

## SCHEDULES

### SCHEDULE 6

Section 26.

#### RETIREMENT DATES FOR CERTAIN JUDICIAL OFFICES

##### *The Judicial Committee of the Privy Council*

- 1 (1) At the end of section 3 of the Appellate Jurisdiction Act 1887 (Judicial Committee of the Privy Council to include such members of the Privy Council as are holding or have held high judicial office) there shall be added the words “but no person shall be a member of that Committee by virtue of this section at any time after the day on which he attains the age of seventy-five years unless he is for the time being the Lord Chancellor of Great Britain.”
- (2) At the end of section 1 of the Judicial Committee Act 1881 (person holding, or who has held, the office of Lord Justice of Appeal, if a member of the Privy Council, to be a member of the Judicial Committee) there shall be added the words “but no person shall be a member of that Committee by virtue of this section at any time after the day on which he attains the age of seventy-five years.”

##### *Lords of Appeal*

- 2 In section 5 of the Appellate Jurisdiction Act 1876, after paragraph (3) (peers who hold, or have held, high judicial office to be Lords of Appeal) there shall be added the words—
- “but this section is subject to sections 26(7)(b) and 27 of the Judicial Pensions and Retirement Act 1993 (prohibition on participating in the hearing and determination of appeals after attaining the age of seventy-five years, except for the purpose of completing proceedings already begun).”

##### *Lords of Appeal in Ordinary and senior judges in Scotland and Northern Ireland*

- 3 In subsection (1) of section 2 of the Judicial Pensions Act 1959 (which provides that any Lord of Appeal in Ordinary, Lord Justice General, Lord Justice Clerk, Senator of the College of Justice in Scotland, Lord Chief Justice of Northern Ireland, Lord Justice of Appeal in Northern Ireland or Judge of the High Court of Justice in Northern Ireland is to vacate his office on the day on which he attains the age of 75) for the words “seventy-five” there shall be substituted the word “seventy”.

##### *Judges of the Supreme Court*

- 4 In subsection (2) of section 11 of the Supreme Court Act 1981 (which provides that any judge of the Supreme Court, other than the Lord Chancellor, is to vacate his office no later than the day on which he attains the age of 75) for the words “seventy-five” there shall be substituted the word “seventy”.

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*Acting and deputy judges*

- 5 (1) In section 9 of the Supreme Court Act 1981, after subsection (1) (persons who may act as judges) there shall be inserted—
- “(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.”
- (2) After subsection (4) of that section (appointment of deputy High Court judges) there shall be inserted—
- “(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”
- (3) In subsection (6)(b) of that section (which refers to subsection (7) of that section, relating to the completion of proceedings after retirement), for the words “subject to subsection (7)” there shall be substituted the words “subject to section 27 of the Judicial Pensions and Retirement Act 1993”.

*Temporary Judges of the Court of Session*

- 6 (1) In paragraph 5 of Schedule 4 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (appointment of temporary judges of the Court of Session) for the words “75 years” there shall be substituted the words “70 years”.
- (2) The said paragraph 5 as amended by sub-paragraph (1) above shall be numbered sub-paragraph (1) and there shall be added the following sub-paragraph—
- “(2) Sub-paragraph (1) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Acting judges of the High Court or Court of Appeal in Northern Ireland*

- 7 In section 7 of the Judicature (Northern Ireland) Act 1978, in subsection (1) (which provides that certain judges and former judges may, at the request of the Lord Chancellor, sit as judges of the High Court or Court of Appeal in Northern Ireland) —
- (a) the words “at any time” shall be omitted; and
- (b) at the end, there shall be added the words “at any time on or before the day on which he attains the age of seventy-five.”

*Circuit judges*

- 8 (1) Section 17 of the Courts Act 1971 (retirement of Circuit judges) shall be amended in accordance with the following provisions of this paragraph.
- (2) For subsection (1) (which requires a Circuit judge to vacate his office at the end of the completed year of service in which he attains the age of 72, subject to the possibility of extended appointment) there shall be substituted—
- “(1) Subject to subsection (4) below and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise

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continuance in office up to the age of 75), a Circuit judge shall vacate his office on the day on which he attains the age of 70.”

- (3) Subsection (2) (which contains power to continue a Circuit judge’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) Subsection (3) (day on which certain persons are to be regarded as completing a year of service) shall cease to have effect.

