

*Status: Point in time view as at 01/02/1991.*

*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 2

#### TRANSITORY PROVISIONS

##### PART II

##### DERIVATIVE BENEFITS

*Person serving on 15 December 1950: election against all derivative benefits*

- 12 (1) This paragraph applies to a person in whose case an election is in force under section 11(1) of the <sup>M1</sup>Administration of Justice (Pensions) Act 1950 (election by person serving in a judicial office on 15 December 1950).
- (2) Eligibility for a pension in relation to which that service was relevant service shall not satisfy the conditions under which a lump sum or widow's or children's pension may be granted under Part II of this Act.
- (3) Part I of this Act, paragraph 4 of Schedule 1 to this Act and paragraphs 7 and 8 above shall have effect in relation to a person to whom this paragraph applies as if for any reference to his last annual salary there were substituted a reference to the amount of that salary increased by one-third, and a corresponding adjustment shall be made in determining the amount of a pension under section 10 of this Act.
- (4) In applying this paragraph and paragraph 13 below account shall be taken of any revocation of the election in question under section 10(4)(c) of the <sup>M2</sup>Administration of Justice Act 1973, or under any provision of the <sup>M3</sup>Administration of Justice (Pensions) Act 1950.

##### Marginal Citations

- M1** 1950 (14 & 15 Geo. 6) c. 11.  
**M2** 1973 c. 15.  
**M3** 1950 (14 & 15 Geo. 6) c. 11.

*Persons serving on 15 December 1950: election against benefits for widow and children*

- 13 (1) This paragraph applies to a person in whose case an election is in force under subsection (2) of the said section 11 (alternative election by person serving in a judicial office on 15 December 1950).
- (2) Eligibility for a pension in relation to which that service was relevant service shall not satisfy the conditions under which a widow's or children's pension may be granted under Part II of this Act.

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- (3) Any lump sum payable in respect of that service shall not be reduced under paragraph 23 below, or under section 23 or 24 of this Act.

*Relevant service wholly before 18 April 1973*

- 14 (1) Where the relevant service was wholly before 18 April 1973 Part II of this Act shall have effect subject to Part III of this Schedule.
- (2) This paragraph and the said Part III have effect subject to paragraphs 12 and 13 above.

*Persons serving on 18 April 1973: election for application of paragraph 14 above*

- 15 (1) [<sup>F1</sup>Subject to paragraph 28 below,] this paragraph applies in relation to a person in whose case an election is in force under section 10(4)(b) of the <sup>M4</sup>Administration of Justice Act 1973 (election by person serving on 18 April 1973 not to accept the provisions of that section).
- (2) For the purposes of this Part of this Schedule that person shall be treated as if his relevant service was wholly before 18 April 1973.
- [<sup>F2</sup>(3) For the purposes of this paragraph, there shall be left out of account any period of service during which an election under section 14A is in force in respect of a person, and no contribution towards a widow's and children's pension shall be made by that person for that period.]

**Textual Amendments**

- F1** Words inserted (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124, 125(3), **Sch. 18 para. 34.**
- F2** Sch. 2 para. 15(3) inserted by S.I. 1988/1417, reg. 3, **Sch. para. 3(a)**

**Marginal Citations**

- M4** 1973 c. 15.

*Pension not wholly attributable to service after 17 April 1973*

- 16 (1) [<sup>F3</sup>Subject to paragraph 28 below,] this paragraph applies in determining the amount of a pension under section 19 or 22 of this Act which is payable partly in respect of relevant service after 17 April 1973 but is not attributable wholly to that service.
- (2) The annual value of the widow's pension or children's pension that may be granted shall be determined in accordance with the following formula.

$$\frac{P1 \times RS1}{RS1 + RS2} + \frac{P2 \times RS2}{RS1 + RS2}$$

where—

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P1 is the annual amount of the pension that might be granted under Part II of this Act with the modifications in Part III of this Schedule,

P2 is the annual amount of the pension that might be granted under Part II of this Act without those modifications,

RS1 is the length of relevant service before 18 April 1973,

RS2 is the remainder of the relevant service.

[<sup>F4</sup>(2A) There shall be left out of account, in calculating RS2 in sub-paragraph (2) above, any period of service during which an election under section 14A is in force in respect of a person.]

(3) For the purposes of this paragraph there shall be left out of account so much (if any) of the relevant service before 18 April 1973 as does not add to the amount of the personal pension, and accordingly this paragraph shall not apply if none of the relevant service before that date adds to the amount of the personal pension.

#### Textual Amendments

**F3** Words inserted (*prosp.*) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 124, 125(3), **Sch. 18 para. 34**

**F4** Sch. 2 para. 16(2A) inserted by S.I. 1988/1417, reg. 3, **Sch. para. 3(b)**

#### *Persons serving on 18 April 1973: election for pensions wholly attributable to service on or after that date*

17 (1) This paragraph applies in relation to a person in whose case an election is in force under section 10(4)(a) of the <sup>M5</sup>Administration of Justice Act 1973 (election by person serving on 18 April 1973).

(2) For the purposes of this Part of this Schedule that person shall be treated as if his relevant service was wholly after 17 April 1973.

#### Marginal Citations

**M5** 1973 c. 15.

#### *Saving for provisions about elections*

18 The repeals made by this Act shall not affect any election, or revocation of an election, mentioned in this Part of this Schedule, or the power of making regulations as respects those elections which is conferred by section 10(4) of the Administration of Justice Act 1973.

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