



Judicial Pensions and Retirement Act 1993

CHAPTER 8

JUDICIAL PENSIONS AND RETIREMENT ACT 1993

PART I

NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

Application of Part I

- 1 Persons to whom this Part applies.

Pensions for judicial officers

- 2 The judicial officer's entitlement to a pension.
- 3 The appropriate annual rate.

Derivative benefits

- 4 Lump sum on the judicial officer's retirement or death.
- 5 Surviving spouse's pension.
- 6 Grant and payment of a children's pension.
- 7 Children's pension: meaning of "period of childhood and full-time education".
- 8 Rate of children's pension.
- 9 Contribution towards cost of surviving spouse's and children's pension.

Additional voluntary contributions

- 10 Additional benefits from voluntary contributions.

Relationship with other pension schemes

- 11 Provision against pensions under two or more judicial pension schemes.

Status: Point in time view as at 16/07/1996.

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- 12 Transfer of rights of persons holding qualifying judicial office before commencement.
- 12A Transfer of rights under other public service pension schemes
- 12B Rate of pension etc. where rights transferred under section 12 or 12A
- 13 Election for personal pension instead of judicial pension.

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- 14 Application of this Part to holders of the office of Lord Chancellor.
- 15 Circuit judges: the Recorder of London and the Common Serjeant.
- 16 Disregard of abatement of pension under s.65 of the Social Security Act 1973 etc.
- 17 Effect of certain nullity decrees.
- 18 Continuity of tax treatment.

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- 20 Appeals.
- 21 Pensions payable to judicial officers etc. by local authorities in England and Wales.
- 22 Application of the Pensions (Increase) Act 1971.
- 23 Transfer of accrued benefits.
- 23A Pension credits
- 24 Corresponding minor amendments to other enactments.

Pensions for senior public investigative officers

- 25 The Comptroller and Auditor General and the Parliamentary and Health Service Commissioners etc.

Retirement date for certain judicial officers etc

- 26 Retirement date for holders of certain judicial offices etc.
- 27 Completion of proceedings after retirement.

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SCHEDULE 1 — The offices which may be qualifying judicial offices

Part I — JUDGES

Lord of Appeal in Ordinary Lord Chief Justice of England...

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Part II — OTHER APPOINTMENTS

Court officers

Master, Queen’s Bench Division Queen’s Coroner and Attorney and Master...

Members of tribunals

Chief or other Social Security Commissioner, excluding appointments in pursuance...

Other offices whose holders are appointed by the Lord Chancellor

Judge Advocate General Vice Judge Advocate General Assistant Judge Advocate...

Other offices

Chairman of the Criminal Injuries Compensation Board incorporated under section...

SCHEDULE 1A — SURVIVING CIVIL PARTNER'S PENSION: TRANSITIONAL PROVISIONS

— *THE COMMENCEMENT DATE*

1 In this Schedule “ the commencement date ” means 5th...

— *SERVICE WHOLLY BEFORE THE COMMENCEMENT DATE*

2 No surviving civil partner's pension shall be payable in respect...

— *SERVICE PARTLY BEFORE AND PARTLY ON THE COMMENCEMENT DATE*

3 (1) The annual rate of a surviving civil partner's pension...

SCHEDULE 2 — Transfer of accrued benefits

Part I — GENERAL

Interpretation

1 In this Schedule— “ authorised insurance company ” means an insurance company...

Regulations

2 Regulations for the purposes of this Schedule may be made,...

Other provisions about transfer values

3 Chapter IV of Part IV of the Pension Schemes Act...

Part II — TRANSFERS OUT

Qualifying members

4 (1) Where the conditions mentioned in sub-paragraph (2) below are...

Qualifying member’s right to a transfer payment

5 (1) When his qualifying service ends, a qualifying member acquires...

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Method of taking cash benefit

- 6 (1) A qualifying member who acquires a right to a...

Calculation of cash equivalents

- 7 (1) Cash equivalents are to be calculated and verified in...

Time within which option must be exercised

- 8 (1) A qualifying member may only exercise his option on...

Option to be exercised in writing

- 9 (1) A qualifying member may only exercise his option by...

Cancellation of exercise of option

- 10 (1) A qualifying member may cancel the exercise of his...
Part III — TRANSFERS IN

Application to accept payment into scheme

- 11 (1) Where a member of a scheme has asked the...

Cancellation of request

- 12 (1) A member may, by notice in writing given to...

Regulations

- 13 Regulations may— (a) prescribe limits on the amounts which the...

