Judicial Pensions and Retirement Act 1993

1993 CHAPTER 8

PART I

NEW ARRANGEMENTS FOR JUDICIAL PENSIONS

Pensions for judicial officers

2 The judicial officer's entitlement to a pension.

(1) Any person to whom this Part applies—

(a) who retires from qualifying judicial office on or after the day on which he attains the age of 65, and

(b) who has, at the time of that retirement, completed, in the aggregate, at least 5 years' service in qualifying judicial office,

shall be entitled during his life to a pension at the appropriate annual rate.

(2) Any person to whom this Part applies—

(a) who retires from qualifying judicial office on or after the day on which he attains the age of 60, but before attaining the age of 65, and

(b) who has, at the time of that retirement, completed, in the aggregate, at least 5 years' service in qualifying judicial office,

shall be entitled during his life to a pension at the appropriate annual rate, actuarially reduced.

(3) In any case where—

(a) a person to whom this Part applies retires from qualifying judicial office before he has attained the age of 65 or before he has completed, in the aggregate, at least 5 years' service in such office, and

(b) the appropriate Minister is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, the person is incapable of discharging the duties of his qualifying judicial office and that the incapacity is likely to be permanent,

the person shall be entitled during his life to a pension at the appropriate annual rate (and subsection (2) above shall not have effect in relation to that retirement, notwithstanding that the conditions in paragraphs (a) and (b) of that subsection may be satisfied in the particular case).

[[F1](3A) Where the appropriate minister is the Lord Chancellor, he must, before satisfying himself as mentioned in subsection (3)(b)—

(a) consult the Lord Chief of Justice of England and Wales, if the person in question holds office in England and Wales;

(b) consult the Lord Chief of Justice of Northern Ireland, if the person in question holds office in Northern Ireland.**]**

(4) Where a person to whom this Part applies is removed from a qualifying judicial office, his removal from that office shall be treated for the purposes of this Part as his retirement from qualifying judicial office; and if—

(a) he has not attained the age of 60 at the date of that retirement, and

(b) the appropriate Minister recommends that his accrued rights under this Part should be given immediate effect,

the person shall be entitled during his life to a pension at the appropriate annual rate, actuarially reduced.

(5) Where a person to whom a pension under this section has commenced to be paid resumes service in qualifying judicial office—

(a) the resumption of service shall not affect his entitlement to payment of the pension for any period before the resumption,

(b) he shall not be entitled to payment of the pension for any period during the resumed service, and

(c) at the end of the period of resumed service—

(i) his entitlement (and that of any other person) to a pension or other benefit under this Part, and

(ii) the rate or amount of any such pension or other benefit,

shall be determined (subject to section 4(4) below) as if no pension under this section had previously commenced to be paid to him.

(6) A pension under this section shall be payable at such intervals, not exceeding three months, as the Treasury may determine.

(7) For the purposes of this Part—

(a) in determining the length of a person's period of service in any qualifying judicial office, it is immaterial whether he works full-time or part-time, but if he holds two or more qualifying judicial offices concurrently, no day shall be counted more than once;

(b) in determining the length of a person's period of service in any qualifying judicial office, there shall be left out of account—

(i) any service in such office before the day on which this Part first applied to him (except to the extent to which it is given effect under or by virtue of section 12 below);

(ii) in the case of an office which becomes a qualifying judicial office by virtue of an order under section 1(8) above, any service in that office before the day on which it becomes such an office (except to the extent to which it is given effect under or by virtue of section 12 below);

(iii) any service in qualifying judicial office at a time when an election under section 13 below is in force in respect of him; and

(iv) any service in such office in respect of which he has taken a cash equivalent in accordance with paragraph 6 of Schedule 2 to this Act;

(c) in any case falling within subsection (3) above where, at the date of the retirement, the person has not attained the age of 65, the aggregate length of his period of service shall **[**[F2](subject to subsection (7A))**]** be increased by the addition of a period equal in length to one half of that which—

(i) begins immediately after the date of the retirement; and

(ii) ends with the day on which he would attain the age of 65;

(d) where any payment in respect of a pension under this section has become due, the pension shall be treated as commencing to be paid, notwithstanding that no payment has in fact been made in respect of it, and for this purpose a payment in respect of a pension shall be treated as becoming due on the first day of the period for which it is payable;

(e) "actuarially reduced", in relation to the rate of a pension, means reduced by such amount as may be prescribed in, or determined in accordance with, regulations made under this section by the appropriate Minister with the concurrence of the Treasury;

(f) where a person ceases to hold qualifying judicial office in consequence of infirmity of mind or body, the cessation (however brought about) shall be taken for the purposes of this Part to constitute retirement, not removal, from such office.

[F3]**[**[F4](7A) Subsection (7)(c) does not apply where, at the date of the retirement, the person—

(a) is a member of a scheme under section 1 of the Public Service Pensions Act (Northern Ireland) 2014; and

(b) is entitled under that scheme to early payment of benefits on the grounds of ill-health.**]**

[[F5](7A) Subsection **[**[F3](7)(c)**]** does not apply where, at the date of retirement, the person—

(a) is a member of a scheme under section 1 of the Public Service Pensions Act 2013; and

(b) is entitled under that scheme to early payment of benefits on the grounds of ill-health.**]**

(8) In this Act "judicial pension" means a pension under this section.

[[F6](9) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.

(10) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this section—

(a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;

(b) a Lord Justice of Appeal (as defined in section 88 of that Act).**]**

Textual Amendments

F1 S. 2(3A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 227(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11

F2 Words in s. 2(7)(c) inserted (1.4.2015) by The Judicial Pensions Regulations 2015 (S.I. 2015/182), reg. 1(4), **Sch. 3 para. 12(2)(a)** (with regs. 148, 160) and (N.I.) by The Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. 2015/76), reg. 1(3), **Sch. 3 para. 11(2)(a)**

F3 Word in s. 2(7A) substituted (10.3.2022 for specified purposes, 1.4.2022 in so far as not already in force) by Public Service Pensions and Judicial Offices Act 2022 (c. 7), **ss. 106**, 131(1)(2)(f)

F4 S. 2(7A) inserted (N.I.) (1.4.2015) by The Judicial Pensions Regulations (Northern Ireland) 2015 (S.R. 2015/76), reg. 1(3), **Sch. 3 para. 11(2)(b)**

F5 S. 2(7A) inserted (1.4.2015) by The Judicial Pensions Regulations 2015 (S.I. 2015/182), reg. 1(4), **Sch. 3 para. 12(2)(b)** (with regs. 148, 160)

F6 S. 2(9)(10) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 227(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11

Status:
Point in time view as at 01/04/2022.

Changes to legislation:
There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, Section 2.