



Resident Magistrates' Pensions Act (Northern Ireland) 1960

1960 CHAPTER 2

GENERAL AND FINANCIAL

12 Allocation of part of pension to dependants.

- (1) [^{F1}The Treasury] may make rules for securing that, in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in the rules, a retiring resident magistrate who retires from office otherwise than on the ground of ill-health, after the passing of this Act, shall be allowed to surrender, as from the date of his retirement, in return for the benefits allowed under the rules such part, not exceeding one-third of his personal pension, as may be specified in the rules, and for enabling [^{F1} the Treasury] to grant to the [^{F2}spouse or civil partner] or to a dependant of the retiring resident magistrate a pension of such value as, according to tables to be prepared from time to time by [^{F1} the Treasury], is actuarially equivalent, at that date, to the value of that part of the personal pension which is surrendered.
- (2) Any such pension as aforesaid for the benefit of a dependant (not being a [^{F3}spouse or civil partner]) of a retiring resident magistrate shall be payable in respect of the period, if any, for which the dependant survives the resident magistrate, and any such pension as aforesaid for the benefit of the [^{F3}spouse or civil partner] of a resident magistrate shall, according as the resident magistrate may, in conformity with the rules under this section, elect, be payable—
 - (a) in respect of the period, if any, for which the [^{F3}spouse or civil partner] survives the resident magistrate; or
 - (b) in respect both of the period of their joint lives subsequent to the retirement and of the period, if any, for which the [^{F3}spouse or civil partner] survives the resident magistrate;

and the rules may provide that a pension payable thereunder in respect of the periods mentioned in paragraph (b) shall be paid at one rate in respect of the first of those periods and at a higher rate in respect of the second.

Changes to legislation: There are currently no known outstanding effects for the Resident Magistrates' Pensions Act (Northern Ireland) 1960, Section 12. (See end of Document for details)

(3) If a resident magistrate has, in accordance with rules made under this section, surrendered part of his pension, any lump sum or widow's [^{F4}, widower's, surviving civil partner's] or children's pension payable under this Act apart from this section shall be calculated as if that surrender had not been made.

[^{F5}(3A) Rules under this section, or section 13, may make different provision for different purposes.]

(4) Rules made under this section shall be subject to negative resolution.

F1 1991 NI 24

F2 Words in s. 12(1) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **56(6)(a)** (with regs. 6-9)

F3 Words in s. 12(2) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **56(6)(a)** (with regs. 6-9)

F4 Words in s. 12(3) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **56(6)(b)** (with regs. 6-9)

F5 S. 12(3A) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **56(6)(c)** (with regs. 6-9)

Changes to legislation:

There are currently no known outstanding effects for the Resident Magistrates' Pensions Act (Northern Ireland) 1960, Section 12.