
Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Judicial Pensions and Retirement Act 1993 (c. 8) is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 4

OTHER FUNCTIONS OF THE LORD CHANCELLOR AND ORGANISATION OF THE COURTS

PART 1

AMENDMENTS

Judicial Pensions and Retirement Act 1993 (c. 8)

- 226 The Judicial Pensions and Retirement Act 1993 is amended as follows.
- 227 (1) Section 2 (the judicial officer's entitlement to a pension) is amended as follows.
- (2) After subsection (3) insert—
- “(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.”
- (3) After subsection (8) insert—
- “(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).”
- 228 (1) Section 26 (retirement date for holders of certain judicial offices) is amended as follows.
- (2) For “appropriate minister” in subsections (5) and (6) substitute “ appropriate person ”.
- (3) In subsection (7)—
- (a) in paragraph (a) omit “, unless he is the Lord Chancellor”;
- (b) in paragraph (b) omit “, unless he is the Lord Chancellor”.
- (4) In subsection (12), after the definition of “appointed day” insert—
- ““the appropriate person” means—

Changes to legislation: Constitutional Reform Act 2005, Cross Heading: Judicial Pensions and Retirement Act 1993 (c. 8) is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (a) the appropriate Minister in a case which falls within paragraph (a) of the definition of the expression in section 30;
- (b) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to England and Wales, the Lord Chief Justice of England and Wales;
- (c) in relation to any judicial office whose jurisdiction is exercised exclusively in relation to Northern Ireland, the Lord Chief Justice of Northern Ireland.”

(5) After subsection (12) insert—

“(13) Where the Lord Chief Justice of England or Wales or the Lord Chief Justice of Northern Ireland is the appropriate person, he must obtain the concurrence of the Lord Chancellor before exercising any functions under this section.

(14) The Lord Chief Justice of England or 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.

(15) 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).”

229 In Schedule 1 (offices which may be qualifying judicial offices) in Part 1 (judges) for the entries “President of the Family Division” and “Vice-Chancellor” substitute — “President of the Queen's Bench Division President of the Family Division Chancellor of the High Court ”.

230 In Schedule 5 (retirement provisions: the relevant offices), in the second entry omit “, other than the Lord Chancellor”.

Changes to legislation:

Constitutional Reform Act 2005, Cross Heading: Judicial Pensions and Retirement Act 1993 (c. 8) is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 132(4A) words substituted by [2015 c. 2 s. 83\(1\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(2\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(3\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(4\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(6\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(8\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(9\)](#)
- Sch. 7 para. 4Pt. A words inserted by [2007 c. 15 s. 144\(10\)\(a\)](#)
- Sch. 7 para. 4Pt. A words substituted by [2007 c. 15 s. 144\(10\)\(b\)](#)