*Recorders, deputy Circuit judges and assistant Recorders*

- 9 (1) In section 21 of the Courts Act 1971, in subsection (5) (Recorder not to hold office after the end of the completed year of service in which he attains the age of 72) for the words from “the end of” onwards there shall be substituted the words “the day on which he attains the age of seventy, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”
- (2) In section 24 of that Act (deputy Circuit judges and assistant Recorders), after subsection (1) there shall be inserted—
- “(1A) No appointment of a person under subsection (1) above shall be such as to extend—
- (a) in the case of appointment as a deputy Circuit judge, beyond the day on which he attains the age of seventy-five; or
- (b) in the case of appointment as an assistant Recorder, beyond the day on which he attains the age of seventy;
- but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

*Sheriffs*

- 10 In the Sheriff Courts (Scotland) Act 1971, after section 5 (qualification for offices of sheriff principal and sheriff) there shall be inserted—

**“5A Retiring age for sheriff principal and sheriff.**

- (1) A sheriff principal or sheriff shall vacate his office on the day on which he attains the age of 70.
- (2) Subsection (1) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Temporary sheriffs*

- 11 In section 11 of the Sheriff Courts (Scotland) Act 1971 (power to appoint temporary sheriffs principal and temporary sheriffs), after subsection (4) there shall be inserted the following subsections—

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“(4A) No appointment under this section of a person to be a temporary sheriff principal or temporary sheriff shall extend beyond the day on which the person reaches the age of 70.

(4B) Subsection (4A) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

#### *County Court Judge in Northern Ireland*

- 12 In section 105 of the County Courts Act (Northern Ireland) 1959, for subsection (4) (which requires every judge to vacate his office at the end of the completed year of service in which he attains the age of 72, but subject to a proviso for judges who would not have completed 15 years' service) there shall be substituted—

“(4) Every judge shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).”

#### *Deputy judge of a county court in Northern Ireland*

- 13 In section 107 of the County Courts Act (Northern Ireland) 1959, for subsection (4) (which provides that, except in the case of a former judge, a deputy judge shall not hold office after the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(4) Neither the initial term for which a deputy judge is appointed nor any extension of that term under subsection (3) shall be such as to continue his appointment as a deputy judge after the day on which he attains the age of seventy; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75).”

#### *Officers of the Supreme Court*

- 14 (1) Section 92 of the Supreme Court Act 1981 (tenure of office of certain officers of the Supreme Court) shall be amended in accordance with the following provisions of this paragraph.
- (2) In subsection (1) (certain Masters, Registrars and other officers of the Supreme Court to vacate office at the end of the completed year of service in which they attain the age of 72)—
- (a) after the words “Subject to the following provisions of this section” there shall be inserted the words “and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor's power to authorise continuance in office up to the age of 75)”; and
  - (b) for the words from “at the end” onwards there shall be substituted the words “on the day on which he attains the age of seventy years.”
- (3) In subsection (2B) (offices to which subsection (2A) applies) the words “and the office of Queen's Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals” shall be omitted.

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- (4) Subsection (2C) (which makes provision for determining the day on which persons who successively hold offices falling within column 1 of Part I or II of Schedule 2 to that Act are to be regarded as completing a year of service, and which is of no further utility) shall cease to have effect.
- (5) After that subsection there shall be inserted—
- “(2D) Subject to the following provisions of this section, a person who holds an office to which this subsection applies shall vacate it on the day on which he attains the age of sixty-two years.
- (2E) Subsection (2D) applies to the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals.”
- (6) Subsection (3) (which contains power to continue a person’s appointment to an office to which subsection (1) applies up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (7) In subsection (4) (offices to which subsection (1) or (2A) applies to be held during good behaviour) for the words “or (2A)” there shall be substituted the words “, (2A) or (2D)”.

*Deputy and temporary officers of the Supreme Court*

- 15 In section 91 of the Supreme Court Act 1981, in subsection (3) (which permits certain appointments as a deputy or temporary officer to be made, notwithstanding that the person would be disqualified by age from holding the office in question) after paragraph (c) there shall be added—
- “but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.”

*Deputy district judges of district registries of the High Court*

- 16 In section 102 of the Supreme Court Act 1981, at the end of subsection (3) (which permits certain appointments as a deputy district judge of a district registry of the High Court to be made, notwithstanding that the person would be disqualified by age from holding the office in question) there shall be added the words “; but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.”

