



Judicial Pensions and Retirement Act 1993

1993 CHAPTER 8

PART I

NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

Application of Part I

1 Persons to whom this Part applies

(1) This Part applies—

- (a) to any person who first holds qualifying judicial office on or after the appointed day;
- (b) to any person—
 - (i) who, immediately before the appointed day, was holding any qualifying judicial office, service in which was, in his case, subject to a judicial pension scheme; and
 - (ii) who, on or after that day, ceases to hold that office and is appointed to some other qualifying judicial office, service in which would (apart from this Act) have been subject, in his case, to some other judicial pension scheme;
- (c) to any person who was not holding qualifying judicial office immediately before the appointed day, by virtue of having retired from such office, but who, on or after that day, is again appointed to such office; and
- (d) to any person who makes an election under subsection (2) below for this Part to apply to him;

but this subsection is subject to the following provisions of this Act.

(2) Any person—

- (a) who holds qualifying judicial office on the appointed day, and
- (b) who held such office at any time before that day,

Status: This is the original version (as it was originally enacted).

shall be entitled, in such circumstances as may be prescribed and subject to subsection (5) below, to make an election for this Part to apply to him, if it would not otherwise do so.

- (3) Any election under subsection (2) above must be made within such time and in such manner as may be prescribed and shall be irrevocable.
- (4) The circumstances that may be prescribed under subsection (2) above, and the time that may be prescribed under subsection (3) above, include circumstances or times which permit the making of an election notwithstanding that the person in question has retired from qualifying judicial office or has died; and, without prejudice to section 29(3) and (4) below, where any such circumstances or times are so prescribed—
 - (a) the person in question shall be treated for such purposes as may be prescribed as if he had, at such times as may be prescribed, been a person to whom this Part applies; and
 - (b) any right to make an election notwithstanding the person's death shall be exercisable by his personal representatives.
- (5) Except as provided by section 13 below, this Part does not apply to a person at any time when an election under that section is in force in respect of him; nor shall he make an election under subsection (2) above at any such time.
- (6) For the purposes of this Act, a person shall be regarded as holding, or serving in, qualifying judicial office at any time when he holds, on a salaried basis, any one or more of the offices specified in Schedule 1 to this Act; and any reference in this Act to a "qualifying judicial office" is a reference to any office so specified if it is held on a salaried basis.
- (7) For the purposes of subsection (6) above, a person holds an office "on a salaried basis" if and so long as, and to the extent that—
 - (a) his service in the office is remunerated by payment of a salary; and
 - (b) that salary is not subject to terms which preclude rights to pensions and other benefits accruing by reference to it;and the reference in that subsection to an office being held on a salaried basis shall be construed accordingly.
- (8) The appropriate Minister may by order amend either Part of Schedule 1 to this Act by adding offices to those for the time being there specified.
- (9) In this section, "prescribed" means prescribed in regulations made by the appropriate Minister.
- (10) In this Part "the appointed day" means the day appointed under section 31 below for the coming into force of this Part other than subsection (8) above.