

## SCHEDULES

### SCHEDULE 2

#### TRANSITORY PROVISIONS

##### PART I

###### *The Higher Judiciary*

- 1 (1) In the case of a person holding high judicial office on 17 December 1959 who did not elect that sections 1 and 2 of the Judicial Pensions Act 1959 should apply to him section 2 of this Act shall have effect as if the provisions about retirement on attaining the age of 70 were omitted.
- (2) The reference in section 3(1) of this Act to the judicial offices described in Part I of Schedule 1 to the House of Commons Disqualification Act 1975 shall include a reference to judge of a county court in England and Wales or any other office listed in paragraph 1(1) or (2) of Schedule 2 to the Courts Act 1971 (judicial offices abolished by that Act).
- (3) Nothing in Chapter I of Part I of this Act, or in the repeals made by this Act in the Judicial Pensions Act 1959, shall affect the rate or amount of any pension or benefit payable to or in respect of a person who retired or died before 17 December 1959.
- (4) Subject to sub-paragraph (3) above Chapter I of Part I of this Act shall apply in relation to persons who retired or died before the commencement of this Act.

###### *Circuit judges*

- 2 (1) Section 5 and the other provisions of this Act relating to Circuit judges have effect subject to Part II of Schedule 2 to the Courts Act 1971 (office-holders becoming Circuit judges).
- (2) The city council of Liverpool and the city council of Manchester shall be liable to pay to the Lord Chancellor under section 10(2) of the Criminal Justice Administration Act 1956, at such times as may be agreed between him and the council concerned, one-half or such other part as may with the concurrence of the Minister be so agreed, of any sums payable under that Act on account of any pension or other benefit payable after 1st January 1972 in respect of any person's service as Recorder of Liverpool or Recorder of Manchester before that date.

###### *Stipendiary magistrates in England and Wales*

- 3 In the case of a person who at a time immediately before 1st April 1974 held office as a stipendiary magistrate under section 29 of the Justices of the Peace Act 1949 contributions to his pension under section 7 of this Act, and to any derivative benefit, shall be paid and borne under the law in force at that time, and as if his

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service as a stipendiary magistrate after the beginning of April 1974 had been service as a metropolitan stipendiary magistrate.

4 This Act shall not apply to a pension or other benefit payable wholly in respect of service, as a stipendiary magistrate in England or Wales, ending before 1st April 1974, or affect the person by whom or manner in which any such benefits are to be paid or borne.

5 In relation to persons who did not serve as stipendiary magistrates in England and Wales after the beginning of April 1974, in the Table in section 16 of this Act for the entry relating to such magistrates substitute—

“Metropolitan police magistrate	Service as a metropolitan police magistrate or as a stipendiary magistrate.
Stipendiary magistrate pensionable under section 33 of the Justices of the Peace Act 1949	Service as a stipendiary magistrate or as a metropolitan police magistrate.”

*Application of Part II to certain abolished offices*

6 (1) Section 16 of this Act shall have effect as if the Table included the following entries.

Judge appointed for a district under the County Courts Act 1934.	Service as a judge appointed for a district under the County Courts Act 1934.
Industrial Injuries Commissioner.	Salaried service as an Industrial Injuries Commissioner, or in any other capacity if service in that other capacity counts for pension as an Industrial Injuries Commissioner.
President of Industrial Court.	Service as president of the Industrial Court, or in any other capacity counting for pension under the Superannuation (President of the Industrial Court) Act 1954.
Recorder of Liverpool or Manchester.	Service as judge of the Crown Courts at Liverpool and Manchester.

(2) The entry at the end of the Table in section 16 of this Act (certain Supreme Court officers) shall have effect as if paragraph 1 of Schedule 1 to this Act included the offices of Official Referee and Clerk of Assize.

*Officers within Schedule 1 to this Act*

7 (1) This paragraph has effect as respects an officer of the Supreme Court within paragraph 1 of Schedule 1 to this Act, or a president of the Transport Tribunal, who retired or died before 20 December 1960, after not less than 5 years relevant service.

(2) The annual rate of the pension which is or would be payable to him under paragraph 4 of Schedule 1 to this Act shall not exceed 10/80ths of his last annual salary plus 3/160ths for each completed year of relevant service exceeding 5, but the maximum shall be one half of his last annual salary.

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- (3) This paragraph applies instead of paragraph 4(3) and (4) of Schedule 1 to this Act, and has effect subject to paragraph 12(3) below.
- 8 (1) This paragraph has effect as respects a county court registrar or assistant registrar who retired or died before 1st December 1969 after not less than 5 years relevant service.
- (2) The annual rate of the pension which is or would be payable to him under paragraph 4 of Schedule 1 to this Act shall not exceed 1/12th of his last annual salary plus 1/48th for each completed year of relevant service exceeding 5, but the maximum shall be one half of his last annual salary.
- (3) This paragraph applies instead of paragraph 4(3) and (4) of Schedule 1 to this Act, and has effect subject to paragraph 12(3) below.
- 9 (1) Schedule 1 to this Act shall not apply to a county court registrar appointed before 16th July 1956 who gave notice under proviso (a) of section 21(1) of the County Courts Act 1934 (election for pension provisions for persons in court service).
- (2) In determining the relevant service of a county court registrar or assistant registrar for the purpose of section 16 of, and Schedule 1 to, this Act no account shall be taken of service as an assistant registrar before 16th July 1956.

*High Court registry at Liverpool or Manchester*

- 10 (1) The repeals made by this Act in the County Courts Act 1924 shall not affect any pension payable under that Act to a person who retired before the commencement of this Act, and any such pension shall continue to be payable accordingly.
- (2) Section 16 of this Act shall have effect as if the Table included the following entry—

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“Registrar of the district registry of the High Court at Liverpool or Manchester	Service as a registrar of the district registry of the High Court at Liverpool or Manchester.”
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*Judicial offices within Chapter II of Part I*

- 11 Subject to the preceding provisions of this Schedule, Chapter II of Part I of this Act and Schedule 1 to this Act shall apply to persons who retired or died before the commencement of this Act.