

Status: Point in time view as at 05/02/1994.

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SCHEDULES

VALID FROM 31/03/1995

SCHEDULE 1

Section 1.

THE OFFICES WHICH MAY BE QUALIFYING JUDICIAL OFFICES
.....

VALID FROM 05/12/2005

[^{F1}SCHEDULE 1A

Section 5

SURVIVING CIVIL PARTNER'S PENSION: TRANSITIONAL PROVISIONS

Textual Amendments

- F1** Sch. 1A inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 77](#)

THE COMMENCEMENT DATE

- 1 In this Schedule “the commencement date” means 5th December 2005.

SERVICE WHOLLY BEFORE THE COMMENCEMENT DATE

- 2 No surviving civil partner's pension shall be payable in respect of a person who retires from qualifying judicial office before the commencement date.

SERVICE PARTLY BEFORE AND PARTLY ON THE COMMENCEMENT DATE

- 3 (1) The annual rate of a surviving civil partner's pension in respect of a person who—
(a) holds qualifying judicial office before the commencement date; and
(b) continues to do so on that date,
shall be calculated in accordance with section 5.
- (2) Sub-paragraph (1) does not apply if, within, 6 months of the formation of the civil partnership, the person elects for the annual rate of the surviving civil partner's pension to be calculated under sub-paragraph (3).
- (3) Where the annual rate of a surviving civil partner's pension falls to be calculated under this sub-paragraph, that pension shall be calculated in accordance with section 5, but solely for the purpose of this sub-paragraph, the annual rate of the deceased's judicial pension shall be deemed to be that to which he would

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have been entitled had he first been appointed to qualifying judicial office on the commencement date.

(4) An election under sub-paragraph (2) must be made in writing to the administrators.

(5) An election under sub-paragraph (2) is irrevocable.]

SCHEDULE 2

Section 23.

TRANSFER OF ACCRUED BENEFITS

Modifications etc. (not altering text)

- C1** Sch. 2 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**)
 Sch. 2 applied (with modifications) (31.3.1995) by S.I. 1987/460 (N.I. 5), **art.4A** (as inserted (31.5.1995) by 1993 c. 8, s. 25, **Sch. 4 Pt. IV para. 5(4)**; S.I. 1995/631, **art. 2**)
 Sch. 2 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**)
 Sch. 2 extended (with modifications) (16.7.1996) by S.I. 1996/1298 (N.I. 8), **art. 5(4)**, **Sch. 1 para. 6(2)(3)(4)**
 Sch. 2 extended (with modifications) (16.7.1996) by S.I. 1996/1297 (N.I. 7), **art. 4(4)**, **Sch. 1 para. 6(2)(3)(4)**

PART I

GENERAL

Interpretation

1 In this Schedule—

“authorised insurance company” means an insurance company authorised under section 3 or 4 of the ^{M16}Insurance Companies Act 1982 (or any similar previous enactment) to carry on ordinary long-term insurance business;

“contracted-out scheme” has the same meaning as it has for the purposes of Part III of the ^{M17}Social Security Pensions Act 1975 and, in relation to Northern Ireland, Part IV of the ^{M18}Social Security Pensions (Northern Ireland) Order 1975;

“disregarded service”, in relation to any member of a scheme, means any period of service in qualifying judicial office during which an election under, or an election having effect as if made under, section 13 of this Act is in force in respect of the qualifying member;

“guaranteed minimum pension” has the same meaning as in the ^{M19}Social Security Pensions Act 1975 and, in relation to Northern Ireland, the Social Security Pensions (Northern Ireland) Order 1975;

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“member”, in relation to a scheme, means a person to whom Part I of this Act applies or has applied;

“normal pension age” means the earliest age at which, if his service in qualifying judicial office had continued until retirement at that age, a member of the scheme constituted by Part I of this Act might have been entitled to receive a pension under the scheme at the appropriate annual rate (otherwise than by reason of infirmity of mind or body);

“occupational pension scheme” has the meaning given by section 66(1) of the Social Security Pensions Act 1975 or, in relation to Northern Ireland, Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975;

“personal pension scheme” has the meaning given by section 84(1) of the ^{M20}Social Security Act ^{M21}1986 or, in relation to Northern Ireland, Article 2(2) of the Social Security (Northern Ireland) Order 1986;

“prescribed” means prescribed by regulations;

“protected rights” has the same meaning as in the ^{M22}Social Security Pensions Act 1975 and, in relation to Northern Ireland, the ^{M23}Social Security Pensions (Northern Ireland) Order 1975;

“qualifying member” means a person to whom Part II of this Schedule applies;

“qualifying service” means the service by reference to which a qualifying member’s entitlement to benefit under the scheme is calculated; and

“scheme” means the relevant occupational pension scheme constituted by Part I or section 19 of this Act.

Marginal Citations

- M16** 1982 c. 50.
- M17** 1975 c. 60.
- M18** S.I. 1975/1503 (N.I. 15).
- M19** 1975 c. 60.
- M20** 1986 c. 50.
- M21** S.I. 1986/1888 (N.I. 18).
- M22** 1975 c. 60.
- M23** S.I. 1975/1503 (N.I. 15).

VALID FROM 31/03/1995

Regulations

- 2 Regulations for the purposes of this Schedule may be made, with the concurrence of the Treasury, by the Lord Chancellor or, in relation to Scotland, the Secretary of State.

Other provisions about transfer values

- 3 Part II of Schedule 1A to the Social Security Pensions Act 1975 (transfer values) and Part II of Schedule 1A to the Social Security Pensions (Northern Ireland) Order

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1975 (corresponding Northern Ireland provisions) shall not apply in relation to those schemes to which this Schedule applies.

PART II

TRANSFERS OUT

VALID FROM 31/03/1995

Qualifying members

- 4 (1) Where the conditions mentioned in sub-paragraph (2) below are satisfied, this Part of this Schedule applies to any person—
- (a) to or in respect of whom benefits are payable under a scheme; and
 - (b) whose qualifying service ends after this Schedule comes into force.
- (2) The conditions are that—
- (a) his qualifying service ends at least one year before he reaches normal pension age; and
 - (b) on the date on which it ends—
 - (i) he has accrued rights to benefit under the scheme; or
 - (ii) he would have such rights if his service in qualifying judicial office had also ended on that date.

VALID FROM 31/03/1995

Qualifying member's right to a transfer payment

- 5 (1) When his qualifying service ends, a qualifying member acquires a right to the cash equivalent at the relevant date of any benefits—
- (a) which have accrued to, or in respect of him, under the scheme; or
 - (b) where service of his in qualifying judicial office is disregarded service, which would have so accrued if his service in qualifying judicial office had ended on the same date as that on which his qualifying service ended.
- (2) In this paragraph “the relevant date” means—
- (a) the date when the qualifying member's qualifying service ends, or
 - (b) the date of any application which he has made under paragraph 6 below and which has not been withdrawn,
- whichever is the later.

Method of taking cash benefit

- 6 (1) A qualifying member who acquires a right to a cash equivalent under paragraph 5 above may only take it by exercising the option conferred by this paragraph.

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- (2) The option is that of requiring the Treasury to use the cash equivalent in whichever of the following ways the qualifying member chooses—
- (a) for acquiring transfer credits allowed under the rules of another occupational pension scheme—
 - (i) whose trustees or managers are able and willing to accept him; and
 - (ii) which satisfies prescribed requirements;
 - (b) for acquiring rights allowed under the rules of a personal pension scheme—
 - (i) whose trustees or managers are able and willing to accept him; and
 - (ii) which satisfies prescribed requirements;
 - (c) for purchasing from one or more authorised insurance companies—
 - (i) chosen by the qualifying member, and
 - (ii) willing to accept payment on his account from the Treasury, one or more annuities which satisfy prescribed requirements;
 - (d) for subscribing to other pension arrangements which satisfy prescribed requirements.
- (3) Without prejudice to the generality of the power to prescribe requirements under sub-paragraph (2) above, such requirements may provide that pension arrangements or a scheme or annuity must satisfy such requirements of the Commissioners of Inland Revenue as may be prescribed.
- (4) A qualifying member may exercise his option in different ways in relation to different portions of his cash equivalent.
- (5) A qualifying member who exercises his option must do so in relation to the whole of his cash equivalent or, where sub-paragraph (6) below applies, in relation to the whole of the reduced cash equivalent.
- (6) Where—
- (a) the trustees or managers of—
 - (i) an occupational pension scheme which is not a contracted-out scheme, or
 - (ii) a personal pension scheme which is not an appropriate scheme under section 2 of the ^{M24}Social Security Act 1986, Article 4 of the ^{M25}Social Security (Northern Ireland) Order 1986 or under any prescribed provision, or
 - (iii) a self-employed pension arrangement within the meaning of regulation 2D of the ^{M26}Occupational Pension Schemes (Transfer Values) Regulations 1985, regulation 2D of the ^{M27}Occupational Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1985, regulation 2A of the ^{M28}Personal Pension Schemes (Transfer Values) Regulations 1987, regulation 2A of the ^{M29}Personal Pension Schemes (Transfer Values) Regulations (Northern Ireland) 1987 or any other prescribed provision,are able or willing to accept a transfer payment only in respect of a qualifying member's rights other than his accrued rights to a guaranteed minimum pension or his protected rights; and
 - (b) the member has not required the Treasury to use the portion of his cash equivalent which represents a guaranteed minimum pension or protected rights in any of the ways specified in sub-paragraph (2) above,

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paragraph 5 above, this paragraph and paragraph 7 below are to be read as conferring on the member an option only in respect of the reduced cash equivalent.

- (7) In this paragraph “reduced cash equivalent” means a sum equal to the balance of the cash equivalent to which the qualifying member would be entitled if sub-paragraph (6) above did not apply, after deduction of an amount sufficient for the Treasury to meet its liability in respect of the member’s guaranteed minimum pension or protected rights or those of his widow, or her widower.

Marginal Citations

- M24** 1986 c. 50.
M25 S.I. 1986/1888 (N.I. 18).
M26 S.I. 1985/1931.
M27 S.R. (N.I.) 1985 No. 358.
M28 S.I. 1987/1112.
M29 S.R. (N.I.) 1987 No. 290.

VALID FROM 31/03/1995

Calculation of cash equivalents

- 7 (1) Cash equivalents are to be calculated and verified in the prescribed manner.
- (2) Regulations made under sub-paragraph (1) above may, in particular, provide—
- (a) that in calculating cash equivalents account shall be taken—
 - (i) of any surrender or forfeiture of the whole or part of a qualifying member’s pension which occurs before the Treasury does what is needed to comply with the choice made by him in exercising his option;
 - (ii) in a case where paragraph 6(6) above applies, of the need to deduct an appropriate amount to provide a guaranteed minimum pension or give effect to protected rights; and
 - (b) that in prescribed circumstances a qualifying member’s cash equivalent shall be increased or reduced.
- (3) Without prejudice to the generality of sub-paragraph (2) above, the circumstances that may be specified by virtue of paragraph (b) of that sub-paragraph include the length of time which elapses between the termination of a qualifying member’s qualifying service and his exercise of the option conferred by paragraph 6 above.

VALID FROM 31/03/1995

Time within which option must be exercised

- 8 (1) A qualifying member may only exercise his option on or before the last option date.
- (2) The last option date is—

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- (a) the date which falls one year before the date on which the qualifying member reaches normal pension age, or
 - (b) the end of the period of six months beginning with the date on which his qualifying service ends,
- whichever is the later.
- (3) A qualifying member loses the right to any cash equivalent under this Schedule if—
- (a) his pension becomes payable before he reaches normal pension age; or
 - (b) he fails to exercise his option on or before the last option date.

VALID FROM 31/03/1995

Option to be exercised in writing

- 9
- (1) A qualifying member may only exercise his option by making an application in writing to the Treasury.
- (2) In any case where—
- (a) a qualifying member has exercised his option, and
 - (b) the Treasury has done what is needed to comply with the choice made by him in exercising his option,
- the Treasury shall be discharged from any obligation to provide benefits to which the cash equivalent related except, in any such cases as are mentioned in paragraph 6(6) above, to the extent that an obligation to provide guaranteed minimum pensions or give effect to protected rights continues to subsist.
- (3) If the Treasury receives an application under this paragraph, it shall be its duty, subject to the following provisions of this paragraph, to do what is needed to comply with the choice made by the qualifying member in exercising his option—
- (a) within twelve months of the date on which it receives his application, or
 - (b) by the date on which he attains normal pension age,
- whichever is the earlier.

VALID FROM 31/03/1995

Cancellation of exercise of option

- 10
- (1) A qualifying member may cancel the exercise of his option by giving the Treasury notice in writing that he no longer wishes it to be exercised.
- (2) No such notice shall have effect if it is given to the Treasury at a time when, in order to comply with the choice made by the qualifying member in exercising his option, the Treasury has entered into an agreement with a third party to use the whole or part of his cash equivalent in a way specified in paragraph 6(2)(a), (b), (c) or (d) above.
- (3) A qualifying member who withdraws an application may make another.

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PART III

TRANSFERS IN

Application to accept payment into scheme

- 11 (1) Where a member of a scheme has asked the appropriate Minister to accept a payment representing the cash equivalent of his accrued rights in any other qualifying scheme, that Minister may—
- (a) to the extent to which it does not exceed the prescribed limit, accept the payment or any part of it; or
 - (b) refuse to accept the payment or any part of it.
- (2) A request under sub-paragraph (1) above must be made—
- (a) in writing;
 - (b) before the person making it has reached normal pension age; and
 - (c) not less than one year before he becomes entitled to a pension on retirement from his qualifying service.
- (3) In this paragraph—
- “the prescribed limit” means the limit prescribed by regulations made by virtue of paragraph 13(a) below;
- “qualifying scheme” means—
- (a) an occupational pension scheme, a personal pension scheme, or an annuity purchased from an authorised insurance company, which satisfies prescribed requirements; or
 - (b) other prescribed pension arrangements.

Cancellation of request

- 12 (1) A member may, by notice in writing given to the appropriate Minister, cancel a request made by him under paragraph 11 above, at any time before it has been accepted.
- (2) A transferring member who withdraws an application may make another.

Regulations

- 13 Regulations may—
- (a) prescribe limits on the amounts which the appropriate Minister may accept under paragraph 11(1) above;
 - (b) make provision as to the manner in which payments are to be accepted into a scheme under this Part of this Schedule;
 - (c) make provision as to the benefits which are to be provided to a member to reflect any such payment accepted with respect to him;

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- (d) prescribe formulae, based on tables of factors provided by the Government Actuary, to be used when performing any calculation relating to the acceptance of transfer payments or the provision of benefits.

VALID FROM 01/12/2000

[F2]SCHEDULE 2A

PENSION CREDITS

Textual Amendments

F2 Sch. 2A inserted (1.12.2000) by [S.I. 2000/2986, reg. 3](#)

VALID FROM 31/03/1995

SCHEDULE 3

Section 24.

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 “period of childhood and full-time education”) in subsection (1)(c)(ii), for the words from “do not exceed” to “a year” there shall be substituted the words “ do not exceed the maximum allowable remuneration ”.
- (2) After subsection (3) of that section (meaning of “emoluments”) there shall be inserted—
- “(3A) For the purposes of subsection (1)(c)(ii) above, the “maximum allowable remuneration” at any time is an annual rate (£1,614 a year, at the passing of the Judicial Pensions and Retirement Act 1993) equal to that at which a pension of £250 a year—
- (a) first awarded under the principal civil service pension scheme on 1st June 1972, and

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(b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971 to such a pension,
would (as so increased) be payable at that time, rounding any resulting fraction of £1 up to the next whole £1.”

(3) Subsections (5) and (6) of that section (orders increasing the earnings limit in subsection (1)(c)(ii)) shall cease to have effect.

