



# County Courts Act (Northern Ireland) 1959

## 1959 CHAPTER 25

### PART XIII

#### SUPERANNUATION

##### PENSIONS OF COUNTY COURT JUDGES

#### 116 Pensions of judges.

- (1) [<sup>F1</sup>The Treasury] may on the recommendation of the [<sup>F2</sup> Lord Chancellor] grant to any judge an annual sum by way of pension calculated in accordance with the provisions of Part I of the Second Schedule—
- (a) if his office is vacated in pursuance of sub-section (4) of section one hundred and five; or
  - (b) if the [<sup>F2</sup> Lord Chancellor] is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent; or
  - (c) if he retires after fifteen years' service, and at the time of retirement has attained the age of sixty-five.

*Subs. (2)(3) rep. by 1978 c. 23*

- (4) A person to whom, in consequence of such incapacity as aforesaid, a pension has been granted under this section shall, until the date on which that person could have been granted a pension under paragraph (a) or paragraph (c) of sub-section (1), be liable to be required by the [<sup>F2</sup> Lord Chancellor] to resume the duties of a judge with the salary attached thereto, and, if (being in a competent state of health) he declines when so required to resume those duties, or declines or neglects to execute those duties, he shall forfeit his right to the pension so granted to him.
- (5) Where a person resumes his duties as aforesaid, the payment of the pension granted to him shall be suspended during the period of his resumed service, but, subject to

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*Changes to legislation: There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959, Section 116. (See end of Document for details)*

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the provisions of sub-section (4), at the end of that period the pension shall again be payable and be recalculated in accordance with the provisions of Part I of the Second Schedule, and for that purpose the period of his resumed service shall be added to the period of his former service.

[<sup>F3</sup>(5A) The Lord Chancellor must consult the Lord Chief Justice before—

- (a) making a recommendation in a case that falls within subsection (1)(b), or
- (b) requiring a person to resume the duties of judge in accordance with subsection (4).

(5B) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (5A)—

- (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).]

*Subs. (6) rep. by 1993 c. 8*

[<sup>F4</sup>(7) This Part shall not have effect in relation to a person to whom Part I of the Judicial Pensions and Retirement Act 1993 applies, except to the extent provided by or under that Act.]

[<sup>F5</sup>(8) This Part is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).]

**F1** 1991 NI 24

**F2** 1978 c. 23

**F3** S. 116(5A)(5B) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 148, Sch. 5 Pt. 1 para. 11; S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 12(a)

**F4** 1993 c. 8

**F5** S. 116(8) inserted (1.4.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), [Sch. 8 para. 1](#) (with Sch. 11 para. 8); S.I. 2014/839, art. 4(2)(a)

**Changes to legislation:**

There are currently no known outstanding effects for the County Courts Act (Northern Ireland) 1959, Section 116.