



Administration of Justice Act 1973

1973 CHAPTER 15

PART II

MISCELLANEOUS

10 Judicial pensions (increase of widow's and children's pensions)

- (1) The annual amount of the widow's pension that may be granted under or by virtue of the Administration of Justice (Pensions) Act 1950 wholly or partly in respect of relevant service after the passing of this Act, and the annual amount of the children's pension that may be so granted, shall be increased in accordance with this section ; and where the widow's pension or children's pension (if any) that may be granted in respect of a person's relevant service is so increased, there shall be made towards the cost of the liability therefor such contributions (in lieu of or in addition to that required by section 8 of the Act of 1950) as may be prescribed, in the form either of a reduction or further reduction of the lump sum pension benefit payable in respect of that service or of deductions from the salary so payable or partly in one of those forms and partly in the other.
- (2) In the case of pensions attributable wholly to relevant service after the passing of this Act.—
- (a) the annual amount of a widow's pension may be one-half of the annual amount of the personal pension of the deceased; and
 - (b) subject to section 7(4) of the Act of 1950 (which makes provision for the case of a widow remarrying), the annual amount of a children's pension, while there is only one person for whose benefit it can enure, may amount—
 - (i) where the deceased was a man who left a widow and she is still alive, to one-quarter of the annual amount of the personal pension; and
 - (ii) in any other case, to one-third of the annual amount of the personal pension ;and while there are two or more persons for whose benefit it can enure, may amount to twice the figure given by whichever is applicable of sub-paragraphs (i) and (ii) above.

Status: This is the original version (as it was originally enacted).

In section 7(4) of the Act of 1950 the reference to subsection (2) of that section shall include paragraph (b)(ii) of this subsection.

- (3) Subject to subsection (4) below, in the case of pensions payable partly in respect of relevant service after the passing of this Act but not attributable wholly to that service, the annual value of the widow's pension or children's pension that may be granted shall be determined by reference to the proportions which the relevant service before and after that time bear to the whole of the relevant service, and shall be the amount obtained by adding—
 - (a) the part proportionate to the service before that time of the annual amount of the pension that might have been granted if this section had not been passed; and
 - (b) the part proportionate to the service after that time of the annual amount of the pension that might have been granted if this section had always had effect.
- (4) In relation to persons serving at the passing of this Act provision may be made by regulations whereby, subject to any prescribed conditions, an election may be made by or with respect to a person—
 - (a) that subsection (2) above shall apply to him as if the whole of his relevant service were service after the passing of this Act, and subsection (3) shall not apply ;
 - (b) that subsections (1) to (3) above shall not apply to him, and the Act of 1950 shall apply as if this section had not been passed;
 - (c) in the case of a person who elected under section 11(1) or (2) of the Act of 1950 for his eligibility for pension not to satisfy the conditions for the grant of a widow's or children's pension, that the election under that section shall be revoked.
- (5) Where a person's relevant service is partly before and partly after the passing of this Act, then for the purposes of this section any widow's or children's pension payable in respect of that service is to be regarded as attributable wholly to the service after that time if the service before that time does not add to the annual rate of the personal pension, and for the purposes of subsection (3) there shall be left out of account so much (if any) of the service before that time as does not add to the annual amount of the personal pension.
- (6) Regulations made for purposes of this section may make provision for consequential or incidental matters, including provision excluding or modifying the operation of any enactment passed before this Act; and in particular any regulations providing for contributions by deduction from salary may make consequential provision as to sections 10 and 11 of the Act of 1950 and any other enactment referring or relating to lump sums payable under that Act.
- (7) Regulations for purposes of this section may be made, with the concurrence of the Minister for the Civil Service, by the Lord Chancellor or, in relation to pensions for service in offices existing only in Scotland, by the Secretary of State; and the power to make regulations for purposes of this section shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) The foregoing provisions of this section shall have effect in relation to the enactments mentioned in Schedule 3 to this Act as they have effect in relation to the Act of 1950, but subject to the adaptations provided for by that Schedule; and provision

corresponding to that which is made by subsections (1) and (3) above, or which may be made by regulations under this section for purposes of those subsections may, in relation to the pension benefits of any resident magistrate or county court registrar included in Schedule 5 to the Superannuation (Northern Ireland) Order 1972 (persons remaining subject to the Superannuation Acts (Northern Ireland) 1967 and 1969), be made by order of the Ministry of Finance for Northern Ireland.

For the purposes of section 6 of the Government of Ireland Act 1920 this subsection shall be deemed to have been passed before the appointed day within the meaning of that section.

(9) In this section—

- (a) " the Act of 1950 " means the Administration of Justice (Pensions) Act 1950;
- (b) "prescribed" means prescribed by regulations made for purposes of this section.