Appeals

2 (1) Section 15 of the 1981 Act (which provides that the decision of the Treasury on certain questions shall be final) shall cease to have effect.

(2) After section 32 of that Act there shall be inserted—

“32A 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 member of the scheme;
- (b) the widow or widower, or any surviving dependant, of a deceased member of the scheme;
- (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 member of the scheme 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.

(5) The administrators shall be entitled to appear and be heard on any appeal under this section.

(6) In this section—

“the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme;

“the appropriate Minister” means—

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(a) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State; or

(b) subject to paragraph (a) above, the Lord Chancellor;

“member”, in relation to a pension scheme, means a person whose service in an office is, was or is to be subject to the scheme;

“regulations” means regulations made by the appropriate Minister;

“relevant pension scheme” means any pension scheme constituted under or by virtue of this Act;

“rules”, in relation to a relevant pension scheme, means the provisions of this Act, and of any regulations or orders made under this Act, so far as relating to that scheme.”

Additional voluntary contributions

3 (1) Section 33A of the 1981 Act (which confers power to make regulations entitling any member of a judicial pension scheme constituted by that Act or by the ^{M30}Sheriffs’ Pensions (Scotland) Act 1961 to make voluntary contributions towards the provision of additional benefits under the scheme) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (1), after the word “provision” there shall be inserted “(a)” and for the words “under the scheme” there shall be substituted the words “whether under the scheme or otherwise; or

(b) imposing conditions with respect to the exercise by any such person of any entitlement (whether or not under paragraph (a) above) which he may have to make any such voluntary contributions.”

(3) After that subsection there shall be inserted—

“(1A) The regulations may make provision for the purpose of imposing, in a case where a member makes voluntary contributions, upper limits with respect to—

(a) the aggregate value of the aggregable benefits which may be paid to or in respect of any such member; and

(b) the amount which any such member may pay by way of such contributions;

and, without prejudice to the generality of paragraph (b) above, the regulations may, in particular, impose such an upper limit on the amount which a member may pay by way of voluntary contributions as will, so far as reasonably practicable, secure that the aggregate value referred to in paragraph (a) above will not exceed the limit prescribed under that paragraph.

(1B) The regulations may—

(a) prescribe the manner in which aggregable benefits are to be valued for the purpose of any such aggregation as is mentioned in subsection (1A) above;

(b) confer on the administrators of a judicial pension scheme power to require a member who is making, or who wishes to make,

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voluntary contributions to provide such information as they may require concerning any retained benefits of his;

- (c) permit the disclosure by those administrators of any information which they may obtain concerning any such retained benefits—
- (i) to, or to any officers of, the Commissioners of Inland Revenue; or
 - (ii) to, or to any servants or agents of, any authorised provider who is, or may be, concerned in the investment of the voluntary contributions or the provision of the additional benefits in question.”

- (4) In subsection (2), in paragraph (b) (no limit on voluntary contributions, other than an upper limit corresponding to that imposed by section 594 of the ^{M31}Income and Corporation Taxes Act 1988) after the words “other than” there shall be inserted the words “either or both of the following, that is to say—

- (i) such upper limit as may be imposed by virtue of subsection (1A)(b) above; or

(ii) ”.

- (5) At the end of that subsection there shall be added the words—

“ but paragraphs (c) and (d) above have effect only in relation to a voluntary contributions scheme constituted by or under this Act or the Sheriffs’ Pensions (Scotland) Act 1961. ”

- (6) In subsection (3) (regulations about valuation of benefits etc)—

- (a) the word “and” immediately preceding paragraph (b) shall be omitted; and
- (b) in that paragraph, for the words “limit imposed by virtue of” there shall be substituted the words “ such limit as is mentioned in ”.

- (7) At the end of that subsection there shall be added—

- “(c) provide for any administrative expenses incurred by any person by virtue of this section to be defrayed out of sums received by way of voluntary contributions;
- (d) provide for the manner in which voluntary contributions are to be made;
- (e) make provision for, and in connection with, the valuation of a person’s accrued rights—
 - (i) under any occupational or personal pension scheme, which are to be transferred into a voluntary contributions scheme, or
 - (ii) under any voluntary contributions scheme, which on termination of his membership of that scheme may fall to be transferred into another scheme;
- (f) prescribe the additional benefits which are to be available under a voluntary contributions scheme and the rates and times at which those benefits are to be payable;
- (g) make provision for and in connection with the making of elections between different benefits available under voluntary contributions schemes;

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- (h) provide for the terms on which a person may terminate his membership of a voluntary contributions scheme;
 - (j) provide for the terms on which surplus funds may be refunded to a person who has made payments by way of voluntary contributions to a voluntary contributions scheme;
 - (k) specify any authorised providers—
 - (i) who are to invest any prescribed voluntary contributions, or
 - (ii) who are to provide any prescribed additional benefits, and, if two or more authorised providers are so specified, may make provision entitling any person who makes prescribed payments by way of voluntary contributions to elect between those authorised providers.”
- (8) Subsection (4) (limitation of voluntary contributions by reference to maximum entitlement of members) shall be omitted and before subsection (5) there shall be inserted—
- “(4A) The regulations may provide for such additional benefits arising under or by virtue of this section as may be prescribed—
- (a) to be charged on, and paid out of, the Consolidated Fund; or
 - (b) to be paid out of money provided by Parliament.”
- (9) After subsection (5) there shall be inserted—
- “(5A) The regulations may make different provision for different classes or descriptions of voluntary contributions scheme.”
- (10) After subsection (8) there shall be added—
- “(9) In this section—
- “administrators”, in relation to any scheme, means the persons entrusted with the administration of that scheme;
 - “aggregable benefits” means—
 - (a) any pensions or other benefits under a judicial pension scheme, other than such additional benefits as are mentioned in subsection (1) above;
 - (b) such additional benefits so mentioned as may be prescribed; and
 - (c) such retained benefits as may be prescribed;
 - “authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means a person who is authorised under Chapter III of Part I of the Financial Services Act 1986 to invest those sums or, as the case may be, to provide that benefit;
 - “employment” has the same meaning as it has in the Social Security Pensions Act 1975 (and accordingly includes employment as a self-employed earner, within the meaning of that Act);
 - “judicial pension scheme” has the meaning given by section 14A(2) above;
 - “member” means member of a judicial pension scheme;

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“occupational pension scheme” has the meaning given by section 66(1) of the Social Security Pensions Act 1975 or, in relation to Northern Ireland, Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975;

“personal pension scheme” has the meaning given by section 84(1) of the Social Security Act 1986 or, in relation to Northern Ireland, Article 2(2) of the Social Security (Northern Ireland) Order 1986;

“prescribed” means specified in, or determined in accordance with, the regulations;

“relevant benefits” has the meaning given by section 612(1) of the Income and Corporation Taxes Act 1988;

“retained benefits”, in the case of any person, means any rights retained by him to relevant benefits under any occupational or personal pension scheme which has, or which may be expected to qualify for, tax-exemption or tax-approval, being rights which accrued during some previous employment;

“surplus funds”, in relation to a person and any voluntary contributions scheme, means any funds which are, or have been, held for the purposes of that voluntary contributions scheme and which fall to be returned to him in consequence of any such limit as is mentioned in subsection (2)(b) above;

“tax-exemption” and “tax-approval” have the meaning given by section 84(1) of the Social Security Act 1986;

“voluntary contributions”, in relation to any member of a judicial pension scheme, means voluntary contributions towards the provision of additional benefits, whether under that scheme or otherwise;

“voluntary contributions scheme” means any occupational pension scheme if and to the extent that it is a scheme under which such additional benefits as are mentioned in subsection (1) above are, or are to be, provided;

and, where a person’s voluntary contributions are made by deduction from salary, any reference to payment of, or by way of, voluntary contributions shall be taken to include a reference to the making of voluntary contributions by deduction or, as the case may require, to any voluntary contributions so made.

- (10) Without prejudice to subsections (3)(c) and (d) and (4A) above, there may be paid out of money provided by Parliament—
- (a) any sums required for or in connection with the operation or administration of any prescribed voluntary contributions scheme; or
 - (b) any administrative expenses incurred under or by virtue of this section by a Minister of the Crown or government department.
- (11) Any sums received under this section may be paid into the Consolidated Fund.”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M30 1961 c. 42.

M31 1988 c. 1.

PART II

AMENDMENT OF THE SHERIFFS' PENSIONS (SCOTLAND) ACT 1961

Appeals

4 After section 9 of the ^{M32}Sheriffs' Pensions (Scotland) Act 1961 there shall be inserted—

“9A Appeals.

- (1) If any person to whom a pension is payable under this Act is aggrieved by any decision taken by the administrators of a pension scheme constituted by this Act concerning—
 - (a) the interpretation of the provisions of the scheme, or
 - (b) the exercise of any discretion under the scheme,he shall have a right of appeal to the Secretary of State.
- (2) On deciding an appeal under this section, the Secretary of State may give to the administrators such directions as he considers necessary or expedient for implementing his decision.
- (3) The Secretary of State may by regulations make provision as to the manner in which, and time within which, appeals under this section are to be brought.
- (4) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (5) In this section, “the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme.”

Marginal Citations

M32 1961 c. 42.

PART III

AMENDMENTS OF NORTHERN IRELAND PROVISIONS

Interpretation

5 In this Part of this Schedule—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“the 1951 Act” means the ^{M33}Judicial Pensions Act (Northern Ireland) 1951;

“the 1959 Act” means the ^{M34}County Courts Act (Northern Ireland) 1959;

“the 1960 Act” means the ^{M35}Resident Magistrates’ Pensions Act (Northern Ireland) 1960;

“the 1964 Order” means the ^{M36}Lands Tribunal (Salaries and Superannuation) Order (Northern Ireland) 1964;

“the 1969 Act” means the ^{M37}Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969;

“the 1975 Act” means the ^{M38}Social Security (Northern Ireland) Act 1975.

Marginal Citations

M33 1951 c. 20 (N.I.).

M34 1959 c. 25 (N.I.).

M35 1960 c. 2 (N.I.).

M36 S.R. & O. (N.I.) 1964 No. 191.

M37 1969 c. 7 (N.I.).

M38 1975 c. 15.

Dependent children: maximum allowable remuneration

- 6 (1) In subsection (1)(c)(ii) of each of the following enactments (which give the meaning of “period of childhood and full-time education”), that is to say—
- (a) section 9 of the 1951 Act,
 - (b) section 125 of the 1959 Act,
 - (c) section 7 of the 1960 Act,
- for the words from “do not exceed” to “a year” there shall be substituted the words “do not exceed the maximum allowable remuneration”.
- (2) In paragraph 1(c)(ii) of Article 9 of the 1964 Order (which gives the meaning of “period of childhood and full-time education”), for the words from “do not exceed” to “a year” there shall be substituted the words “do not exceed the maximum allowable remuneration”.
- (3) The subsection set out in sub-paragraph (4) below shall be inserted—
- (a) numbered as subsection (2A), after subsection (2) of section 9 of the 1951 Act;
 - (b) numbered as subsection (2A), after subsection (2) of section 125 of the 1959 Act;
 - (c) numbered as subsection (4A), after subsection (4) of section 7 of the 1960 Act.
- (4) The subsection inserted by sub-paragraph (3) above is as follows—
- “(0) For the purposes of subsection (1)(c)(ii), the “maximum allowable remuneration” at any time is an annual rate (£1,614 a year, at the passing

Status: Point in time view as at 05/02/1994.

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of the Judicial Pensions and Retirement Act 1993) equal to that at which a pension of £250 a year—

- (a) first awarded under the principal civil service pension scheme (within the meaning of that Act) on 1st June 1972, and
- (b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971 to such a pension,

would (as so increased) be payable at that time, rounding any resulting fraction of £1 up to the next whole £1.”

- (5) A paragraph in the same terms as the subsection set out in sub-paragraph (4) above, but with the substitution of the word “ paragraph ” for the word “subsection”, shall be inserted, numbered as paragraph (2A), after paragraph (2) of Article 9 of the 1964 Order.
- (6) Paragraph 18 of Schedule 1 to the ^{M39}Superannuation (Amendment) Act (Northern Ireland) 1966 (orders increasing the earnings limit in subsection (1)(c)(ii) of each of the sections specified in sub-paragraph (1) above) shall cease to have effect.

Marginal Citations

M39 1966 c. 27 (N.I.).

Appeals

- 7 (1) The following enactments (which correspond to section 15 of the 1981 Act) shall cease to have effect, that is to say—
 - (a) section 116(6) of the 1959 Act;
 - (b) section 14 of the 1960 Act;
 - (c) paragraph 6(4) of Schedule 10 to the 1975 Act.
- (2) The section set out in sub-paragraph (3) below shall be inserted—
 - (a) numbered as section 132A, after section 132 of the 1959 Act;
 - (b) numbered as section 21A, after section 21 of the 1960 Act.
- (3) The section inserted by sub-paragraph (2) above is as follows—

Appeals.

- 7.0 (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 Lord Chancellor against that decision.
- (2) On deciding an appeal under this section, the Lord Chancellor 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 member of the scheme;

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the widow or widower, or any surviving dependant, of a deceased member of the scheme;
- (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) is such a person, or
 - (ii) whether a person who claims to be entitled to become a member of the scheme is so entitled,
 the person so claiming.
- (4) The Lord Chancellor may by regulations make provision as to the manner in which, and time within which, appeals under this section are to be brought.
- (5) Regulations made under this section shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.
- (6) The administrators shall be entitled to appear and be heard on any appeal under this section.
- (7) In this section—
 - “the administrators”, in relation to a pension scheme, means the persons entrusted with the administration of the scheme;
 - “member”, in relation to a pension scheme, means a person whose service in an office is, was or is to be subject to the scheme;
 - “relevant pension scheme” means any pension scheme constituted under or by virtue of this Act;
 - “rules”, in relation to a relevant pension scheme, means the provisions of this Act, and of any regulations or orders made under this Act, so far as relating to that scheme.”

- (4) A paragraph in the same terms as the section set out in sub-paragraph (3) above, but with the substitution of the words “ this paragraph ” for the words “this section”, wherever occurring, shall be inserted, numbered as paragraph 7B, after paragraph 7A of Schedule 10 to the 1975 Act.

Additional voluntary contributions

- 8
- (1) The following enactments (which correspond to section 33A of the 1981 Act), that is to say—
 - (a) section 11A of the 1951 Act,
 - (b) section 127A of the 1959 Act, and
 - (c) section 9A of the 1960 Act,
 shall be amended in accordance with the following provisions of this paragraph.
 - (2) In subsection (1), after the word “provision” there shall be inserted “ (a) ” and for the words “under the scheme” there shall be substituted the words “whether under the scheme or otherwise; or
 - (b) imposing conditions with respect to the exercise by any such person of any entitlement (whether or not under paragraph (a)) which he may have to make any such voluntary contributions.”
 - (3) After that subsection there shall be inserted—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(1A) The regulations may make provision for the purpose of imposing, in a case where a member makes voluntary contributions, upper limits with respect to—

- (a) the aggregate value of the aggregable benefits which may be paid to or in respect of any such member; and
- (b) the amount which any such member may pay by way of such contributions;

and, without prejudice to the generality of paragraph (b), the regulations may, in particular, impose such an upper limit on the amount which a member may pay by way of voluntary contributions as will, so far as reasonably practicable, secure that the aggregate value referred to in paragraph (a) will not exceed the limit prescribed under that paragraph.

