan police magistrate or as a stipendiary magistrate.
Stipendiary magistrate pensionable under section 33 of the Justices of the Peace Act 1949	Service as a stipendiary magistrate or as a metropolitan police magistrate.”

#### *Application of Part II to certain abolished offices*

- 6 (1) Section 16 of this Act shall have effect as if the Table included the following entries.

Judge appointed for a district under the <sup>M17</sup> County Courts Act 1934.	Service as a judge appointed for a district under the County Courts Act 1934.
---	---

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Industrial Injuries Commissioner.	Salaried service as an Industrial Injuries Commissioner, or in any other capacity if service in that other capacity counts for pension as an Industrial Injuries Commissioner.
President of Industrial Court.	Service as president of the Industrial Court, or in any other capacity counting for pension under the Superannuation (President of the <sup>M18</sup> Industrial Court) Act 1954.
Recorder of Liverpool or Manchester.	Service as judge of the Crown Courts at Liverpool and Manchester.

- (2) The entry at the end of the Table in section 16 of this Act (certain Supreme Court officers) shall have effect as if paragraph 1 of Schedule 1 to this Act included the offices of Official Referee and Clerk of Assize.

#### **Marginal Citations**

**M17** 1934 c. 53.

**M18** 1954 c. 37.

#### *Officers within Schedule 1 to this Act*

- 7 (1) This paragraph has effect as respects an officer of the Supreme Court within paragraph 1 of Schedule 1 to this Act, or a president of the Transport Tribunal, who retired or died before 20 December 1960, after not less than 5 years relevant service.
- (2) The annual rate of the pension which is or would be payable to him under paragraph 4 of Schedule 1 to this Act shall not exceed 10/80ths of his last annual salary plus 3/160ths for each completed year of relevant service exceeding 5, but the maximum shall be one half of his last annual salary.
- (3) This paragraph applies instead of paragraph 4(3) and (4) of Schedule 1 to this Act, and has effect subject to paragraph 12(3) below.
- 8 (1) This paragraph has effect as respects a county court registrar or assistant registrar who retired or died before 1st December 1969 after not less than 5 years relevant service.
- (2) The annual rate of the pension which is or would be payable to him under paragraph 4 of Schedule 1 to this Act shall not exceed 1/12th of his last annual salary plus 1/48th for each completed year of relevant service exceeding 5, but the maximum shall be one half of his last annual salary.
- (3) This paragraph applies instead of paragraph 4(3) and (4) of Schedule 1 to this Act, and has effect subject to paragraph 12(3) below.
- 9 (1) Schedule 1 to this Act shall not apply to a county court registrar appointed before 16th July 1956 who gave notice under proviso (a) of section 21(1) of the <sup>M19</sup>County Courts Act 1934 (election for pension provisions for persons in court service).

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) In determining the relevant service of a county court registrar or assistant registrar for the purpose of section 16 of, and Schedule 1 to, this Act no account shall be taken of service as an assistant registrar before 16th July 1956.

**Marginal Citations**

**M19** 1934 c. 53.

*High Court registry at Liverpool or Manchester*

- 10 (1) The repeals made by this Act in the County Courts Act 1924 shall not affect any pension payable under that Act to a person who retired before the commencement of this Act, and any such pension shall continue to be payable accordingly.
- (2) Section 16 of this Act shall have effect as if the Table included the following entry—

Registrar of the district registry of the High Court at Liverpool or Manchester	Service as a registrar of the district registry of the High Court at Liverpool or Manchester.
---	---

*Judicial offices within Chapter II of Part I*

- 11 Subject to the preceding provisions of this Schedule, Chapter II of Part I of this Act and Schedule 1 to this Act shall apply to persons who retired or died before the commencement of this Act.

