

SCHEDULES

SCHEDULE 8

Section 31.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Courts-Martial (Appeals) Act 1951

- 1 Section 35 of the Courts-Martial (Appeals) Act 1951 (pension arrangements for Vice Judge Advocate General, Assistant Judge Advocates General and Deputy Judge Advocates) shall be numbered as subsection (1) of that section and at the end of that section there shall be added—

“(2) The foregoing subsection shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The County Courts Act (Northern Ireland) 1959

- 2 At the end of section 116 of the County Courts Act (Northern Ireland) 1959 (pensions of county court judges in Northern Ireland) there shall be added—

“(7) This Part shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Resident Magistrates' Pensions Act (Northern Ireland) 1960

- 3 In section 2 of the Resident Magistrates' Pensions Act (Northern Ireland) 1960 (pensions of resident magistrates in Northern Ireland) after subsection (1) there shall be inserted—

“(1A) This Act shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Foreign Compensation Act 1962

- 4 In section 3 of the Foreign Compensation Act 1962, after subsection (1) (which makes provision for the pensions or other benefits payable to or in respect of members of the Foreign Compensation Commission) there shall be inserted—

“(1A) Subsection (1) above shall not have effect in relation to a chairman or former chairman of the Commission who is a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

Status: This is the original version (as it was originally enacted).

The Lands Tribunal and Compensation Act (Northern Ireland) 1964

- 5 In section 2 of the Lands Tribunal and Compensation Act (Northern Ireland) 1964 (pensions of members of the Lands Tribunal for Northern Ireland) after subsection (5) there shall be inserted—

“(5A) Subsection (5), so far as relating to allowances and gratuities by way of superannuation, shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Superannuation Act 1965

- 6 In section 39A of the Superannuation Act 1965 (superannuation benefits in respect of persons who have been employed in two or more judicial offices) in subsection (6), in the definition of “judicial office”, after the word “means” there shall be inserted—

“(a) any qualifying judicial office, within the meaning of the Judicial Pensions and Retirement Act 1993, and
 (b)”.

The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969

- 7 In section 2 of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (pensions for president of the industrial court, president and vice-president of the industrial tribunals and the Fair Employment Tribunal, etc in Northern Ireland) after subsection (1) there shall be inserted—

“(1A) Subsection (1) shall not apply in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Taxes Management Act 1970

- 8 In section 4 of the Taxes Management Act 1970, after subsection (6) (pensions, allowances and gratuities payable to or in respect of Special Commissioners) there shall be inserted—

“(6A) Subsection (6) above, so far as relating to pensions (including allowances and gratuities), shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Immigration Act 1971

- 9 In Schedule 5 to the Immigration Act 1971, paragraphs 3 and 9 (which, among other things, make provision for the pensions, allowances and gratuities etc payable to or in respect of immigration adjudicators and members of the Immigration Appeal Tribunal) shall each be numbered as sub-paragraph (1) and at the end of each of those paragraphs there shall be added—

“(2) Sub-paragraph (1)(b) above shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

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

The Administration of Justice Act 1973

- 10 (1) Section 10 of the Administration of Justice Act 1973 (which, as it has effect by virtue of subsection (8) thereof, provides for certain widow's and children's pensions in Northern Ireland to be increased) shall be amended as follows—
- (a) in subsections (1), (2)(a) and (3), after the words “or widow's” in each place there shall be inserted the words “or widower's”;
 - (b) in subsection (2)—
 - (i) in paragraph (b), after the word “widow”, where it occurs for the first time, there shall be inserted the words “or widower”, and
 - (ii) in sub-paragraph (i) of that paragraph, for the words from “was” to “and” there shall be substituted the words “left a spouse and he or”;
 - (c) in subsection (4)—
 - (i) after the word “him” or “his” in each place there shall be inserted the words “or her”, and
 - (ii) in sub-paragraph (c), after the word “widow's” there shall be inserted the word “widower's”; and
 - (d) in subsection (5), after the word “widow's” there shall be inserted the word “widower's”.
- (2) In Schedule 3 to the Administration of Justice Act 1973 (which sets out the enactments in relation to which section 10 of that Act has effect), in paragraph 3, for the reference to the Department of Health and Social Services for Northern Ireland there shall be substituted a reference to the Department of Economic Development.

The Social Security (Northern Ireland) Act 1975

- 11 In paragraph 6 of Schedule 10 to the Social Security (Northern Ireland) Act 1975 (pensions of social security commissioners in Northern Ireland) after sub-paragraph (1) there shall be inserted—
- “(1A) Sub-paragraph (1) shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Social Security Pensions Act 1975

- 12 In section 59C of the Social Security Pensions Act 1975, after subsection (2) (rights of appeal to the Pensions Ombudsman on matters of fact or law) there shall be inserted—
- “(2A) Subsection (2) above does not have effect in relation to any scheme constituted under or by virtue of—
- (a) the Sheriffs' Pensions (Scotland) Act 1961;
 - (b) the Judicial Pensions Act 1981; or
 - (c) the Judicial Pensions and Retirement Act 1993.”

The Social Security Pensions (Northern Ireland) Order 1975

- 13 In Article 69C of the Social Security Pensions (Northern Ireland) Order 1975, after paragraph (2) (rights of appeal to the Pensions Ombudsman on matters of fact or law) there shall be inserted—

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“(2A) Paragraph (2) does not have effect in relation to any scheme constituted under or by virtue of—

- (a) Part XIII of the County Courts Act (Northern Ireland) 1959;
- (b) the Resident Magistrates' Pensions Act (Northern Ireland) 1960;
- (c) Schedule 10 to the Social Security (Northern Ireland) Act 1975;
- (d) the Judicial Pensions Act 1981; or
- (e) the Judicial Pensions and Retirement Act 1993.”

