

SCHEDULES

SCHEDULE 1

CERTAIN [F1SENIOR COURTS] AND COUNTY COURT OFFICERS, AND PRESIDENT OF TRANSPORT TRIBUNAL

Textual Amendments

- F1** Words in Sch 1 heading substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 59(5), 148(1), Sch. 11 para. 25(4); S.I. 2009/1604, art. 2(d)

PART II

PENSION BENEFITS

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) [F1The Treasury] 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.

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act 1981, Cross Heading: Allocation of benefit on marriage after retirement. (See end of Document for details)

- (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 defined 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.

Textual Amendments

F1 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 118(4)(b)**

Changes to legislation:

There are currently no known outstanding effects for the Judicial Pensions Act 1981, Cross
Heading: Allocation of benefit on marriage after retirement.