**PART II**

DERIVATIVE BENEFITS

*Person serving on 15 December 1950: election against all derivative benefits*

- 12 (1) This paragraph applies to a person in whose case an election is in force under section 11(1) of the <sup>M20</sup>Administration of Justice (Pensions) Act 1950 (election by person serving in a judicial office on 15 December 1950).
- (2) Eligibility for a pension in relation to which that service was relevant service shall not satisfy the conditions under which a lump sum or widow's or children's pension may be granted under Part II of this Act.
- (3) Part I of this Act, paragraph 4 of Schedule 1 to this Act and paragraphs 7 and 8 above shall have effect in relation to a person to whom this paragraph applies as if for any reference to his last annual salary there were substituted a reference to the amount of that salary increased by one-third, and a corresponding adjustment shall be made in determining the amount of a pension under section 10 of this Act.
- (4) In applying this paragraph and paragraph 13 below account shall be taken of any revocation of the election in question under section 10(4)(c) of the <sup>M21</sup>Administration of Justice Act 1973, or under any provision of the <sup>M22</sup>Administration of Justice (Pensions) Act 1950.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Marginal Citations

- M20** 1950 (14 & 15 Geo. 6) c. 11.  
**M21** 1973 c. 15.  
**M22** 1950 (14 & 15 Geo. 6) c. 11.

#### *Persons serving on 15 December 1950: election against benefits for widow and children*

- 13 (1) This paragraph applies to a person in whose case an election is in force under subsection (2) of the said section 11 (alternative election by person serving in a judicial office on 15 December 1950).
- (2) Eligibility for a pension in relation to which that service was relevant service shall not satisfy the conditions under which a widow's or children's pension may be granted under Part II of this Act.
- (3) Any lump sum payable in respect of that service shall not be reduced under paragraph 23 below, or under section 23 or 24 of this Act.

#### *Relevant service wholly before 18 April 1973*

- 14 (1) Where the relevant service was wholly before 18 April 1973 Part II of this Act shall have effect subject to Part III of this Schedule.
- (2) This paragraph and the said Part III have effect subject to paragraphs 12 and 13 above.

#### *Persons serving on 18 April 1973: election for application of paragraph 14 above*

- 15 (1) [<sup>F42</sup>Subject to paragraph 28 below,] this paragraph applies in relation to a person in whose case an election is in force under section 10(4)(b) of the <sup>M23</sup>Administration of Justice Act 1973 (election by person serving on 18 April 1973 not to accept the provisions of that section).
- (2) For the purposes of this Part of this Schedule that person shall be treated as if his relevant service was wholly before 18 April 1973.
- [<sup>F43</sup>(3) For the purposes of this paragraph, there shall be left out of account any period of service during which an election under section 14A is in force in respect of a person, and no contribution towards a widow's and children's pension shall be made by that person for that period.]

#### Textual Amendments

- F42** Words inserted (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), **Sch. 18 para. 34**; S.I. 1991/2730, **art. 2**, Sch.
- F43** Sch. 2 para. 15(3) inserted by S.I. 1988/1417, reg. 3, **Sch. para. 3(a)**

#### Marginal Citations

- M23** 1973 c. 15.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Pension not wholly attributable to service after 17 April 1973*

- 16 (1) [<sup>F44</sup>Subject to paragraph 28 below,] this paragraph applies in determining the amount of a pension under section 19 or 22 of this Act which is payable partly in respect of relevant service after 17 April 1973 but is not attributable wholly to that service.
- (2) The annual value of the widow's pension or children's pension that may be granted shall be determined in accordance with the following formula.

$$\frac{P1 \times RS1}{RS1 + RS2} + \frac{P2 \times RS2}{RS1 + RS2}$$

where—

- P1 is the annual amount of the pension that might be granted under Part II of this Act with the modifications in Part III of this Schedule,  
P2 is the annual amount of the pension that might be granted under Part II of this Act without those modifications,  
RS1 is the length of relevant service before 18 April 1973,  
RS2 is the remainder of the relevant service.

