



# County Courts Act (Northern Ireland) 1959

## 1959 CHAPTER 25

### PART XIII

#### SUPERANNUATION

[<sup>F1</sup>WIDOWS', SURVIVING CIVIL PARTNERS' AND CHILDRENS' PENSIONS]

#### 125 Meaning of “period of childhood and full-time education” .

- (1) A person shall be deemed for the purposes of section one hundred and twenty-four to be in his period of childhood and full-time education while either—
- (a) he is under the age of sixteen; or
  - (b) he is receiving full-time instruction at any university, college, school or other educational establishment; or
  - (c) he is undergoing training by any person (hereinafter referred to as “the employer”) for any trade, profession or vocation in such circumstances that—
    - (i) he is required to devote the whole of his time to the training for a period of not less than two years; and
    - (ii) while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him,<sup>F1</sup> do not exceed the maximum allowable remuneration], exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training:

Provided that a person shall not be deemed for the purposes of this section to satisfy the conditions specified in paragraph (b) or the conditions specified in paragraph (c), unless there has up till then been no time since he attained the age of sixteen when he did not satisfy one or other of those conditions. Any period of whole-time service in the armed forces of the Crown under the National Service Acts, 1948 to 1955, shall be ignored for the purposes of this proviso.

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*Changes to legislation: There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959, Section 125. (See end of Document for details)*

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(2) In sub-section (1) the expression “emolument” means any salary, fees, wages, perquisites or profits or gains whatsoever, and includes the value of free board, lodging or clothing, and, for the purposes of sub-paragraph (ii) of paragraph (c) of that sub-section, where a premium has been paid in respect of the training of a person, all emoluments at any time receivable by him, or payable by the employer in respect of him, shall be deemed to be receivable or payable by way of return of the premium, unless and except to the extent that the amount thereof exceeds in the aggregate the amount of the premium.

[<sup>F1</sup>(2A) For the purposes of subsection (1)(c)(ii), the “maximum allowable remuneration” at any time is an annual rate (£1,614 a year, at the passing of the Judicial Pensions and Retirement Act 1993) equal to that at which a pension of £250 a year—

- (a) first awarded under the principal civil service pension scheme (within the meaning of that Act) on 1st June 1972, and
- (b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971 to such a pension,

would (as so increased) be payable at that time, rounding any resulting fraction of £1 up to the next whole £1.]

(3) As respects any period during which neither of the conditions specified in paragraphs (b) and (c) of sub-section (1) is satisfied in relation to a person, the [<sup>F2</sup> Minister for the Civil Service] may, if it thinks fit, and is satisfied that that person's full-time education ought not to be regarded as completed, direct either—

- (a) that that period shall be ignored for the purposes of the proviso to sub-section (1); or
- (b) that that period shall be so ignored and shall also be treated as part of his period of childhood and full-time education for all the other purposes of section one hundred and twenty-four.

**F1** 1993 c. 8

**F2** 1978 c. 23

**Changes to legislation:**

There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959, Section 125.