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STATUTORY INSTRUMENTS

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**1995 No. 640**

**PENSIONS**

**The Judicial Pensions (Additional Benefits  
for Disregarded Earnings) Regulations 1995**

<i>Made</i>	- - - -	<i>7th March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>31st March 1995</i>

The Lord Chancellor and, in relation to judicial offices whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, in exercise of the powers conferred on them by section 19(5) of the Judicial Pensions and Retirement Act 1993<sup>(1)</sup>; and the Treasury, in exercise of the powers conferred on them by the enactments specified in the Schedule to these Regulations hereby make the following Regulations: —

**Title and commencement**

1. These Regulations may be cited as the Judicial Pensions (Additional Benefits for Disregarded Earnings) Regulations 1995 and shall come into force on 31st March 1995.

**Interpretation**

2. In these Regulations —

“the 1993 Act” means the Judicial Pensions and Retirement Act 1993, and any reference to a Part or section by number alone shall be construed as a reference to the Part or section so numbered in that Act;

**Timing and manner of payments of pensions and lump sums under section 19**

3.—(1) The payment of pensions and lump sums under section 19 shall be made in the same manner, at the same time and intervals and to the same persons as the payment of pensions and lump sums are made under Part I.

(2) Any direction made by the Treasury under section 5 in respect of the cessation or resumption of a surviving spouse’s pension, or under sections 6, 7 or 8 in respect of the payment of a children’s

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(1) 1993 c. 8; by virtue of section 19(5), the power to make these regulations is vested in “the appropriate Minister” which expression is defined in section 30(1) as (a) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Scotland, the Secretary of State, or, (b) subject to (a), the Lord Chancellor.

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pension shall apply equally to any surviving spouse's pension or children's pension payable under section 19 that is calculated by reference to the pension so payable under Part I.

**Lump sums under section 19: clawback**

4. A person to whom a lump sum is paid under section 19 but who resumes service in qualifying judicial office shall not be required to refund the lump sum; but if the whole or any part of it is not refunded, an amount equal to so much of it as has not been refunded shall be deducted from any lump sum which subsequently becomes payable to or in respect of him under section 19.

Dated 6th March 1995

*Mackay of Clashfern, C.*

Dated 7th March 1995

*Ian Lang*  
One of Her Majesty's Principal Secretaries of  
State

Dated 7th March 1995

*Andrew Mitchell*  
*Timothy Wood*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

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## SCHEDULE

Section 13(6) of the Superannuation Act 1972(2);  
Paragraph 4 of Schedule 1 to the Parliamentary Commissioner Act 1967(3);  
Paragraph 4 of Schedule 1A to the Parliamentary Commissioner Act (Northern Ireland) 1969(4);  
Section 107 of the National Health Service 1977(5);  
Section 91 of the National Health Service (Scotland) Act 1978(6);  
Article 4A(5) of the Audit (Northern Ireland) Order 1987(7).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 19 of the Judicial Pensions and Retirement Act 1993 enables judicial officers to derive pensions benefits from their earnings above the level of the pensions cap. These Regulations make provision for the regulation of payments of benefit under that section and other enactments specified in the Regulations.

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- (2) 1972 c. 11; section 13 was substituted by paragraph 1 of Schedule 4 to the 1993 Act.  
(3) 1967 c. 13; paragraph 4 of Schedule 1 was substituted by paragraph 2 of Schedule 4 to the 1993 Act.  
(4) 1969 c. 10 (N.I.); paragraph 4 of Schedule 1A was inserted by paragraph 6 of Schedule 4 to the 1993 Act.  
(5) 1977 c. 49; section 107(2) (which applies Schedule 1 to the Parliamentary Commissioner Act 1967 in relation to persons who have held office as Health Service Commissioner) was amended by paragraph 3 of Schedule 4 to the 1993 Act.  
(6) 1978 c. 29; section 91(2) (which applies Schedule 1 to the Parliamentary Commissioner Act 1967 in relation to persons who have held office as the Health Service Commissioner) was amended by paragraph 4 of Schedule 4 to the 1993 Act.  
(7) S.I.1987/460 (N.I.10); article 4A was inserted by paragraph 5(4) of Schedule 4 to the 1993 Act.