



# 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

- 12 Transfer of rights of persons holding qualifying judicial office before commencement
- 13 Election for personal pension instead of judicial pension

*Supplemental provisions*

- 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

**PART II**

## MISCELLANEOUS, GENERAL AND SUPPLEMENTARY PROVISIONS

*Additional benefits in respect of disregarded earnings*

- 19 Benefits in respect of earnings in excess of pension-capped salary

*General provisions connected with the new schemes*

- 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
- 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

*Miscellaneous and supplementary provisions*

- 28 Payments charged on Consolidated Fund etc
- 29 Regulations and orders
- 30 Interpretation
- 31 Short title, supplementary provisions and extent

---

**SCHEDULES**

SCHEDULE 1 — The offices which may be qualifying judicial offices

Part I — JUDGES

Part II — OTHER APPOINTMENTS

*Court officers*

*Members of tribunals*

*Other offices whose holders are appointed by the Lord Chancellor*

*Other offices*

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 Part II of Schedule 1A to the Social Security Pensions...  
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...

*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 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

*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 (1) The Parliamentary Commissioner Act (Northern Ireland) 1969 shall be...
- 7 (1) The Commissioner for Complaints Act (Northern Ireland) 1969 shall...

SCHEDULE 5 — Retirement provisions: the relevant offices

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...

*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,...

*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...

*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 (1) In Schedule 8 to the Value Added Tax Act...

*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...

*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 In section 82 of the Merchant Shipping Act 1970 (appointment...

*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)...

*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...

*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 In section 59C of the Social Security Pensions Act 1975,...

*The Social Security Pensions (Northern Ireland) Order 1975*

13 In Article 69C of the Social Security Pensions (Northern Ireland)...

*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 (1) In Schedule 8 to the Value Added Tax Act...

*The County Courts Act 1984*

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

*The Social Security Act 1986*

18 (1) In section 12 of the Social Security Act 1986...

*The Social Security (Northern Ireland) Order 1986*

19 (1) In Article 14 of the Social Security (Northern Ireland)...

*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