- [<sup>F45</sup>(2A) There shall be left out of account, in calculating RS2 in sub-paragraph (2) above, any period of service during which an election under section 14A is in force in respect of a person.]
- (3) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service before 18 April 1973 as does not add to the amount of the personal pension, and accordingly this paragraph shall not apply if none of the relevant service before that date adds to the amount of the personal pension.

**Textual Amendments**

- F44** Words inserted (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), **Sch. 18 para. 34**; S.I. 1991/2730, art. 2, **Sch.**
- F45** **Sch. 2 para. 16(2A)** inserted by S.I. 1988/1417, reg. 3, **Sch. para. 3(b)**

*Persons serving on 18 April 1973: election for pensions  
wholly attributable to service on or after that date*

- 17 (1) This paragraph applies in relation to a person in whose case an election is in force under section 10(4)(a) of the <sup>M24</sup>Administration of Justice Act 1973 (election by person serving on 18 April 1973).
- (2) For the purposes of this Part of this Schedule that person shall be treated as if his relevant service was wholly after 17 April 1973.

**Marginal Citations**

- M24** 1973 c. 15.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Saving for provisions about elections*

- 18 The repeals made by this Act shall not affect any election, or revocation of an election, mentioned in this Part of this Schedule, or the power of making regulations as respects those elections which is conferred by section 10(4) of the Administration of Justice Act 1973.

**PART III**

MODIFICATION OF PART II IN RELATION TO SERVICE BEFORE APRIL 1973

- 19 In the cases specified in paragraphs 14 and 15 above Part II of this Act shall have effect subject to the modifications in this Part of this Schedule.

*Widow's pension*

- 20 In section 19(3) for “one half” substitute “ one third ”.

*Children's pension*

- 21 In section 22 for subsections (2) and (3) substitute—
- “(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 three or more in number, may amount to one-third of the annual amount of the personal pension;
  - (b) while the said persons are two in number, may amount to one-quarter of the annual amount of the personal pension;
  - (c) while there is only one such person, may amount to one-sixth of the annual amount of the personal pension.
- (3) Subject to the provisions of the next succeeding subsection 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 four or more in number, may amount to one-third of the annual amount of the personal pension;
  - (b) while the said persons are three in number, may amount to one-quarter of the annual amount of the personal pension;
  - (c) while the said persons are two in number, may amount to one-sixth of the annual amount of the personal pension;
  - (d) while there is only one such pension, may amount to one-twelfth of the annual amount of the personal pension.”

*Contributions*

- 22 Neither section 23, nor any regulations under that section, shall apply, and except where section 24 applies (judicial office held by a woman) contributions towards the cost of any pension or pensions under section 19 or 22 of this Act shall be made in accordance with paragraph 23 below.



*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 23 (1) The contribution shall take the form of a reduction in the lump sum which may be granted under section 17 of this Act in respect of the man's service.
- (2) The amount of the contribution shall be equal to the annual amount of the personal pension:
- Provided that where the man last had a wife at a time before the end of his relevant service (leaving out of account any marriage after the end of that service) the amount of that contribution shall be the annual amount of the personal pension—
- (a) multiplied by the number of years of his relevant service completed before that time, and
- (b) divided by the number of his years of relevant service completed in all.
- (3) No contribution shall be made in the case of a man who at no time during his relevant service had a wife.

#### [<sup>F46</sup> PART IV

#### WIDOWER'S PENSIONS

##### Textual Amendments

**F46** Sch. 2 Pt. IV (paras. 24–28) inserted (E.W.S.) (1.1.1992) by [Courts and Legal Services Act 1990 \(c. 41, SIF 67:1\)](#), s. 79(2), [Sch. 12](#); S.I. 1991/2730, art. 2, [Sch.](#)

##### *General*

- <sup>F47</sup>24 In this Part of this Schedule—
- “the commencement date” means the date on which Schedule 12 to the Courts and Legal Services Act 1990 came into force;
- “the publication date” means the date of publication, by order of the House of Lords, of the Bill for the Courts and Legal Services Act 1990, that is to say 7th December 1989; and
- “member” means a female person who holds judicial office and to or in respect of whom benefits are payable under this Act, or the <sup>M25</sup>Sheriffs' Pensions (Scotland) Act 1961, on her retirement.