SCHEDULE 2A — PENSION CREDITS

- 1 (1) In any case where— (a) a person (“the transferee”)...
2 The appropriate Minister shall have no power to accept, for...

SCHEDULE 3 — Corresponding minor amendments to other pensions enactments
Part I — AMENDMENTS OF THE 1981 ACT

Dependent children: maximum allowable remuneration

- 1 (1) In section 21 of the 1981 Act (meaning of...

Appeals

- 2 (1) Section 15 of the 1981 Act (which provides that...

Additional voluntary contributions

- 3 (1) Section 33A of the 1981 Act (which confers power...
Part II — AMENDMENT OF THE SHERIFFS’ PENSIONS (SCOTLAND) ACT
1961

Appeals

- 4 After section 9 of the Sheriffs’ Pensions (Scotland) Act 1961...
Part III — AMENDMENTS OF NORTHERN IRELAND PROVISIONS

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Interpretation

5 In this Part of this Schedule— “the 1951 Act” means...

Dependent children: maximum allowable remuneration

6 (1) In subsection (1)(c)(ii) of each of the following enactments...

Appeals

7 (1) The following enactments (which correspond to section 15 of...

Additional voluntary contributions

8 (1) The following enactments (which correspond to section 33A of...

SCHEDULE 4 — Pensions for senior public investigative officers

Part I — THE COMPTROLLER AND AUDITOR GENERAL

1 For section 13 of the Superannuation Act 1972 (pension provision...

Part II — THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

2 For Schedule 1 to the Parliamentary Commissioner Act 1967 (pension...

Part III — THE HEALTH SERVICE COMMISSIONERS

The Health Service Commissioners for England and for Wales

3 (1) Section 107 of the National Health Service Act 1977...

The Health Service Commissioner for Scotland

4 (1) Section 91 of the National Health Service (Scotland) Act...

Part IV — THE COMPTROLLER AND AUDITOR GENERAL FOR NORTHERN IRELAND

5 (1) The Audit (Northern Ireland) Order 1987 shall be amended...

Part V — THE NORTHERN IRELAND PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION AND THE NORTHERN IRELAND COMMISSIONER FOR COMPLAINTS

6

7

SCHEDULE 5 — Retirement provisions: the relevant offices

Lord of Appeal in Ordinary Judge of the Supreme Court...

SCHEDULE 6 — Retirement dates for certain judicial offices

The Judicial Committee of the Privy Council

1 (1) At the end of section 3 of the Appellate...

Lords of Appeal

2 In section 5 of the Appellate Jurisdiction Act 1876, after...

Lords of Appeal in Ordinary and senior judges in Scotland and Northern Ireland

3 In subsection (1) of section 2 of the Judicial Pensions...

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Judges of the Supreme Court

4 In subsection (2) of section 11 of the Supreme Court...

Acting and deputy judges

5 (1) In section 9 of the Supreme Court Act 1981,...

Temporary Judges of the Court of Session

6 (1) In paragraph 5 of Schedule 4 to the Law...

Acting judges of the High Court or Court of Appeal in Northern Ireland

7 In section 7 of the Judicature (Northern Ireland) Act 1978,...

Circuit judges

8 (1) Section 17 of the Courts Act 1971 (retirement of...

Recorders, deputy Circuit judges and assistant Recorders

9 (1) In section 21 of the Courts Act 1971, in...

Sheriffs

10 In the Sheriff Courts (Scotland) Act 1971, after section 5...

Temporary sheriffs

11 In section 11 of the Sheriff Courts (Scotland) Act 1971...

County Court Judge in Northern Ireland

12 In section 105 of the County Courts Act (Northern Ireland)...

Deputy judge of a county court in Northern Ireland

13 In section 107 of the County Courts Act (Northern Ireland)...

Officers of the Supreme Court

14 (1) Section 92 of the Supreme Court Act 1981 (tenure...

Deputy and temporary officers of the Supreme Court

15 In section 91 of the Supreme Court Act 1981, in...

Deputy district judges of district registries of the High Court

16 In section 102 of the Supreme Court Act 1981, at...

District judges and deputy district judges of county courts

17 (1) In section 8 of the County Courts Act 1984...

Statutory officers in Northern Ireland

18 In section 71 of the Judicature (Northern Ireland) Act 1978,...

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Stipendiary magistrates in England and Wales

19 (1) Section 14 of the Justices of the Peace Act...