(1B) The regulations may—

- (a) prescribe the manner in which aggregable benefits are to be valued for the purpose of any such aggregation as is mentioned in subsection (1A);
- (b) confer on the administrators of a judicial pension scheme power to require a member who is making, or who wishes to make, voluntary contributions to provide such information as they may require concerning any retained benefits of his;
- (c) permit the disclosure by those administrators of any information which they may obtain concerning any such retained benefits—
 - (i) to, or to any officers of, the Commissioners of Inland Revenue; or
 - (ii) to, or to any servants or agents of, any authorised provider who is, or may be, concerned in the investment of the voluntary contributions or the provision of the additional benefits in question.”

(4) In subsection (2), in paragraph (b) (no limit on voluntary contributions, other than an upper limit corresponding to that imposed by section 594 of the ^{M40}Income and Corporation Taxes Act 1988) after the words “other than” there shall be inserted the words “either or both of the following, that is to say—

- (i) such upper limit as may be imposed by virtue of subsection (1A)(b); or

(ii) ”.

(5) At the end of that subsection there shall be added the words—

“ but paragraphs (c) and (d) have effect only in relation to a voluntary contributions scheme constituted by or under this Act. ”

(6) In subsection (3) (regulations about valuation of benefits etc)—

- (a) the word “and” immediately preceding paragraph (b) shall be omitted; and
- (b) in that paragraph, for the words “limit imposed by virtue of” there shall be substituted the words “ such limit as is mentioned in ”.

(7) At the end of that subsection there shall be added—

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- “(c) provide for any administrative expenses incurred by any person by virtue of this section to be defrayed out of sums received by way of voluntary contributions;
- (d) provide for the manner in which voluntary contributions are to be made;
- (e) make provision for, and in connection with, the valuation of a person’s accrued rights—
- (i) under any occupational or personal pension scheme, which are to be transferred into a voluntary contributions scheme, or
- (ii) under any voluntary contributions scheme, which on termination of his membership of that scheme may fall to be transferred into another scheme;
- (f) prescribe the additional benefits which are to be available under a voluntary contributions scheme and the rates and times at which those benefits are to be payable;
- (g) make provision for and in connection with the making of elections between different benefits available under voluntary contributions schemes;
- (h) provide for the terms on which a person may terminate his membership of a voluntary contributions scheme;
- (i) provide for the terms on which surplus funds may be refunded to a person who has made payments by way of voluntary contributions to a voluntary contributions scheme;
- (j) specify any authorised providers—
- (i) who are to invest any prescribed voluntary contributions, or
- (ii) who are to provide any prescribed additional benefits, and, if two or more authorised providers are so specified, may make provision entitling any person who makes prescribed payments by way of voluntary contributions to elect between those authorised providers.”
- (8) Subsection (4) (limitation of voluntary contributions by reference to maximum entitlement of members) shall be omitted and before subsection (5) there shall be inserted—
- “(4A) The regulations may provide for such additional benefits arising under or by virtue of this section as may be prescribed—
- (a) to be charged on, and paid out of, the Consolidated Fund of the United Kingdom; or
- (b) to be paid out of money provided by the Parliament of the United Kingdom.”
- (9) After subsection (6) there shall be added—
- “(7) In this section—
- “administrators”, in relation to any scheme, means the persons entrusted with the administration of that scheme;
- “aggregable benefits” means—

Status: Point in time view as at 05/02/1994.

Changes to legislation: *Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) any pensions or other benefits under a judicial pension scheme, other than such additional benefits as are mentioned in subsection (1);
- (b) such additional benefits so mentioned as may be prescribed; and
- (c) such retained benefits as may be prescribed;

“authorised provider”, in relation to the investment of any sums paid by way of voluntary contributions or the provision of any benefit, means a person who is authorised under Chapter III of Part I of the Financial Services Act 1986 to invest those sums or, as the case may be, to provide that benefit;

“employment” has the same meaning as it has in the Social Security Pensions (Northern Ireland) Order 1975 (and accordingly includes employment as a self-employed earner, within the meaning of that Order);

“judicial pension scheme” means a scheme constituted by this Act;

“member” means member of a judicial pension scheme;

“occupational pension scheme” has the meaning given by Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975;

“personal pension scheme” has the meaning given by Article 2(2) of the Social Security (Northern Ireland) Order 1986;

“prescribed” means specified in, or determined in accordance with, the regulations;

“relevant benefits” has the meaning given by section 612(1) of the Income and Corporation Taxes Act 1988;

“retained benefits”, in the case of any person, means any rights retained by him to relevant benefits under any occupational or personal pension scheme which has, or which may be expected to qualify for, tax-exemption or tax-approval, being rights which accrued during some previous employment;

“surplus funds”, in relation to a person and any voluntary contributions scheme, means any funds which are, or have been, held for the purposes of that voluntary contributions scheme and which fall to be returned to him in consequence of any such limit as is mentioned in subsection (2)(b);

“tax-exemption” and “tax-approval” have the meaning given by Article 2(2) of the Social Security (Northern Ireland) Order 1986;

“voluntary contributions”, in relation to any member of a judicial pension scheme, means voluntary contributions towards the provision of additional benefits, whether under that scheme or otherwise;

“voluntary contributions scheme” means any occupational pension scheme if and to the extent that it is a scheme under which such additional benefits as are mentioned in subsection (1) are, or are to be, provided;

and, where a person’s voluntary contributions are made by deduction from salary, any reference to payment of, or by way of, voluntary contributions shall be taken to include a reference to the making of

Status: Point in time view as at 05/02/1994.

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voluntary contributions by deduction or, as the case may require, to any voluntary contributions so made.

- (8) Without prejudice to subsections (3)(c) and (d) and (4A), there may be paid out of money provided by the Parliament of the United Kingdom—
- (a) any sums required for or in connection with the operation or administration of any prescribed voluntary contributions scheme; or
 - (b) any administrative expenses incurred under or by virtue of this section by a Minister of the Crown or government department.
- (9) Any sums received under this section may be paid into the Consolidated Fund of the United Kingdom.”

Marginal Citations

M40 1988 c. 1.

SCHEDULE 4

Section 25.

PENSIONS FOR SENIOR PUBLIC INVESTIGATIVE OFFICERS

VALID FROM 31/03/1995

PART I

THE COMPTROLLER AND AUDITOR GENERAL

1 For section 13 of the ^{M41}Superannuation Act 1972 (pension provision for the Comptroller and Auditor General) there shall be substituted—

“13 The Comptroller and Auditor General.

- (1) A person who first holds office on or after the appointed day as the Comptroller and Auditor General (in this section referred to as “the Comptroller”) shall be entitled, if he was a member of a judicial pension scheme immediately before he first holds that office, to elect between—
- (a) the scheme of pensions and other benefits under that judicial pension scheme (his “former scheme”);
 - (b) (if different from his former scheme) the scheme of pensions and other benefits constituted by Part I of the 1993 Act (“the 1993 scheme”); and
 - (c) the scheme of pensions and other benefits applicable under section 1 of this Act to the civil service of the State (“the civil service scheme”);

Status: Point in time view as at 05/02/1994.

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and, if he is not entitled to make an election under this subsection, or if he is so entitled but fails to make such an election, he shall be treated as if he had been so entitled and had elected for the civil service scheme.

(2) If a person who held the office of Comptroller before the appointed day has made an election under the former enactments for the old judicial scheme, he shall be entitled to make an election under this subsection between—

- (a) the old judicial scheme; and
- (b) the 1993 scheme;

and, if he fails to make an election under this subsection, he shall be taken to have elected for the old judicial scheme.

(3) If a person who held the office of Comptroller before the appointed day—

- (a) has made an election under the former enactments for the civil service scheme, or
- (b) has failed to make an election under those enactments (so that he is taken to have elected for the civil service scheme),

he shall be treated as if he had been entitled to make an election under this section and had elected for the civil service scheme.

(4) Where a person elects under this section for his former scheme, that scheme shall, subject to regulations under this section, apply as if his service as Comptroller were service which was subject, in his case, to that scheme.

(5) A person who elects under subsection (1)(b) or (2)(b) above for the 1993 scheme, shall be entitled, when he ceases to hold office as Comptroller, to a pension under Part I of the 1993 Act at the appropriate annual rate (within the meaning of that Act) if he has held that office for at least 5 years and either—

- (a) he has attained the age of 65; or
- (b) he is disabled by permanent infirmity for the performance of the duties of the office;

and, subject to the following provisions of, and regulations under, this section, the provisions of Part I of that Act (other than sections 1(1) to (4) and 2) and of sections 19, 20 and 23 of, and Schedule 2 to, that Act (which provide for benefits in respect of earnings in excess of pension-capped salary, appeals and transfer of accrued rights) shall apply in relation to him and his service in the office of Comptroller as they apply in relation to a person to whom Part I of that Act applies.

(6) Subject to regulations under this section, in the application of provisions of the 1993 Act by virtue of subsection (5) above, a person who elects for the 1993 scheme shall be treated—

- (a) as if the office of Comptroller were a qualifying judicial office (within the meaning of that Act) by virtue of inclusion among the offices specified in Part I of Schedule 1 to that Act;
- (b) as if his election under this section were an election such as is mentioned in paragraph (d) of section 1(1) of that Act (so that, in particular, section 12 of that Act, which provides for the transfer of accrued rights into the scheme, applies);

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) as if his pension by virtue of this section were a pension under section 2 of that Act (and, accordingly, a judicial pension, within the meaning of that Act); and
- (d) for the purpose of determining, in the event of his death, the rate of any surviving spouse's or children's pension payable under sections 5 to 8 of that Act in respect of his service as Comptroller, as if references in those sections to the annual rate of the deceased's judicial pension were references—
- (i) where a pension had commenced to be paid to him by virtue of subsection (5) above, to the appropriate annual rate of that pension; or
 - (ii) where no such pension had commenced to be paid to him, to the rate that would have been the appropriate annual rate of the pension payable to him by virtue of subsection (5)(b) above, had he not died, but been disabled by permanent infirmity for the performance of the duties of his office on and after the date of death;
- and, in the application of that Act to the Comptroller (whether by virtue of subsection (1)(a) or (b) or (2)(b) above) the references to the appropriate Minister in sections 13 (election for personal pension), 19 (benefits in respect of earnings in excess of pension-capped salary) and 20 (appeals) of, and Schedule 2 (transfer of accrued rights) to, that Act shall be taken as references to the Treasury and the power conferred by paragraph 2 of that Schedule to make regulations shall be exercisable by the Treasury.
- (7) Where a person elects under this section for the civil service scheme, the principal civil service pension scheme within the meaning of section 2 of this Act and for the time being in force shall, subject to regulations under this section, apply as if his service as Comptroller were service in employment in the civil service of the State.
- (8) Where a person elects under this section for the old judicial scheme, that scheme and the former enactments shall, subject to regulations under this section, continue to have effect in relation to him and his service in the office of Comptroller.
- (9) Any power to make an election under this section shall be exercisable within such time and in such manner as may be prescribed in regulations under this section.
- (10) The Treasury may make regulations for purposes supplementary to the other provisions of this section.
- (11) Any such regulations may, without prejudice to section 38 or 39A of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of a person to whom—
- (a) his former scheme,
 - (b) the 1993 scheme,
 - (c) the civil service scheme, or
 - (d) the old judicial scheme,
- applies, or has applied, in respect of any service other than service as Comptroller.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (12) The provision that may be made by virtue of subsection (11) above includes provision—
- (a) for aggregating—
 - (i) other service falling within his former scheme, the 1993 scheme or the old judicial scheme with service as Comptroller, or
 - (ii) service as Comptroller with such other service, for the purpose of determining qualification for, or entitlement to, or the amount of, benefit under the scheme in question;
 - (b) for increasing the amount of the benefit payable under any of the schemes mentioned in paragraph (a)(i) above, in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Comptroller, up to the amount that would have been payable under that scheme if he had retired from that office on the ground of permanent infirmity immediately before his appointment.
- (13) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (14) Any pension or other benefit granted by virtue of this section shall be charged on, and issued out of, the Consolidated Fund.
- (15) In this section—
- “the 1981 Act” means the Judicial Pensions Act 1981;
 - “the 1993 Act” means the Judicial Pensions and Retirement Act 1993;
 - “the appointed day” means the day on which Part I of Schedule 4 to the 1993 Act comes into force;
 - “the former enactments” means section 13 of this Act, as it had effect from time to time before the appointed day;
 - “judicial pension scheme” means any public service pension scheme, as defined in—
 - (a) section 66(1) of the Social Security Pensions Act 1975, or
 - (b) Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975,under which pensions and other benefits are payable in respect of service in one or more qualifying judicial offices, within the meaning of the 1993 Act, but does not include the civil service scheme;
 - “the old judicial scheme” means the statutory scheme of pensions and other benefits applicable under or by virtue of the 1981 Act to the judicial offices listed in section 1 of that Act.”

Marginal Citations

M41 1972 c. 11.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

PART II

THE PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION

2 For Schedule 1 to the ^{M42}Parliamentary Commissioner Act 1967 (pension provision for the Parliamentary Commissioner for Administration) there shall be substituted—

“SCHEDULE 1

Section 2.

PENSIONS AND OTHER BENEFITS

Persons taking office after the appointed day

- 1 A person who first holds office as the Commissioner on or after the appointed day shall be entitled, if he was a member of a judicial pension scheme immediately before he first holds that office, to elect between—
- (a) the scheme of pensions and other benefits under that judicial pension scheme (his “former scheme”);
 - (b) (if different from his former scheme) the scheme of pensions and other benefits constituted by Part I of the 1993 Act (“the 1993 scheme”); and
 - (c) the scheme of pensions and other benefits applicable under section 1 of the Superannuation Act 1972 to the civil service of the State (“the civil service scheme”);

and, if he is not entitled to make an election under this paragraph, or if he is so entitled but fails to make such an election, he shall be treated as if he had been so entitled and had elected for the civil service scheme.

Transitional provision for persons appointed before the appointed day

- 2 (1) If a person who held the office of Commissioner before the appointed day has made an election under the former enactments for the old judicial scheme, he shall be entitled to make an election under this sub-paragraph between—
- (a) the old judicial scheme; and
 - (b) the 1993 scheme;
- and, if he fails to make an election under this sub-paragraph, he shall be taken to have elected for the old judicial scheme.
- (2) If a person who held the office of Commissioner before the appointed day—
- (a) has made an election under the former enactments for the civil service scheme, or
 - (b) has failed to make an election under those enactments (so that he is taken to have elected for the civil service scheme),

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

he shall be treated as if he had been entitled to make an election under this Schedule and had elected for the civil service scheme.

Effect of election to continue in former scheme

- 3 Where a person elects under this Schedule for his former scheme, that scheme shall, subject to regulations under this Schedule, apply as if his service as Commissioner were service which was subject, in his case, to that scheme.

Effect of election for the 1993 scheme

- 4 (1) A person who elects under paragraph 1(b) or 2(1)(b) above for the 1993 scheme, shall be entitled, when he ceases to hold office as Commissioner, to a pension under Part I of the 1993 Act at the appropriate annual rate (within the meaning of that Act) if he has held that office for at least 5 years and either—

- (a) he has attained the age of 65; or
- (b) he is disabled by permanent infirmity for the performance of the duties of the office;

and, subject to the following provisions of, and regulations under, this Schedule, the provisions of Part I of that Act (other than sections 1(1) to (4) and 2) and of sections 19, 20 and 23 of, and Schedule 2 to, that Act (which provide for benefits in respect of earnings in excess of pension-capped salary, appeals and transfer of accrued rights) shall apply in relation to him and his service in the office of Commissioner as they apply in relation to a person to whom Part I of that Act applies.