*District judges and deputy district judges of county courts*

- 17 (1) In section 8 of the County Courts Act 1984 (deputy district judges) after subsection (1) there shall be inserted—
- “(1A) Any appointment of a person as a deputy district judge—
- (a) if he has previously held office as a district judge, shall not be such as to extend beyond the day on which he attains the age of 75 years; and
- (b) in any other case, shall not be such as to extend beyond the day on which he attains the age of 70 years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

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- (2) Section 11 of that Act (tenure of office of district judge etc) shall be amended in accordance with the following provisions of this paragraph.
- (3) For subsections (1) and (2) (which provide for a person to whom subsection (1) applies to vacate his office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—
  - “(1) This subsection applies to the office of district judge.
  - (2) Subject to the following provisions of this section and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75), a person who holds an office to which subsection (1) applies shall vacate his office on the day on which he attains the age of 70 years.”
- (4) Subsection (3) (which confers power to continue district judges etc in office up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

*Statutory officers in Northern Ireland*

- 18 In section 71 of the Judicature (Northern Ireland) Act 1978, for subsection (3) (which provides that a statutory officer, within the meaning of that Act, is to retire at the end of the completed year of service in which he attains the age of 72, but subject to the substitution of a lower age, under subsection (4)) there shall be substituted—
  - “(3) Subject to subsection (4) below and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office beyond the age of 70, up to the age of 75), a statutory officer shall retire on the day on which he attains the age of 70 years.”

*Stipendiary magistrates in England and Wales*

- 19 (1) Section 14 of the Justices of the Peace Act 1979 (retirement of stipendiary magistrates) shall be amended in accordance with the following provisions of this paragraph.
- (2) At the beginning of that section there shall be inserted—
  - “(1A) A stipendiary magistrate appointed after the coming into force of section 26 of the Judicial Pensions and Retirement Act 1993 shall vacate his office on the day on which he attains the age of 70.”
- (3) In subsection (1) (persons appointed on or after 25th October 1968)—
  - (a) after the words “25th October 1968” there shall be inserted the words “and before the coming into force of section 26 of the Judicial Pensions and Retirement Act 1993”; and
  - (b) the proviso (which provides that the Lord Chancellor may authorise a person to continue in office up to the age of 72 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) Subsection (2) (which relates to appointments before 25th October 1968 and which is spent) shall be omitted.

(5) At the end of that section there shall be added—

“(3) Subsections (1A) and (1) above are subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

*Resident Magistrates in Northern Ireland*

- 20 For section 1 of the Resident Magistrates' Pensions Act (Northern Ireland) 1960 (Resident Magistrate to vacate office at the end of the completed year of service in which he attains the age of 70, but with power to continue in office up to the age of 72) there shall be substituted—

**“1 Retiring age of resident magistrates.**

Every resident magistrate (whether appointed before or after the passing of this Act) shall vacate his office on the day on which he attains the age of seventy; but this section is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

*Social security: Commissioners, and the President and chairmen of appeal tribunals*

- 21 (1) Paragraph 1 of Schedule 2 to the Social Security Administration Act 1992 (tenure of office as Commissioner, President or full-time chairman) shall be amended in accordance with the following provisions of this paragraph.
- (2) In sub-paragraph (2) (which requires such a person to vacate office at the end of the completed year of service in which he attains the age of 72) for the words from “at the end of” onwards there shall be substituted the words “on the day on which they attain the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”
- (3) Sub-paragraph (3) (which contains power to continue such a person’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) In sub-paragraph (5) (consultation with Lord Advocate before exercising powers under sub-paragraph (3) or (4)) the words “(3) or” shall be omitted.
- (5) In sub-paragraph (6) (sub-paragraph (2) or (3) not to apply in relation to deputy Commissioners) the words “or (3)” shall be omitted.
- (6) In sub-paragraph (7) (which provides that nothing in sub-paragraph (2) or (4) applies to a Commissioner appointed before 23rd May 1980) the words “(2) or” (which are of no further practical utility) shall be omitted.

*Social security: Commissioners, and the President  
and chairmen of appeal tribunals in Northern Ireland*

- 22 (1) Paragraph 1 of Schedule 2 to the Social Security Administration (Northern Ireland) Act 1992 (tenure of office as Commissioner, President or full-time chairman) shall be amended in accordance with the following provisions of this paragraph.

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- (2) In sub-paragraph (2) (which requires such a person to vacate office at the end of the completed year of service in which he attains the age of 72) for the words from “at the end of” onwards there shall be substituted the words “on the day on which they attain the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”
- (3) Sub-paragraph (3) (which contains power to continue such a person’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) In sub-paragraph (6) (sub-paragraph (2) or (3) not to apply in relation to deputy Commissioners) the words “or (3)” shall be omitted.

