

SCHEDULES

SCHEDULE 1

Sections 9(4) and 14.

CERTAIN SUPREME COURT AND COUNTY COURT OFFICERS, AND PRESIDENT OF TRANSPORT TRIBUNAL

PART I

1 This Schedule applies to the following officers:—

Supreme Court officers

Master and Assistant Master of the Supreme Court (Queen's Bench Division).

Admiralty Registrar.

Master of the Supreme Court (Chancery Division).

Master of the Supreme Court (Taxing Office).

Master of the Court of Protection.

Lord Chancellor's Legal Visitor.

Registrar, High Court in Bankruptcy.

Taxing Master, High Court in Bankruptcy.

Registrar, Family Division (not including a district probate registrar).

Registrar, and Assistant Registrar, of Criminal Appeals.

County court officers

County court registrar.

County court assistant registrar.

Transport Tribunal

President of the Transport Tribunal.

Relevant service

- 2 (1) In this Schedule "relevant service" in relation to any office of the Supreme Court listed in paragraph 1 above means service in that or any other office of the Supreme Court so listed, or as president of the Transport Tribunal.
- (2) In this Schedule "relevant service", in relation to the office of county court registrar, or assistant county court registrar, means service in either of those offices.
- (3) In this Schedule "relevant service", in relation to the office of the president of the Transport Tribunal, means service in that office, or in any office of the Supreme Court listed in paragraph 1 above.

Status: This is the original version (as it was originally enacted).

Person within principal civil service pension scheme prior to appointment

- 3 (1) This paragraph has effect as respects a person who at the time of his appointment to an office within paragraph 1 above was employed in the civil service of the State and was subject to the principal civil service pension scheme.
- (2) If such a person so elects—
- (a) he shall continue to be subject to the principal civil service pension scheme as if service in an office within paragraph 1 above were employment in the civil service of the State, and
 - (b) the provisions of Parts II, III and IV of this Schedule, and of Part II of this Act, shall not apply to him.
- (3) An election under this paragraph shall be made by notice in writing in such form and within such period as may be prescribed by the Lord Chancellor.

PART II

PENSION BENEFITS

Personal pension

- 4 (1) An officer to whom this Schedule applies may be granted a pension—
- (a) if he retires after not less than the prescribed number of years of relevant service and at the time of his retirement he has attained the age of 65, or
 - (b) if he retires after not less than 5 years relevant service, and—
 - (i) at the time of his retirement he has attained the age of 72, or
 - (ii) if the Minister is satisfied by means of a medical certificate that he is incapable from infirmity of mind or body of discharging the duties of his office and that the infirmity is likely to be permanent.
- (2) In sub-paragraph (1)(a) above the prescribed number of years is—
- (a) where the officer is the Lord Chancellor's Legal Visitor, 10 years,
 - (b) in any other case, 15 years.
- (3) The annual rate of the pension payable under this paragraph to a person retiring after not less than 20 years relevant service shall not exceed one half of his last annual salary.
- (4) The annual rate of the pension payable under this paragraph to a person retiring after less than 20 years relevant service shall not exceed—
- (a) if the period of relevant service amounts to less than 10 years (but not less than 5), 15/80ths of his last annual salary plus 1/80th for each completed year of relevant service exceeding 5,
 - (b) if the period of relevant service amounts to not less than 10 years (but less than 20 years) one quarter of that salary plus 2/80ths for each completed year of relevant service after the first 10 years.

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Retirement for ill-health

- 5 An officer to whom this Schedule applies who retires on the ground of ill-health, and who is not eligible for a lump sum under Part II of this Act, may be granted a lump sum not exceeding—
- (a) if his relevant service is less than 2 years, $\frac{5}{60}$ ths of his last annual salary,
 - (b) if his relevant service is not less than 2 years, $\frac{7}{60}$ ths of his last annual salary for each completed year of relevant service.

Retirement before qualifying for pension

- 6 An officer to whom this Schedule applies who—
- (a) retires after not less than 2 years relevant service, otherwise than on the ground of ill-health, and
 - (b) has attained the age of 60, and
 - (c) is not eligible for a lump sum under Part II of this Act,
- may be granted a lump sum not exceeding $\frac{2}{60}$ ths of his last annual salary for each completed year of relevant service.

Premature retirement on abolition of office

- 7 An officer to whom this Schedule applies may on retirement in consequence of the abolition of his office, or of the reorganisation of his department, be granted a special allowance or allowances by way of compensation, not exceeding what might be granted if he retired on the ground of ill-health.