##### Textual Amendments

**F47** Sch. 2 Pt. IV (paras. 24–28) inserted (E.W.S.) (1.1.1992) by [Courts and Legal Services Act 1990 \(c. 41, SIF 67:1\)](#), s. 79(2), [Sch. 12](#); S.I. 1991/2730, art. 2, [Sch.](#)

##### Marginal Citations

**M25** 1961 c. 42

##### *Service wholly before the commencement date*

- <sup>F48</sup>25 Subject to paragraph 26, no widower's pension shall be payable in respect of a member who retires on or before the commencement date.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Textual Amendments

**F48** Sch. 2 Pt. IV (paras. 24-28) inserted (E.W.S.) (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 67:1), s. 79(2), Sch. 12; S.I. 1991/2730, art. 2, Sch.

#### *Members retiring between publication and commencement date*

- <sup>F49</sup>26 (1) A member who retires—
- (a) on or after the publication date; but
  - (b) before the commencement date,
- may, before the end of the period of six months beginning with the commencement date, opt for her husband to be entitled to a widower's pension on her death.
- (2) Regulations may make provision as to—
- (a) the manner and form in which an option under this paragraph is to be exercised;
  - (b) the payment, by any member exercising such an option, of a contribution towards the cost of liability for the widower's pension; and
  - (c) the annual value of a widower's pension granted as a result of the exercise of the option given by this paragraph.

#### Textual Amendments

**F49** Sch. 2 Pt. IV (paras. 24-28) inserted (E.W.S.) (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 67:1), s. 79(2), Sch. 12; S.I. 1991/2730, art. 2

#### *Service partly before and partly after the commencement date*

- <sup>F50</sup>27 (1) No widower's pension shall be payable in respect of a member who—
- (a) holds judicial office on or before the commencement date; and
  - (b) continues to do so after that date,
- unless, before the end of the period of six months beginning with that date, she opts for her husband to be entitled to a widower's pension on her death.
- (2) A member exercising such an option shall specify whether the annual value of the widower's pension is to be calculated—
- (a) under sub-paragraph (3); or
  - (b) on the assumption that all her relevant service fell after the commencement date.
- (3) Where the annual value of a widower's pension falls to be calculated under this sub-paragraph its value shall be determined by applying the formula—

$$WP1 \times \frac{WP2 \times RS1}{RS2}$$

where-

WP1 is the annual value of the widower's pension,

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

WP2 is the annual value of the widower's pension that would be payable on the assumption mentioned in sub-paragraph (2)(b),

RS1 is the length of the member's relevant service after the commencement date, and

RS2 is the whole of her relevant service.

- (4) No period of service during which an election under section 14A is in force in respect of the member concerned shall be taken into account for the purposes of any calculation under sub-paragraph (3).
- (5) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service before the commencement date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service before that date adds to the amount of the personal pension.

#### Textual Amendments

**F50** Sch. 2 Pt. IV (paras. 24-28) inserted (E.W.S.) (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 67:1), s. 79(2), Sch. 12; S.I. 1991/2730, art. 2, Sch.

#### *Pension not wholly attributable to service after 17 April 1973*

- <sup>F51</sup>28 (1) This paragraph applies to a member who, apart from this paragraph, would be a person to whom paragraph 15 or 16 of Part II of this Schedule applies.
- (2) Where such a member has exercised an option under paragraph 26 or 27, this paragraph shall apply in respect of her, and paragraph 15 or, as the case may be, paragraph 16 shall cease to apply.
  - (3) For the purposes of calculating the annual value of—
    - (a) the widower's pension payable in respect of such a member; and
    - (b) any children's pension so payable,the member shall be treated as if none of her relevant service fell before 18 April 1973.]

