
STATUTORY INSTRUMENTS

1988 No. 1420

The Judicial Pensions (Requisite Benefits) Order 1988

PART IV

MISCELLANEOUS

Ascertainment of salary for requisite benefits

11.—(1) Subject to paragraphs (2) and (3) below, for the purposes of this Order the final salary of an officer-holder (or his last salary before death) shall be the annual rate of salary which he was receiving immediately before he ceased to hold office together with any sum which is reckoned as an additional part of his salary for pension purposes.

(2) Where—

- (a) an office-holder has two or more periods of relevant service, and
- (b) an election is made by or in respect of him, pursuant to an enactment relating to the payment of superannuation benefits in respect of persons who have served continuously in more than one office, in favour of the receipt of benefits payable under the relevant enactment which relates to an office held by him other than the last,

then, for the purposes of this Order, the final salary of that officer-holder (or his last salary before death) shall be that which would have been arrived at under paragraph (1) above if he had continued to hold the earlier office until the date when he ceased to hold office; and, if that office had ceased to exist at that date, that salary shall be taken to be such as the Lord Chancellor or the Secretary of State, as the case may be, with the concurrence of the Treasury may determine it would have been had the office continued to exist.

(3) For the purposes of articles 6, 7 and 12(3) there shall be excluded from the salary by reference to which the annual rate of the office-holder's or widow's pension is to be calculated any amount of earnings except so much (if any) as would, if expressed as a weekly rate, exceed one and a half times the lower earnings limit but would not exceed the upper earnings limit.

(4) In paragraph (3) above, references to the lower and upper earnings limits, in relation to any earnings, are references to those limits as in force when the earnings are paid.

Contribution in event of marriage during retirement

12.—(1) Where, on the date when he ceases to hold office, an office-holder is unmarried, he may be required to undertake, in return for payment to him of a lump sum under or by virtue of whichever of the enactments mentioned in paragraph (2) below is applicable to him, that he will, on his first marriage thereafter, pay a contribution in respect of benefits that may become payable to his widow by virtue of articles 7 and 9.

(2) The enactments referred to in paragraph (1) above are—

Section 7 of the City of London (Courts) Act 1964⁽¹⁾; and Section 17 of the Judicial Pensions Act 1981⁽²⁾.

(3) The contribution referred to in paragraph (1) above shall be equal to 1/8ths per cent of the office-holder's final salary multiplied by the number of whole years of relevant service of his which were—

- (a) completed by him before he attained pensionable age, and
- (b) not years—
 - (i) during any part of which he was a married man, or
 - (ii) preceding a marriage of his contracted before he ceased to hold office.

Marriage shortly before death

13. Where the marriage of a woman to an office-holder takes place after he has ceased to hold office and not more than six months before his death, any pension to be paid to her as his widow by virtue of this Order shall be limited to her guaranteed minimum pension.

Time of payment

14. Any pension to which there is entitlement by virtue of this Order shall be payable at intervals of not more than three months.

Relationship to other benefits

15. Any pension to which there is entitlement by virtue of this Order shall be reckoned towards and treated as part of any pension which is paid in relation to an office-holder under any relevant enactment.

Revocation of earlier Order

16. The Judicial Pensions (Requisite Benefits) Order 1987⁽³⁾ is hereby revoked, but without prejudice to its continued application in relation to any person who ceases to hold office before 1st September 1988.

(1) 1964 c.iv.
(2) 1981 c. 20.
(3) S.I. 1987/373.