

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act 1981, Part II. (See end of Document for details)

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

Personal pension

- 4 (1) An officer to whom this Schedule applies may be granted a pension—
- (a) if he retires after not less than [F1the prescribed number of years of][F115 years] 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 [F22 years] relevant service, and—
 - (i) at the time of his retirement he has attained the age of 72, or
 - (ii) if [F3the Treasury] 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.
- [F4(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—
- [F5(a) if the period of relevant service amounts to less than 5 (but not less than 2) years, 6/80ths of his last annual salary,
 - (aa) 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,

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- (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.

Textual Amendments

- F1** “15 years” substituted (E.W.) for “the prescribed number of years of” by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5 para. 2\(b\)\(i\)](#)
- F2** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. [83\(1\)\(c\)](#)
- F3** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. [118\(4\)\(b\)](#)
- F4** [Sch. 1 para. 1\(2\)](#) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(1), [Sch. 5 para. 2\(b\)\(ii\)](#), Sch. 7
- F5** [Sch. 1 para. 1\(4\)\(a\)](#) and “(aa)” substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. [83\(4\)](#)

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, 5/60ths of his last annual salary,
- (b) if his relevant service is not less than 2 years, 7/60ths 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 2/60ths 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, [^{F6}the Treasury] may, if he thinks the special circumstances of the case justify it, grant him such a pension as [^{F6}the Treasury] 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.

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- (2) Before making any grant under this paragraph [^{F6}the Treasury] shall consider any representations which the officer may have submitted [^{F7}to it].
- (3) The reasons for making any grant under this paragraph, and the amount of any such grant, shall be set out by [^{F6}the Treasury] in a minute which shall be laid before Parliament within 14 days after being made.

Textual Amendments

- F6** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(4)(b)
F7 Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(7)(a)

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.
 - (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 ^{M1}Superannuation Act 1972, or to an office so listed.

Marginal Citations

- M1** 1972 c. 11.

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) [^{F8}The 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, 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.

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- (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.

Textual Amendments

F8 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 118(4)(b)**

- 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.
- 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) [^{F9}The 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.

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- (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 actuarily 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 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

F9 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), [s. 118\(4\)\(b\)](#)

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