



# Judicial Pensions and Retirement Act 1993

## 1993 CHAPTER 8

### PART I

#### NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

##### *Derivative benefits*

#### **7 Children's pension: meaning of "period of childhood and full-time education"**

- (1) For the purposes of section 6 above, a person is in his "period of childhood and full-time education" at any time if, and only if, at that time—
  - (a) he has not attained the age of 16;
  - (b) he is receiving full-time instruction at any university, college, school or other educational establishment; or
  - (c) he is undergoing training by any person ("the employer") for any trade, profession or vocation in such circumstances that—
    - (i) he is required to devote the whole of his time to the training for a period of not less than two years; and
    - (ii) while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him, do not exceed the maximum allowable remuneration, disregarding for this purpose any emoluments receivable or payable by way of return of any premium paid in respect of the training.
- (2) A person shall not be regarded for the purposes of this section as coming within paragraph (b) or (c) of subsection (1) above at any time unless he has come within one or other of those paragraphs at all times since he attained the age of 16.
- (3) Where there is a period during which a person comes within neither paragraph (b) nor paragraph (c) of subsection (1) above, then, if the Treasury think fit and are satisfied that the person's full-time education ought not to be regarded as completed, they may direct either—

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*Status: This is the original version (as it was originally enacted).*

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- (a) that that period shall be disregarded for the purposes of subsection (2) above;  
or
  - (b) that the person shall be regarded for the purposes of this section as having come within paragraph (b) or (c) of subsection (1) above throughout that period.
- (4) For the purposes of this section—
- “emoluments” means any salary, fees, wages, perquisites or profits or gains whatsoever, and includes the value of free board, lodging or clothing;
  - “the maximum allowable remuneration” at any time is an annual rate (£1,614 a year, at the passing of this Act) 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
    - (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.
- (5) Where a premium has been paid in respect of the training of a person, all emoluments at any time receivable by him, or payable by the employer in respect of him, shall be taken for the purposes of subsection (1)(c)(ii) above to be receivable or payable by way of return of the premium, unless and to the extent that the amount of those emoluments exceeds in the aggregate the amount of the premium.