



# Superannuation Act 1965

## 1965 CHAPTER 74

### PART I

#### SUPERANNUATION BENEFITS

*Service in civil service preceded or followed by  
service in other public office or approved employment*

- [<sup>F1</sup>39A
- (1) The Lord Chancellor may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—
    - (a) in two or more offices falling within paragraphs (a) to (i) of subsection (3) of this section, or
    - (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.
  - (2) The Secretary of State may with the consent of the Minister for the Civil Service make rules with respect to the superannuation benefits payable to or in respect of persons who have been employed—
    - (a) in two or more offices falling within paragraphs (j) and (k) of subsection (3) of this section, or
    - (b) in one or more such offices and in one or more judicial offices remunerated out of central funds.
  - (3) The offices referred to in subsections (1)(a) and (2)(a) of this section are the following, that is to say—
    - (a) Recorder of London;
    - (b) Common Serjeant;
    - (c) additional judge of the Central Criminal Court;
    - (d) recorder of Liverpool;
    - (e) recorder of Manchester;
    - (f) assistant judge of the Mayor's and City of London Court;

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- (g) presiding judge of the Court of Passage of the City of Liverpool;
  - (h) chairman or deputy chairman of a court of quarter sessions where under any enactment (whether passed before or after this Act) a person may qualify for a pension by virtue of service in that office;
  - (i) stipendiary magistrate in England or Wales, other than metropolitan stipendiary magistrate;
  - (j) stipendiary magistrate appointed under section 455 of the <sup>M1</sup>Burgh Police (Scotland) Act 1892;
  - (k) stipendiary magistrate appointed under section 24 of the <sup>M2</sup>Glasgow Corporation and Police Act 1895.
- (4) Subsections (2) to (5) of section 38 of this Act shall have effect in relation to rules made under this section as they have effect in relation to rules under that section, as if—
- (a) in subsection (2) of that section any reference to a public office were a reference to an office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds, and the reference to such supplemental and incidental provisions as are mentioned in that subsection were a reference to such supplemental and incidental provisions as appear to the Lord Chancellor or to the Secretary of State (as the case may be) to be expedient, and
  - (b) in subsections (3) and (4) of that section any reference to different public offices, or to ceasing to be employed in one public office and becoming employed in another, were a reference to different offices or (as the case may be) to ceasing to be employed in one office and becoming employed in another (“office” for this purpose being taken to mean any office which is either an office specified in subsection (3) of this section or a judicial office remunerated out of central funds).
- (5) Where any rules under this section make provision for any pension to be defrayed partly by one authority and partly by one or more other authorities, whether by way of contribution or otherwise, nothing in section 10(2) of the <sup>M3</sup>Criminal Justice Administration Act 1956 (which requires contributions to be paid by the city councils of Liverpool and Manchester in respect of the Crown Courts and recorders of those cities) shall be construed as preventing the rules from applying that provision to, or making any such provision specially in respect of, persons whose employment includes employment as recorder of Liverpool or recorder of Manchester.

[ In this section—

<sup>F2</sup>(6)

“judicial office” means

- (a) [<sup>F3</sup>any qualifying judicial office, within the meaning of the Judicial Pensions and Retirement Act 1993, and]
- (b) any judicial office as defined in section 16 of the Judicial Pensions Act 1981, with paragraphs 5, 6 and 10 of Schedule 2 to that Act and any office to which Part II of that Act applies as it applies to a judicial office so defined,

“judicial office remunerated out of central funds” means any judicial office with the exception of stipendiary magistrate pensionable under section 33 of the Justices of the Peace <sup>M4</sup>Act 1949, or recorder of Liverpool or Manchester,

“pension” has the meaning assigned to it by section 38(6) of this Act.]]

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#### Textual Amendments

- F1** S. 39A added by [Administration of Justice Act 1969 \(c. 58\), s. 30](#)
- F2** S. 39A(6) substituted by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\), s. 36, Sch. 3 para. 2](#)
- F3** In s. 39A(6) in the definition of “judicial office” (a)(b) inserted (31.3.1995) by 1993 c. 8, ss. 31(2)(3), [Sch. 8 para.6; S.I. 1995/631, art.2](#)
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#### Modifications etc. (not altering text)

- C1** S. 39A has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: [S.I. 1981/1670, arts. 2\(1\)\(c\), 3\(5\)](#)
- C2** References to moneys provided by Parliament of Northern Ireland to be construed now as references to moneys appropriated by Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\), Sch. 5 para. 2\(1\)](#)
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#### Marginal Citations

- M1** 1892 c. 55.
- M2** 1895 c. xliii.
- M3** 1956 c. 34.
- M4** 1949 c. 101(82)

**Changes to legislation:**

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