
STATUTORY INSTRUMENTS

1978 No. 1808

PENSIONS

**The Pensions Increase (Judicial Pensions)
(Amendment) Regulations 1978**

<i>Made</i>	- - - -	<i>7th December 1978</i>
<i>Laid before Parliament</i>		<i>15th December 1978</i>
<i>Coming into Operation</i>		<i>5th January 1979</i>

The Minister for the Civil Service, in the exercise of the powers conferred on him by section 5(3) and (4) of the Pensions (Increase) Act 1971 and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Pensions Increase (Judicial Pensions) (Amendment) Regulations 1978, and shall come into operation on 5th January 1979.

2.—(1) In these Regulations—

“the 1971 Act” means the Pensions (Increase) Act 1971;

“the principal Regulations” means the Pensions Increase (Judicial Pensions) Regulations 1972, as amended⁽¹⁾.

(2) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. The principal Regulations shall be further amended—

(a) by the deletion of Regulation 4(2);

(b) by the addition of the following new Regulation—

“7.—(1) Nothing in the 1971 Act or these Regulations shall have the effect of increasing in respect of any period the annual amount payable to a person as a pension under section 3 of the Lord Chancellor's Pension Act 1832⁽²⁾, as amended from time to time to a sum in excess of the annual amount which would be paid as a pension to a person resigning the office of Lord Chancellor at the commencement of such period.

(2) Nothing in the 1971 Act or these Regulations shall have the effect of increasing in respect of any period the annual amount of a pension payable under Part I of the

(1) S.I. 1973/495, 1974/984.

(2) 1832 c. 111.

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Administration of Justice (Pensions) Act 1950⁽³⁾, for a widow or children of a deceased Lord Chancellor to a sum in excess of the annual amount which would be payable for a widow or children of a Lord Chancellor who died at the commencement of such period.

(3) Subject to paragraphs (1) and (2) above, for the purposes of the 1971 Act any increase in a pension to which this Regulation applies shall be calculated as if the pension had begun on the date when the pension payable to a person resigning the office of Lord Chancellor was last increased notwithstanding the fact that that date precedes the date when the pension actually became payable.”

(c) in the Schedule, by the deletion of paragraph 1.

4. Any increase of pension payable under these Regulations in consequence of an increase of the annual amount payable as a pension under section 3 of the Lord Chancellor's Pension Act 1832 as amended from time to time or Part I of the Administration of Justice (Pensions) Act 1950 shall take effect from the date of such increase notwithstanding that such date may precede the date of the making of these Regulations provided nevertheless that no such increase of pension shall take effect before 30th July 1977.

Given under the official seal of the Minister for the Civil Service on 7th December 1978.

L.S.

C.R. Morris
Civil Service Department

(3) 1950 c. 11 (14 & 15 Geo 6)

EXPLANATORY NOTE

The Pensions Increase (Judicial Pensions) Regulations 1972 provide that increases which may be made to judicial pensions, including pensions of former Lord Chancellors, shall be calculated by multiplying the basic pension payable under the relevant statutory provision by a decimal fraction. This ensures in the case of a former Lord Chancellor, that his pension shall not exceed that of the present Lord Chancellor should he resign his office. These Regulations, which amend the 1972 Regulations, remove the provision relating to the multiplier for the Lord Chancellor's pension and replace it by one which imposes the restriction on pension increases expressly. Analogous provision is made for widows' and children's pensions.

The Regulations also preserve the practice that in calculating the increase on the pension payable under the Pensions (Increase) Act 1971 in respect of the office of Lord Chancellor, it is deemed that the Lord Chancellor in question resigned office, or died, as the case may be, on the date when the amount payable by way of pension in respect of such office was last increased, and not on the date of his resignation or death.

The Regulations also provide that where the amount payable by way of pension in respect of the office of Lord Chancellor is increased, any amount which, by the operation of the restriction contained in the new Regulation 7(1) and (2), is withheld from payment to persons who are already receiving such pension shall, subject to the continuing operation of that restriction to the increased pension, be payable from the date of the increase. In accordance with the power conferred by section 5(4) of the 1971 Act, the Regulations provide that any such increases of pension may take effect from a date which may precede the date of making the Regulations, but no such increase may take effect before 30th July 1977.