
STATUTORY INSTRUMENTS

1987 No. 374

The Judicial Pensions (Preservation of Benefits) Order 1987

SUPPLEMENTARY

ELECTION IN RESPECT OF TWO OR MORE PERIODS OF SERVICE

7.—(1) Where an office holder who has served in more than one office has ceased to hold office before normal pension age, then, if he would have been entitled on his retirement, had his service continued to compulsory retirement age, to elect that the superannuation benefits payable to or in respect of him should be determined under an enactment relating to the payment of superannuation benefits to or in respect of persons who have served in more than one office, he shall, for the purposes of that enactment, have the same right of election, and that right may be exercised within an equivalent period, as if he had retired at an age at which an election under that enactment would have been available to him.

(2) A provision in any enactment such as is referred to in paragraph (1) above, by virtue of which an authority, liable to pay benefits payable in consequence of an election made under that enactment, is entitled to recover a contribution from any other authority, shall apply to benefits payable in consequence of an election made under this Article.

(3) Any election made in reliance on this Article by a person who had not ceased to hold office shall be of no effect.

Provisions about early retirement

8. Any provision in a relevant enactment about early retirement on the grounds of ill-health shall, without prejudice to its operation in other respects, be disregarded for the purpose of this Order.

Inalienability

9. Any assignment (or, in Scotland, assignation) of, or charge on, and any agreement to assign or charge, any pension or lump sum which may be granted by virtue of this Order shall (unless made by an office-holder in favour of his widow or a dependant of his) be void.

Relationship to other benefits

10.—(1) Any benefit granted by virtue of this Order in respect of any relevant service shall be payable notwithstanding that other benefits are, otherwise than by virtue of this Order, payable to or in respect of the office-holder

- (a) under a relevant enactment; or
- (b) under an enactment relating to superannuation benefits in respect of an office to which Part II of the Act of 1981 applies; so, however, that any benefits granted by virtue of this Order shall be abated to the extent that they exceed the amount, if any, by which the other benefits might have been increased if the relevant service in respect of which benefits are granted under this Order had been service in the office in respect of which the other benefits are payable.

(2) Where the other benefits, for the purposes of paragraph (1) above, are payable to or in respect of an office-holder by virtue of service of his in more than one office, the amount referred to in that paragraph may be arrived at in the manner most favourable to him.

Saving for other pension schemes

11. This Order does not apply in relation to an office-holder to whose relevant service there apply the provisions of the principal civil service pension scheme.

Revocation of existing orders

- 12.** The orders specified in Schedule 2 are hereby revoked, but without prejudice to—
- (a) their continued application in relation to any person who ceased for the purposes of this Order to hold office before 1st April 1987; or
 - (b) their application to the office of county court judge or resident magistrate in Northern Ireland.