*Child support: Commissioners and chairmen of appeal tribunals*

- 23 (1) In Schedule 3 to the Child Support Act 1991 (child support appeal tribunals), in paragraph 4—
- (a) in sub-paragraph (3) (chairman of child support appeal tribunals to retire at the end of the completed year of service in which he reaches the age of 72) for the words from “at the end” to the end of that sub-paragraph there shall be substituted the words “on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)”; and
  - (b) sub-paragraph (4) (which contains power to continue a chairman’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (2) In Schedule 4 to that Act (Child Support Commissioners), in paragraph 1—
- (a) in sub-paragraph (1) (Child Support Commissioner to retire at the end of the completed year of service in which he reaches the age of 72) for the words from “at the end” to the end of that sub-paragraph there shall be substituted the words “on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)”; and
  - (b) sub-paragraph (2) (which contains power to continue a Commissioner’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (3) In paragraph 4 of that Schedule (deputy Child Support Commissioners) at the beginning of paragraph (b) of sub-paragraph (2) there shall be inserted the words “Subject to sub-paragraph (2A)”, and after that sub-paragraph there shall be inserted—
- “(2A) No appointment of a person to be a deputy Child Support Commissioner shall be such as to extend beyond the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”



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- (4) In paragraph 7 of that Schedule (Lord Chancellor to consult the Lord Advocate before exercising certain powers under the Schedule) for the words “paragraph 1(2) or (3)” there shall be substituted the words “paragraph 1(3)”.

*Chairmen of child support appeal tribunals in Northern Ireland*

- 24 In Schedule 3 to the Child Support (Northern Ireland) Order 1991 (child support appeal tribunals), in paragraph 4—
- (a) in sub-paragraph (3) (chairman of child support appeal tribunals to retire at the end of the completed year of service in which he reaches the age of 72) for the words from “at the end” to the end of that sub-paragraph there shall be substituted the words “on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)”; and
  - (b) sub-paragraph (4) (which contains power to continue such a chairman’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

*Chairman of the Foreign Compensation Commission*

- 25 In section 1 of the Foreign Compensation Act 1950 (constitution of the Foreign Compensation Commission), at the beginning of subsection (3) there shall be inserted the words “Subject, in the case of the chairman, to subsection (3A) of this section,” and after that subsection there shall be inserted—
- “(3A) The chairman of the Commission shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

*Commons Commissioners*

- 26 In section 17 of the Commons Registration Act 1965 (which includes provision for the appointment of Commons Commissioners) after subsection (1) there shall be inserted—
- “(1A) A Commons Commissioner shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power of Lord Chancellor to authorise continuance in office up to the age of seventy-five years).”

*President and chairmen of industrial tribunals*

- 27 (1) The Industrial Tribunals (England and Wales) Regulations 1965 shall be amended in accordance with sub-paragraphs (2) and (3) below.
- (2) For regulation 3(2) (which requires the President of Industrial Tribunals (England and Wales) to vacate office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

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“(2) The President shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

- (3) In regulation 5, at the beginning of paragraph (5) (terms of membership of panels) there shall be inserted the words “Subject to paragraph (6)” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

- (4) The Industrial Tribunals (Scotland) Regulations 1965 shall be amended in accordance with sub-paragraphs (5) and (6) below.

- (5) For regulation 3(2) (which requires the President of Industrial Tribunals (Scotland) to vacate office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(2) The President shall vacate office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

- (6) In regulation 5, at the beginning of paragraph (5) (terms of membership of panels) there shall be inserted the words “Subject to paragraph (6)” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*President, Vice-President and chairmen of industrial tribunals and of the Fair Employment Tribunal*

- 28 (1) In subsection (3) of section 3 of the Fair Employment (Northern Ireland) Act 1989 (which requires the President and Vice President of the Industrial Tribunals and the Fair Employment Tribunal each to vacate his office at the end of the completed year of service in which he attains the age of 72), for the words from “at the end of” onwards there shall be substituted the words “on the day on which he attains the age of 70, but subject to subsection (4) below and subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)”.

- (2) In regulation 3 of the Industrial Tribunals Regulations (Northern Ireland) 1965 (membership of tribunals), at the beginning of paragraph (5) there shall be inserted the words “Subject to paragraph (6)” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject

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to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

*President of the Industrial Court in Northern Ireland*

- 29 In Article 91 of the Industrial Relations (Northern Ireland) Order 1992, at the beginning of paragraph (3) (terms of appointment of president and other members of the Industrial Court) there shall be inserted the words “Subject, in the case of the president, to paragraph (3A),” and after that paragraph there shall be inserted—

“(3A) The president shall vacate his office on the day on which he attains the age of 70; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993.”

