



Judicial Pensions Act 1981

1981 CHAPTER 20

PART II

[^{F1}LUMP SUMS AND WIDOWS', SURVIVING CIVIL PARTNERS' AND CHILDREN'S PENSIONS]

[^{F1}Widows', surviving civil partners' and children's pensions]

18 Conditions of grant.

- (1) Subject to the provisions of this Part of this Act, on the death of a male person (hereinafter in this Part of this Act referred to as “the deceased”) who—
- (a) had become eligible for a pension for service in any judicial office, or
 - (b) was serving in any judicial office at the time of his death and would, if he had then retired on the ground of permanent infirmity, have become eligible for a pension for that service,

there may be granted in respect of his service—

- (i) where he leaves a widow, a pension to that widow (hereafter in this Part of this Act referred to as a “widow’s pension”),
- [^{F1}(ia) where he leaves a surviving civil partner, a pension to that surviving civil partner (hereafter in this Part of this Act referred to as a “surviving civil partner's pension”), and]
- [^{F2}(ii) where he had a wife or a civil partner at any time during his relevant service (whether or not the marriage or civil partnership continued until his death and whether or not a widow's pension or surviving civil partner's pension is or can be granted), a pension (hereafter in this Part of this Act referred to as a “children's pension”) for the benefit of any relevant children.]

[^{F3}(1A) In subsection (1)(ii) above, “relevant children” means—

- (a) in relation to a marriage, any children of the marriage, and
- (b) in relation to a civil partnership, any children of the family,

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Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act 1981, Section 18. (See end of Document for details)

and in paragraph (b) of this subsection “children of the family” is to be construed in accordance with section 105(1) of the Children Act 1989 ^{M1} or (in relation to Scotland) section 101(7) of the Civil Partnership Act 2004 ^{M2}.]

- (2) If [^{F4}the Treasury] is satisfied that a person (“the child”) excluded from subsection (1) (ii) above because adopted after the termination of the marriage [^{F5}or civil partnership] was before the termination of the marriage [^{F5}or civil partnership] wholly or mainly dependent on the deceased person, and that the deceased person had before the termination of the marriage [^{F5}or civil partnership] formed the intention of adopting the child, [^{F4}the Treasury] may direct that the said exclusion in subsection (1)(ii) above shall not apply to the child.

^{F6}(3)

Textual Amendments

- F1** S. 18(1)(ia) substituted for word (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), **art. 54(2)(a)**
- F2** S. 18(1)(ii) substituted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), **art. 54(2)(b)**
- F3** S. 18(1A) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), **art. 54(3)**
- F4** Words substituted by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), **s. 118(4)(a)**
- F5** Words in s. 18(2) inserted (5.12.2005) by [The Civil Partnership \(Judicial Pensions and Church Pensions, etc.\) Order 2005 \(S.I. 2005/3325\)](#), **art. 54(4)**
- F6** S. 18(3) repealed (1.1.1992) (with saving) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(6)(7), [Sch. 19 para. 9](#), **Sch. 20**; [S.I. 1991/2730](#), art. 2, **Sch.**

Modifications etc. (not altering text)

- C1** S. 18 extended by [S.I. 1988/1418](#), **arts. 3, 6** and by [S.R. \(N.I\) 1988/293](#), art. 6 Table

Marginal Citations

- M1** 1989 c. 41.
M2 2004 c. 33.

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