



Judicial Pensions and Retirement Act 1993

1993 CHAPTER 8

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.

- (1) This section applies in any case where—
 - (a) a pension or lump sum is payable under Part I above to or in respect of a person to whom that Part applies (the “judicial officer”); and
 - (b) the amount which constitutes the judicial officer’s pensionable pay is less than it would have been, had pension-capped salary fallen to be determined under section 3(3)(b) above, in his case, without the limit imposed by reference to the permitted maximum there mentioned;but nothing in this subsection applies in relation to any additional benefits provided under section 10 above.
- (2) Where this section applies, payments by way of pension or lump sum shall be made to or in respect of the judicial officer amounting to the difference between—
 - (a) the rate or amount payable in respect of the pension or lump sum referred to in subsection (1) above; and
 - (b) the rate or amount that would have been payable in respect of that pension or lump sum, had pension-capped salary fallen to be determined under section 3(3)(b) above, in his case, without the limit imposed by reference to the permitted maximum there mentioned.
- (3) No contributions shall be payable under or by virtue of section 9 above in respect of the cost of the liability to make payments under this section.
- (4) For the purposes of Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 (retirement benefit schemes) this section shall be taken to constitute a statutory scheme, within the meaning of that Chapter,—

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Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Cross Heading: Additional benefits in respect of disregarded earnings. (See end of Document for details)

- (a) which is separate and distinct from any such scheme constituted by Part I above (or by any other enactment or instrument); and
 - (b) which is not capable of being a relevant statutory scheme, within the meaning of that Chapter.
- (5) The appropriate Minister may by regulations make provision for implementing this section; and any such regulations may, in particular, make provision—
- (a) for or with respect to the calculation of benefits under this section;
 - (b) for or with respect to the time at which and method by which payments under this section are to be made.

Modifications etc. (not altering text)

- C1** S. 19 applied (with modifications) (31.3.1995) by 1967 c. 13, **Sch.1 para. 4(1)** (as substituted (31.3.1995) by 1993 c. 8, s. 25, **Sch. 4 Pt. II para. 2**); S.I. 1995/631, **art. 2**
- S. 19 applied (with modifications) (31.3.1995) by S.I. 1987/460 (N.I. 5), **art. 4A** (as inserted (31.3.1995) by 1993 c. 8, s. 25, **Sch. 4 Pt. IV para. 5(4)**; S.I. 1995/631, **art. 2**)
- S. 19 applied (with modifications) (31.3.1995) by 1969 c. 10 (N.I.), **Sch.1A para. 4(1)** (as inserted (31.3.1995) by 1993 c. 8, s. 25, **Sch. 4 Pt. V para. 6(6)**; S.I. 1995/631, **art. 2**)
- S. 19 extended (with modifications) (16.7.1996) by S.I. 1996/1297 (N.I. 7), art. 4(4), **Sch. 1 para. 6(2)(3)(4)**
- S. 19 extended (with modifications) (16.7.1996) by S.I. 1996/1298 (N.I. 8), art. 5(4), **Sch. 1 para. 6(2)(3)(4)**

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