



# Judicial Pensions Act 1959

## 1959 CHAPTER 9

### **4 Special provisions as to former holders of other judicial offices**

- (1) The following provisions of this section shall apply to any holder of a judicial office listed in the First Schedule to this Act who, immediately before his appointment to an office so listed, was the holder of any other of the judicial offices described in Part I of the First Schedule to the House of Commons Disqualification Act, 1957, being an office in respect of which, pensions are payable in pursuance of any public general Act or under any other enactment, scheme or arrangements approved for the purposes of this section by the Lord Chancellor.
- (2) Where a person to whom this section applies retires from his office having qualified otherwise than by virtue of subsection (2) of section two of this Act for a pension under the relevant pension enactment, then,—if he so elects—
  - (a) the amount of the pension which may be paid to him under the relevant pension enactment shall be an amount equal to the pension for which he would have been eligible if he had continued to serve in his former office until his retirement at the salary then payable to a holder of that office; and
  - (b) any lump sum payable in his case under Part I of the Administration of Justice (Pensions) Act, 1950, shall be calculated as if his last annual salary were the salary payable at the date of his retirement to a holder of his former office.
- (3) Where a person to whom this section applies dies while holding his office, and his legal personal representatives so elect, any derivative benefit payable in respect of him under the said Act of 1950 shall be calculated as if the pension for which he would have been eligible if he had retired at the time of his death were a pension of the amount described in paragraph (c) of subsection (2) of this section, and as if his last annual salary were the salary payable at the time of his death to a holder of his former office.
- (4) An election under this section shall be made within the period of three months beginning with the retirement or death of the person by or in respect of whom it is made, and shall be made in writing addressed to the Treasury.