



# Judicial Pensions Act 1981

## CHAPTER 20

### JUDICIAL PENSIONS ACT 1981

#### PART I

##### RATE OF PENSION

#### CHAPTER I

##### THE HIGHER JUDICIARY

- 1 Interpretation.
- 2 Rate of pension.
- 3 Former holder of office other than high judicial office.
- 4 Provision against double pensions.

#### CHAPTER II

##### OTHER JUDICIAL OFFICES

- 5 Circuit judge in England or Wales.
- 6 Sheriffs in Scotland.
- 7 Stipendiary magistrates in England and Wales.
- 8 Judge Advocate General: choice between civil service scheme and special provision.
- 9 Judge Advocate General: special provision.
- 10 President or other member of the Lands Tribunal for Scotland.
- 11 President of pensions appeals tribunals.
- 12 President or chairman of **employment tribunals**
- 13 Social Security Commissioner.
- 13A Registrar of Criminal Appeals.

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- 14 Other judicial offices.
- 14A (1) The provisions regulating the pensions which may be received...
- 15 Minister to determine certain questions.

## PART II

### LUMP SUMS AND WIDOWS', SURVIVING CIVIL PARTNERS' AND CHILDREN'S PENSIONS

- 16 Application of Part II, and interpretation.
- 16A For the purpose of the calculation of any derivative benefit...
- 17 Lump sum on retirement or death.

#### *Widows', surviving civil partners' and children's pensions*

- 18 Conditions of grant.
- 18A Widowers' and surviving civil partners' pensions
- 19 Widows', widowers' and surviving civil partners' pensions
- 20 Children's pension: beneficiaries.
- 21 Meaning of "period of childhood and full-time education".
- 22 Children's pension: rate and mode of payment.

#### *Contributions*

- 23 Contribution towards cost of widow's and children's pension.
- 24 Judicial office held by a woman.

#### *Special cases*

- 25 Persons serving again after retirement.
- 26 Lord Chancellor.

#### *Supplemental*

- 27 Disregard of abatement of pension under s. 65 of Social Security Act 1973.
- 28 Effect of certain nullity decrees.
- 29 Recommendation of a Minister required in certain cases.

## PART III

### SUPPLEMENTAL

- 29ZA Restriction of schemes under this Act
- 29A Transfer of accrued benefits.
- 29B Pension credits: restriction on payments
- 30 Saving for Pensions (Increase) Act.
- 31 Payments charged on Consolidated Fund.
- 32 Other financial provisions.
- 32A Appeals.
- 33 Interpretation.
- 33ZA Contributions towards cost of certain judicial pensions etc
- 33A Voluntary contributions.
- 34 County court registrars and assistant registrars.
- 35 Saving for certain Circuit judges in the City of London.
- 36 Transitory provisions, amendments and repeals.
- 37 Short title and commencement.

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## SCHEDULES

### SCHEDULE 1 — CERTAIN SENIOR COURTS AND COUNTY COURT OFFICERS, AND PRESIDENT OF TRANSPORT TRIBUNAL

#### Part I

- 1 This Schedule applies to the following officers:— Senior Courts officers...

#### *Relevant service*

- 2 (1) In this Schedule “relevant service” in relation to any...

#### *Person within principal civil service pension scheme prior to appointment*

- 3 (1) This paragraph has effect as respects a person who...

#### Part II — PENSION BENEFITS

#### *Personal pension*

- 4 (1) An officer to whom this Schedule applies may be...

#### *Retirement for ill-health*

- 5 An officer to whom this Schedule applies who retires on...

#### *Retirement before qualifying for pension*

- 6 An officer to whom this Schedule applies who—

#### *Premature retirement on abolition of office*

- 7 An officer to whom this Schedule applies may on retirement...

#### *Discharge for inefficiency*

- 8 (1) If an officer to whom this Schedule applies is...

#### *Re-employment after retirement*

- 9 (1) If a person to whom a pension has been...

#### *Allocation of benefit to spouse or dependant*

- 10 (1) In this paragraph and paragraphs 11 and 12 below—...  
11 (1) A derivative pension for the benefit of the spouse...  
12 (1) Any suspension of a pension under paragraph 9 above...  
13 The fact that Part II of this Act applies to...

#### *Allocation of benefit on marriage after retirement*

- 14 (1) This paragraph has effect as respects an officer to...  
Part III — PERSONS INJURED, OR CONTRACTING DISEASE, IN DISCHARGE OF THEIR DUTIES

- 15 (1) This paragraph applies where an officer to whom this...  
16 (1) Any annual allowance granted under paragraph 15 above to...  
17 (1) If a warrant under paragraph 15 above authorises the...

#### Part IV — SUPPLEMENTAL

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*Temporary abatement of salary to be disregarded*

18 Any reference in this Schedule to the salary of an...

*Service in the armed forces*

19 An officer to whom this Schedule applies shall not be...

*Distribution of money without representation*

20 (1) Where on the death of an officer to whom...

*Delegation of Minister's power to grant pensions or other benefits*

21 The Treasury may, to such extent and subject to such...

*Minister to determine certain questions*

22 The decision of the Treasury shall be final on any...

*President of the Transport Tribunal*

23 (1) Any pension benefit paid to or in respect of...

SCHEDULE 1A — TRANSFER OF ACCRUED BENEFITS

Part I — GENERAL

*Interpretation*

1 (1) In this Schedule— “authorised insurer” means— a person who...

*Regulations*

2 Regulations for the purposes of this Schedule—

*Other provisions about transfer values*

3 Chapter 1 of Part 4ZA of the Pension Schemes Act...

Part II — TRANSFERS OUT

*Qualifying members*

4 (1) Where the conditions mentioned in sub-paragraph (2) are satisfied,...

