Changes to legislation: *Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCHEDULES

SCHEDULE 9

TRIBUNALS: TRANSITIONAL PROVISION

PART 2

JUDGES AND OTHER MEMBERS OF FIRST-TIER AND UPPER TRIBUNALS: RETIREMENT DATES

Interpretation of Part 2 of Schedule

3 (1) For the purposes of this Part of this Schedule—

(a) "relevant judicial office" means—

(i) the office of transferred-in judge, or transferred-in other member, of the First-tier Tribunal or of the Upper Tribunal (see section 31(2)),

(ii) an office to which a person is appointed under paragraph 1(1) or 2(1) of Schedule 2 or 3 (judge, or other member, of the First-tier Tribunal or of the Upper Tribunal),

(iii) the office of deputy judge of the Upper Tribunal (whether under section 31(2) or under paragraph 7 of Schedule 3),

(iv) the office of Chamber President, or Deputy Chamber President, of a chamber of the First-tier Tribunal or of the Upper Tribunal, or

(v) the office of Senior President of Tribunals;

(b) "relevant day", in relation to a person who holds a relevant judicial office, means the day when he was appointed to that office or, if he holds that office as the latest in an unbroken succession of different relevant judicial offices, the day when he was appointed to the first of the offices in that succession;

(c) an office is a "qualifying office" at any particular time (but see sub-paragraph (2)) if—

(i) the office is that of member of a tribunal which at that time is in a list in Schedule 6, or

(ii) the office itself is at that time in a list in Schedule 6,

and (in either case) the list has effect at that time for the purposes of section 30;

(d) "the 1993 Act" means the Judicial Pensions and Retirement Act 1993 (c. 8).

(2) Where—

(a) a person held two or more qualifying offices ("the actual offices") immediately before the relevant day, and

(b) at that time the person held at least one of the actual offices on a salaried basis and held at least one of the actual offices on a non-salaried basis,

Changes to legislation: *Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

the person shall be treated for the purposes of paragraphs 6 and 7 as not having held immediately before the relevant day any of the actual offices that the person held on a non-salaried basis at that time.

(3) For the purposes of sub-paragraph (2)—

(a) a person holds an office on a salaried basis at any particular time if, at that time, the person's service in the office is remunerated by payment of a salary, and

(b) a person holds an office on a non-salaried basis at any particular time if, at that time, the person's service in the office—

(i) is remunerated by the payment of fees,

(ii) is remunerated by the payment of a supplement to the salary payable to him in respect of his service in another office, or

(iii) is unremunerated.

Retirement from First-tier and Upper Tribunals: application of paragraphs 5 to 8

4 Paragraphs 5 to 8 apply where a person holds a relevant judicial office.

Retirement later than age [F1 75] in certain cases where office previously held in another tribunal

Textual Amendments

F1 Word in Sch. 9 para. 5 cross-heading substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(a)(i)** (with Sch. 1 para. 43)

5 (1) F2... Sub-paragraphs (3) and (4) apply where the person has a personal retirement date under either or both of paragraphs 6 and 7.

(2) In sub-paragraphs (3) and (4) F3...—

(a) if the person has a personal retirement date under just one of paragraphs 6 and 7 or has the same personal retirement date under each of those paragraphs, "the special date" means that date;

(b) if the person has a personal retirement date under each of those paragraphs and those dates are different, "the special date" means the later of those dates.

(3) Subsection (1) of section 26 of the 1993 Act shall have effect (subject to the following provisions of that section) as if it provided for the person to vacate the relevant judicial office on the special date.

(4) The special date is to be taken for the purposes of that section to be the compulsory retirement date for the relevant judicial office in the person's case.

Textual Amendments

F2 Words in Sch. 9 para. 5(1) omitted (10.3.2022) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(a)(ii)** (with Sch. 1 para. 43)

F3 Words in Sch. 9 para. 5(2) omitted (10.3.2022) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(a)(iii)** (with Sch. 1 para. 43)

***Changes to legislation:** Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Cases where retirement from existing office would be after age [F4 75]

Textual Amendments

F4 Word in Sch. 9 para. 6 cross-heading substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(b)(i)** (with Sch. 1 para. 43)

6 (1) Sub-paragraphs (2) and (3) apply where, immediately before the relevant day, the person—

(a) held a qualifying office, and

(b) was required to vacate the qualifying office on a day later than the day on which he attains the age of **[**F5 75**]**.

(2) The person's personal retirement date under this paragraph is the later day mentioned in sub-paragraph (1)(b), subject to sub-paragraph (3).

