



# Judicial Pensions Act 1981

## 1981 CHAPTER 20

### PART II

#### [<sup>F1</sup>LUMP SUMS AND WIDOWS', SURVIVING CIVIL PARTNERS' AND CHILDREN'S PENSIONS]

*[<sup>F1</sup>Widows', surviving civil partners' and children's pensions]*

#### **22 Children's pension: rate and mode of payment.**

- (1) Only one children's pension shall be granted in respect of the service of any one person, but—
  - (a) the rate thereof may vary according to the number of persons for whose benefit it can for the time being enure, and
  - (b) it shall be paid to such person or persons as [<sup>F1</sup>the Treasury] may from time to time direct, and different parts thereof may be directed to be paid to different persons, and
  - (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension can for the time being enure or for the benefit of such of them as [<sup>F1</sup>the Treasury] from time to time directs.
- (2) Where the deceased [<sup>F2</sup>leaves no widow [<sup>F3</sup>, widower or surviving civil partner] and, if he or she leaves a widow [<sup>F3</sup>, widower or surviving civil partner], after his or her death], the annual amount of a children's pension—
  - (a) while the persons for whose benefit it can enure are two or more in number, may amount to two-thirds of the annual amount of the personal pension,
  - (b) while there is only one such person, may amount to one-third of the annual amount of the personal pension.
- (3) Subject to the provisions of subsection (4) below, where the deceased leaves a widow [<sup>F4</sup>, widower or surviving civil partner], the annual amount of a children's pension during her life—

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*Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act 1981, Section 22. (See end of Document for details)*

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- (a) while the persons for whose benefit it can enure are two or more in number, may amount to one half the annual amount of the personal pension,
- (b) while there is only one such person, may amount to one quarter of the annual amount of the personal pension.

(4) Notwithstanding anything in the preceding provisions of this section, where the deceased

- [<sup>F5</sup>(a) leaves a widow or widower who remarries or forms a civil partnership, or
- (b) leaves a surviving civil partner who forms a subsequent civil partnership or marries,]

no children's pension shall be payable as respects any period when she has a husband [<sup>F6</sup>or civil partner][<sup>F7</sup>or he has a wife][<sup>F8</sup>or civil partner] unless the [<sup>F9</sup>Treasury] specially directs that such a pension shall be so payable, but, [<sup>F9</sup>if the Treasury does specially so direct, it may, if it thinks fit], further direct that subsection (2) above shall apply as respects any such period notwithstanding that the [<sup>F10</sup>widow, widower or surviving civil partner is] alive.

(5 <sup>F11</sup> .....

#### Textual Amendments

- F1** Words in s. 22(1) substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(4)(a)
- F2** Words in s. 22(2) substituted (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), **Sch. 18 para. 27(a)**; S.I. 1991/2730, **art. 2**, Sch.
- F3** Words in s. 22(2) substituted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), **art. 58(2)**
- F4** Words in s. 22(3) substituted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), **art. 58(3)**
- F5** Words in s. 22(4) substituted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), **art. 58(4)(a)**
- F6** Words in S. 22(4) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), **art. 58(4)(b)**
- F7** Words in s. 22(4) inserted (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), **Sch. 18 para. 27(c)**; S.I. 1991/2730, **art. 2**, Sch.
- F8** Words in S. 22(4) inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), **art. 58(4)(c)**
- F9** Words in s. 22(4) substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 118(6)(a)(b)
- F10** Words in S. 22(4) substituted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), **art. 58(4)(d)**
- F11** S. 22(5) repealed (1.1.1992) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch.20**; S.I. 1991/2730, **art. 2**, **Sch.**

#### Modifications etc. (not altering text)

- C1** S. 22 extended by S.I. 1988/1418, **arts. 3, 6** and by S.R. (N.I.) 1988/293, **art. 6** Table

**Changes to legislation:**

There are currently no known outstanding effects for the Judicial Pensions Act 1981, Section 22.