*Qualifying member's right to a transfer payment*

5 (1) When his qualifying service ends, a qualifying member acquires...

*Method of taking cash benefit*

6 (1) A qualifying member who acquires a right to a...

*Calculation of cash equivalents*

7 (1) Cash equivalents are to be calculated and verified in...

*Time within which option must be exercised*

8 (1) A qualifying member may only exercise his option on...

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*Option to be exercised in writing*

- 9 (1) A qualifying member may only exercise his option by...

*Cancellation of exercise of option*

- 10 (1) A qualifying member may cancel the exercise of his...  
Part III — TRANSFERS IN

*Application to accept payment into scheme*

- 11 (1) Where a member of a scheme has asked the...

*Cancellation of request*

- 12 (1) A member may, by notice in writing given to...

*Regulations*

- 13 Regulations may— (a) prescribe limits on the amounts which the...

SCHEDULE 2 — TRANSITORY PROVISIONS  
Part I

*The Higher Judiciary*

- 1 (1) In the case of a person holding high judicial...

*Circuit judges*

- 2 (1) Section 5 and the other provisions of this Act...

*Stipendiary magistrates in England and Wales*

- 3 In the case of a person who at a time...  
4 This Act shall not apply to a pension or other...  
5 In relation to persons who did not serve as stipendiary...

*Application of Part II to certain abolished offices*

- 6 (1) Section 16 of this Act shall have effect as...

*Officers within Schedule 1 to this Act*

- 7 (1) This paragraph has effect as respects an officer of...  
8 (1) This paragraph has effect as respects a county court...  
9 (1) Schedule 1 to this Act shall not apply to...

*High Court registry at Liverpool or Manchester*

- 10 (1) The repeals made by this Act in the County...

*Judicial offices within Chapter II of Part I*

- 11 Subject to the preceding provisions of this Schedule, Chapter II...  
Part II — DERIVATIVE BENEFITS

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*Person serving on 15 December 1950: election against all derivative benefits*

12 (1) This paragraph applies to a person in whose case...

*Persons serving on 15 December 1950: election against benefits for widow and children*

13 (1) This paragraph applies to a person in whose case...

*Relevant service wholly before 18 April 1973*

14 (1) Where the relevant service was wholly before 18 April...

*Persons serving on 18 April 1973: election for application of paragraph 14 above*

15 (1) Subject to paragraph 28 below, this paragraph applies in...

*Pension not wholly attributable to service after 17 April 1973*

16 (1) Subject to paragraph 28 below, this paragraph applies in...

*Persons serving on 18 April 1973: election for pensions wholly attributable to service on or after that date*

17 (1) This paragraph applies in relation to a person in...

*Saving for provisions about elections*

18 The repeals made by this Act shall not affect any...

Part III — MODIFICATION OF PART II IN RELATION TO SERVICE BEFORE APRIL 1973

19 In the cases specified in paragraphs 14 and 15 above...

*Widow's pension*

20 In section 19(3) for “one half” substitute “ one third...

*Children's pension*

21 In section 22 for subsections (2) and (3) substitute—

*Contributions*

22 Neither section 23, nor any regulations under that section, shall...

23 (1) The contribution shall take the form of a reduction...

Part IV — WIDOWER'S PENSIONS

*General*

24 In this Part of this Schedule— “ the commencement date...

*Service wholly before the commencement date*

25 Subject to paragraph 26, no widower's pension shall be payable...

*Members retiring between publication and commencement date*

26 (1) A member who retires— (a) on or after the...

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*Service partly before and partly after the commencement date*

27 (1) No widower’s pension shall be payable in respect of...

*Pension not wholly attributable to service after 17 April 1973*

28 (1) This paragraph applies to a member who, apart from...

**PART 5 — SURVIVING CIVIL PARTNERS' PENSIONS**

*General*

29 In this Part of this Schedule— “ the relevant date...

*Service wholly on or before the relevant date*

30 No surviving civil partner's pension shall be payable in respect...

*Service on and after the relevant date*

31 (1) A member who— (a) holds judicial office on the...

**SCHEDULE 3 — CONSEQUENTIAL AMENDMENTS**

*Supreme Court of Judicature (Consolidation) Act 1925 (c. 49)*

1 Section 118 of the Supreme Court of Judicature (Consolidation) Act...

*Superannuation Act 1965 (c. 74)*

2 In section 39A of the Superannuation Act 1965 (inserted by...

*Parliamentary Commissioner Act 1967 (c. 13)*

3 (1) Schedule 1 to the Parliamentary Commissioner Act 1967 shall...

*Superannuation (Miscellaneous Provisions) Act 1967 (c. 28)*

4 (1) The Superannuation (Miscellaneous Provisions) Act 1967 shall be amended...

*Courts Act 1971 (c. 23)*

5 In section 19(5) of the Courts Act 1971 for “the...

6 (1) Schedule 2 to the Courts Act 1971 shall be...

*Pensions (Increase) Act 1971 (c. 56)*

7 (1) The Pensions (Increase) Act 1971 shall have effect in...

*Superannuation Act 1972 (c. 11)*

8 (1) In section 13(1) of the Superannuation Act 1972 for...

*Administration of Justice Act 1973 (c. 15)*

9 In section 9(4) of the Administration of Justice Act 1973...

*Social Security Act 1980 (c.30)*

10 .....

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## SCHEDULE 4 — REPEALS



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**Changes and effects yet to be applied to :**

- Sch. 1A para. 6(7) words substituted by [S.I. 2005/3325 art. 66](#)