



# Courts and Legal Services Act 1990

## 1990 CHAPTER 41

### PART III

#### JUDICIAL AND OTHER OFFICES AND JUDICIAL PENSIONS

##### *Judicial pensions*

#### 79 Widowers' pensions

- (1) The following section shall be inserted in the Judicial Pensions Act 1981, after section 18 (which sets out the conditions on which a widow's pension is payable)—

##### **“18A Widowers' pensions**

- (1) Section 18 above shall have effect in relation to the death of a female person as it has effect in relation to the death of a male person but as if—
- (a) for the words “widow”, “widow's pension” and “wife” there were substituted “widower”, “widower's pension” and “husband”; and
  - (b) for the words “his”, “he” and “him” there were substituted “hers”, “she” and “her”.
- (2) The transitional provisions in Part IV of Schedule 2 to this Act shall have effect in relation to widowers' pensions.”
- (2) The transitional provisions set out in Schedule 12 shall be inserted in the Act of 1981 as Part IV of Schedule 2 to that Act.

#### 80 Widows' and widowers' pensions: supplemental

For section 19 of the Judicial Pensions Act 1981 (determination of widow's pension) there shall be substituted—

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**“19 Widows' and widowers' pensions**

- (1) No widow's or widower's pension may be granted if the marriage with the deceased took place after he or she retired from relevant service.
- (2) A widow's or widower's pension shall come to an end on the death of the widow or widower.
- (3) Where a widow's or widower's pension is payable the Treasury may, on or at any time after the re-marriage of the widow or widower, direct that it shall cease to be payable.
- (4) Where such a direction has been given the Treasury may at any time direct that payment of the pension is to be resumed.
- (5) The annual amount of a widow's or widower's pension may be one half of the annual amount of the personal pension.”

**81 Transfer of accrued rights to and from judicial pension schemes**

Schedule 13 amends the Judicial Pensions Act 1981 by inserting a new Schedule 1A, which makes provision for the transfer of accrued rights into and out of the judicial pension schemes constituted by that Act and the Sheriffs' Pensions (Scotland) Act 1961.

**82 Voluntary contributions**

- (1) In the Judicial Pensions Act 1981, the following section shall be inserted after section 33—

**“33A Voluntary contributions**

- (1) Regulations shall make provision entitling any member of a judicial pension scheme constituted by this Act or the Sheriffs' Pensions (Scotland) Act 1961 to make voluntary contributions towards the cost of the provision of additional benefits under the scheme.
- (2) The regulations—
  - (a) may not prohibit the payment of voluntary contributions;
  - (b) may not impose any limit on the amount which any member may pay by way of voluntary contributions other than an upper limit corresponding to that for the time being fixed by or under section 594 of the Income and Corporation Taxes Act 1988 (exempt statutory schemes);
  - (c) must secure that any voluntary contributions paid by a member of a scheme are used to provide prescribed additional benefits for or in respect of him; and
  - (d) must secure that the value of such additional benefits is reasonable, having regard to—
    - (i) the amount paid by way of voluntary contributions;
    - (ii) the value of the other benefits provided under the scheme; and

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- (iii) the general value of benefits available to a person under any contract of life insurance entered into by him with an insurance company to which Part II of the Insurance Companies Act 1982 (regulation of insurance companies carrying on insurance business within the United Kingdom) applies.
- (3) The regulations may, in particular—
  - (a) provide that the value of additional benefits offered on payment of voluntary contributions shall be determined in accordance with prescribed rules based on tables prepared for the purposes of the regulations by the Government Actuary; and
  - (b) prescribe the manner in which it is to be determined in any case whether the amount of a person's contributions exceeds any limit imposed by virtue of subsection (2)(b) above.
- (4) Nothing in subsection (2) shall be taken to prevent the regulations from limiting the overall amount which a member may pay by way of voluntary contributions by reference to the maximum entitlement of members under the scheme.
- (5) Regulations made under this section may make provision for consequential and incidental matters, including, in particular, consequential provision with respect to any enactment referring or relating to lump sums payable under Part II of this Act.
- (6) Regulations under this section may be made—
  - (a) by the Lord Chancellor; or
  - (b) in relation to pensions for service in offices existing only in Scotland, by the Secretary of State,with the consent of the Treasury.
- (7) The power to make regulations under this section shall be exercisable by statutory instrument.
- (8) Any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) In section 12 of the Social Security Act 1986 (voluntary contributions), the following subsection shall be inserted after subsection (10)—
  - “(10A) This section does not apply in relation to any pension payable under the Judicial Pensions Act 1981 or the Sheriffs' Pensions (Scotland) Act 1961.”
- (3) In Article 14 of the Social Security (Northern Ireland) Order 1986 (voluntary contributions in Northern Ireland) the following paragraph shall be inserted after paragraph (10)—
  - “(10A) This Article does not apply in relation to any pension payable under the Judicial Pensions Act 1981.”

### **83 Period of service to qualify for certain superannuation benefits**

- (1) In each of the following provisions (which among other things require a minimum number of years service for qualification for superannuation benefits)—

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- (a) section 7(1) of the Judicial Pensions Act 1981 (stipendiary magistrates);
  - (b) section 9(1) of that Act (Judge Advocate General);
  - (c) paragraph 4(1)(b) of Schedule 1 to that Act (Supreme Court officers etc); and
  - (d) section 1(1) of the Sheriffs' Pensions (Scotland) Act 1961,
- for the words “5 years”, or “five years”, there shall be substituted, in each case, “2 years”.
- (2) In section 7(3) of the Act of 1981 (rate of pension payable to a stipendiary magistrate) for “(a)” there shall be substituted—
- “(a) if the period of service amounts to less than 5 (but not less than 2) years, 6/80ths of his last annual salary,
  - (aa)”.
- (3) In section 9 of the Act of 1981 (rate of pension payable to Judge Advocate General) the following subsection shall be inserted after subsection (3)—
- “(3A) The annual rate of pension payable under this section to a person retiring after less than 5 (but not less than 2) years service shall be 6/80ths of his last annual salary.”
- (4) In paragraph 4(4) of Schedule 1 to the Act of 1981 (rate of pension payable to an officer of the Supreme Court etc.) for “(a)” there shall be substituted—
- “(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)”.
- (5) In subsections (2) and (3) of section 3 of the Sheriffs' Pensions (Scotland) Act 1961 (rate of pension payable to sheriff and salaried sheriff-substitute) for “(a)” there shall, in each case, be substituted—
- “(a) where the period of his relevant service exceeds two years but is less than five years, six eightieths of his last annual salary;
  - (aa)”.

#### **84 Abolition of abatement of salary rule for judges etc**

The following provisions (which provide for the abatement of salaries of holders of certain judicial and related offices who are in receipt of pensions payable in respect of public offices) shall cease to have effect—

- (a) section 3 of the Superannuation (Miscellaneous Provisions) Act 1967 (miscellaneous offices);
- (b) section 1 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (miscellaneous offices in Northern Ireland);
- (c) section 18(3) of the Courts Act 1971 (Circuit judges);
- (d) in section 1(2) of the Ministerial and other Salaries Act 1975 (Lord Chancellor), the words from “but” to the end;
- (e) section 9(4) of the Administration of Justice Act 1973 (Lords of Appeal in Ordinary, judges of the Court of Session, judges of the Supreme Court in Northern Ireland and stipendiary magistrates);
- (f) section 12(4) of the Supreme Court Act 1981 (judges of the Supreme Court other than the Lord Chancellor).