#### Textual Amendments

**F51** Sch. 2 Pt. IV (paras. 24-28) inserted (E.W.S.) (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 67:1), s. 79(2), Sch. 12; S.I. 1991/2730, art. 2, Sch.

## [<sup>F52</sup>PART 5

### SURVIVING CIVIL PARTNERS' PENSIONS

#### Textual Amendments

**F52** Sch. 2 Pt. 5 inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), art. 67

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### General

- 29 In this Part of this Schedule—
- “the relevant date” means 4th December 2005; and
- “member” means a person who holds judicial office and to or in respect of whom benefits are payable under this Act, or the Sheriffs' Pensions (Scotland) Act 1961<sup>F53</sup>, on his or her retirement.

#### Textual Amendments

F53 1961 c. 42.

#### *Service wholly on or before the relevant date*

- 30 No surviving civil partner's pension shall be payable in respect of a member who retires on or before the relevant date.

#### *Service on and after the relevant date*

- 31 (1) A member who—
- (a) holds judicial office on the relevant date; and
  - (b) continues to do so after that date,
- shall have the annual value of a surviving civil partner's pension in respect of the member calculated on the assumption that all of the member's relevant service fell after the relevant date.
- (2) Sub-paragraph (1) does not apply if, within six months of the date of the member's formation of a civil partnership, the member opts for the annual value of the surviving civil partner's pension to be calculated under sub-paragraph (3).
- (3) Where the annual value of a surviving civil partner's pension falls to be calculated under this sub-paragraph, its value shall be determined by applying the formula—

$$CPP1 = (CPP2 \times RS1) \text{divided by } RS2$$

where—

CPP1 is the annual value of the surviving civil partner's pension,

CPP2 is the annual value of the surviving civil partner's pension that would be payable on the assumption mentioned in sub-paragraph (1),

RS1 is the length of the member's relevant service after the relevant date, and

RS2 is the whole of the member's relevant service.

- (4) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service on or before the relevant date as does not add to the amount of the personal pension and accordingly this paragraph shall not apply if none of the relevant service on or before that date adds to the amount of the personal pension.
- (5) An election under sub-paragraph (2) must be made in writing to the administrators.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) An election under sub-paragraph (2) is irrevocable.]

### SCHEDULE 3

Section 36.

#### CONSEQUENTIAL AMENDMENTS

##### *Supreme Court of Judicature (Consolidation) Act 1925 (c. 49)*

[<sup>F54</sup> Section 118 of the Supreme Court of Judicature (Consolidation) Act 1925 (which treats certain officers of the Supreme Court as employed in the civil service for the purposes of salary and pension) so far as it relates to pension shall not apply to any officer of the Supreme Court within paragraph 1 of Schedule 1 to this Act.]

#### Textual Amendments

**F54** Sch. 3 para. 1 repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

##### *Superannuation Act 1965 (c. 74)*

2 In section 39A of the Superannuation Act 1965 (inserted by section 30 of the Administration of Justice Act 1969) for subsection (6) substitute—

“(6) In this section—

“judicial office” means any judicial office as defined in section 16 of the Judicial Pensions Act 1981, with paragraphs 5, 6 and 10 of Schedule 2 to that Act and any office to which Part II of that Act applies as it applies to a judicial office so defined,

“judicial office remunerated out of central funds” means any judicial office with the exception of stipendiary magistrate pensionable under section 33 of the Justices of the Peace Act 1949, or recorder of Liverpool or Manchester,

“pension” has the meaning assigned to it by section 38(6) of this Act.”

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

**C2** The text of Sch. 3 paras. 2–5, 6(3)(4), 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

##### *Parliamentary Commissioner Act 1967 (c. 13)*

3 (1) Schedule 1 to the Parliamentary Commissioner Act 1967 shall be amended as follows.