*Members of the Employment Appeal Tribunal*

- 30 In Schedule 11 to the Employment Protection (Consolidation) Act 1978 (which includes provision concerning the tenure of office of those members of the Employment Appeal Tribunal who are appointed under section 135(2)(c) of that Act), in paragraph 2 (which provides that such a member may by notice resign his membership), after the word “member” there shall be inserted “(a)”, and at the end of that paragraph there shall be inserted “; and

(b) shall vacate his office on the day on which he attains the age of 70;

but paragraph (b) is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*The Lands Tribunal and the Lands Tribunal for Scotland*

- 31 In section 2 of the Lands Tribunal Act 1949, after subsection (5) (terms of appointment to membership of the Tribunal) there shall be inserted—

“(5A) No person shall be appointed a member of the Tribunal for a term which extends beyond the day on which he attains the age of seventy, except in accordance with section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*The Lands Tribunal for Northern Ireland*

- 32 In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964, for paragraph (b) of subsection (2) (which requires a member to vacate his office at the end of the completed year of service in the course of which he attains the age of 72) there shall be substituted—

“(b) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75); and”.

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*Judge Advocate of Her Majesty's Fleet*

- 33 In section 28 of the Courts-Martial (Appeals) Act 1951, in subsection (3) (Judge Advocate of the Fleet to vacate office at the end of the completed year of service in which he attains the age of 70, with a proviso for continuance in office up to the age of 72)—
- (a) for the words from “at the end” to “seventy years” there shall be substituted the words “on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75)”; and
  - (b) the proviso (which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

*Judge Advocate General and related offices*

- 34 In subsection (2) of section 32 of that Act (which makes similar provision for the Judge Advocate General and also provides for certain other judicial officers to vacate office at the end of the completed year of service in which they attain the age of 65, but with a proviso for continuance in office up to the age of 70)—
- (a) after the words “The Judge Advocate General shall” there shall be inserted the words “, subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75),”;
  - (b) for the words “at the end of the completed year of service in the course of which”, in both places where they occur, there shall be substituted the words “on the day on which”; and
  - (c) the proviso (which in relation to the Judge Advocate General is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

*Value added tax tribunals*

- 35 (1) In Schedule 8 to the Value Added Tax Act 1983, in paragraph 3, for sub-paragraphs (1) and (1A) (President of Value Added Tax Tribunals to vacate office at the end of the completed year of service in which he attains the age of 72, but with power to continue his appointment up to the age of 75) there shall be substituted—
- “(1) The President—
- (a) may resign his office at any time; and
  - (b) shall vacate his office on the day on which he attains the age of 70; but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”
- (2) In paragraph 7 of that Schedule, for sub-paragraphs (3C) and (3D) (which make similar provision in relation to a chairman of value added tax tribunals) there shall be substituted—
- “(3C) A chairman of value added tax tribunals—
- (a) may resign his office at any time; and
  - (b) shall vacate his office on the day on which he attains the age of 70;

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but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Special, and deputy Special, Commissioners for Income Tax*

- 36 (1) In section 4 of the Taxes Management Act 1970 (Special Commissioners) after subsection (3) there shall be inserted—

“(3A) A Special Commissioner—

- (a) may resign his office at any time; and
- (b) shall vacate his office on the day on which he attains the age of seventy years;

but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

- (2) In section 4A of that Act, at the end of subsection (2) (which provides that a person shall not be qualified for appointment as a deputy Special Commissioner unless he is qualified for appointment as a Special Commissioner) there shall be added the words “(and, accordingly, no appointment of a person as a deputy Special Commissioner shall be such as to extend beyond the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993)”.

*President or other member of the Immigration Appeal Tribunal*

- 37 In Part II of Schedule 5 to the Immigration Act 1971 (the Immigration Appeal Tribunal) in paragraph 8 (terms of appointment) at the beginning of sub-paragraph (1) there shall be inserted the words “Subject to the following provisions of this paragraph” and at the end of that paragraph there shall be added—

“(3) A member of the Tribunal shall vacate his office on the day on which he attains the age of seventy, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Immigration adjudicators*

- 38 In Part I of Schedule 5 to the Immigration Act 1971 (immigration adjudicators) in paragraph 2 (terms of appointment) at the beginning of sub-paragraph (1) there shall be inserted the words “Subject to the following provisions of this paragraph” and at the end of that paragraph there shall be added—

“(3) An adjudicator shall vacate his office on the day on which he attains the age of seventy, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Pensions Appeal Tribunals*

- 39 In the Schedule to the Pensions Appeal Tribunals Act 1943, for paragraph 2 (appointment, remuneration and removal of members) there shall be substituted—

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

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- “2 (1) The members of the Tribunals shall be appointed by the Lord Chancellor.
- (2) There shall be paid to them such remuneration as the Treasury may determine.
- (3) The Lord Chancellor may, if he thinks fit, remove any member of such a Tribunal.
- (4) Subject to sub-paragraph (3) above and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75), a member of such a Tribunal shall vacate his office on the day on which he attains the age of seventy years.”