(3) If—

(a) there are two or more qualifying offices each of which is one that, immediately before the relevant day, the person—

(i) held, and

(ii) was required to vacate on a day later than the day on which he attains the age of **[**F6 75**]**, and

(b) the later day mentioned in paragraph (a)(ii) is not the same for each of those offices,

the person's personal retirement date under this paragraph is the latest (or later) of those later days.

Textual Amendments

F5 Word in Sch. 9 para. 6(1)(b) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(b)(ii)** (with Sch. 1 para. 43)

F6 Word in Sch. 9 para. 6(3)(a)(ii) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(b)(iii)** (with Sch. 1 para. 43)

Cases where no requirement to retire from existing office

7 (1) Sub-paragraph (2) applies where—

(a) immediately before the relevant day, the person held, on an unlimited basis, a qualifying office or two or more qualifying offices, and

(b) the relevant day falls after the day on which the person attains the age of **[**F7 74**]**.

(2) The person's personal retirement date under this paragraph is the last day of the 12 months beginning with the day after the relevant day.

(3) For the purposes of this paragraph, a person holds an office on an unlimited basis at a particular time if at that time he is not required to vacate the office at any particular later time.

Changes to legislation: *Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F7 Word in Sch. 9 para. 7(1)(b) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(c)** (with Sch. 1 para. 43)

Interaction between rules under paragraph 5, and rules under Schedule 7 to the 1993 Act, in cases where office held on 30th March 1995

[F8]8 . . . . . .

Textual Amendments

F8 Sch. 9 para. 8 omitted (10.3.2022) by virtue of Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(d)** (with Sch. 1 para. 43)

Eligibility for appointment after having attained age of [[F9]75]

Textual Amendments

F9 Word in Sch. 9 para. 9 cross-heading substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(e)(i)** (with Sch. 1 para. 43)

9 (1) Sub-paragraph (3) applies in respect of a person on each day that—

(a) is, or is later than, the day on which the person attains the age of **[**[F10]75**]**,

(b) is a day on which the person holds a qualifying office, and

(c) is earlier than the day on which the person is required to vacate the qualifying office.

(2) Sub-paragraph (3) also applies in respect of a person on each day that—

(a) is, or is later than, the day on which the person attains the age of **[**[F11]75**]**, and

(b) is a day on which the person holds, on an unlimited basis, a qualifying office.

(3) Where this sub-paragraph applies in respect of a person on a day, the fact that the person has attained the age of **[**[F12]75**]** shall not (by itself) render him ineligible for appointment (or re-appointment) on that day to a relevant judicial office.

(4) For the purposes of this paragraph, a person holds an office on an unlimited basis at a particular time if at that time he is not required to vacate the office at any particular later time.

Textual Amendments

F10 Word in Sch. 9 para. 9(1)(a) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(e)(ii)** (with Sch. 1 para. 43)

F11 Word in Sch. 9 para. 9(2)(a) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(e)(iii)** (with Sch. 1 para. 43)

F12 Word in Sch. 9 para. 9(3) substituted (10.3.2022) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), s. 131(1)(4)(a), **Sch. 1 para. 36(6)(e)(iv)** (with Sch. 1 para. 43)

Changes to legislation:
Tribunals, Courts and Enforcement Act 2007, Part 2 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(8)(bza) inserted by 2022 c. 36 s. 23(2)
- s. 13(8)(bzb) inserted by 2022 c. 36 s. 24(9)
- s. 16(3)(a) word inserted by 2015 c. 2 s. 85(3)(a)
- s. 16(3)(b) and word inserted by 2015 c. 2 s. 85(3)(b)
- s. 16(3A)(3B) inserted by 2015 c. 2 s. 85(4)
- s. 22(6) inserted by 2022 c. 35 Sch. 4 para. 4(2)
- s. 23(8) inserted by 2022 c. 35 Sch. 4 para. 4(3)
- s. 25A inserted by 2022 c. 36 s. 80(1)
- s. 29(3A) inserted by 2022 c. 36 s. 81(6)
- Sch. 5 para. 11A and cross-heading inserted by 2022 c. 36 s. 80(2)
- Sch. 7 para. 6(1)(e) words substituted by 2013 c. 22 Sch. 14 para. 13(2) (Sch. 7 was already repealed when this amendment came into force)
- Sch. 7 para. 6(4)(b) words substituted by 2013 c. 22 Sch. 14 para. 13(2) (Sch. 7 was already repealed when this amendment came into force)