(2) In paragraph 1 as amended by paragraph 63 of Schedule 6 to the Superannuation Act 1972 for “Schedule 1 to the Judicial Pensions Act 1959” substitute “ section 1 of the Judicial Pensions Act 1981 ”.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) In paragraph 2 for the words from “Judicial Pensions Act 1959” to “dependants pensions)” substitute “sections 2 to 4 and 17 to 24 of the Judicial Pensions Act 1981, ”, and for the words from “Schedule 1 to the said Act of 1959” to the end of the paragraph substitute “section 1 of the Judicial Pensions Act 1981 and service in any such office ”.

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

- C3** The text of Sch. 3 paras. 2–5, 6(3)(4), 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)*

- 4 (1) The Superannuation (Miscellaneous Provisions) Act 1967 shall be amended as follows.
- (2) In section 3(3) for “the Administration of Justice (Pensions) Act 1950” substitute “section 6 of the Judicial Pensions Act 1981 ”.
- (3) For section 3(4) substitute—
- “(4) This section applies to the following offices—
- Sheriff principal or salaried sheriff in Scotland.  
 Judge Advocate General.  
 Member of Lands Tribunal, or Lands Tribunal for Scotland.  
 Chairman of the Scottish Land Court.  
 President of [<sup>F55</sup>employment tribunals], or other office pensionable under section 12 of the Judicial Pensions Act 1981.  
 Social Security Commissioner.  
 Any office within paragraph 1 of Schedule 1 to the Judicial Pensions Act 1981 (certain officers of Supreme Court in England and Wales, county court registrars and president of the Transport Tribunal).  
 Permanent Secretary to the Lord Chancellor.  
 Official Solicitor to the Supreme Court.  
 Registrar, Chancery Division of the Supreme Court.  
 Lord Chancellor’s Medical Visitor.  
 Member of the Restrictive Practices Court appointed under section 3(1) of the Restrictive Practices Act 1976.”

**Textual Amendments**

- F55** Words in Sch. 3 para. 4 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

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

- C4** The text of Sch. 3 paras. 2–5, 6(3)(4), 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

*Courts Act 1971 (c. 23)*

- 5 In section 19(5) of the Courts Act 1971 for “the Administration of Justice (Pensions) Act 1950” substitute “ section 16 of the Judicial Pensions Act 1981 ”.

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

**C5** The text of Sch. 3 paras. 2–5, 6(3)(4), 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 6 (1) Schedule 2 to the <sup>M26</sup>Courts Act 1971 shall be amended as follows.
- (2) In paragraphs 5, 6, 7 and 8 references to section 19 of that Act shall include references to section 5 and Part II of this Act.
- (3) In paragraph 9(1)(a) for “19 of this Act” substitute “ 5 of the Judicial Pensions Act 1981 ”.
- (4) In paragraph 9(1)(b) for “subsection (5) of that section” substitute “ section 19(5) of this Act ”.

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

**C6** The text of Sch. 3 paras. 2–5, 6(3)(4), 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M26** 1971 c. 23.

*Pensions (Increase) Act 1971 (c. 56)*

- 7 (1) The Pensions (Increase) Act 1971 shall have effect in relation to the pensions specified in sub-paragraph (2) below as if they were included in Part I of Schedule 2 to that Act.
- (2) (a) pension payable under Part I of, or Schedule 1 to, this Act, other than a pension payable under section 11 of this Act.
- (b) A pension payable out of the Consolidated Fund, or out of money provided by Parliament, under Part II of this Act.
- (3) Sub-paragraph (2)(b) above includes a [<sup>F56</sup>widow's, widower's, surviving civil partner's] or children's pension in respect of service as chairman or deputy chairman of the Monopolies and Mergers Commission, or a pension payable out of money provided by Parliament in accordance with any recommendation under paragraph 5 of Schedule 1 to the Monopolies and Mergers Act 1965.
- (4) In the case of a pension under section 13 of this Act it shall be the duty of the Secretary of State to increase the pension in accordance with the <sup>M27</sup>Pensions (Increase) Act 1971.