- (2) Subject to regulations under this Schedule, in the application of provisions of the 1993 Act by virtue of sub-paragraph (1) above, a person who elects for the 1993 scheme shall be treated—

- (a) as if the office of Commissioner were a qualifying judicial office (within the meaning of that Act) by virtue of inclusion among the offices specified in Part I of Schedule 1 to that Act;
- (b) as if his election under this Schedule were an election such as is mentioned in paragraph (d) of section 1(1) of that Act (so that, in particular, section 12 of that Act, which provides for the transfer of accrued rights into the scheme, applies);
- (c) as if his pension by virtue of this Schedule were a pension under section 2 of that Act (and, accordingly, a judicial pension, within the meaning of that Act); and
- (d) for the purpose of determining, in the event of his death, the rate of any surviving spouse's or children's pension payable under sections 5 to 8 of that Act in respect of his service as Commissioner, as if references in those sections to the annual rate of the deceased's judicial pension were references—

- (i) where a pension had commenced to be paid to him by virtue of sub-paragraph (1) above, to the appropriate annual rate of that pension; or
- (ii) where no such pension had commenced to be paid to him, to the rate that would have been the appropriate

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annual rate of the pension payable to him by virtue of sub-paragraph (1)(b) above, had he not died, but been disabled by permanent infirmity for the performance of the duties of his office on and after the date of death;

and, in the application of that Act to the Commissioner (whether by virtue of paragraph 1(a) or (b) or 2(1)(b) above) the references to the appropriate Minister in sections 13 (election for personal pension), 19 (benefits in respect of earnings in excess of pension-capped salary) and 20 (appeals) of, and Schedule 2 (transfer of accrued rights) to, that Act shall be taken as references to the Treasury and the power conferred by paragraph 2 of that Schedule to make regulations shall be exercisable by the Treasury.

Effect of election for, or to continue in, the civil service scheme

- 5 Where a person elects under this Schedule for the civil service scheme, the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall, subject to regulations under this Schedule, apply as if his service as Commissioner were service in employment in the civil service of the State.

Effect of election to continue in the old judicial scheme

- 6 Where a person elects under this Schedule for the old judicial scheme, that scheme and the former enactments shall, subject to regulations under this Schedule, continue to have effect in relation to him and his service in the office of Commissioner.

Time for, and manner of, election

- 7 Any power to make an election under this Schedule shall be exercisable within such time and in such manner as may be prescribed in regulations under this Schedule.

Regulations

- 8 (1) The Treasury may make regulations for purposes supplementary to the other provisions of this Schedule.
- (2) Any such regulations may, without prejudice to section 38 or 39A of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of a person to whom—
- (a) his former scheme,
 - (b) the 1993 scheme,
 - (c) the civil service scheme, or
 - (d) the old judicial scheme,
- applies, or has applied, in respect of any service other than service as Commissioner.
- (3) The provision that may be made by virtue of sub-paragraph (2) above includes provision—

Status: Point in time view as at 05/02/1994.

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- (a) for aggregating—
- (i) other service falling within his former scheme, the 1993 scheme or the old judicial scheme with service as Commissioner, or
 - (ii) service as Commissioner with such other service,
- for the purpose of determining qualification for, or entitlement to, or the amount of, benefit under the scheme in question;
- (b) for increasing the amount of the benefit payable under any of the schemes mentioned in paragraph (a)(i) above, in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Commissioner, up to the amount that would have been payable under that scheme if he had retired from that office on the ground of permanent infirmity immediately before his appointment.
- (4) Any statutory instrument made by virtue of this Schedule shall be subject to annulment in pursuance of a resolution of the House of Commons.

Pensions and benefits to be charged on the Consolidated Fund

- 9 Any pension or other benefit granted by virtue of this Schedule shall be charged on, and issued out of, the Consolidated Fund.

Interpretation

- 10 In this Schedule—
- “the 1981 Act” means the Judicial Pensions Act 1981;
 - “the 1993 Act” means the Judicial Pensions and Retirement Act 1993;
 - “the appointed day” means the day on which Part II of Schedule 4 to the 1993 Act comes into force;
 - “the former enactments” means Schedule 1 to this Act, as it had effect from time to time before the appointed day;
 - “judicial pension scheme” means any public service pension scheme, as defined in—
 - (a) section 66(1) of the Social Security Pensions Act 1975, or
 - (b) Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975,under which pensions and other benefits are payable in respect of service in one or more qualifying judicial offices, within the meaning of the 1993 Act, but does not include the civil service scheme;
 - “the old judicial scheme” means the statutory scheme of pensions and other benefits applicable under or by virtue of the 1981 Act to the judicial offices listed in section 1 of that Act.”

Marginal Citations

M42 1967 c. 13.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F6F6 PART III

THE HEALTH SERVICE COMMISSIONERS

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Textual Amendments

F6 Sch. 4 Pt. III repealed (5.2.1994) by 1993 c. 46, ss. 20(2), 22(4), Sch.3 (with s. 3(4))

VALID FROM 31/03/1995

PART IV

THE COMPTROLLER AND AUDITOR GENERAL FOR NORTHERN IRELAND

- 5 (1) The ^{M49}Audit (Northern Ireland) Order 1987 shall be amended in accordance with the following provisions of this paragraph.
- (2) In Article 2(2) (interpretation), in the definition of “the appointed day” after the word “means” there shall be inserted the words “ (except in Article 4A) ”.
- (3) In paragraph (4) of Article 4 (pension of the Comptroller and Auditor General), after the words “Northern Ireland” (where they occur for the second time) there shall be inserted the words “ unless he elects under Article 4A for it to be treated otherwise ”.
- (4) After that Article there shall be inserted the following Article—

“ Pension of Comptroller and Auditor General: supplementary

- 4A (1) This Article applies to a person—
- (a) who first holds office on or after the appointed day as the Comptroller and Auditor General; and
 - (b) who, immediately before he first holds that office, is a member of a judicial pension scheme.
- (2) A person to whom this Article applies shall be entitled to elect between—
- (a) the scheme of pensions and other benefits under the judicial pension scheme mentioned in paragraph (1)(b) (his “former scheme”);
 - (b) (if different from his former scheme) the scheme of pensions and other benefits constituted by Part I of the 1993 Act (“the 1993 scheme”); and
 - (c) the scheme of pensions and other benefits applicable under the Superannuation (Northern Ireland) Order 1972 to the civil service of Northern Ireland (“the civil service scheme”);
- and, if he fails to make an election under this paragraph, he shall be treated as if he had elected for the civil service scheme.
- (3) Where a person elects under this Article for his former scheme, that scheme shall, subject to regulations under this Article, apply as if his service as

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Comptroller and Auditor General were service which was subject, in his case, to that scheme.

(4) A person who elects under paragraph (2)(b) for the 1993 scheme, shall be entitled, when he ceases to hold office as Comptroller and Auditor General, to a pension under Part I of the 1993 Act at the appropriate annual rate (within the meaning of that Act) if he has held that office for at least 5 years and either—

- (a) he has attained the age of 65; or
- (b) he is disabled by permanent infirmity for the performance of the duties of the office;

and, subject to the following provisions of, and regulations under, this Article, the provisions of Part I of that Act (other than sections 1(1) to (4) and 2) and of sections 19, 20 and 23 of, and Schedule 2 to, that Act (which provide for benefits in respect of earnings in excess of pension-capped salary, appeals and transfer of accrued rights) shall apply in relation to him and his service in the office of Comptroller and Auditor General as they apply in relation to a person to whom Part I of that Act applies.

(5) Subject to regulations under this Article, in the application of provisions of the 1993 Act by virtue of paragraph (4), a person who elects for the 1993 scheme shall be treated—

- (a) as if the office of the Comptroller and Auditor General were a qualifying judicial office (within the meaning of that Act) by virtue of inclusion among the offices specified in Part I of Schedule 1 to that Act;
- (b) as if his election under this Article were an election such as is mentioned in paragraph (d) of section 1(1) of that Act (so that, in particular, section 12 of that Act, which provides for the transfer of accrued rights into the scheme, applies);
- (c) as if his pension by virtue of this Article were a pension under section 2 of that Act (and, accordingly, a judicial pension, within the meaning of that Act); and
- (d) for the purpose of determining, in the event of his death, the rate of any surviving spouse's or children's pension payable under sections 5 to 8 of that Act in respect of his service as Comptroller and Auditor General, as if references in those sections to the annual rate of the deceased's judicial pension were references—
 - (i) where a pension had commenced to be paid to him by virtue of paragraph (4), to the appropriate annual rate of that pension; or
 - (ii) where no such pension had commenced to be paid to him, to the rate that would have been the appropriate annual rate of the pension payable to him by virtue of paragraph (4)(b), had he not died, but been disabled by permanent infirmity for the performance of the duties of his office on and after the date of death;

and, in the application of that Act to the Comptroller and Auditor General (whether by virtue of paragraph (2)(a) or (b)) the references to the appropriate Minister in sections 13 (election for personal pension), 19 (benefits in respect of earnings in excess of pension-capped salary) and 20 (appeals) of, and Schedule 2 (transfer of accrued rights) to, that Act shall be

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taken as references to the Treasury and the power conferred by paragraph 2 of that Schedule to make regulations shall be exercisable by the Treasury.

- (6) Where a person elects under this Article for the civil service scheme, Article 4(4) shall apply in relation to his service as Comptroller and Auditor General.
- (7) Any power to make an election under this Article shall be exercisable within such time and in such manner as may be prescribed in regulations under this Article.
- (8) The Treasury may make regulations for purposes supplementary to the other provisions of this Article.
- (9) Any such regulations may, without prejudice to section 38 of the Superannuation Act (Northern Ireland) 1967 or section 39A of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of a person to whom—
- (a) his former scheme,
 - (b) the 1993 scheme, or
 - (c) the civil service scheme,
- applies, or has applied, in respect of any service other than service as Comptroller and Auditor General.
- (10) The provision that may be made by virtue of paragraph (9) includes provision—
- (a) for aggregating—
 - (i) other service falling within his former scheme or the 1993 scheme with service as Comptroller and Auditor General, or
 - (ii) service as Comptroller and Auditor General with such other service,

for the purpose of determining qualification for, or entitlement to, or the amount of, benefit under the scheme in question;
 - (b) for increasing the amount of the benefit payable under either of the schemes mentioned in sub-paragraph (a)(i), in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Comptroller and Auditor General, up to the amount that would have been payable under that scheme if he had retired from that office on the ground of permanent infirmity immediately before his appointment.
- (11) Regulations made under this Article shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.
- (12) Any pension or other benefit granted by virtue of this Article (except a pension or other benefit under the civil service scheme) shall be charged on, and issued out of, the Consolidated Fund of the United Kingdom.
- (13) In this Article—
- “the 1993 Act” means the Judicial Pensions and Retirement Act 1993;

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“the appointed day” means the day on which Part IV of Schedule 4 to the 1993 Act comes into force;

“judicial pension scheme” means any public service pension scheme, as defined in—

- (a) section 66(1) of the Social Security Pensions Act 1975, or
- (b) Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975,

under which pensions and other benefits are payable in respect of service in one or more qualifying judicial offices, within the meaning of the 1993 Act, but does not include the civil service scheme.”

Marginal Citations

M49 S.I. 1987/460 (N.I. 5).

VALID FROM 31/03/1995

PART V

THE NORTHERN IRELAND PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION AND THE NORTHERN IRELAND COMMISSIONER FOR COMPLAINTS

- 6 (1) The ^{M50}Parliamentary Commissioner Act (Northern Ireland) 1969 shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (3) of section 2 (power to determine the pension and other benefits payable to person who has held office as Commissioner) at the beginning there shall be inserted the words “ Subject to subsections (4A) and (4B), ”.
- (3) After subsection (4) of that section there shall be inserted the following subsections—
- “(4A) Subsection (3) shall not apply in relation to pension and other benefits payable to or in respect of a person who first holds the office of Commissioner on or after the day appointed for the coming into force of Part V of Schedule 4 to the Judicial Pensions and Retirement Act 1993.
 - (4B) The provisions of Schedule 1A shall have effect with respect to the pensions and other benefits to be paid to or in respect of persons who have held office as Commissioner.”
- (4) In subsection (5) of that section, at the end there shall be added the words “ or by virtue of Schedule 1A ”.
- (5) In subsection (6) of that section, at the beginning there shall be inserted the words “ Except insofar as Schedule 1A otherwise provides ”.
- (6) Immediately before Schedule 1 there shall be inserted the following Schedule—

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“SCHEDULE
 1A

Section 2.

PENSIONS AND OTHER BENEFITS

Persons taking office after the appointed day

- 1 A person who first holds office as the Commissioner on or after the appointed day shall be entitled, if he was a member of a judicial pension scheme immediately before he first holds that office, to elect between—
- (a) the scheme of pensions and other benefits under that judicial pension scheme (his “former scheme”);
 - (b) (if different from his former scheme) the scheme of pensions and other benefits constituted by Part I of the 1993 Act (“the 1993 scheme”); and
 - (c) the scheme of pensions and other benefits applicable under Article 3 of the Superannuation (Northern Ireland) Order 1972 to the civil service of Northern Ireland (“the civil service scheme”);
- and, if he is not entitled to make an election under this paragraph, or if he is so entitled but fails to make such an election, he shall be treated as if he had been so entitled and had elected for the civil service scheme.

Transitional provision for persons appointed before the appointed day

- 2 If a person who held the office of Commissioner before the appointed day has made an election under the former enactment for the old judicial scheme, he shall be entitled to make an election under this sub-paragraph between—
- (a) the old judicial scheme; and
 - (b) the 1993 scheme;
- and, if he fails to make an election under this sub-paragraph, he shall be taken to have elected for the old judicial scheme.

Effect of election to continue in former scheme

- 3 Where a person elects under this Schedule for his former scheme, that scheme shall, subject to regulations under this Schedule, apply as if his service as Commissioner were service which was subject, in his case, to that scheme.

Effect of election for the 1993 scheme

- 4 (1) A person who elects under paragraph 1(b) or 2(b) for the 1993 scheme, shall be entitled, when he ceases to hold office as Commissioner, to a pension under Part I of the 1993 Act at the appropriate annual rate (within the meaning of that Act) if he has held that office for at least 5 years and either—
- (a) he has attained the age of 65; or
 - (b) he is disabled by permanent infirmity for the performance of the duties of the office;

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and, subject to the following provisions of, and regulations under, this Schedule, the provisions of Part I of that Act (other than sections 1(1) to (4) and 2) and of sections 19, 20 and 23 of, and Schedule 2 to, that Act (which provide for benefits in respect of earnings in excess of pension-capped salary, appeals and transfer of accrued rights) shall apply in relation to him and his service in the office of Commissioner as they apply in relation to a person to whom Part I of that Act applies.

(2) Subject to regulations under this Schedule, in the application of provisions of the 1993 Act by virtue of sub-paragraph (1), a person who elects for the 1993 scheme shall be treated—

- (a) as if the office of Commissioner were a qualifying judicial office (within the meaning of that Act) by virtue of inclusion among the offices specified in Part I of Schedule 1 to that Act;
- (b) as if his election under this Schedule were an election such as is mentioned in paragraph (d) of section 1(1) of that Act (so that, in particular, section 12 of that Act, which provides for the transfer of accrued rights into the scheme, applies);
- (c) as if his pension by virtue of this Schedule were a pension under section 2 of that Act (and, accordingly, a judicial pension, within the meaning of that Act); and
- (d) for the purpose of determining, in the event of his death, the rate of any surviving spouse's or children's pension payable under sections 5 to 8 of that Act in respect of his service as Commissioner, as if references in those sections to the annual rate of the deceased's judicial pension were references—
 - (i) where a pension had commenced to be paid to him by virtue of sub-paragraph (1), to the appropriate annual rate of that pension; or
 - (ii) where no such pension had commenced to be paid to him, to the rate that would have been the appropriate annual rate of the pension payable to him by virtue of sub-paragraph (1)(b), had he not died, but been disabled by permanent infirmity for the performance of the duties of his office on and after the date of death;

and, in the application of that Act to the Commissioner (whether by virtue of paragraph 1(a) or (b) or 2(b)) the references to the appropriate Minister in sections 13 (election for personal pension), 19 (benefits in respect of earnings in excess of pension-capped salary) and 20 (appeals) of, and Schedule 2 (transfer of accrued rights) to, that Act shall be taken as references to the Treasury and the power conferred by paragraph 2 of that Schedule to make regulations shall be exercisable by the Treasury.

