



# Judicial Pensions and Retirement Act 1993

## 1993 CHAPTER 8

### PART II

#### MISCELLANEOUS, GENERAL AND SUPPLEMENTARY PROVISIONS

##### *General provisions connected with the new schemes*

#### 20 Appeals.

- (1) If any person to whom this section applies is aggrieved by any decision taken by the administrators of a relevant pension scheme concerning—
  - (a) the interpretation of the rules of the scheme, or
  - (b) the exercise of any discretion under the scheme,he shall have a right of appeal to the appropriate Minister against that decision.
- (2) On deciding an appeal under this section, the appropriate Minister may give to the administrators such directions as he considers necessary or expedient for implementing his decision.
- (3) The persons to whom this section applies are the following—
  - (a) any person to whom Part I above applies or has applied;
  - (b) the [<sup>F1</sup>widow, widower or surviving civil partner], or any surviving dependant, of a person who served in qualifying judicial office but who has died; and
  - (c) where the decision relates to the question—
    - (i) whether a person who claims to be such a person as is mentioned in paragraph (a) or (b) above is such a person, or
    - (ii) whether a person who claims to be entitled to become a person to whom Part I above applies is so entitled,the person so claiming.
- (4) Regulations may make provision as to the manner in which, and time within which, appeals under this section are to be brought.

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- (5) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (6) In this section—
- “regulations” means regulations made by the appropriate Minister;
- “relevant pension scheme” means any scheme constituted under or by virtue of Part I or section 19 above for the payment of pensions or other benefits;
- “rules”, in relation to a relevant pension scheme, means the provisions of Part I and section 19 above and of any regulations or orders made under or by virtue of that Part or that section.

#### **Textual Amendments**

- F1** Words in s. 20(3)(b) substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 75](#)

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

- C1** S. 20 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. 20 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. 20 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. IV Pt. V para. 6\(6\)](#); S.I. 1995/631, [art. 2](#))
- S. 20 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. 20 extended (with modifications) (16.7.1996) by S.I. 1996/1298 (N.I. 8), art. 5(4), [Sch. 1 para. 6\(2\)\(3\)\(4\)](#)

## **21 Pensions payable to judicial officers etc. by local authorities in England and Wales.**

- (1) This section applies in any case where—
- (a) an order under section 1(8) above amends Schedule 1 to this Act by the addition of any office (“the office”) to those for the time being specified in that Schedule; and
  - (b) immediately before the coming into force of the order, a local authority was under a liability to defray, whether in whole or in part, pensions or other benefits payable in respect of service in the office.
- (2) Where this section applies, the appropriate Minister may by order made with the consent of the Treasury—
- (a) provide for the local authority to be discharged, to such extent as may be prescribed, from the liability to pay pensions or other benefits in respect of such service in the office as may be prescribed; and
  - (b) require the local authority instead to make prescribed payments to the Treasury.
- (3) In framing the provisions of an order under subsection (2) above, regard shall be had to the desirability of securing so far as reasonably practicable—

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- (a) that the payments required to be made by the local authority are such as to reimburse the Treasury in respect of so much of—
- (i) any pension or lump sum payable under Part I above, or
- to or in respect of any person to whom Part I above applies as may reasonably be regarded as attributable to his service in the office; and
- (b) that the local authority is discharged, to a corresponding extent, from the liability to pay any pension or other benefit to or in respect of such a person in respect of his service in the office.
- (4) In this section—
- “local authority” means any county council, [<sup>F2</sup>county borough council,] district council, London Borough Council or the Common Council of the City of London;
- “prescribed” means specified in, or determined in accordance with, an order under subsection (2) above.
- (5) Nothing in this section applies in relation to any pension or other benefits payable under or by virtue of section 10 above.

#### Textual Amendments

- F2** Words in s. 21(4) inserted (1.4.1996) by 1994 c. 19, s. 66(6), **Sch. 16 para. 100** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 4, **Sch. 2**

## 22 Application of the Pensions (Increase) Act 1971.

- (1) In the <sup>M1</sup>Pensions (Increase) Act 1971, in Schedule 2 (which specifies the pensions and other benefits which fall to be increased under or by virtue of that Act) after paragraph 4 (and beneath the heading relating to the administration of justice) there shall be inserted—
- “4A A pension payable under Part I or section 19 of the Judicial Pensions and Retirement Act 1993, other than a pension payable under or by virtue of section 10 of that Act.”
- (2) The pensions in relation to which the <sup>M2</sup>Pensions (Increase) Act 1971 extends to Northern Ireland shall include pensions payable under Part I or section 19 above, other than pensions payable under or by virtue of section 10 above; and, accordingly, in section 19(2)(a) of that Act, after the words “Pension Fund” there shall be inserted the words “ or payable under Part I or section 19 of the Judicial Pensions and Retirement Act 1993 (otherwise than under or by virtue of section 10 of that Act) ”.
- (3) In subsection (2) above, “pensions” has the same meaning as it has in the Pensions <sup>M3</sup>(Increase) Act 1971.

#### Marginal Citations

- M1** 1971 c. 56.  
**M2** 1971 c. 56.  
**M3** 1971 c. 56.

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## 23 Transfer of accrued benefits.

Schedule 2 to this Act shall have effect with respect to the transfer of accrued rights into and out of the pension schemes constituted by Part I or section 19 above (other than any such transfer which falls to be made under section 12 [<sup>F3</sup> or 12A] above).

### Textual Amendments

**F3** Words in s. 23 inserted (3.11.2008) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(2), 148(5), **Sch. 9 para. 19**; S.I. 2008/2696, **art. 5(d)** (with art. 3)

### Modifications etc. (not altering text)

**C2** S. 23 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. 23 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. 23 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. 23 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. 23 extended (with modifications) (16.7.1996) by S.I. 1996/1298 (N.I. 8), art. 5(4), **Sch. 1 para. 6(2)(3)(4)**

## [<sup>F4</sup>23A Pension credits

Schedule 2A to this Act shall have effect with respect to the creation and implementation of pension credits affecting a pension scheme constituted by Part I or Section 19 of this Act.]

### Textual Amendments

**F4** S. 23A inserted (1.12.2000) by S.I. 2000/2986, **reg. 2**

## 24 Corresponding minor amendments to other enactments.

Schedule 3 to this Act (which makes certain minor amendments corresponding to provisions of this Act) shall have effect.

**Status:**

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**Changes to legislation:**

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