



Judicial Pensions and Retirement Act 1993

1993 CHAPTER 8

PART I **U.K.**

NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

Derivative benefits

5 Surviving spouse's [^{F1}and surviving civil partner's] pension. **U.K.**

(1) In any case where—

- (a) a person (“the deceased”) to whom this Part applies dies leaving a surviving spouse [^{F2}or surviving civil partner], and
- (b) their marriage took place [^{F3}or their civil partnership was formed] before the deceased retired from qualifying judicial office,

the surviving spouse [^{F2}or surviving civil partner] shall be entitled to a pension for life ^{F4}. . . in respect of the deceased’s service in such office, at an annual rate equal to one-half of the annual rate of the deceased’s judicial pension.

[^{F5}(1A) For the purposes of this Act—

- (a) a pension under this section which is payable to a surviving spouse is a “surviving spouse's pension”, and
- (b) a pension under this section which is payable to a surviving civil partner is a “surviving civil partner's pension”.]

(2) A pension under this section shall be payable at such intervals, not exceeding three months, as the Treasury may determine.

[^{F6}(3) If—

- (a) the surviving spouse re-marries or forms a civil partnership, or
- (b) the surviving civil partner marries or forms a subsequent civil partnership,

the Treasury may, on or at any time after the marriage or the formation of the civil partnership, direct that the pension shall cease to be payable.]

Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
 Judicial Pensions and Retirement Act 1993, Section 5. (See end of Document for details)*

- (4) Where a direction has been given under subsection (3) above, the Treasury may at any time direct that payment of the pension is to be resumed.
- (5) Where the deceased died while holding qualifying judicial office, his death shall be treated for the purposes of subsection (1)(b) above as his retirement from such office.
- [^{F7}(5A) Schedule 1A to this Act (which makes transitional provision in relation to surviving civil partners' pensions) shall have effect.]
- (6) For the purposes of this section, “the annual rate of the deceased’s judicial pension” means—
- (a) where a judicial pension under subsection (1) or (3) of section 2 above had commenced to be paid to the deceased, the appropriate annual rate of that pension;
 - (b) where a judicial pension under subsection (2) or (4) of that section had commenced to be paid to the deceased, the appropriate annual rate of that pension, as actuarially reduced under that section;
 - (c) where no judicial pension had commenced to be paid to the deceased, the rate that would have been the appropriate annual rate of his judicial pension under subsection (3) of that section—
 - (i) had he not died, but retired from qualifying judicial office on the date of death; and
 - (ii) had the appropriate Minister been satisfied in his case as mentioned in paragraph (b) of that subsection.

Textual Amendments

- F1** S. 5: words in side-note inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 70\(2\)](#)
- F2** Words in s. 5(1) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 70\(3\)\(a\)](#)
- F3** Words in s. 5(1)(b) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 70\(3\)\(b\)](#)
- F4** Words in s. 5(1) omitted (5.12.2005) by virtue of [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 70\(3\)\(c\)](#)
- F5** S. 5(1A) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 70\(4\)](#)
- F6** S. 5(3) substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 70\(5\)](#)
- F7** S. 5(5A) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), [art. 70\(6\)](#)

Modifications etc. (not altering text)

- C1** S. 5(1)-(4) applied (with modifications) (E.W.S) (31.3.1995) by [S.I. 1995/634](#), [art. 6\(1\)](#)
- C2** S. 5(1)-(4) applied (with modifications) (N.I.) (1.11.1995) by [S.R. 1995/388](#), [art. 6\(1\)](#)

Status:

Point in time view as at 05/12/2005. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Section 5.