Effect of election for, or to continue in, the civil service scheme

- 5 Where a person elects under this Schedule for the civil service scheme, the principal civil service pension scheme within the meaning of Article 4 of the Superannuation (Northern Ireland) Order 1972 and for the time being in force shall apply as if his service as Commissioner were service in employment in the civil service of Northern Ireland.

Status: Point in time view as at 05/02/1994.

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Effect of election to continue in the old judicial scheme

- 6 Where a person elects under this Schedule for the old judicial scheme, that scheme and the former enactment shall continue to have effect in relation to him and his service in the office of Commissioner.

Time for, and manner of, election

- 7 Any power to make an election under this Schedule shall be exercisable within such time and in such manner as may be prescribed in regulations under this Schedule.

Regulations

- 8 (1) The Treasury may make regulations for purposes supplementary to the other provisions of this Schedule.
- (2) Any such regulations may, without prejudice to section 38 of the Superannuation Act (Northern Ireland) 1967 or section 39A of the Superannuation Act 1965 (employment in more than one public office), make special provision with respect to the pensions and other benefits payable to or in respect of a person to whom—
- (a) his former scheme,
 - (b) the 1993 scheme,
 - (c) the civil service scheme, or
 - (d) the old judicial scheme,
- applies, or has applied, in respect of any service other than service as Commissioner.
- (3) The provision that may be made by virtue of sub-paragraph (2) includes provision—
- (a) for aggregating—
 - (i) other service falling within his former scheme, the 1993 scheme or the old judicial scheme with service as Commissioner, or
 - (ii) service as Commissioner with such other service,
 for the purpose of determining qualification for, or entitlement to, or the amount of, benefit under the scheme in question;
 - (b) for increasing the amount of the benefit payable under any of the schemes mentioned in paragraph (a)(i), in the case of a person to whom that scheme applied in respect of an office held by him before appointment as Commissioner, up to the amount that would have been payable under that scheme if he had retired from that office on the ground of permanent infirmity immediately before his appointment.
- (4) Regulations made under this Schedule shall be subject to annulment in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

Status: Point in time view as at 05/02/1994.

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Pensions and benefits to be charged on the Consolidated Fund

- 9 Any pension or other benefit granted by virtue of this Schedule (except a pension or other benefit under the civil service scheme or the old judicial scheme) shall be charged on, and issued out of, the Consolidated Fund of the United Kingdom.

Interpretation

- 10 In this Schedule—
- “the 1993 Act” means the Judicial Pensions and Retirement Act 1993;
- “the appointed day” means the day on which Part V of Schedule 4 to the 1993 Act comes into force;
- “the former enactment” means the Parliamentary Commissioner and Commissioner for Complaints (Pension) Order (Northern Ireland) 1973 as it had effect from time to time before the appointed day;
- “judicial pension scheme” means any public service pension scheme, as defined in—
- (a) section 66(1) of the Social Security Pensions Act 1975, or
- (b) Article 2(2) of the Social Security Pensions (Northern Ireland) Order 1975,
- under which pensions and other benefits are payable in respect of service in one or more qualifying judicial offices, within the meaning of the 1993 Act, but does not include the civil service scheme;
- “the old judicial scheme” means the scheme of pensions and other benefits set out in Part II of the Parliamentary Commissioner and Commissioner for Complaints (Pension) Order (Northern Ireland) 1973.”

Marginal Citations

M50 1969 c. 10 (N.I.).

- 7 (1) The ^{M51}Commissioner for Complaints Act (Northern Ireland) 1969 shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (2) of section 2 (remuneration), at the end there shall be added the words “ or payable by virtue of Schedule 1A ”.
- (3) In subsection (3) of that section, at the beginning there shall be inserted “ Except insofar as Schedule 1A otherwise provides ”.
- (4) After that subsection there shall be added—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(4) The provisions of Schedule 1A shall have effect with respect to the pensions and other benefits to be paid to or in respect of persons who have held office as Commissioner.”

(5) After subsection (1) of section 13 (power to make provision by order) there shall be inserted the following subsection—

“(1A) Paragraph (c) of subsection (1) shall not apply in relation to pension and other benefits payable to or in respect of a person who first holds the office of Commissioner on or after the day appointed for the coming into force of Part V of Schedule 4 to the Judicial Pensions and Retirement Act 1993.”

(6) Immediately before Schedule 1 there shall be inserted as Schedule 1A the Schedule set out in paragraph 6(6) above.

Marginal Citations

M51 1969 c. 25 (N.I.).

VALID FROM 31/03/1995

SCHEDULE 5

Section 26.

RETIREMENT PROVISIONS: THE RELEVANT OFFICES

SCHEDULE 6

Section 26.

RETIREMENT DATES FOR CERTAIN JUDICIAL OFFICES

VALID FROM 31/03/1995

The Judicial Committee of the Privy Council

1 (1) At the end of section 3 of the ^{M89}Appellate Jurisdiction Act 1887 (Judicial Committee of the Privy Council to include such members of the Privy Council as are holding or have held high judicial office) there shall be added the words “ but no person shall be a member of that Committee by virtue of this section at any time after the day on which he attains the age of seventy-five years unless he is for the time being the Lord Chancellor of Great Britain. ”

(2) At the end of section 1 of the ^{M90}Judicial Committee Act 1881 (person holding, or who has held, the office of Lord Justice of Appeal, if a member of the Privy Council, to be a member of the Judicial Committee) there shall be added the words “ but no

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person shall be a member of that Committee by virtue of this section at any time after the day on which he attains the age of seventy-five years.”

Marginal Citations

M89 1887 c. 70.

M90 1881 c. 3.

VALID FROM 31/03/1995

Lords of Appeal

2 In section 5 of the ^{M91}Appellate Jurisdiction Act 1876, after paragraph (3) (peers who hold, or have held, high judicial office to be Lords of Appeal) there shall be added the words—

“ but this section is subject to sections 26(7)(b) and 27 of the Judicial Pensions and Retirement Act 1993 (prohibition on participating in the hearing and determination of appeals after attaining the age of seventy-five years, except for the purpose of completing proceedings already begun). ”

Marginal Citations

M91 1876 c. 59.

VALID FROM 31/03/1995

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

3 In subsection (1) of section 2 of the ^{M92}Judicial Pensions Act 1959 (which provides that any Lord of Appeal in Ordinary, Lord Justice General, Lord Justice Clerk, Senator of the College of Justice in Scotland, Lord Chief Justice of Northern Ireland, Lord Justice of Appeal in Northern Ireland or Judge of the High Court of Justice in Northern Ireland is to vacate his office on the day on which he attains the age of 75) for the words “seventy-five” there shall be substituted the word “ seventy ”.

Marginal Citations

M92 1959 c. 9.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

Judges of the Supreme Court

- 4 In subsection (2) of section 11 of the ^{M93}Supreme Court Act 1981 (which provides that any judge of the Supreme Court, other than the Lord Chancellor, is to vacate his office no later than the day on which he attains the age of 75) for the words “seventy-five” there shall be substituted the word “seventy”.

Marginal Citations

M93 1981 c. 54.

VALID FROM 31/03/1995

Acting and deputy judges

- 5 (1) In section 9 of the Supreme Court Act 1981, after subsection (1) (persons who may act as judges) there shall be inserted—
- “(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.”
- (2) After subsection (4) of that section (appointment of deputy High Court judges) there shall be inserted—
- “(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”
- (3) In subsection (6)(b) of that section (which refers to subsection (7) of that section, relating to the completion of proceedings after retirement), for the words “subject to subsection (7)” there shall be substituted the words “subject to section 27 of the Judicial Pensions and Retirement Act 1993”.

VALID FROM 31/03/1995

Temporary Judges of the Court of Session

- 6 (1) In paragraph 5 of Schedule 4 to the ^{M94}Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (appointment of temporary judges of the Court of Session) for the words “75 years” there shall be substituted the words “70 years”.
- (2) The said paragraph 5 as amended by sub-paragraph (1) above shall be numbered sub-paragraph (1) and there shall be added the following sub-paragraph—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(2) Sub-paragraph (1) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M94 1990 c. 40.

VALID FROM 31/03/1995

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

- 7 In section 7 of the ^{M95}Judicature (Northern Ireland) Act 1978, in subsection (1) (which provides that certain judges and former judges may, at the request of the Lord Chancellor, sit as judges of the High Court or Court of Appeal in Northern Ireland)—
- (a) the words “at any time” shall be omitted; and
 - (b) at the end, there shall be added the words “ at any time on or before the day on which he attains the age of seventy-five. ”

Marginal Citations

M95 1978 c. 23.

VALID FROM 31/03/1995

Circuit judges

- 8 (1) Section 17 of the ^{M96}Courts Act 1971 (retirement of Circuit judges) shall be amended in accordance with the following provisions of this paragraph.
- (2) For subsection (1) (which requires a Circuit judge to vacate his office at the end of the completed year of service in which he attains the age of 72, subject to the possibility of extended appointment) there shall be substituted—
- “(1) Subject to subsection (4) below and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75), a Circuit judge shall vacate his office on the day on which he attains the age of 70.”
- (3) Subsection (2) (which contains power to continue a Circuit judge’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) Subsection (3) (day on which certain persons are to be regarded as completing a year of service) shall cease to have effect.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M96 1971 c. 23.

VALID FROM 31/03/1995

Recorders, deputy Circuit judges and assistant Recorders

- 9 (1) In section 21 of the ^{M97}Courts Act 1971, in subsection (5) (Recorder not to hold office after the end of the completed year of service in which he attains the age of 72) for the words from “the end of” onwards there shall be substituted the words “the day on which he attains the age of seventy, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”
- (2) In section 24 of that Act (deputy Circuit judges and assistant Recorders), after subsection (1) there shall be inserted—
- “(1A) No appointment of a person under subsection (1) above shall be such as to extend—
- (a) in the case of appointment as a deputy Circuit judge, beyond the day on which he attains the age of seventy-five; or
- (b) in the case of appointment as an assistant Recorder, beyond the day on which he attains the age of seventy;
- but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Marginal Citations

M97 1971 c. 23.

VALID FROM 31/03/1995

Sheriffs

- 10 In the ^{M98}Sheriff Courts (Scotland) Act 1971, after section 5 (qualification for offices of sheriff principal and sheriff) there shall be inserted—
- “5A Retiring age for sheriff principal and sheriff.**
- (1) A sheriff principal or sheriff shall vacate his office on the day on which he attains the age of 70.
- (2) Subsection (1) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M98 1971 c. 58.

VALID FROM 31/03/1995

Temporary sheriffs

11 In section 11 of the Sheriff Courts (Scotland) Act 1971 (power to appoint temporary sheriffs principal and temporary sheriffs), after subsection (4) there shall be inserted the following subsections—

“(4A) No appointment under this section of a person to be a temporary sheriff principal or temporary sheriff shall extend beyond the day on which the person reaches the age of 70.

(4B) Subsection (4A) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

VALID FROM 31/03/1995

County Court Judge in Northern Ireland

12 In section 105 of the ^{M99}County Courts Act (Northern Ireland) 1959, for subsection (4) (which requires every judge to vacate his office at the end of the completed year of service in which he attains the age of 72, but subject to a proviso for judges who would not have completed 15 years' service) there shall be substituted—

“(4) Every judge shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).”

Marginal Citations

M99 1959 c. 25 (N.I.).

VALID FROM 31/03/1995

Deputy judge of a county court in Northern Ireland

13 In section 107 of the County Courts Act (Northern Ireland) 1959, for subsection (4) (which provides that, except in the case of a former judge, a deputy judge shall not hold office after the end of the completed year of service in which he attains the age of 72) there shall be substituted—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(4) Neither the initial term for which a deputy judge is appointed nor any extension of that term under subsection (3) shall be such as to continue his appointment as a deputy judge after the day on which he attains the age of seventy; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

VALID FROM 31/03/1995

Officers of the Supreme Court

- 14 (1) Section 92 of the^{M100}Supreme Court Act 1981 (tenure of office of certain officers of the Supreme Court) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1) (certain Masters, Registrars and other officers of the Supreme Court to vacate office at the end of the completed year of service in which they attain the age of 72)—
- (a) after the words “Subject to the following provisions of this section” there shall be inserted the words “ and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75) ”; and
- (b) for the words from “at the end” onwards there shall be substituted the words “ on the day on which he attains the age of seventy years. ”
- (3) In subsection (2B) (offices to which subsection (2A) applies) the words “and the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals” shall be omitted.
- (4) Subsection (2C) (which makes provision for determining the day on which persons who successively hold offices falling within column 1 of Part I or II of Schedule 2 to that Act are to be regarded as completing a year of service, and which is of no further utility) shall cease to have effect.
- (5) After that subsection there shall be inserted—
- “(2D) Subject to the following provisions of this section, a person who holds an office to which this subsection applies shall vacate it on the day on which he attains the age of sixty-two years.
- (2E) Subsection (2D) applies to the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.”
- (6) Subsection (3) (which contains power to continue a person’s appointment to an office to which subsection (1) applies up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (7) In subsection (4) (offices to which subsection (1) or (2A) applies to be held during good behaviour) for the words “or (2A)” there shall be substituted the words “ , (2A) or (2D) ”.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

[M100 1981 c. 54.](#)

VALID FROM 31/03/1995

Deputy and temporary officers of the Supreme Court

- 15 In section 91 of the ^{M101}Supreme Court Act 1981, in subsection (3) (which permits certain appointments as a deputy or temporary officer to be made, notwithstanding that the person would be disqualified by age from holding the office in question) after paragraph (c) there shall be added—
- “ but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years. ”

Marginal Citations

[M101 1981 c. 54.](#)

VALID FROM 31/03/1995

Deputy district judges of district registries of the High Court

- 16 In section 102 of the Supreme Court Act 1981, at the end of subsection (3) (which permits certain appointments as a deputy district judge of a district registry of the High Court to be made, notwithstanding that the person would be disqualified by age from holding the office in question) there shall be added the words “ ; but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years. ”

VALID FROM 31/03/1995

District judges and deputy district judges of county courts

- 17 (1) In section 8 of the ^{M102}County Courts Act 1984 (deputy district judges) after subsection (1) there shall be inserted—
- “(1A) Any appointment of a person as a deputy district judge—
- (a) if he has previously held office as a district judge, shall not be such as to extend beyond the day on which he attains the age of 75 years; and
 - (b) in any other case, shall not be such as to extend beyond the day on which he attains the age of 70 years, but subject to section 26(4)

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

(2) Section 11 of that Act (tenure of office of district judge etc) shall be amended in accordance with the following provisions of this paragraph.

(3) For subsections (1) and (2) (which provide for a person to whom subsection (1) applies to vacate his office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(1) This subsection applies to the office of district judge.

(2) Subject to the following provisions of this section and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75), a person who holds an office to which subsection (1) applies shall vacate his office on the day on which he attains the age of 70 years.”

(4) Subsection (3) (which confers power to continue district judges etc in office up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Marginal Citations

M102 [1984 c. 28](#).

