



Resident Magistrates' Pensions Act (Northern Ireland) 1960

1960 CHAPTER 2

RETIREMENT AND PENSION

[^{F1}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 [^{F2}75]

F1 1993 c. 8

F2 Word in s. 1 substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\)](#), s. 131(1)(4)(a), [Sch. 1 para. 8](#) (with [Sch. 1 para. 43](#))

2 Pensions of resident magistrates.

(1) Subject to the provisions of this Act, [^{F3} the Treasury] on the recommendation of the Ministry of Home Affairs^{F4} (in this Act referred to as “the Ministry”) may, on the retirement of a resident magistrate who is appointed after the passing of this Act or who has elected, pursuant to section eleven that this Act shall apply to him, grant to him an annual sum by way of pension.

[^{F5}(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.]

[^{F6}(1B) This Act is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).]

(2) A pension granted under sub-section (1)—

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- (a) shall, if the resident magistrate is not a person to whom paragraph (b) applies, be calculated in accordance with Part I of the Schedule;
 - (b) shall, if the resident magistrate is a person to whom this paragraph applies, be calculated in accordance with Part II of the Schedule;
 - (c) shall be payable by such instalments, at such times and in such manner as^[F3] the Treasury] may think proper.
- (3) Without prejudice to sub-section (2) of section sixteen,^[F3] the Treasury] shall not grant a pension under this Act to a resident magistrate unless—
- (a) not being a person to whom paragraph (b) of sub-section (2) applies, he has completed^[F3] two years] ' service as a resident magistrate;
 - (b) being a person to whom paragraph (b) of sub-section (2) applies, either—
 - (i) he has completed five years' service as a resident magistrate; or
 - (ii) the aggregate of the periods of his service as a resident magistrate and of his service in whole-time employment to which the Superannuation Acts apply (in this Act referred to as “aggregated service”) is not less than ten years' service;
 - (c) he is not less than sixty-five years of age, except upon a medical certificate to the satisfaction of the Minister of Home Affairs^{F4} (in this Act referred to as “the Minister”) that he is incapable, from infirmity of mind or body, of discharging the duties of his office, and that the incapacity is likely to be permanent.
- (4) A resident magistrate to whom a pension has been granted under this section before he has attained the age of sixty-five in consequence of any such incapacity as is mentioned in paragraph (c) of sub-section (3) shall, until he has attained that age, be liable to be required by the Governor^{F7} to resume the duties of a resident magistrate with the salary attached thereto, and, if (being in a competent state of health) he declines when so required to resume those duties, or declines or neglects to execute those duties, his pension shall cease to be payable, unless^[F3] the Treasury] after consultation with the Minister otherwise directs.
- (5) Whenever a resident magistrate has resumed his duties as aforesaid, the payment of the pension granted to him shall be suspended during the period of his resumed service, but, subject to sub-section (4), at the end of that period the pension shall again be payable and be recalculated in accordance with Part I or Part II of the Schedule, as the case may require, and for that purpose the period of his resumed service shall be added to the period of his former service.
- (6) Paragraph (b) of sub-section (2) applies to—
- (a) a person who at the time of his appointment as a resident magistrate—
 - (i) is serving in whole-time employment to which the Superannuation Acts apply; and
 - (ii) has not become eligible for any superannuation benefits under those Acts; or
 - (b) a person who at any time before his appointment as a resident magistrate has retired from employment to which the Superannuation Acts apply in such circumstances that, on attaining a specific age, he would or might have become eligible for a superannuation allowance by virtue of sub-section (2) of section thirty-four^{F8} of the Superannuation Act (Northern Ireland), 1949 , but has not at the date of his appointment as a resident magistrate become eligible for such a superannuation allowance.

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- [^{F9}(7) The Lord Chancellor must consult the Lord Chief Justice before—
- (a) satisfying himself as mentioned in subsection (3)(c), or
 - (b) requiring a person to resume the duties of resident magistrate in accordance with subsection (4).
- (8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (7)—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

F3	1991 NI 24
F4	Now Lord Chancellor, SI 1978/2163
F5	1993 c. 8
F6	S. 2(1B) inserted (1.4.2014) by Public Service Pensions Act 2013 (c. 25) , s. 41(2), Sch. 8 para. 2 (with Sch. 11 para. 8); S.I. 2014/839, art. 4(2)(b)
F7	To be construed as a ref. to Lord Chancellor, SI 1973/2163
F8	1967 c.24; the allowance would now arise under a scheme made under 1972 NI 10
F9	S. 2(7)(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4) , ss. 15(2), 148(1), Sch. 5 para. 14 ; S.I. 2006/1014, art. 2(a) , Sch. 1 para. 12(a)

- [^{F10}2A (1) The provisions regulating the pensions which may be received under section 2 and the Schedule are to take effect subject to the modifications contained in this section.
- (2) In the section—
- “election” means an election made under sub#section (3);
Definition rep. by SR 2003/482
 - “resident magistrates; pension scheme” means the occupational pension scheme constituted by this Act.
- (3) A person who is eligible for a pension in respect of his office as a resident magistrate shall while in that office:
- (a) be deemed to be a member of the resident magistrates' pension scheme except during such time as an election is in force in respect of him; and
 - [^{F11}(b) be entitled at any time to serve on the Lord Chancellor a written notice of election not to be a member of the resident magistrates' pension scheme, to take effect on a date not less than one month after the date on which it was served.]
- (4) At any time after a person has made an election and while he continues to hold office as a resident magistrate:
- (a) he may make a written application to the Lord Chancellor requesting admission to membership of the resident magistrates' pension scheme; and
 - (b) the Lord Chancellor may, if satisfied that the applicant is in good health, admit him to that scheme on a date not less than three months after the date on which the application was served; and
 - (c) upon the date of the applicant's admission to the resident magistrates' pension scheme, his election shall cease to be in force.

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- (5) An applicant under sub#section (4) shall supply such evidence relating to his health as the Lord Chancellor may reasonably require and shall submit to any medical examination reasonably specified by the Lord Chancellor.
- (6) The Lord Chancellor shall notify an applicant under sub#section (4) of his decision in writing within three months after the date on which the application was served.
- (7) Subject to the provisions of sub#section (4), an election shall be irrevocable.
- (8) An election shall not affect its maker's eligibility for a pension which accrued under a judicial pension scheme before that election came into force.
- (9) While an election remains in force in respect of a person, his service shall not be counted as service in computing the pension for which he is eligible under any judicial pension scheme.]

F10 SR 1989/100

F11 SR 2003/482

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