*Mental Health Review Tribunals*

- 40 In Schedule 2 to the Mental Health Act 1983 (which makes provision with respect to Mental Health Review Tribunals), at the beginning of paragraph 2 there shall be inserted the words “Subject to paragraph 2A below,” and after that paragraph there shall be inserted—

“2A A member of a Mental Health Review Tribunal shall vacate office on the day on which he attains the age of 70 years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

*The Financial Services Tribunal*

- 41 In Schedule 6 to the Financial Services Act 1986, in paragraph 1 (which includes provision concerning the term of office of persons appointed to the panel from which persons are nominated to serve on the Financial Services Tribunal) at the beginning of sub-paragraph (1) there shall be inserted the words “Subject to the following provisions of this paragraph,” and after sub-paragraph (2) there shall be added—

“(3) A member of the panel appointed by the Lord Chancellor shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

*Tribunals and advisory bodies under the Misuse of Drugs Act 1971*

- 42 (1) Schedule 3 to the Misuse of Drugs Act 1971 (which includes provision in relation to tribunals and advisory bodies established for the purposes of sections 14 and 15 of that Act) shall be amended in accordance with this paragraph.
- (2) In paragraph 1 (membership of tribunals) after sub-paragraph (2) there shall be inserted—

“(2A) The chairman of a tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

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

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- (3) In paragraph 13 (membership of advisory bodies) after sub-paragraph (1) there shall be inserted—

“(1A) The chairman of an advisory body shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

*Restrictive Practices Court*

- 43 (1) In section 3 of the Restrictive Practices Court Act 1976 (appointed members of the Restrictive Practices Court), in subsection (2)—

- (a) at the beginning, there shall be inserted the words “Subject to subsection (2A) below,”; and
- (b) the words “(not less than three years)” shall cease to have effect.

- (2) After that subsection there shall be inserted—

“(2A) No appointment of a person to be an appointed member shall be such as to extend beyond the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years);”.

*Tribunals constituted under section 706 of the Income and Corporation Taxes Act 1988*

- 44 Section 706 of the Income and Corporation Taxes Act 1988 (appointment of a tribunal to hear appeals in connection with the cancellation of tax advantages from certain transactions in securities) shall be numbered as subsection (1) of that section, and at the end of that section there shall be added—

“(2) A person appointed as chairman or other member of the tribunal shall vacate his office on the day on which he attains the age of 70; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Arbitrator appointed under the Agricultural Holdings Act 1986*

- 45 In Schedule 11 to the Agricultural Holdings Act 1986 (which makes provision in relation to the determination by arbitration of matters arising under that Act), after sub-paragraph (5) of paragraph 1 there shall be added—

“(6) A member of the panel constituted for the purposes of this Schedule shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

*Agricultural Land Tribunals*

- 46 (1) Schedule 9 to the Agriculture Act 1947 (constitution etc of Agricultural Land Tribunals) shall be amended in accordance with this paragraph.

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

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- (2) In paragraph 13 (which relates to the chairmen of such Tribunals), in sub-paragraph (2)—
  - (a) at the beginning there shall be inserted the words “Subject to sub-paragraph (2A) of this paragraph,”; and
  - (b) for the words “three years” there shall be substituted “such period as may be specified in the terms of his appointment”.
- (3) After that sub-paragraph there shall be inserted—
  - “(2A) No appointment of a person to be the chairman shall be such as to extend beyond the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”
- (4) Paragraph 14 (which provides for there to be a panel of deputy-chairmen for each such Tribunal) shall be numbered as sub-paragraph (1) of that paragraph, and at the end of that paragraph there shall be added—
  - “(2) A member of the panel of deputy-chairmen shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”
- (5) In paragraph 15 (which provides for there to be panels of persons representing farmers' and landowners' interests), after sub-paragraph (1) there shall be inserted—
  - “(1A) A member of either of the panels drawn up under sub-paragraph (1) of this paragraph shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

*The Aircraft and Shipbuilding Industries Arbitration Tribunal*

- 47 In section 42 of the Aircraft and Shipbuilding Industries Act 1977, at the beginning of subsection (5) (which makes provision in relation to the terms of appointment of the members of the Aircraft and Shipbuilding Industries Arbitration Tribunal) there shall be inserted the words “Subject to subsection (5A) below,” and after that subsection there shall be inserted—