VALID FROM 31/03/1995

Statutory officers in Northern Ireland

18 In section 71 of the ^{M103}Judicature (Northern Ireland) Act 1978, for subsection (3) (which provides that a statutory officer, within the meaning of that Act, is to retire at the end of the completed year of service in which he attains the age of 72, but subject to the substitution of a lower age, under subsection (4)) there shall be substituted—

“(3) Subject to subsection (4) below and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office beyond the age of 70, up to the age of 75), a statutory officer shall retire on the day on which he attains the age of 70 years.”

Marginal Citations

M103 [1978 c. 23](#).

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

Stipendiary magistrates in England and Wales

- 19 (1) Section 14 of the Justices of the ^{M104}Peace Act 1979 (retirement of stipendiary magistrates) shall be amended in accordance with the following provisions of this paragraph.
- (2) At the beginning of that section there shall be inserted—
- “(1A) A stipendiary magistrate appointed after the coming into force of section 26 of the Judicial Pensions and Retirement Act 1993 shall vacate his office on the day on which he attains the age of 70.”
- (3) In subsection (1) (persons appointed on or after 25th October 1968)—
- (a) after the words “25th October 1968” there shall be inserted the words “and before the coming into force of section 26 of the Judicial Pensions and Retirement Act 1993 ”; and
- (b) the proviso (which provides that the Lord Chancellor may authorise a person to continue in office up to the age of 72 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) Subsection (2) (which relates to appointments before 25th October 1968 and which is spent) shall be omitted.
- (5) At the end of that section there shall be added—
- “(3) Subsections (1A) and (1) above are subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Marginal Citations

M104 1979 c. 55.

VALID FROM 31/03/1995

Resident Magistrates in Northern Ireland

- 20 For section 1 of the ^{M105}Resident Magistrates’ Pensions Act (Northern Ireland) 1960 (Resident Magistrate to vacate office at the end of the completed year of service in which he attains the age of 70, but with power to continue in office up to the age of 72) there shall be substituted—

“1 Retiring age of resident magistrates.

Every resident magistrate (whether appointed before or after the passing of this Act) shall vacate his office on the day on which he attains the age of seventy; but this section is subject to section 26(4) to (6) of the Judicial

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Marginal Citations

M105 1960 c. 2 (N.I.).

VALID FROM 31/03/1995

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

- 21 (1) Paragraph 1 of Schedule 2 to the ^{M106}Social Security Administration Act 1992 (tenure of office as Commissioner, President or full-time chairman) shall be amended in accordance with the following provisions of this paragraph.
- (2) In sub-paragraph (2) (which requires such a person to vacate office at the end of the completed year of service in which he attains the age of 72) for the words from “at the end of” onwards there shall be substituted the words “ on the day on which they attain the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75). ”
- (3) Sub-paragraph (3) (which contains power to continue such a person’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) In sub-paragraph (5) (consultation with Lord Advocate before exercising powers under sub-paragraph (3) or (4)) the words “(3) or” shall be omitted.
- (5) In sub-paragraph (6) (sub-paragraph (2) or (3) not to apply in relation to deputy Commissioners) the words “or (3)” shall be omitted.
- (6) In sub-paragraph (7) (which provides that nothing in sub-paragraph (2) or (4) applies to a Commissioner appointed before 23rd May 1980) the words “(2) or” (which are of no further practical utility) shall be omitted.

Marginal Citations

M106 1992 c. 5.

VALID FROM 31/03/1995

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

- 22 (1) Paragraph 1 of Schedule 2 to the ^{M107}Social Security Administration (Northern Ireland) Act 1992 (tenure of office as Commissioner, President or full-time

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

chairman) shall be amended in accordance with the following provisions of this paragraph.

- (2) In sub-paragraph (2) (which requires such a person to vacate office at the end of the completed year of service in which he attains the age of 72) for the words from “at the end of” onwards there shall be substituted the words “ on the day on which they attain the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75). ”
- (3) Sub-paragraph (3) (which contains power to continue such a person’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) In sub-paragraph (6) (sub-paragraph (2) or (3) not to apply in relation to deputy Commissioners) the words “or (3)” shall be omitted.

Marginal Citations

M107 1992 c. 8.

VALID FROM 31/03/1995

Child support: Commissioners and chairmen of appeal tribunals

- 23 (1) In Schedule 3 to the ^{M108}Child Support Act 1991 (child support appeal tribunals), in paragraph 4—
- (a) in sub-paragraph (3) (chairman of child support appeal tribunals to retire at the end of the completed year of service in which he reaches the age of 72) for the words from “at the end” to the end of that sub-paragraph there shall be substituted the words “ on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75) ”; and
 - (b) sub-paragraph (4) (which contains power to continue a chairman’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (2) In Schedule 4 to that Act (Child Support Commissioners), in paragraph 1—
- (a) in sub-paragraph (1) (Child Support Commissioner to retire at the end of the completed year of service in which he reaches the age of 72) for the words from “at the end” to the end of that sub-paragraph there shall be substituted the words “ on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75) ”; and
 - (b) sub-paragraph (2) (which contains power to continue a Commissioner’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) In paragraph 4 of that Schedule (deputy Child Support Commissioners) at the beginning of paragraph (b) of sub-paragraph (2) there shall be inserted the words “ Subject to sub-paragraph (2A) ”, and after that sub-paragraph there shall be inserted—

“(2A) No appointment of a person to be a deputy Child Support Commissioner shall be such as to extend beyond the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

(4) In paragraph 7 of that Schedule (Lord Chancellor to consult the Lord Advocate before exercising certain powers under the Schedule) for the words “paragraph 1(2) or (3)” there shall be substituted the words “ paragraph 1(3) ”.

Marginal Citations

M108 1991 c. 48.

VALID FROM 31/03/1995

Chairmen of child support appeal tribunals in Northern Ireland

24 In Schedule 3 to the ^{M109}Child Support (Northern Ireland) Order 1991 (child support appeal tribunals), in paragraph 4—

- (a) in sub-paragraph (3) (chairman of child support appeal tribunals to retire at the end of the completed year of service in which he reaches the age of 72) for the words from “at the end” to the end of that sub-paragraph there shall be substituted the words “ on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75) ”; and
- (b) sub-paragraph (4) (which contains power to continue such a chairman’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Marginal Citations

M109 S.I. 1991/2628 (N.I. 23).

VALID FROM 31/03/1995

Chairman of the Foreign Compensation Commission

25 In section 1 of the ^{M110}Foreign Compensation Act 1950 (constitution of the Foreign Compensation Commission), at the beginning of subsection (3)

Status: Point in time view as at 05/02/1994.

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there shall be inserted the words “ Subject, in the case of the chairman, to subsection (3A) of this section, ” and after that subsection there shall be inserted—

“(3A) The chairman of the Commission shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

[M110 1950 c. 12.](#)

VALID FROM 31/03/1995

Commons Commissioners

26 In section 17 of the ^{M111}Commons Registration Act 1965 (which includes provision for the appointment of Commons Commissioners) after subsection (1) there shall be inserted—

“(1A) A Commons Commissioner shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power of Lord Chancellor to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

[M111 1965 c. 64.](#)

VALID FROM 31/03/1995

President and chairmen of industrial tribunals

27 (1) The ^{M112}Industrial Tribunals (England and Wales) Regulations 1965 shall be amended in accordance with sub-paragraphs (2) and (3) below.

(2) For regulation 3(2) (which requires the President of Industrial Tribunals (England and Wales) to vacate office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(2) The President shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

- (3) In regulation 5, at the beginning of paragraph (5) (terms of membership of panels) there shall be inserted the words “ Subject to paragraph (6) ” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

- (4) The ^{M113}Industrial Tribunals (Scotland) Regulations 1965 shall be amended in accordance with sub-paragraphs (5) and (6) below.

- (5) For regulation 3(2) (which requires the President of Industrial Tribunals (Scotland) to vacate office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(2) The President shall vacate office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

- (6) In regulation 5, at the beginning of paragraph (5) (terms of membership of panels) there shall be inserted the words “ Subject to paragraph (6) ” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

[M112 S.I. 1965/1101.](#)

[M113 S.I. 1965/1157.](#)

VALID FROM 31/03/1995

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

- 28 (1) In subsection (3) of section 3 of the ^{M114}Fair Employment (Northern Ireland) Act 1989 (which requires the President and Vice President of the Industrial Tribunals and the Fair Employment Tribunal each to vacate his office at the end of the completed year of service in which he attains the age of 72), for the words from “at the end of” onwards there shall be substituted the words “ on the day on which he attains the age of 70, but subject to subsection (4) below and subsections (4) to (6)

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75) ”.

- (2) In regulation 3 of the ^{M115}Industrial Tribunals Regulations (Northern Ireland) 1965 (membership of tribunals), at the beginning of paragraph (5) there shall be inserted the words “ Subject to paragraph (6) ” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Marginal Citations

[M114 1989 c. 32.](#)

[M115 S.R. & O. \(N.I.\) 1965 No. 112.](#)

VALID FROM 31/03/1995

President of the Industrial Court in Northern Ireland

- 29 In Article 91 of the ^{M116}Industrial Relations (Northern Ireland) Order 1992, at the beginning of paragraph (3) (terms of appointment of president and other members of the Industrial Court) there shall be inserted the words “ Subject, in the case of the president, to paragraph (3A), ” and after that paragraph there shall be inserted—

“(3A) The president shall vacate his office on the day on which he attains the age of 70; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993.”

Marginal Citations

[M116 S.I. 1992/807 \(N.I. 5\).](#)

VALID FROM 31/03/1995

Members of the Employment Appeal Tribunal

- 30 In Schedule 11 to the ^{M117}Employment Protection (Consolidation) Act 1978 (which includes provision concerning the tenure of office of those members of the Employment Appeal Tribunal who are appointed under section 135(2)(c) of that Act), in paragraph 2 (which provides that such a member may by notice resign his membership), after the word “member” there shall be inserted “ (a) ”, and at the end of that paragraph there shall be inserted “; and

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) shall vacate his office on the day on which he attains the age of 70;

but paragraph (b) is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M117 1978 c. 44.

VALID FROM 31/03/1995

The Lands Tribunal and the Lands Tribunal for Scotland

31 In section 2 of the ^{M118}Lands Tribunal Act 1949, after subsection (5) (terms of appointment to membership of the Tribunal) there shall be inserted—

“(5A) No person shall be appointed a member of the Tribunal for a term which extends beyond the day on which he attains the age of seventy, except in accordance with section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M118 1949 c. 42.

VALID FROM 31/03/1995

The Lands Tribunal for Northern Ireland

32 In section 2 of the ^{M119}Lands Tribunal and Compensation Act (Northern Ireland) 1964, for paragraph (b) of subsection (2) (which requires a member to vacate his office at the end of the completed year of service in the course of which he attains the age of 72) there shall be substituted—

“(b) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75); and”.

Marginal Citations

M119 1964 c. 29 (N.I.).

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

Judge Advocate of Her Majesty's Fleet

- 33 In section 28 of the ^{M120}Courts-Martial (Appeals) Act 1951, in subsection (3) (Judge Advocate of the Fleet to vacate office at the end of the completed year of service in which he attains the age of 70, with a proviso for continuance in office up to the age of 72)—
- (a) for the words from “at the end” to “seventy years” there shall be substituted the words “on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)”; and
 - (b) the proviso (which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Marginal Citations

M120 1951 c. 46.

VALID FROM 31/03/1995

Judge Advocate General and related offices

- 34 In subsection (2) of section 32 of that Act (which makes similar provision for the Judge Advocate General and also provides for certain other judicial officers to vacate office at the end of the completed year of service in which they attain the age of 65, but with a proviso for continuance in office up to the age of 70)—
- (a) after the words “The Judge Advocate General shall” there shall be inserted the words “, subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75),”;
 - (b) for the words “at the end of the completed year of service in the course of which”, in both places where they occur, there shall be substituted the words “on the day on which”; and
 - (c) the proviso (which in relation to the Judge Advocate General is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Value added tax tribunals

- 35 (1) In Schedule 8 to the ^{M121}Value Added Tax Act 1983, in paragraph 3, for subparagraphs (1) and (1A) (President of Value Added Tax Tribunals to vacate office at the end of the completed year of service in which he attains the age of 72, but with power to continue his appointment up to the age of 75) there shall be substituted—

“(1) The President—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) may resign his office at any time; and
 - (b) shall vacate his office on the day on which he attains the age of 70; but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”
- (2) In paragraph 7 of that Schedule, for sub-paragraphs (3C) and (3D) (which make similar provision in relation to a chairman of value added tax tribunals) there shall be substituted—

“(3C) A chairman of value added tax tribunals—

- (a) may resign his office at any time; and
- (b) shall vacate his office on the day on which he attains the age of 70; but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M121 1983 c. 55.

VALID FROM 31/03/1995

Special, and deputy Special, Commissioners for Income Tax

- 36 (1) In section 4 of the ^{M122}Taxes Management Act 1970 (Special Commissioners) after subsection (3) there shall be inserted—

“(3A) A Special Commissioner—

- (a) may resign his office at any time; and
- (b) shall vacate his office on the day on which he attains the age of seventy years; but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

- (2) In section 4A of that Act, at the end of subsection (2) (which provides that a person shall not be qualified for appointment as a deputy Special Commissioner unless he is qualified for appointment as a Special Commissioner) there shall be added the words “ (and, accordingly, no appointment of a person as a deputy Special Commissioner shall be such as to extend beyond the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993) ”.

Marginal Citations

M122 1970 c. 9.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

President or other member of the Immigration Appeal Tribunal

37 In Part II of Schedule 5 to the ^{M123}Immigration Act 1971 (the Immigration Appeal Tribunal) in paragraph 8 (terms of appointment) at the beginning of sub-paragraph (1) there shall be inserted the words “ Subject to the following provisions of this paragraph ” and at the end of that paragraph there shall be added—

“(3) A member of the Tribunal shall vacate his office on the day on which he attains the age of seventy, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M123 1971 c. 77.

VALID FROM 31/03/1995

Immigration adjudicators

38 In Part I of Schedule 5 to the Immigration Act 1971 (immigration adjudicators) in paragraph 2 (terms of appointment) at the beginning of sub-paragraph (1) there shall be inserted the words “ Subject to the following provisions of this paragraph ” and at the end of that paragraph there shall be added—

“(3) An adjudicator shall vacate his office on the day on which he attains the age of seventy, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

VALID FROM 31/03/1995

Pensions Appeal Tribunals

39 In the Schedule to the ^{M124}Pensions Appeal Tribunals Act 1943, for paragraph 2 (appointment, remuneration and removal of members) there shall be substituted—

- “2 (1) The members of the Tribunals shall be appointed by the Lord Chancellor.
- (2) There shall be paid to them such remuneration as the Treasury may determine.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) The Lord Chancellor may, if he thinks fit, remove any member of such a Tribunal.

(4) Subject to sub-paragraph (3) above and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75), a member of such a Tribunal shall vacate his office on the day on which he attains the age of seventy years.”

Marginal Citations

M124 1943 c. 39.

VALID FROM 31/03/1995

Mental Health Review Tribunals

40 In Schedule 2 to the ^{M125}Mental Health Act 1983 (which makes provision with respect to Mental Health Review Tribunals), at the beginning of paragraph 2 there shall be inserted the words “ Subject to paragraph 2A below, ” and after that paragraph there shall be inserted—

“2A A member of a Mental Health Review Tribunal shall vacate office on the day on which he attains the age of 70 years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

Marginal Citations

M125 1983 c. 20.

VALID FROM 31/03/1995

The Financial Services Tribunal

41 In Schedule 6 to the ^{M126}Financial Services Act 1986, in paragraph 1 (which includes provision concerning the term of office of persons appointed to the panel from which persons are nominated to serve on the Financial Services Tribunal) at the beginning of sub-paragraph (1) there shall be inserted the words “ Subject to the following provisions of this paragraph, ” and after sub-paragraph (2) there shall be added—

“(3) A member of the panel appointed by the Lord Chancellor shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M126 1986 c. 60.