Discharge for inefficiency

- 8 (1) If an officer to whom this Schedule applies is removed from his office on the ground of his inability to discharge efficiently the duties of his office, and he is ineligible for a pension under paragraph 4 above, the Minister may, if he thinks the special circumstances of the case justify it, grant him such a pension as the Minister thinks just and proper, but not exceeding the amount for which the officer's length of relevant service would qualify him under paragraph 4 above.
- (2) Before making any grant under this paragraph the Minister shall consider any representations which the officer may have submitted to him.
- (3) The reasons for making any grant under this paragraph, and the amount of any such grant, shall be set out by the Minister in a minute which shall be laid before Parliament within 14 days after being made.

Re-employment after retirement

- 9 (1) If a person to whom a pension has been granted under paragraph 4 or 7 above is appointed to an office in any public department the pension shall not be paid for any period after that appointment if his annual salary in that office (" the new salary") is equal to his last annual salary in the office from which he retired when the pension was granted (" the salary before retirement").
- (2) If the new salary is less than the salary before retirement the amount of the pension shall not exceed the difference.

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- (3) In sub-paragraph (1) above the reference to an office in a public department includes a reference to employment in any body or institution listed in Schedule 1 to the Superannuation Act 1972, or to an office so listed.

Allocation of benefit to spouse or dependant

- 10 (1) In this paragraph and paragraphs 11 and 12 below—
- (a) "retiring officer" means an officer to whom this Schedule applies who is granted a pension under paragraph 4, 7 or 8 above otherwise than on the ground of ill-health,
 - (b) "the personal pension" means that pension,
 - (c) "the date of retirement" means the beginning of the period in respect of which the personal pension is paid,
 - (d) a "derivative pension" means a pension granted under sub-paragraph (2) below,
 - (e) "prescribed" means prescribed by rules under this paragraph.
- (2) The Minister may make rules for securing that, in the prescribed circumstances, and subject to the prescribed conditions as to proof of good health and other prescribed matters, a retiring officer of a prescribed class shall be allowed to surrender, as from the date of retirement, the prescribed part, not exceeding one third, of the personal pension in return for the grant of a pension to the retiring officer's spouse, or to a dependant of his.
- (3) The derivative pension shall be of such value as, according to tables prepared from time to time by the Government Actuary, is actuarially equivalent to the value of the part of the personal pension which is surrendered.
- (4) Rules under this paragraph may prescribe classes of persons for the purposes of this paragraph by reference to the age which they have attained at a prescribed date.
- (5) Rules under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 11 (1) A derivative pension for the benefit of the spouse of a retiring officer shall, according as the retiring officer may, in conformity with rules under paragraph 10 above, elect, be payable either—
- (a) in respect of the period, if any, for which the spouse survives the retiring officer, or
 - (b) in respect both of the period of their joint lives (from the date of retirement) and of the period, if any, for which the spouse survives the retiring officer, and the rules may provide for the pension under paragraph (b) above to be at one rate during the joint lives, and at a higher rate thereafter.
- (2) A derivative pension for the benefit of a dependant (not being the spouse) of a retiring officer shall be payable for the period, if any, for which the dependant survives the retiring officer.
- 12 (1) Any suspension of a pension under paragraph 9 above shall be disregarded in determining the date of retirement as defined in paragraph 10(1)(c) above.
- (2) In applying paragraph 9 above to a pension part of which is surrendered under paragraph 10 above the salary before retirement, as defined in paragraph 9(1) above, shall be treated as reduced by the annual amount so surrendered.

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- 13 The fact that Part II of this Act applies to a person shall not affect any rights of his under paragraphs 10 to 12 above, and any calculation to be made under Part II of this Act shall be made as if any surrender under those paragraphs of a part of a pension had not been made.

Allocation of benefit on marriage after retirement

- 14 (1) This paragraph has effect as respects an officer to whom this Schedule applies—
- (a) who is retired and has not attained the age of 70, and
 - (b) who has married since his retirement, and
 - (c) who has been, or is to be, granted a pension (" the personal pension") under paragraph 4, 7 or 8 above otherwise than on the ground of ill-health.
- (2) The Minister may make rules for securing that, in the prescribed circumstances, and subject to the prescribed conditions as to proof of good health and other prescribed matters, any such officer shall be allowed to surrender, as from the date of his marriage, the prescribed part of the personal pension in return for the grant of a pension (the " derivative pension ") to the officer's spouse.
- (3) The part of the personal pension so surrendered, together with any part thereof surrendered under paragraph 10 above, shall not exceed one third of the personal pension.
- (4) The derivative pension shall be of such value as, according to tables prepared from time to time by the Government Actuary, is actuarially equivalent, at the date of the marriage, to the value of that part of the personal pension which is surrendered.
- (5) The derivative pension shall, according as the officer may, in conformity with rules under this paragraph, elect be payable either—
- (a) in respect of the period, if any, for which the spouse survives the officer, or
 - (b) in respect both of the period of their joint lives (from the date of the marriage) and of the period, if any, for which the spouse survives the officer,
- and the rules may provide for the pension under paragraph (b) above to be at one rate during the joint lives, and a higher rate thereafter.
- (6) In applying paragraph 9 above to a pension part of which is surrendered under this paragraph in respect of any period after the marriage the salary before retirement, as denned in paragraph 9(1) above, shall be treated as reduced by the annual amount so surrendered.
- (7) In this paragraph "prescribed" means prescribed by rules under this paragraph.
- (8) Rules under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART III

