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 STATUTORY INSTRUMENTS
 

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1971 No. 2047

## PENSIONS

**The Circuit Judges' Superannuation (Transitional) Rules 1971**

<i>Made</i> - - - - -	14th December 1971
<i>Laid Before Parliament</i>	22nd December 1971
<i>Coming into Operation</i>	1st January 1972

The Lord Chancellor, in exercise of the powers conferred on him by section 16 of, and paragraph 9(2) of schedule 2 to, the Courts Act 1971(a), and with the consent of the Minister for the Civil Service, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Circuit Judges' Superannuation (Transitional) Rules 1971 and shall come into operation on 1st January 1972.

(2) In these Rules, unless the context otherwise requires—

“the Act” means the Courts Act 1971;

“benefits” means superannuation benefits payable to a person who has held judicial office;

“specified office” means any of the judicial offices specified in paragraph 1(2) of schedule 2 to the Courts Act 1971.

(3) The Interpretation Act 1889(b) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

2. These Rules shall apply where—

(a) any person becomes a Circuit judge by virtue of having held a specified office; and

(b) a pension or derivative benefit becomes payable to, or in respect of, that person under section 19 of the Act; and

(c) the period of that person's service which falls to be taken into account in determining the amount of that pension or derivative benefit, includes, by virtue of paragraph 9(1) of schedule 2 to the Act, service in the specified office; and

(d) the period of that person's service as a Circuit judge, disregarding any period of service taken into account by virtue of paragraph 9(1) of schedule 2 to the Act, is less than fifteen completed years.

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(a) 1971 c. 23.

(b) 1889 c. 63.

3. In any case where these Rules apply, the Crown shall be entitled to recover from the authority which, before 1st January 1972, was responsible, directly or indirectly, for meeting the whole or any part of the cost of the superannuation benefits payable to or in respect of former holders of the specified office, a contribution which bears to the total amount of benefits payable the same proportion as the period of the person's service in the specified office bears to the total period of service in respect of which benefits are payable:

Provided that the amount of any contribution so recoverable shall not exceed the amount of any contribution which would have been payable by the authority under Rule 7(2) of the Superannuation (Judicial Offices) Rules 1970(a) had the person made an election under those Rules.

Dated 14th December 1971.

*Hailsham of St. Marylebone, C.*

Consent of the Minister for the Civil Service given under his Official Seal on 14th December 1971.

(L.S.)

*K. H. McNeill,*  
Authorised by the  
Minister for the Civil Service.

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#### EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules provide for the recovery by the Crown of contributions towards the cost of superannuation benefits payable to certain Circuit judges. Such contributions are recoverable, in the circumstances defined in rule 2, from the authorities responsible for meeting the cost of benefits payable to former holders of offices listed in paragraph 1(2) of schedule 2 to the Courts Act 1971.

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(a) S.I. 1970/1021 (1970 II, p. 3171).