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F56** Words in Sch. 3 para 7(3) substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), **art. 68**

**Marginal Citations**

**M27** 1965 c. 50.

*Superannuation Act 1972 (c. 11)*

- 8 (1) In section 13(1) of the Superannuation Act 1972 for “Schedule 1 to the Judicial Pensions Act 1959” substitute “ section 1 of the Judicial Pensions Act 1981 ”.
- (2) In subsection (2) of the said section 13 for the words from “the Judicial Pensions Act 1959” to “dependants’ pensions” substitute “ Chapter I of Part I and sections 17 to 24 of the Judicial Pensions Act 1981 ”, and for the words from “Schedule 1 to the said Act of 1959” to the end of the subsection substitute “ section 1 of that Act and service in any such office ”.

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

**C7** The text of Sch. 3 paras. 2–5, 6(3)(4), 8, 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Administration of Justice Act 1973 (c. 15)*

- 9 In section 9(4) of the Administration of Justice Act 1973 for “the Administration of Justice (Pensions) Act 1950” substitute “ section 16 of the Judicial Pensions Act 1981 ”.

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

**C8** The text of Sch. 3 paras. 2–5, 6(3)(4), 8, 10 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Social Security Act 1980 (c.30)*

**F57**10 .....

**Textual Amendments**

**F57** Sch. 3 para. 10 repealed (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), **Sch. 1** (subject as mentioned (6.3.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), **s. 118(5)(7)** (with s. 118(1)(2)(4))).



*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULE 4

Section 36.

### REPEALS

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

- C9** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of repeal
48 Geo. 3 c. 145.	Judges' Pensions (Scotland) Act 1808.	The whole Act.
17 & 18 Vict. c. 94.	Public Revenue and Consolidated Fund Charges Act 1854.	In Schedule A the entry beginning "Pensions of the Judges in Scotland" and ending "cap. 145".
14 & 15 Geo. 5. c. 17.	County Courts Act 1924.	Sections 4(2) and 10 and Schedule 1.
15 & 16 Geo. 5 c. 49.	Supreme Court of Judicature (Consolidation) Act 1925.	Section 128.  In Schedule 3 Part III.
24 & 25 Geo. 5 c. 53.	County Courts Act 1934.	The whole Act.
25 & 26 Geo. 5 c. 23.	Superannuation Act 1935.	In section 14(1) the proviso, and section 14(2).
12, 13 & 14 Geo. 6 c. 42.	Lands Tribunal Act 1949.	In section 2(6) the words "and to persons who have been members thereof, such superannuation allowances".  In section 2(8) the words "and superannuation allowances of past members".
14 & 15 Geo. 6. c. 2.	Superannuation Act 1950.	The whole Act.
14 & 15 Geo. 6 c. 11.	Administration of Justice (Pensions) Act 1950.	The whole Act.
14 & 15 Geo. 6 c. 46.	Courts-Martial (Appeals) Act 1951.	Section 34.
15 & 16 Geo. 6 & 1 Eliz. 2 c. 12.	Judicial Offices (Salaries,&c) Act 1952.	Section 5.
4 & 5 Eliz. 2 c. 46.	Administration of Justice Act 1956.	Section 12(7).  Section 25.
7 & 8 Eliz. 2c. 22.	County Courts Act 1959.	In Schedule 2 paragraphs 2 and 4.

