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STATUTORY INSTRUMENTS

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**1988 No. 1419**

**PENSIONS**

**The Judicial Pensions (Preserved Benefits  
and Personal Pension Option) Order 1988**

<i>Made</i>	- - - -	<i>5th August 1988</i>
<i>Laid before Parliament</i>		<i>10th August 1988</i>
<i>Coming into force</i>	- -	<i>1st September 1988</i>

The Lord Chancellor (in relation to England and Wales) and the Secretary of State for Scotland (in relation to Scotland), as appropriate authorities designated for the purposes of section 65 of the Social Security Act 1973(1) as having responsibility for the public service pension schemes established under the enactments listed in schedule 1 to the Judicial Pensions (Preservation of Benefits) Order 1988(2), in exercise of the powers conferred by the said section 65, hereby make the following Order:

**Citation and Commencement**

1. This Order may be cited as the Judicial Pensions (Preserved Benefits and Personal Pension Option) Order 1988 and shall come into force on 1st September 1988.

**Interpretation**

2. In this Order—

“the Act” means the Judicial Pensions Act 1981(3),

“the Principal Order” means the Judicial Pensions (Preservation of Benefits) Order 1988(2),

“the Regulations” means the Judicial Pensions (Personal Pension Option) Regulations 1988(4),

“judicial office” means one of the several offices referred to in sections 1, 5, 6, 7, 8, 10, 11, 12, 13, and 14 of and schedule 1 to the Act, and,

references to a person’s eligibility for a pension are, in relation to a judicial office which carries entitlement to a pension, references to such entitlement.

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(1) 1973 c. 38.  
(2) S.I. 1988/1418.  
(3) 1981 c. 20.  
(2) S.I. 1988/1418.  
(4) S.I. 1988/1417.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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### **Preserved Benefits**

**3.** For the purpose of assessing a person's eligibility for a pension under the Principal Order he shall be deemed not to have held judicial office at any time when an election under section 14A of the Act as modified by the Regulations was in force in respect of him.

29th July 1988

*Mackay of Clashfern, C.*

5th August 1988

*Malcolm Rifkind*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides that any period during which an election made by a member of a judicial pension scheme under the Judicial Pensions (Personal Pension Option) Regulations 1988 (S.I. [1988/1417](#)) is in force, shall not count as relevant service in connection with the preservation of benefits under the Judicial Pensions (Preservation of Benefits) Order 1988 (S.I. [1988/1418](#)). A member may elect under those Regulations to have a personal pension instead of acquiring pension rights under the Judicial Pensions Act 1981.