Resident Magistrates in Northern Ireland

20 For section 1 of the Resident Magistrates' Pensions Act (Northern...

Social security: Commissioners, and the President and chairmen of appeal tribunals

21 (1) Paragraph 1 of Schedule 2 to the Social Security...

*Social security: Commissioners, and the President
and chairmen of appeal tribunals in Northern Ireland*

22 (1) Paragraph 1 of Schedule 2 to the Social Security...

Child support: Commissioners and chairmen of appeal tribunals

23 (1) In Schedule 3 to the Child Support Act 1991...

Chairmen of child support appeal tribunals in Northern Ireland

24 In Schedule 3 to the Child Support (Northern Ireland) Order...

Chairman of the Foreign Compensation Commission

25 In section 1 of the Foreign Compensation Act 1950 (constitution...

Commons Commissioners

26 In section 17 of the Commons Registration Act 1965 (which...

President and chairmen of industrial tribunals

27 (1) The Industrial Tribunals (England and Wales) Regulations 1965 shall...

*President, Vice-President and chairmen of industrial
tribunals and of the Fair Employment Tribunal*

28 (1) In subsection (3) of section 3 of the Fair...

President of the Industrial Court in Northern Ireland

29 In Article 91 of the Industrial Relations (Northern Ireland) Order...

Members of the Employment Appeal Tribunal

30 In Schedule 11 to the Employment Protection (Consolidation) Act 1978...

The Lands Tribunal and the Lands Tribunal for Scotland

31 In section 2 of the Lands Tribunal Act 1949, after...

The Lands Tribunal for Northern Ireland

32 In section 2 of the Lands Tribunal and Compensation Act...

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Judge Advocate of Her Majesty's Fleet

33 In section 28 of the Courts-Martial (Appeals) Act 1951, in...

Judge Advocate General and related offices

34 In subsection (2) of section 32 of that Act (which...

Value added tax tribunals

35

Special, and deputy Special, Commissioners for Income Tax

36 (1) In section 4 of the Taxes Management Act 1970...

President or other member of the Immigration Appeal Tribunal

37 In Part II of Schedule 5 to the Immigration Act...

Immigration adjudicators

38 In Part I of Schedule 5 to the Immigration Act...

Pensions Appeal Tribunals

39 In the Schedule to the Pensions Appeal Tribunals Act 1943,...

Mental Health Review Tribunals

40 In Schedule 2 to the Mental Health Act 1983 (which...

The Financial Services Tribunal

41 In Schedule 6 to the Financial Services Act 1986, in...

Tribunals and advisory bodies under the Misuse of Drugs Act 1971

42 (1) Schedule 3 to the Misuse of Drugs Act 1971...

Restrictive Practices Court

43 (1) In section 3 of the Restrictive Practices Court Act...

Tribunals constituted under section 706 of the Income and Corporation Taxes Act 1988

44 Section 706 of the Income and Corporation Taxes Act 1988...

Arbitrator appointed under the Agricultural Holdings Act 1986

45 In Schedule 11 to the Agricultural Holdings Act 1986 (which...

Agricultural Land Tribunals

46 (1) Schedule 9 to the Agriculture Act 1947 (constitution etc...

The Aircraft and Shipbuilding Industries Arbitration Tribunal

47 In section 42 of the Aircraft and Shipbuilding Industries Act...

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*Chairman of a tribunal established by section 29
of the Betting, Gaming and Lotteries Act 1963*

48 In section 29 of the Betting, Gaming and Lotteries Act...

The Copyright Tribunal

49 In section 146 of the Copyright, Designs and Patents Act...

The Data Protection Tribunal

50 In Schedule 2 to the Data Protection Act 1984, in...

Independent Schools Tribunals

51 In Schedule 6 to the Education Act 1944 (constitution etc...

President of a tribunal constituted under Schedule 3 to the Industry Act 1975

52 (1) In Schedule 3 to the Industry Act 1975, paragraph...

Tribunal constituted under Schedule 9 to the National Health Service Act 1977

53 In regulation 26 of the National Health Service (Service Committees...

Chairman of the Plant Varieties and Seeds Tribunal

54 In paragraph 1 of Schedule 4 to the Plant Varieties...

Chairman of a Registered Homes Tribunal

55 In section 40 of the Registered Homes Act 1984, at...

Rent Assessment Committees

56 In Schedule 10 to the Rent Act 1977, after paragraph...

The Transport Tribunal

57 (1) Paragraph 3 of Schedule 4 to the Transport Act...