PERSONS INJURED, OR CONTRACTING DISEASE, IN DISCHARGE OF THEIR DUTIES

- 15 (1) This paragraph applies where an officer to whom this Schedule applies—
- (a) is injured in the actual discharge of his duty by some injury specifically attributable to the nature of his duty which is not wholly or mainly due

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- to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or
- (b) is injured while in an area outside the United Kingdom for the purposes of his employment, and the injury is directly attributable to the existence in or near that area of a state of war, revolution, or serious and widespread internal disturbance, or is the direct result of deliberate acts of the local population or of sporadic political disturbances, and is not wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct, or
- (c) contracts a disease to which he is exposed by the nature of his duty, not being a disease wholly or mainly due to, or seriously aggravated by, his own serious and culpable negligence or misconduct.
- (2) The Minister may grant to the officer, and, if he dies as a direct result of the injury or disease, to all or any of the following persons, that is to say—
- (a) his widow,
- (b) his mother, or, where his mother is dead, his father, if his mother, or, as the case may be, his father, is wholly or mainly dependent on him at the time of his death.
- (c) his children, and
- (d) where he has no children who are, under the terms of the warrant hereinafter mentioned, eligible for the grant of a gratuity or allowance under this paragraph, any brother or sister of his who is wholly or mainly dependent on him at the time of his death,
- such gratuity or annual allowance as the Minister may consider reasonable, and as may be permitted by the terms of 9 warrant of the Minister under this paragraph.
- (3) The reference in sub-paragraph (2)(a) above to the widow of the person who is injured or contracts the disease shall, where that person is a female, be deemed to be a reference to her widowed husband if he is wholly or mainly dependent on her at the time of her death.
- (4) Where an officer to whom this Schedule applies is employed outside the United Kingdom for the purposes of Her Majesty's Government in the United Kingdom and suffers an aggravation of a disease from which he is already suffering, being an aggravation to which he is exposed by the nature of his duty outside the United Kingdom and which is not wholly or mainly due to his own serious and culpable negligence or misconduct, this paragraph shall apply in relation to him as if, when he sustained the aggravation, he had contracted such a disease as is mentioned in sub-paragraph (1)(c) above.
- (5) A warrant under this paragraph may be revoked or varied by a subsequent warrant of the Minister thereunder.
- (6) In this paragraph, unless the context otherwise requires—
- " brother " includes, in relation to a person, every male child of his father or mother,
- " child ", in relation to a person, includes an illegitimate child, a stepchild and an adopted child,
- " father " includes, in relation to a person, his stepfather and a male person by whom he has been adopted,
- " mother " includes, in relation to a person, his stepmother and a female person by whom he has been adopted,

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" sister " includes, in relation to a person, every female child of his father or mother.

- (7) The Minister may treat a person for all or any of the purposes of this paragraph as wholly or mainly dependent on another person notwithstanding that for the time being he is not in fact so dependent on him, if he is satisfied that it is reasonable to expect that the first-mentioned person will again become dependent on the second-mentioned person and is further satisfied that the break in dependence ought in all the circumstances to be regarded as a temporary one.
- 16 (1) Any annual allowance granted under paragraph 15 above to the officer who is injured or contracts the disease shall not, together with—
- (a) any pension under paragraph 4 above, and
 - (b) the annuity value of any lump sum under section 17(1) of this Act, or Part II of this Schedule,
- for which he is otherwise eligible, exceed five-sixths of the annual salary of his office.
- (2) In this paragraph " annuity value ", in relation to any lump sum, means its value computed in accordance with the Tables for immediate life annuities framed under Part II of the Government Annuities Act 1929 which are in force when the officer retires.
- (3) Any reduction which, under section 23 or 24 of this Act, or paragraph 23 of Schedule 2 to this Act, is, or is to be, effected in any lump sum payable under section 17(1) of this Act shall be left out of account for the purposes of this paragraph, and accordingly the annuity value of that lump sum shall be determined as if no such reduction had been made.
- 17 (1) If a warrant under paragraph 15 above authorises the Minister to take into account, as against any sums otherwise payable under the warrant, any damages which are recovered or recoverable by or on behalf of the recipient of the payments under that paragraph in respect of the injury, disease or death in consequence of which the payments are made, and the Minister makes any payments without taking such damages into account, then if and when the Minister is satisfied that there are any damages to be so taken into account he shall have the right to recover from the recipient—
- (a) where the amount of the payments made by the Minister is less than the net amount of the damages, the amount of those payments,
 - (b) where the amount of those payments is not less than the net amount of the damages, such part of those payments as is equal to the net amount of the damages.
- (2) So far as any amount recoverable under this paragraph represents a payment made by the Minister from which income tax has been deducted before payment, the proper allowance shall be made in respect of the amount so deducted, and in this paragraph " the net amount of the damages " means the amount of the damages after deducting any tax payable in the United Kingdom or elsewhere to which the damages are subject.
- (3) No proceeding shall be brought to recover any amount under this paragraph—
- (a) after the death of the recipient of the payments, or
 - (b) after the expiration of two years from the date on which the amount of the damages taken into account in arriving at the amount so recoverable is finally determined (whether in court proceedings or in arbitration proceedings or