The Judicature (Northern Ireland) Act 1978

- 14 At the end of section 72 of the Judicature (Northern Ireland) Act 1978 (pension arrangements for statutory officers) there shall be added—

“(4) This section does not apply to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Supreme Court Act 1981

- 15 (1) In section 12 of the Supreme Court Act 1981, in subsection (7) (pensions to be payable to or in respect of the judges mentioned in subsection (1) in accordance with section 2 of the 1981 Act) after the words “section 2 of the Judicial Pensions Act 1981” there shall be inserted the words “or, in the case of a judge who is a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, in accordance with that Act”.
- (2) In section 93 of that Act (certain officers to be treated as employed in the civil service of the State for the purposes of salary and pension), in subsection (2) (exception, in respect of pension, for persons holding offices specified in paragraph 1 of Schedule 1 to the 1981 Act) for the words from “an office” onwards there shall be substituted the words “qualifying judicial office, within the meaning of the Judicial Pensions and Retirement Act 1993.”
- (3) In section 102 of that Act (deputy district judges for district registries of the High Court), for subsection (5) (which includes a reference to section 91(5) of that Act, a provision which is repealed by this Act) there shall be substituted—

“(5) Subsection (6) of section 91 applies in relation to a deputy district judge appointed under this section as it applies in relation to a person appointed under that section.”

The Value Added Tax Act 1983

- 16 (1) In Schedule 8 to the Value Added Tax Act 1983, in paragraph 3, after sub-paragraph (4) (remuneration, pensions, allowances and gratuities payable to or in respect of the President of Value Added Tax Tribunals) there shall be inserted—

“(4A) Sub-paragraph (4) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

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- (2) In paragraph 7 of that Schedule, after sub-paragraph (4) (remuneration, pensions, allowances and gratuities payable to or in respect of chairmen of value added tax tribunals) there shall be inserted—

“(4A) Sub-paragraph (4) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The County Courts Act 1984

- 17 In the County Courts Act 1984—

- (a) section 7 (which relates to assistant district judges), and
(b) in section 9 (qualifications for appointment) the words “assistant district judge”,
shall cease to have effect.

The Social Security Act 1986

- 18 (1) In section 12 of the Social Security Act 1986 (member’s right to make voluntary contributions) in subsection (10A) (which precludes the application of the section in relation to pensions under the 1981 Act etc) after the word “under” there shall be inserted the words “the Judicial Pensions and Retirement Act 1993.”
- (2) In section 17 of that Act (general power to modify statutory provisions) in subsection (3) (which specifies the Acts in relation to which the power to make consequential provision under subsection (2) is exercisable) after paragraph (h) there shall be inserted—
“(j) the Judicial Pensions and Retirement Act 1993.”

The Social Security (Northern Ireland) Order 1986

- 19 (1) In Article 14 of the Social Security (Northern Ireland) Order 1986 (member’s right to make voluntary contributions) in paragraph (10A) (which precludes the application of the Article in relation to pensions under the 1981 Act) after the word “under” there shall be inserted the words “the Judicial Pensions and Retirement Act 1993 or”.
- (2) In Article 18 of that Order (general power to modify statutory provisions) in paragraph (3) (which specifies the provisions in relation to which the power to make consequential provision under paragraph (2) is exercisable) after paragraph (k) there shall be added—
“(l) the Judicial Pensions and Retirement Act 1993.”

The Criminal Justice Act 1988

- 20 In Schedule 6 to the Criminal Justice Act 1988, in paragraph 3, after sub-paragraph (2) (pensions, allowances and gratuities payable to or in respect of members of the Criminal Injuries Compensation Board) there shall be added—

“(3) Sub-paragraph (2) above does not apply to a chairman or former chairman of the Board who is a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

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The Child Support Act 1991

- 21 (1) In paragraph 4 of Schedule 3 to the Child Support Act 1991, after sub-paragraph (7) (remuneration of, and pensions, allowances or gratuities for, full-time chairmen of child support appeal tribunals) there shall be added—

“(8) Sub-paragraph (7), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

- (2) In Schedule 4 to that Act, at the end of paragraph 2 (remuneration and expenses of, and pensions, allowances or gratuities for, Child Support Commissioners) there shall be added—

“(3) Sub-paragraph (1), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Child Support (Northern Ireland) Order 1991

- 22 In paragraph 4 of Schedule 3 to the Child Support (Northern Ireland) Order 1991, after sub-paragraph (7) (remuneration of, and pensions, allowances or gratuities for, full-time chairmen of child support appeal tribunals for Northern Ireland) there shall be added—

“(8) Sub-paragraph (7), so far as relating to pensions, allowances or gratuities, shall not have effect in relation to any person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Social Security Administration Act 1992

- 23 In Schedule 2 to the Social Security Administration Act 1992, paragraph 2 (remuneration, pensions, allowances and gratuities payable to or in respect of the President and full-time chairmen of social security appeal tribunals etc) shall be numbered as sub-paragraph (1) and after that sub-paragraph there shall be added—

“(2) Sub-paragraph (1) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to persons to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”

The Social Security Administration (Northern Ireland) Act 1992

- 24 In Schedule 2 to the Social Security Administration (Northern Ireland) Act 1992, paragraph 3 (remuneration, pensions, allowances and gratuities payable to or in respect of the President and full-time chairmen of social security appeal tribunals etc) shall be numbered as sub-paragraph (1) and after that sub-paragraph there shall be added—

“(2) Sub-paragraph (1) above, so far as relating to pensions, allowances and gratuities, shall not have effect in relation to persons to whom Part I of the

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Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.”