“(5A) No appointment of a person to be the president of the arbitration tribunal shall be such as to extend beyond the day on which he attains the age of 70; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Chairman of a tribunal established by section 29  
of the Betting, Gaming and Lotteries Act 1963*

- 48 In section 29 of the Betting, Gaming and Lotteries Act 1963 (appointment of a tribunal to hear appeals concerning bookmakers' levy) at the end of subsection (2)



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there shall be added the words “, but subject, in the case of the chairman, to subsection (2A) of this section”, and after that subsection there shall be inserted—

“(2A) The chairman of any such tribunal shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

#### *The Copyright Tribunal*

49 In section 146 of the Copyright, Designs and Patents Act 1988 (membership of the Copyright Tribunal) after subsection (3) there shall be inserted—

“(3A) A person who is the chairman or a deputy chairman of the Tribunal shall vacate his office on the day on which he attains the age of 70 years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

#### *The Data Protection Tribunal*

50 In Schedule 2 to the Data Protection Act 1984, in paragraph 8 (tenure of office of members of the Data Protection Tribunal), at the beginning of sub-paragraph (1) there shall be inserted the words “Subject to the following provisions of this paragraph,” and at the end of that paragraph there shall be added—

“(3) A person who is the chairman or a deputy chairman of the Tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

#### *Independent Schools Tribunals*

51 In Schedule 6 to the Education Act 1944 (constitution etc of Independent Schools Tribunals) at the beginning of paragraph 3 there shall be inserted the words “Subject, in the case of a member of the legal panel, to paragraph 3A below,” and after that paragraph there shall be inserted—

“3A No appointment of a person to be a member of the legal panel shall be such as to extend beyond the day on which he attains the age of seventy years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

#### *President of a tribunal constituted under Schedule 3 to the Industry Act 1975*

52 (1) In Schedule 3 to the Industry Act 1975, paragraph 6 (terms of appointment of members of a tribunal established to arbitrate in a dispute arising under that Act) shall be numbered as sub-paragraph (1) of that paragraph.

(2) At the beginning of that sub-paragraph there shall be inserted the words “Subject, in the case of the president of a tribunal, to sub-paragraph (2) below”, and after that sub-paragraph there shall be added—

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

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“(2) No appointment of a person to be the president of a tribunal shall be such as to extend beyond the day on which he attains the age of 70 years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

*Tribunal constituted under Schedule 9 to the National Health Service Act 1977*

- 53 In regulation 26 of the National Health Service (Service Committees and Tribunal) Regulations 1974 (tenure of office of chairman of Tribunal constituted under section 46 of the National Health Service Act 1977) at the beginning of paragraph (1) there shall be inserted the words “Subject to paragraph (1A),” and after that paragraph there shall be inserted—

“(1A) The chairman shall vacate his office on the day on which he attains the age of 70; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Chairman of the Plant Varieties and Seeds Tribunal*

- 54 In paragraph 1 of Schedule 4 to the Plant Varieties and Seeds Act 1964, at the beginning of sub-paragraph (2) (tenure of office of chairman of the Plant Varieties and Seeds Tribunal) there shall be inserted the words “Subject to sub-paragraph (2A) of this paragraph,” and after that sub-paragraph there shall be inserted—

“(2A) No appointment of a person to be the chairman of the Tribunal shall be such as to extend beyond the day on which he attains the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

*Chairman of a Registered Homes Tribunal*

- 55 In section 40 of the Registered Homes Act 1984, at the beginning of subsection (6) (terms of appointment of persons to the panels of chairmen and other members of Registered Homes Tribunals), there shall be inserted the words “Subject, in the case of a person appointed to the legal panel, to subsection (7) below,” and after that subsection there shall be added—

“(7) No appointment of a person to the legal panel shall be such as to extend beyond the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

*Rent Assessment Committees*

- 56 In Schedule 10 to the Rent Act 1977, after paragraph 2 (appointment by Lord Chancellor or Secretary of State of persons to constitute the panels from which the members of rent assessment committees are selected) there shall be inserted—

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

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- “2A No appointment of a person to any panel by the Lord Chancellor shall be such as to extend beyond the day on which the person attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of seventy-five years).”