Tribunal established under section 9 of the Wireless Telegraphy Act 1949

58 In Schedule 2 to the Wireless Telegraphy Act 1949, in...

Wreck commissioner

59

Chairman of a Reinstatement Committee

60 In Schedule 2 to the Reserve Forces (Safeguard of Employment)...

Tribunals constituted for the purposes of section 150(4) of the Mines and Quarries Act 1954

61 In Schedule 3 to the Mines and Quarries Act 1954,...

Courts of inquiry under section 52 of the Merchant Shipping Act 1970

62 In rule 5 of the Merchant Shipping (Section 52 Inquiries)...

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Chairman of a vaccine damage tribunal in Northern Ireland

63 In regulation 7 of the Vaccine Damage Payments Regulations 1979...

Chairman of a tribunal constituted under section 47 of the Building Societies Act 1986

64 In section 47 of the Building Societies Act 1986 (tribunals...

Chairman of a tribunal constituted under section 28 of the Banking Act 1987

65 In section 28 of the Banking Act 1987 (tribunals to...

Arbitrators appointed under Schedule 10 to the Electricity Act 1989

66 In paragraph 9 of Schedule 10 to the Electricity Act...

Chairman of a tribunal constituted under Schedule 3 to the Education (Schools) Act 1992

67 In Schedule 3 to the Education (Schools) Act 1992 (tribunals...

Chairman of a tribunal constituted under section 59 of the Friendly Societies Act 1992

68 In section 59 of the Friendly Societies Act 1992 (tribunal...

SCHEDULE 7 — Retirement dates: transitional provisions

Interpretation

1 (1) In this Schedule— “potential retirement date”, in relation to...

Salaried offices

2 (1) This paragraph applies to any person who for the...

Fee-paid offices

3 (1) This paragraph applies to any person who for the...

Persons holding a relevant office by virtue of a continuation power

4 Where, immediately before the appointed day, a person was holding...

Ascertainment of potential retirement date

5 (1) For the purposes of this Schedule, a person’s potential...

SCHEDULE 8 — Minor and consequential amendments

The Courts-Martial (Appeals) Act 1951

1 Section 35 of the Courts-Martial (Appeals) Act 1951 (pension arrangements...

The County Courts Act (Northern Ireland) 1959

2 At the end of section 116 of the County Courts...

The Resident Magistrates’ Pensions Act (Northern Ireland) 1960

3 In section 2 of the Resident Magistrates’ Pensions Act (Northern...

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The Foreign Compensation Act 1962

4 In section 3 of the Foreign Compensation Act 1962, after...

The Lands Tribunal and Compensation Act (Northern Ireland) 1964

5 In section 2 of the Lands Tribunal and Compensation Act...

The Superannuation Act 1965

6 In section 39A of the Superannuation Act 1965 (superannuation benefits...

The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969

7 In section 2 of the Superannuation (Miscellaneous Provisions) Act (Northern...

The Taxes Management Act 1970

8 In section 4 of the Taxes Management Act 1970, after...

The Immigration Act 1971

9 In Schedule 5 to the Immigration Act 1971, paragraphs 3...

The Administration of Justice Act 1973

10 (1) Section 10 of the Administration of Justice Act 1973...

The Social Security (Northern Ireland) Act 1975

11 In paragraph 6 of Schedule 10 to the Social Security...

The Social Security Pensions Act 1975

12

The Social Security Pensions (Northern Ireland) Order 1975

13

The Judicature (Northern Ireland) Act 1978

14 At the end of section 72 of the Judicature (Northern...

The Supreme Court Act 1981

15 (1) In section 12 of the Supreme Court Act 1981,...

The Value Added Tax Act 1983

16

The County Courts Act 1984

17 In the County Courts Act 1984— (a) section 7 (which...

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The Social Security Act 1986

18

The Social Security (Northern Ireland) Order 1986

19

The Criminal Justice Act 1988

20 In Schedule 6 to the Criminal Justice Act 1988, in...

The Child Support Act 1991

21 (1) In paragraph 4 of Schedule 3 to the Child...

The Child Support (Northern Ireland) Order 1991

22 In paragraph 4 of Schedule 3 to the Child Support...

The Social Security Administration Act 1992

23 In Schedule 2 to the Social Security Administration Act 1992,...

The Social Security Administration (Northern Ireland) Act 1992

24 In Schedule 2 to the Social Security Administration (Northern Ireland)...

SCHEDULE 9 — Repeals and revocations

Status:

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