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by agreement between the parties) or from the date on which the final determination of that amount first came to the knowledge of the Minister, whichever date is the later.

- (4) A certificate issued by the Minister and stating the date on which the final determination of any amount of damages first came to the knowledge of the Minister shall be admissible in any proceedings as sufficient evidence of that date.
- (5) The provisions of this paragraph are without prejudice to any right of the Minister under any such warrant to take damages into account by withholding or reducing any further sums otherwise payable to the recipient of the payment.

PART IV

SUPPLEMENTAL

Temporary abatement of salary to be disregarded

- 18 Any reference in this Schedule to the salary of an office is, as regards any period in respect of which any temporary abatement of salary of that office has been made for the purpose of effecting economy in national expenditure, a reference to the salary which would have been payable to the holder of the office but for that abatement

Service in the armed forces

- 19 An officer to whom this Schedule applies shall not be entitled to reckon the same period of time both for the purpose of a pension or lump sum under Part II of this Schedule, and for the purpose of naval, military or air force non-effective pay.

Distribution of money without representation

- 20 (1) Where on the death of an officer to whom this Schedule applies any sum not exceeding £500 is due from a government department in respect of any civil pay, superannuation, or other allowance, annuity or gratuity, then if the responsible authority so direct, but subject to regulations (if any) made by the Minister, proof of the tide of the personal representatives of that person may be dispensed with, and the said sum may be paid or distributed to or among the persons appearing to the department to be beneficially entitled to the personal or moveable estate of that person, or to or among any one or more of those persons or, in the case of the legitimacy of that person or his children, to or among such persons as the department think fit, and the department shall be discharged from all liability in respect of any such payment or distribution.
- (2) In this paragraph the "responsible authority" means the government department prescribed by order of the Minister for the purpose of this paragraph.
- An order under this paragraph shall be contained in a statutory instrument which shall be subject to annulment in pursuance of a resolution of either House or Parliament.
- (3) In sub-paragraph (1) above references to a government department include references to any body or institution listed in Schedule 1 to the Superannuation Act 1972.

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- (4) Sub-paragraph (1) above shall be included among the provisions with respect to which the Treasury may make an order under section 6(1) of the Administration of Estates (Small Payments) Act 1965 substituting for references to £500 such higher amount as may be specified in the order.

Delegation of Minister's power to grant pensions or other benefits

- 21 The Minister may, to such extent and subject to such conditions as he thinks fit, delegate to any Minister or officer of the Crown any power of granting a pension or other benefit under this Schedule.

Minister to determine certain questions

- 22 The decision of the Minister shall be final on any question which arises—
- (a) as to the claim of any person or class of persons under paragraph 4 or 6 above,
 - (b) as to the application of any provision in Part II or III, or this Part, of this Schedule to any person,
 - (c) as to the amount of any pension or lump sum under this Schedule,
 - (d) as to the reckoning of service for any pension or lump sum under this Schedule.

The reference in head (b) above to provisions of this Schedule does not include a reference to paragraph 9 or 23 of this Schedule.

President of the Transport Tribunal

- 23 (1) Any pension benefit paid to or in respect of any person as having been president of the Transport Tribunal shall, subject to sub-paragraph (2) below, be defrayed as part of the expenses of that Tribunal.
- (2) Where the pension benefit mentioned in sub-paragraph (1) above is only partly in respect of service as a president of the Transport Tribunal, it shall be defrayed only as to a proportion as part of the expenses of the Tribunal, and that proportion shall be determined by the Minister for the Civil Service, regard being had to the relevant length of service and rate of remuneration in the relevant offices.
- (3) In this paragraph "pension benefit" includes any superannuation or other retiring allowance or gratuity, and benefits payable to or in respect of the pensioner under Part II of this Act.