



Judicial Pensions Act 1981

1981 CHAPTER 20

PART I

RATE OF PENSION

CHAPTER I

THE HIGHER JUDICIARY

1 Interpretation.

In this Chapter “high judicial office” means any of the offices listed in the first column of the Table below, and “relevant service”, in relation to high judicial office, has the meaning given in the second column of that Table.

TABLE

<i>Office</i>	<i>Relevant service</i>
[^{F1} Judge of the Supreme Court].	Service as a [^{F2} judge of the Supreme Court] or as a judge of the [^{F3} Senior Courts], the Court of Session or the [^{F4} Court of Judicature].
Judge of the [^{F3} Senior Courts] ^{F5}	Service as a [^{F2} judge of the Supreme Court] or as any judge of the [^{F3} Senior Courts].
. . . .	
Judge of the Court of Session.	Service as a [^{F2} judge of the Supreme Court] or as any judge of the Court of Session.

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Judge of the [^{F4}Court of Judicature].

Service as a [^{F2}judge of the Supreme Court] or as any judge of the [^{F4}Court of Judicature].

Textual Amendments

- F1** S. 1: words in table entry substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 37\(1\)\(a\)](#), 148(1); S.I. 2009/1604, [art. 2\(a\)](#)
- F2** S. 1: words in table entries substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 37\(1\)\(b\)](#), 148(1); S.I. 2009/1604, [art. 2\(a\)](#)
- F3** S. 1: words in table entries substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 25\(2\)\(a\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F4** S. 1: words in table entries substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 25\(2\)\(b\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F5** S. 1: words in table entry repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15\(1\), 146, 148\(1\), Sch. 4 para. 110, Sch. 18 Pt. 2](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 paras. 11(e), 30(b)

2 Rate of pension.

- (1) A holder of high judicial office on retirement from that office shall be entitled during his life to a pension at the annual rate provided by this section—
- (a) if he retires after 15 years relevant service or after he has attained the age of 70 years, or
 - (b) if at the time of his retirement he is disabled by permanent infirmity from the performance of the duties of his office.
- (2) The annual rate of the pension payable under this section to a person retiring from any office after 15 or more years relevant service shall be one half of his last annual salary.
- (3) The annual rate of the pension payable under this section to a person retiring from any office after less than 15 years relevant service shall be—
- (a) if the period of relevant service does not amount to 6 years, one quarter of his last annual salary;
 - (b) if the period amounts to 6 years or more, one quarter of that salary plus 1/40th of that salary for each completed year of service exceeding 5.

Modifications etc. (not altering text)

- C1** S. 2(1) applied (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\), s. 12\(7\)](#)

3 Former holder of office other than high judicial office.

- (1) This section applies to a holder of high judicial office who, immediately before his appointment to high judicial office, was the holder of any other of the judicial offices described in Part I of Schedule 1 to the ^{M1}House of Commons Disqualification Act 1975, being an office in respect of which pensions are payable in pursuance of this or any other public general Act or under any other enactment, scheme or arrangement approved for the purposes of this section by the Lord Chancellor.

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- (2) Where a person to whom this section applies retires from his office having qualified, otherwise than by retirement after attaining the age of 70 years, for a pension under this Chapter then if he so elects—
- (a) the amount of the pension which may be paid to him under this Chapter shall be an amount equal to the pension for which he would have been eligible if he had continued to serve in his former office until his retirement at the salary then payable to a holder of that office, and
 - (b) any lump sum payable in his case under Part II of this Act shall be calculated as if his last annual salary were the salary payable at the date of his retirement to a holder of his former office.
- (3) Where a person to whom this section applies dies while holding his office, and his legal personal representatives so elect, any derivative benefit payable in respect of him under Part II of this Act shall be calculated as if the pension for which he would have been eligible if he had retired at the time of his death were a pension of the amount described in subsection (2)(a) above, and as if his last annual salary were the salary payable at the time of his death to a holder of his former office.
- (4) An election under this section shall be made within the period of three months beginning with the retirement or death of the person by or in respect of whom it is made, and shall be made in writing addressed to [^{F6}the Treasury].

Textual Amendments

F6 Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 118(4)(a)

Marginal Citations

M1 1975 c. 24.

4 Provision against double pensions.

Not more than one pension shall be paid to the same person under this Chapter, or under this Chapter and the ^{M2}Lord Chancellor's Pension Act 1832.

Marginal Citations

M2 1832 c. 111.

Changes to legislation:

There are currently no known outstanding effects for the Judicial Pensions Act 1981, Chapter I.