VALID FROM 31/03/1995

Tribunals and advisory bodies under the Misuse of Drugs Act 1971

- 42 (1) Schedule 3 to the ^{M127}Misuse of Drugs Act 1971 (which includes provision in relation to tribunals and advisory bodies established for the purposes of sections 14 and 15 of that Act) shall be amended in accordance with this paragraph.
- (2) In paragraph 1 (membership of tribunals) after sub-paragraph (2) there shall be inserted—
- “(2A) The chairman of a tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”
- (3) In paragraph 13 (membership of advisory bodies) after sub-paragraph (1) there shall be inserted—
- “(1A) The chairman of an advisory body shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M127 1971 c. 38.

VALID FROM 31/03/1995

Restrictive Practices Court

- 43 (1) In section 3 of the ^{M128}Restrictive Practices Court Act 1976 (appointed members of the Restrictive Practices Court), in subsection (2)—
- (a) at the beginning, there shall be inserted the words “ Subject to subsection (2A) below, ”; and
- (b) the words “(not less than three years)” shall cease to have effect.
- (2) After that subsection there shall be inserted—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(2A) No appointment of a person to be an appointed member shall be such as to extend beyond the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years);”.

Marginal Citations

M128 1976 c. 33.

VALID FROM 31/03/1995

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

44 Section 706 of the ^{M129}Income and Corporation Taxes Act 1988 (appointment of a tribunal to hear appeals in connection with the cancellation of tax advantages from certain transactions in securities) shall be numbered as subsection (1) of that section, and at the end of that section there shall be added—

“(2) A person appointed as chairman or other member of the tribunal shall vacate his office on the day on which he attains the age of 70; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M129 1988 c. 1.

VALID FROM 31/03/1995

Arbitrator appointed under the Agricultural Holdings Act 1986

45 In Schedule 11 to the ^{M130}Agricultural Holdings Act 1986 (which makes provision in relation to the determination by arbitration of matters arising under that Act), after sub-paragraph (5) of paragraph 1 there shall be added—

“(6) A member of the panel constituted for the purposes of this Schedule shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M130 1986 c. 5.

VALID FROM 31/03/1995

Agricultural Land Tribunals

- 46 (1) Schedule 9 to the ^{M131}Agriculture Act 1947 (constitution etc of Agricultural Land Tribunals) shall be amended in accordance with this paragraph.
- (2) In paragraph 13 (which relates to the chairmen of such Tribunals), in sub-paragraph (2)—
- (a) at the beginning there shall be inserted the words “ Subject to sub-paragraph (2A) of this paragraph, ”; and
 - (b) for the words “three years” there shall be substituted “ such period as may be specified in the terms of his appointment ”.
- (3) After that sub-paragraph there shall be inserted—
- “(2A) No appointment of a person to be the chairman shall be such as to extend beyond the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”
- (4) Paragraph 14 (which provides for there to be a panel of deputy-chairmen for each such Tribunal) shall be numbered as sub-paragraph (1) of that paragraph, and at the end of that paragraph there shall be added—
- “(2) A member of the panel of deputy-chairmen shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”
- (5) In paragraph 15 (which provides for there to be panels of persons representing farmers’ and landowners’ interests), after sub-paragraph (1) there shall be inserted—
- “(1A) A member of either of the panels drawn up under sub-paragraph (1) of this paragraph shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M131 1947 c. 48.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

The Aircraft and Shipbuilding Industries Arbitration Tribunal

47 In section 42 of the ^{M132}Aircraft and Shipbuilding Industries Act 1977, at the beginning of subsection (5) (which makes provision in relation to the terms of appointment of the members of the Aircraft and Shipbuilding Industries Arbitration Tribunal) there shall be inserted the words “ Subject to subsection (5A) below, ” and after that subsection there shall be inserted—

“(5A) No appointment of a person to be the president of the arbitration tribunal shall be such as to extend beyond the day on which he attains the age of 70; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M132 1977 c.3.

VALID FROM 31/03/1995

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

48 In section 29 of the ^{M133}Betting, Gaming and Lotteries Act 1963 (appointment of a tribunal to hear appeals concerning bookmakers’ levy) at the end of subsection (2) there shall be added the words “ , but subject, in the case of the chairman, to subsection (2A) of this section ”, and after that subsection there shall be inserted—

“(2A) The chairman of any such tribunal shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M133 1963 c. 2.

VALID FROM 31/03/1995

The Copyright Tribunal

49 In section 146 of the ^{M134}Copyright, Designs and Patents Act 1988 (membership of the Copyright Tribunal) after subsection (3) there shall be inserted—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(3A) A person who is the chairman or a deputy chairman of the Tribunal shall vacate his office on the day on which he attains the age of 70 years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

Marginal Citations

M134 1988 c. 48.

VALID FROM 31/03/1995

The Data Protection Tribunal

50 In Schedule 2 to the ^{M135}Data Protection Act 1984, in paragraph 8 (tenure of office of members of the Data Protection Tribunal), at the beginning of sub-paragraph (1) there shall be inserted the words “ Subject to the following provisions of this paragraph, ” and at the end of that paragraph there shall be added—

“(3) A person who is the chairman or a deputy chairman of the Tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M135 1984 c. 35.

VALID FROM 31/03/1995

Independent Schools Tribunals

51 In Schedule 6 to the ^{M136}Education Act 1944 (constitution etc of Independent Schools Tribunals) at the beginning of paragraph 3 there shall be inserted the words “ Subject, in the case of a member of the legal panel, to paragraph 3A below, ” and after that paragraph there shall be inserted—

“3A No appointment of a person to be a member of the legal panel shall be such as to extend beyond the day on which he attains the age of seventy years; but this paragraph is subject to section 26(4) to (6) of the Judicial

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M136 1944 c. 31.

VALID FROM 31/03/1995

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

- 52 (1) In Schedule 3 to the ^{M137}Industry Act 1975, paragraph 6 (terms of appointment of members of a tribunal established to arbitrate in a dispute arising under that Act) shall be numbered as sub-paragraph (1) of that paragraph.
- (2) At the beginning of that sub-paragraph there shall be inserted the words “ Subject, in the case of the president of a tribunal, to sub-paragraph (2) below ”, and after that sub-paragraph there shall be added—

“(2) No appointment of a person to be the president of a tribunal shall be such as to extend beyond the day on which he attains the age of 70 years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

Marginal Citations

M137 1975 c. 68.

VALID FROM 31/03/1995

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

- 53 In regulation 26 of the ^{M138}National Health Service (Service Committees and Tribunal) Regulations 1974 (tenure of office of chairman of Tribunal constituted under section 46 of the ^{M139}National Health Service Act 1977) at the beginning of paragraph (1) there shall be inserted the words “ Subject to paragraph (1A), ” and after that paragraph there shall be inserted—

“(1A) The chairman shall vacate his office on the day on which he attains the age of 70; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M138 S.I. 1974/455.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

M139 1977 c. 49.

VALID FROM 31/03/1995

Chairman of the Plant Varieties and Seeds Tribunal

54 In paragraph 1 of Schedule 4 to the ^{M140}Plant Varieties and Seeds Act 1964, at the beginning of sub-paragraph (2) (tenure of office of chairman of the Plant Varieties and Seeds Tribunal) there shall be inserted the words “ Subject to sub-paragraph (2A) of this paragraph, ” and after that sub-paragraph there shall be inserted—

“(2A) No appointment of a person to be the chairman of the Tribunal shall be such as to extend beyond the day on which he attains the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M140 1964 c. 14.

VALID FROM 31/03/1995

Chairman of a Registered Homes Tribunal

55 In section 40 of the ^{M141}Registered Homes Act 1984, at the beginning of subsection (6) (terms of appointment of persons to the panels of chairmen and other members of Registered Homes Tribunals), there shall be inserted the words “ Subject, in the case of a person appointed to the legal panel, to subsection (7) below, ” and after that subsection there shall be added—

“(7) No appointment of a person to the legal panel shall be such as to extend beyond the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M141 1984 c. 23.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

Rent Assessment Committees

56 In Schedule 10 to the ^{M142}Rent Act 1977, after paragraph 2 (appointment by Lord Chancellor or Secretary of State of persons to constitute the panels from which the members of rent assessment committees are selected) there shall be inserted—

“2A No appointment of a person to any panel by the Lord Chancellor shall be such as to extend beyond the day on which the person attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M142 [1977 c. 42.](#)

VALID FROM 31/03/1995

The Transport Tribunal

57 (1) Paragraph 3 of Schedule 4 to the ^{M143}Transport Act 1985 (tenure of office of judicial members) shall be amended in accordance with the following provisions of this paragraph.

(2) In sub-paragraph (1) (judicial member to hold office until the end of the completed year of service in which he attains the age of 72 and then retire)—

(a) after the words “Subject to the following provisions of this paragraph” there shall be inserted the words “ and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five) ”; and

(b) for the words “the end of the completed year of service in which he attains the age of seventy-two” there shall be substituted the words “ the day on which he attains the age of seventy ”.

(3) Sub-paragraph (2) (which contains power to continue the member’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Marginal Citations

M143 [1985 c. 67.](#)

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

Tribunal established under section 9 of the Wireless Telegraphy Act 1949

58 In Schedule 2 to the ^{M144}Wireless Telegraphy Act 1949, in paragraph 1 (period for which members of the appeal tribunal established under section 9 of that Act are to hold office) after sub-paragraph (1) there shall be inserted—

“(1A) No appointment of a person to be the president of the appeal tribunal shall be such as to extend beyond the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).

(1B) No person shall be appointed after the day on which he attains the age of seventy years to act as one of the additional members of the appeal tribunal under subsection (5) of section 9 of this Act.”

Marginal Citations

M144 1949 c. 54.

VALID FROM 31/03/1995

Wreck commissioner

59 In section 82 of the ^{M145}Merchant Shipping Act 1970 (appointment of wreck commissioners) after subsection (1) there shall be inserted—

“(1A) A wreck commissioner shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M145 1970 c. 36.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

Chairman of a Reinstatement Committee

60 In Schedule 2 to the ^{M146}Reserve Forces (Safeguard of Employment) Act 1985, paragraph 2 (composition of Reinstatement Committees) shall be numbered as sub-paragraph (1) of that paragraph and at the end of that paragraph there shall be added—

“(2) A member of the panel of persons referred to in sub-paragraph (1) (a) shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

[M146 1985 c. 17.](#)

VALID FROM 31/03/1995

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

61 In Schedule 3 to the ^{M147}Mines and Quarries Act 1954, at the end of paragraph 1 (constitution of tribunals to inquire into whether a certificate of competency granted under that Act should be withdrawn or suspended) there shall be added the words “; but no person shall be appointed—

- (a) as the person, or one of the persons, constituting such a tribunal, or
- (b) as an assessor to assist any such tribunal,

after the day on which he attains the age of seventy years.”

Marginal Citations

[M147 1954 c. 70.](#)

VALID FROM 31/03/1995

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

62 In rule 5 of the ^{M148}Merchant Shipping (Section 52 Inquiries) Rules 1982 (appointment of courts of inquiry for the purposes of section 52 of the ^{M149}Merchant Shipping Act 1970) after paragraph (3) there shall be added—

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(4) A person shall not be appointed after the day on which he attains the age of 70 to assist with a section 52 inquiry as an assessor.”

Marginal Citations

M148 S.I. 1982/1752.

M149 1970 c. 36.

VALID FROM 31/03/1995

Chairman of a vaccine damage tribunal in Northern Ireland

- 63 In regulation 7 of the ^{M150}Vaccine Damage Payments Regulations 1979 (constitution etc of vaccine damage tribunals), in paragraph (1B), at the end of sub-paragraph (a) (which provides for the chairman of a vaccine damage tribunal in Northern Ireland to be appointed by the Secretary of State) there shall be added the words “ but no person shall be so appointed after the day on which he attains the age of 70 ”.

Marginal Citations

M150 S.I. 1979/432.

VALID FROM 31/03/1995

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

- 64 In section 47 of the ^{M151}Building Societies Act 1986 (tribunals to hear appeals against certain decisions of the Building Societies Commission) after subsection (3) there shall be inserted—
- “(3A) A person shall not be appointed after the day on which he attains the age of 70 to be the chairman of a tribunal under this section.”

Marginal Citations

M151 1986 c. 53.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

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

65 In section 28 of the ^{M152}Banking Act 1987 (tribunals to hear appeals against certain decisions of the Bank of England), after subsection (3) there shall be inserted—

“(3A) A person shall not be appointed after the day on which he attains the age of 70 to be the chairman of a tribunal under this section.”

Marginal Citations

M152 1987 c. 22.

VALID FROM 31/03/1995

Arbitrators appointed under Schedule 10 to the Electricity Act 1989

66 In paragraph 9 of Schedule 10 to the ^{M153}Electricity Act 1989, after subparagraph (2) (appointment of arbitrator etc to determine third parties' claims for compensation arising out of certain transfers of property etc) there shall be added—

“(3) A person shall not be appointed after the day on which he attains the age of 70 to be an arbitrator or arbiter under subparagraph (2) above.”

Marginal Citations

M153 1989 c. 29.

VALID FROM 31/03/1995

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

67 In Schedule 3 to the ^{M154}Education (Schools) Act 1992 (tribunals to hear appeals in relation to the registration of school inspectors), at the end of paragraph 1 there shall be added—

“(3) A person shall not be appointed after the day on which he attains the age of 70 to be the Chairman of a tribunal.”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M154 1992 c. 38.

VALID FROM 31/03/1995

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

68 In section 59 of the ^{M155}Friendly Societies Act 1992 (tribunal to hear appeals against certain decisions of the Friendly Societies Commission), after subsection (3) there shall be inserted—

“(3A) A person shall not be appointed after the day on which he attains the age of 70 to be the chairman of a tribunal under this section.”

Marginal Citations

M155 1992 c. 40.

VALID FROM 31/03/1995

SCHEDULE 7

Section 26.

RETIREMENT DATES: TRANSITIONAL PROVISIONS

Modifications etc. (not altering text)

- C2 Sch. 7 restricted (1.1.1996) by S.I. 1995/3192, art. 4(b)(iii)
Sch. 7 modified (27.9.1999) by 1999 c. 22, ss. 105, 108(3), Sch. 14 Pt. V para. 25 (with Sch. 14 para. 7(2))
Sch. 7 continued (14.2.2000) by 1999 c. 33, s. 169(2), Sch. 15 para. 3(4); S.I. 2000/168, art. 2, Sch. (with art. 3)

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULE 8

Section 31.

MINOR AND CONSEQUENTIAL AMENDMENTS

VALID FROM 31/03/1995

The Courts-Martial (Appeals) Act 1951

1 Section 35 of the ^{M189}Courts-Martial (Appeals) Act 1951 (pension arrangements for Vice Judge Advocate General, Assistant Judge Advocates General and Deputy Judge Advocates) shall be numbered as subsection (1) of that section and at the end of that section there shall be added—

“(2) The foregoing subsection shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M189 1951 c. 46.

VALID FROM 31/03/1995

The County Courts Act (Northern Ireland) 1959

2 At the end of section 116 of the ^{M190}County Courts Act (Northern Ireland) 1959 (pensions of county court judges in Northern Ireland) there shall be added—

“(7) This Part shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M190 1959 c. 25 (N.I.).