---

*Status: Point in time view as at 01/04/2007.*

**Changes to legislation:** *Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

7 & 8 Eliz. 2 c. 72.	Mental Health Act 1959.	In Schedule 7, in Part II, the amendment of Schedule 1 to the Administration of Justice (Pensions) Act 1950.
8 & 9 Eliz. 2 c. 9.	Judicial Pensions Act 1959.	Section 1. Section 2(2). In section 3(1) the words from “and in default” to the end of the subsection. Section 4. Section 6. Sections 8 to 11. In Schedule I all the entries in column 2. Schedule 2.
9 & 10 Eliz. 2 c. 3.	Administration of Justice (Judges and Pensions) Act 1960.	Sections 3 and 4.  Schedule 1.
10 & 11 Geo. 6. c. 46.	Transport Act 1962.	In Schedule 10 subparagraphs (2) to (5) of paragraph 8.
1965 c. 2.	Administration of Justice Act 1965.	Section 25.
1965 c. 10.	Superannuation (Amendment) Act 1965.	Section 5.  Schedule 2.
1965 c. 32.	Administration of Estates (Small Payments) Act 1965.	In section 6(1)(b) the words “section 8 of the Superannuation Act 1887”.
1967 c. 28.	Superannuation (Miscellaneous Provisions) Act 1967.	Section 2(1).
1969 c. 58.	Administration of Justice Act 1969.	Section 31.  In section 36(2) and (3) the figure “31”.
1970 c. 31.	Administration of Justice Act 1970.	In Schedule 2 paragraph 17.
1971 c. 23.	Courts Act 1971.	In section 19 subsections (1) to (4) and (6) and in

---

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

---

		subsection (7) paragraphs (b) and (c).
		In Schedule 8 paragraph 32.
		In Schedule 10 paragraphs 11 and 12.
1971 c. 56.	Pensions (Increase) Act 1971.	In Schedule 2 paragraphs 5, 6, 9, 12 and 26.
1972 c. 11.	Superannuation Act 1972.	Section 23(1).
		Schedule 5 except as applied by paragraph 1(2)(a) of Schedule 7.
		In Schedule 6 paragraphs 7, 15 and 28.
1973 c. 15.	Administration of Justice Act 1973.	Section 2(4).
		In section 10 subsections (1) to (7) except as applied by subsection (8), and subsection (9).
		Section 11.
		Section 13.
		In section 20 subsection (1) (c), proviso (b) to subsection (5) and subsection (6)(a).
		In Schedule 1 paragraphs 2 and 11.
		Schedule 4.
1973 c. 41.	Fair Trading Act 1973.	In Schedule 12 the amendment of the Pensions (Increase) Act 1971.
1975 c. 14.	Social Security Act 1975.	In Schedule 10 paragraphs 5 and 6.
1975 c. 18.	Social Security (Consequential Provisions) Act 1975.	In Schedule 2 paragraph 45.
1976 c. 33.	Restrictive Practices Court Act 1976.	Section 11(1).
1978 c. 44.	Employment Protection (Consolidation) Act 1978.	In Schedule 9 paragraph 11.

---

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## STATUTORY INSTRUMENTS

Serial No.	Title	Extent of repeal
S.I. 1965/1026.	Superannuation (Children's Pensions) (Earnings Limit) Order 1965.	The whole order.
S.I. 1974/983.	Pensions Increase (President and Chairmen of [ <sup>F58</sup> Employment Tribunals]) Regulations 1974.	The whole instrument.
S.I. 1974/984.	Pensions Increase (Judicial Pensions) (Amendment) Regulations 1974.	Regulation 3.
S.I. 1979/680.	Superannuation (Children's Pensions) (Earnings Limit) Order 1979.	The whole instrument.
S.I. 1979/1275.	Superannuation (Children's Pensions) (Earnings Limit) (No. 2) Order 1979.	The whole instrument.
S.I. 1980/1610.	Superannuation (Children's Pensions) (Earnings Limit) Order 1980.	The whole instrument.

### Textual Amendments

**F58** Words in [Sch. 4](#) substituted (1.8.1998) by [1998 c. 8, s. 1\(2\)\(b\)](#) (with [s. 16\(2\)](#)); [S.I. 1998/1658, art. 2\(1\)](#), [Sch. 1](#)

**Status:**

Point in time view as at 01/04/2007.

**Changes to legislation:**

Judicial Pensions Act 1981 is up to date with all changes known to be in force on or before 21 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.