
STATUTORY INSTRUMENTS

1987 No. 373

The Judicial Pensions (Requisite Benefits) Order 1987

GENERAL

General effect of order

3.—(1) This Order applies in relation to any such office-holder as is mentioned in Article 4 so as to modify, or further modify, any relevant enactment in respect of him and, accordingly, the scheme which is applicable in relation to him shall make provision for his benefit, or otherwise in relation to him, which accords with the following provisions of this Order.

(2) Articles 8 and 9 of this Order (which relate to guaranteed minimum pensions) apply in relation to any such office-holder as is mentioned in Article 4 notwithstanding any other provision in any enactment, including the other provisions of this Order.

Office-holders to whom Order applies

4. This Order shall have effect in relation to, but only to, an office-holder who is holding a scheduled office on 1st April 1987, or who is appointed to such an office when under pensionable age on or after that date:—

Provided that neither Article 6 nor Article 7 shall entitle an office-holder appointed to a scheduled office on or after 1st April 1987, or his widow, to a pension other than the minimum guaranteed under Article 8 or Article 9, unless his service in that office may be reckoned, for the purpose of superannuation benefits, together with service of his in an earlier office wholly or partly before that date (or might have been so reckoned but for his having left the later office before reaching compulsory retirement age).

Ceasing to hold office and relevant service

5.—(2) An office-holder does not cease to hold office for the purpose of this Order so long as he holds any scheduled office or an office service in which may, under any enactment, be reckoned on any basis together with earlier service of his in a scheduled office for the purpose of superannuation benefits.

(2) Subject to paragraph (3) below, an office-holder's service in a scheduled office is relevant service for the purposes of this Order and his relevant service may include any earlier service of his which may, under any enactment, be reckoned on any basis together with service of his in a scheduled office.

(3) Service is not relevant service for the purposes of this Order if it is service before 6th April 1978.

(4) For the purposes of paragraphs (1) and (2) above:—

(a) it is immaterial whether—

(i) as served at any time in any other office (including an office in relation to which he ceases to hold office for the purposes of this Order);

(ii) the later offices are the same;

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- (iii) any election in respect of the office-holder is available, or, if available, has been made; and
 - (iv) the superannuation benefits payable under the relevant enactment relating to one office would, in the circumstances of the case, be unaffected by adding the other service into the reckoning; and
- (b) service in an earlier office shall be treated as reckonable with service in a later scheduled office if it would have been so reckonable but for the office-holder's having left the later (or a subsequent) office before reaching compulsory retirement age.