*The Transport Tribunal*

- 57 (1) Paragraph 3 of Schedule 4 to the Transport Act 1985 (tenure of office of judicial members) shall be amended in accordance with the following provisions of this paragraph.
- (2) In sub-paragraph (1) (judicial member to hold office until the end of the completed year of service in which he attains the age of 72 and then retire)—
- (a) after the words “Subject to the following provisions of this paragraph” there shall be inserted the words “and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five)”; and
- (b) for the words “the end of the completed year of service in which he attains the age of seventy-two” there shall be substituted the words “the day on which he attains the age of seventy”.
- (3) Sub-paragraph (2) (which contains power to continue the member’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

*Tribunal established under section 9 of the Wireless Telegraphy Act 1949*

- 58 In Schedule 2 to the Wireless Telegraphy Act 1949, in paragraph 1 (period for which members of the appeal tribunal established under section 9 of that Act are to hold office) after sub-paragraph (1) there shall be inserted—
- “(1A) No appointment of a person to be the president of the appeal tribunal shall be such as to extend beyond the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).
- (1B) No person shall be appointed after the day on which he attains the age of seventy years to act as one of the additional members of the appeal tribunal under subsection (5) of section 9 of this Act.”

*Wreck commissioner*

- 59 In section 82 of the Merchant Shipping Act 1970 (appointment of wreck commissioners) after subsection (1) there shall be inserted—
- “(1A) A wreck commissioner shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

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

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*Chairman of a Reinstatement Committee*

- 60 In Schedule 2 to the Reserve Forces (Safeguard of Employment) Act 1985, paragraph 2 (composition of Reinstatement Committees) shall be numbered as sub-paragraph (1) of that paragraph and at the end of that paragraph there shall be added—

“(2) A member of the panel of persons referred to in sub-paragraph (1)(a) shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

*Tribunals constituted for the purposes of section 150(4) of the Mines and Quarries Act 1954*

- 61 In Schedule 3 to the Mines and Quarries Act 1954, at the end of paragraph 1 (constitution of tribunals to inquire into whether a certificate of competency granted under that Act should be withdrawn or suspended) there shall be added the words “; but no person shall be appointed—

- (a) as the person, or one of the persons, constituting such a tribunal, or
- (b) as an assessor to assist any such tribunal,

after the day on which he attains the age of seventy years.”

*Courts of inquiry under section 52 of the Merchant Shipping Act 1970*

- 62 In rule 5 of the Merchant Shipping (Section 52 Inquiries) Rules 1982 (appointment of courts of inquiry for the purposes of section 52 of the Merchant Shipping Act 1970) after paragraph (3) there shall be added—

“(4) A person shall not be appointed after the day on which he attains the age of 70 to assist with a section 52 inquiry as an assessor.”

*Chairman of a vaccine damage tribunal in Northern Ireland*

- 63 In regulation 7 of the Vaccine Damage Payments Regulations 1979 (constitution etc of vaccine damage tribunals), in paragraph (1B), at the end of sub-paragraph (a) (which provides for the chairman of a vaccine damage tribunal in Northern Ireland to be appointed by the Secretary of State) there shall be added the words “but no person shall be so appointed after the day on which he attains the age of 70”.

*Chairman of a tribunal constituted under section 47 of the Building Societies Act 1986*

- 64 In section 47 of the Building Societies Act 1986 (tribunals to hear appeals against certain decisions of the Building Societies Commission) after subsection (3) there shall be inserted—

“(3A) A person shall not be appointed after the day on which he attains the age of 70 to be the chairman of a tribunal under this section.”

*Chairman of a tribunal constituted under section 28 of the Banking Act 1987*

- 65 In section 28 of the Banking Act 1987 (tribunals to hear appeals against certain decisions of the Bank of England), after subsection (3) there shall be inserted—

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“(3A) A person shall not be appointed after the day on which he attains the age of 70 to be the chairman of a tribunal under this section.”

*Arbitrators appointed under Schedule 10 to the Electricity Act 1989*

- 66 In paragraph 9 of Schedule 10 to the Electricity Act 1989, after sub-paragraph (2) (appointment of arbitrator etc to determine third parties' claims for compensation arising out of certain transfers of property etc) there shall be added—

“(3) A person shall not be appointed after the day on which he attains the age of 70 to be an arbitrator or arbiter under sub-paragraph (2) above.”

*Chairman of a tribunal constituted under Schedule 3 to the Education (Schools) Act 1992*

- 67 In Schedule 3 to the Education (Schools) Act 1992 (tribunals to hear appeals in relation to the registration of school inspectors), at the end of paragraph 1 there shall be added—

“(3) A person shall not be appointed after the day on which he attains the age of 70 to be the Chairman of a tribunal.”

*Chairman of a tribunal constituted under section 59 of the Friendly Societies Act 1992*

- 68 In section 59 of the Friendly Societies Act 1992 (tribunal to hear appeals against certain decisions of the Friendly Societies Commission), after subsection (3) there shall be inserted—

“(3A) A person shall not be appointed after the day on which he attains the age of 70 to be the chairman of a tribunal under this section.”