VALID FROM 31/03/1995

The Resident Magistrates’ Pensions Act (Northern Ireland) 1960

3 In section 2 of the ^{M191}Resident Magistrates’ Pensions Act (Northern Ireland) 1960 (pensions of resident magistrates in Northern Ireland) after subsection (1) there shall be inserted—

“(1A) This Act shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

[M191 1960 c. 1 \(N.I.\)](#).

VALID FROM 31/03/1995

The Foreign Compensation Act 1962

4 In section 3 of the ^{M192}Foreign Compensation Act 1962, after subsection (1) (which makes provision for the pensions or other benefits payable to or in respect of members of the Foreign Compensation Commission) there shall be inserted—

“(1A) Subsection (1) above shall not have effect in relation to a chairman or former chairman of the Commission who is a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

[M192 1962 c. 4](#).

VALID FROM 31/03/1995

The Lands Tribunal and Compensation Act (Northern Ireland) 1964

5 In section 2 of the ^{M193}Lands Tribunal and Compensation Act (Northern Ireland) 1964 (pensions of members of the Lands Tribunal for Northern Ireland) after subsection (5) there shall be inserted—

“(5A) Subsection (5), so far as relating to allowances and gratuities by way of superannuation, shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

[M193 1964 c. 29 \(N.I.\)](#).

VALID FROM 31/03/1995

The Superannuation Act 1965

6 In section 39A of the ^{M194}Superannuation Act 1965 (superannuation benefits in respect of persons who have been employed in two or more judicial offices) in

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

subsection (6), in the definition of “judicial office”, after the word “means” there shall be inserted—

“(a) any qualifying judicial office, within the meaning of the Judicial Pensions and Retirement Act 1993, and

(b) ”.

Marginal Citations

M194 1965 c. 74.

VALID FROM 31/03/1995

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

7

In section 2 of the ^{M195}Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (pensions for president of the industrial court, president and vice-president of the industrial tribunals and the Fair Employment Tribunal, etc in Northern Ireland) after subsection (1) there shall be inserted—

“(1A) Subsection (1) shall not apply in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M195 1969 c. 7 (N.I.).

VALID FROM 31/03/1995

The Taxes Management Act 1970

8

In section 4 of the ^{M196}Taxes Management Act 1970, after subsection (6) (pensions, allowances and gratuities payable to or in respect of Special Commissioners) there shall be inserted—

“(6A) Subsection (6) above, so far as relating to pensions (including allowances and gratuities), shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M196 1970 c. 9.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

The Immigration Act 1971

9 In Schedule 5 to the ^{M197}Immigration Act 1971, paragraphs 3 and 9 (which, among other things, make provision for the pensions, allowances and gratuities etc payable to or in respect of immigration adjudicators and members of the Immigration Appeal Tribunal) shall each be numbered as sub-paragraph (1) and at the end of each of those paragraphs there shall be added—

“(2) Sub-paragraph (1)(b) above shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M197 1971 c. 77.

VALID FROM 31/03/1995

The Administration of Justice Act 1973

10 (1) Section 10 of the ^{M198}Administration of Justice Act 1973 (which, as it has effect by virtue of subsection (8) thereof, provides for certain widow’s and children’s pensions in Northern Ireland to be increased) shall be amended as follows—

- (a) in subsections (1), (2)(a) and (3), after the words “or widow’s” in each place there shall be inserted the words “ or widower’s ”;
- (b) in subsection (2)—
 - (i) in paragraph (b), after the word “widow”, where it occurs for the first time, there shall be inserted the words “ or widower ”, and
 - (ii) in sub-paragraph (i) of that paragraph, for the words from “was” to “and” there shall be substituted the words “ left a spouse and he or ”;
- (c) in subsection (4)—
 - (i) after the word “him” or “his” in each place there shall be inserted the words “ or her ”, and
 - (ii) in sub-paragraph (c), after the word “widow’s” there shall be inserted the word “ widower’s ”; and
- (d) in subsection (5), after the word “widow’s” there shall be inserted the word “ widower’s ”.

(2) In Schedule 3 to the Administration of Justice Act 1973 (which sets out the enactments in relation to which section 10 of that Act has effect), in paragraph 3, for the reference to the Department of Health and Social Services for Northern Ireland there shall be substituted a reference to the Department of Economic Development.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M198 1973 c. 15.

VALID FROM 31/03/1995

The Social Security (Northern Ireland) Act 1975

- 11 In paragraph 6 of Schedule 10 to the ^{M199}Social Security (Northern Ireland) Act 1975 (pensions of social security commissioners in Northern Ireland) after sub-paragraph (1) there shall be inserted—

“(1A) Sub-paragraph (1) shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M199 1975 c. 15.

The Social Security Pensions Act 1975

- 12 In section 59C of the ^{M200}Social Security Pensions Act 1975, after subsection (2) (rights of appeal to the Pensions Ombudsman on matters of fact or law) there shall be inserted—

“(2A) Subsection (2) above does not have effect in relation to any scheme constituted under or by virtue of—

- (a) the Sheriffs’ Pensions (Scotland) Act 1961;
- (b) the Judicial Pensions Act 1981; or
- (c) the Judicial Pensions and Retirement Act 1993.”

Marginal Citations

M200 1975 c. 60.

The Social Security Pensions (Northern Ireland) Order 1975

- 13 In Article 69C of the ^{M201}Social Security Pensions (Northern Ireland) Order 1975, after paragraph (2) (rights of appeal to the Pensions Ombudsman on matters of fact or law) there shall be inserted—

“(2A) Paragraph (2) does not have effect in relation to any scheme constituted under or by virtue of—

- (a) Part XIII of the County Courts Act (Northern Ireland) 1959;

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) the Resident Magistrates' Pensions Act (Northern Ireland) 1960;
- (c) Schedule 10 to the Social Security (Northern Ireland) Act 1975;
- (d) the Judicial Pensions Act 1981; or
- (e) the Judicial Pensions and Retirement Act 1993.”

Marginal Citations

M201 S.I. 1975/1503 (N.I. 15).

VALID FROM 31/03/1995

The Judicature (Northern Ireland) Act 1978

14 At the end of section 72 of the ^{M202}Judicature (Northern Ireland) Act 1978 (pension arrangements for statutory officers) there shall be added—

“(4) This section does not apply to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M202 1978 c. 23.

VALID FROM 31/03/1995

The Supreme Court Act 1981

15 (1) In section 12 of the ^{M203}Supreme Court Act 1981, in subsection (7) (pensions to be payable to or in respect of the judges mentioned in subsection (1) in accordance with section 2 of the 1981 Act) after the words “section 2 of the Judicial Pensions Act 1981” there shall be inserted the words “ or, in the case of a judge who is a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, in accordance with that Act ”.

(2) In section 93 of that Act (certain officers to be treated as employed in the civil service of the State for the purposes of salary and pension), in subsection (2) (exception, in respect of pension, for persons holding offices specified in paragraph 1 of Schedule 1 to the 1981 Act) for the words from “an office” onwards there shall be substituted the words “ qualifying judicial office, within the meaning of the Judicial Pensions and Retirement Act 1993. ”

(3) In section 102 of that Act (deputy district judges for district registries of the High Court), for subsection (5) (which includes a reference to section 91(5) of that Act, a provision which is repealed by this Act) there shall be substituted—

“(5) Subsection (6) of section 91 applies in relation to a deputy district judge appointed under this section as it applies in relation to a person appointed under that section.”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M203 1981 c. 54.

The Value Added Tax Act 1983

- 16 (1) In Schedule 8 to the ^{M204}Value Added Tax Act 1983, in paragraph 3, after sub-paragraph (4) (remuneration, pensions, allowances and gratuities payable to or in respect of the President of Value Added Tax Tribunals) there shall be inserted—

“(4A) Sub-paragraph (4) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

- (2) In paragraph 7 of that Schedule, after sub-paragraph (4) (remuneration, pensions, allowances and gratuities payable to or in respect of chairmen of value added tax tribunals) there shall be inserted—

“(4A) Sub-paragraph (4) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M204 1983 c. 55.

VALID FROM 31/03/1995

The County Courts Act 1984

- 17 In the ^{M205}County Courts Act 1984—
- (a) section 7 (which relates to assistant district judges), and
 - (b) in section 9 (qualifications for appointment) the words “assistant district judge”,
- shall cease to have effect.

Marginal Citations

M205 1984 c. 28.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Social Security Act 1986

- 18 (1) In section 12 of the ^{M206}Social Security Act 1986 (member’s right to make voluntary contributions) in subsection (10A) (which precludes the application of the section in relation to pensions under the 1981 Act etc) after the word “under” there shall be inserted the words “ the Judicial Pensions and Retirement Act 1993, ”.
- (2) In section 17 of that Act (general power to modify statutory provisions) in subsection (3) (which specifies the Acts in relation to which the power to make consequential provision under subsection (2) is exercisable) after paragraph (h) there shall be inserted—
- “(j) the Judicial Pensions and Retirement Act 1993.”

Marginal Citations

M206 1986 c. 50.

The Social Security (Northern Ireland) Order 1986

- 19 (1) In Article 14 of the ^{M207}Social Security (Northern Ireland) Order 1986 (member’s right to make voluntary contributions) in paragraph (10A) (which precludes the application of the Article in relation to pensions under the 1981 Act) after the word “under” there shall be inserted the words “ the Judicial Pensions and Retirement Act 1993 or ”.
- (2) In Article 18 of that Order (general power to modify statutory provisions) in paragraph (3) (which specifies the provisions in relation to which the power to make consequential provision under paragraph (2) is exercisable) after paragraph (k) there shall be added—
- “(l) the Judicial Pensions and Retirement Act 1993.”

Marginal Citations

M207 S.I. 1986/1888 (N.I. 18).

VALID FROM 31/03/1995

The Criminal Justice Act 1988

- 20 In Schedule 6 to the ^{M208}Criminal Justice Act 1988, in paragraph 3, after sub-paragraph (2) (pensions, allowances and gratuities payable to or in respect of members of the Criminal Injuries Compensation Board) there shall be added—
- “(3) Sub-paragraph (2) above does not apply to a chairman or former chairman of the Board who is a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M208 [1988 c. 33.](#)

VALID FROM 31/03/1995

The Child Support Act 1991

- 21 (1) In paragraph 4 of Schedule 3 to the ^{M209}Child Support Act 1991, after sub-paragraph (7) (remuneration of, and pensions, allowances or gratuities for, full-time chairmen of child support appeal tribunals) there shall be added—

“(8) Sub-paragraph (7), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

- (2) In Schedule 4 to that Act, at the end of paragraph 2 (remuneration and expenses of, and pensions, allowances or gratuities for, Child Support Commissioners) there shall be added—

“(3) Sub-paragraph (1), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M209 [1991 c. 48.](#)

VALID FROM 31/03/1995

The Child Support (Northern Ireland) Order 1991

- 22 In paragraph 4 of Schedule 3 to the ^{M210}Child Support (Northern Ireland) Order 1991, after sub-paragraph (7) (remuneration of, and pensions, allowances or gratuities for, full-time chairmen of child support appeal tribunals for Northern Ireland) there shall be added—

“(8) Sub-paragraph (7), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M210 S.I. 1991/2628 (N.I. 23).

VALID FROM 31/03/1995

The Social Security Administration Act 1992

23 In Schedule 2 to the ^{M211}Social Security Administration Act 1992, paragraph 2 (remuneration, pensions, allowances and gratuities payable to or in respect of the President and full-time chairmen of social security appeal tribunals etc) shall be numbered as sub-paragraph (1) and after that sub-paragraph there shall be added—

“(2) Sub-paragraph (1) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M211 1992 c. 5.

VALID FROM 31/03/1995

The Social Security Administration (Northern Ireland) Act 1992

24 In Schedule 2 to the ^{M212}Social Security Administration (Northern Ireland) Act 1992, paragraph 3 (remuneration, pensions, allowances and gratuities payable to or in respect of the President and full-time chairmen of social security appeal tribunals etc) shall be numbered as sub-paragraph (1) and after that sub-paragraph there shall be added—

“(2) Sub-paragraph (1) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Marginal Citations

M212 1992 c. 8.

Status: Point in time view as at 05/02/1994.

Changes to legislation: Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

VALID FROM 31/03/1995

SCHEDULE 9

Section 31.

REPEALS AND REVOCATIONS

Chapter or number	Short title	Extent of repeal or revocation
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act 1951.	In section 28, the proviso to subsection (3). In section 32, the proviso to subsection (2).
1951 c. 20 (N.I.).	The Judicial Pensions Act (Northern Ireland) 1951.	In section 11A, in subsection (3), the word “and” immediately preceding paragraph (b), and subsection (4).
1959 c. 25 (N.I.).	The County Courts Act (Northern Ireland) 1959.	Section 116(6). In section 127A, in subsection (3), the word “and” immediately preceding paragraph (b), and subsection (4).
1960 c. 2 (N.I.).	The Resident Magistrates’ Pensions Act (Northern Ireland) 1960.	In section 9A, in subsection (3), the word “and” immediately preceding paragraph (b), and subsection (4). Section 14.
9 & 10 Eliz. 2. c. 42.	The Sheriffs’ Pensions (Scotland) Act 1961.	Section 6. Section 9. In section 10, in the definition of “sheriff”, the words “except in subsection (2) of section six”.
1966 c. 27 (N.I.).	The Superannuation (Amendment) Act (Northern Ireland) 1966.	In Schedule 1, paragraph 18.
1969 c. 7 (N.I.).	The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969.	Section 2(5).
1970 c. 9.	The Taxes Management Act 1970.	Section 4A(5).
1971 c. 23.	The Courts Act 1971.	Section 17(2) and (3). Section 24(4).
1975 c. 15.	The Social Security (Northern Ireland) Act 1975.	In Schedule 10, paragraph 6(4).

Status: Point in time view as at 05/02/1994.

Changes to legislation: *Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

1976 c. 33.	The Restrictive Practices Court Act 1976.	In section 3(2), the words “(not less than three years)”.
1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In section 7(1), the words “at any time”.Section 8(4).
1979 c. 55.	The Justices of the Peace Act 1979.	In section 14, the proviso to subsection (1), and subsection (2).
1981 c. 20.	The Judicial Pensions Act 1981. In section 33A, in subsection (3), the word “and” immediately preceding paragraph (b), and subsection (4).In Schedule 1, in paragraph 1, the entry “Assistant district judge”.	Section 15.Section 21(5) and (6).
1981 c. 54.	The Supreme Court Act 1981.	Section 9(7).Section 91(5).In section 92, in subsection (2B), the words from “and the office” onwards, and subsections (2C) and (3).Section 103.
1984 c. 28.	The County Courts Act 1984.	Section 7.Section 8(2).In section 9, the words “assistant district judge”.Section 11(3).
1985 c. 67.	The Transport Act 1985.	In Schedule 4, paragraph 3(2).
1990 c. 41.	The Courts and Legal Services Act 1990.	In Schedule 18, paragraph 42(b).
1991 c. 48.	The Child Support Act 1991.	In Schedule 3, paragraph 4(4) and, in paragraph 8, the word “(4)”.In Schedule 4, paragraph 1(2).
S.I. 1991/2628 (N.I. 23).	The Child Support (Northern Ireland) Order 1991.	In Schedule 3, paragraph 4(4).
1992 c. 5.	The Social Security Administration Act 1992.	In Schedule 2, in paragraph 1, sub-paragraph (3), in sub-paragraph (5) the words “(3) or”, in sub-paragraph (6) the words “or (3)” and, in sub-paragraph (7), the words “(2) or”.
1992 c. 8.	The Social Security Administration (Northern Ireland) Act 1992.	In Schedule 2, in paragraph 1, sub-paragraph (3) and, in sub-paragraph (6), the words “or (3)”.

Status:

Point in time view as at 05/02/1994.

Changes to legislation:

Judicial Pensions and Retirement Act 1993 is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.