



# Resident Magistrates' Pensions Act (Northern Ireland) 1960

## 1960 CHAPTER 2

### RETIREMENT AND PENSION

#### 2 Pensions of resident magistrates.

(1) Subject to the provisions of this Act,<sup>[F1]</sup> the Treasury] on the recommendation of the Ministry of Home Affairs<sup>F2</sup> (in this Act referred to as “the Ministry”) may, on the retirement of a resident magistrate who is appointed after the passing of this Act or who has elected, pursuant to section eleven that this Act shall apply to him, grant to him an annual sum by way of pension.

<sup>[F3]</sup>(1A) This Act 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>[F4]</sup>(1B) This Act is subject to section 18 of the Public Service Pensions Act 2013 (restrictions on benefits provided under existing schemes).]

(2) A pension granted under sub-section (1)—

- (a) shall, if the resident magistrate is not a person to whom paragraph (b) applies, be calculated in accordance with Part I of the Schedule;
- (b) shall, if the resident magistrate is a person to whom this paragraph applies, be calculated in accordance with Part II of the Schedule;
- (c) shall be payable by such instalments, at such times and in such manner as<sup>[F1]</sup> the Treasury] may think proper.

(3) Without prejudice to sub-section (2) of section sixteen,<sup>[F1]</sup> the Treasury] shall not grant a pension under this Act to a resident magistrate unless—

- (a) not being a person to whom paragraph (b) of sub-section (2) applies, he has completed<sup>[F1]</sup> two years] ' service as a resident magistrate;
- (b) being a person to whom paragraph (b) of sub-section (2) applies, either—
  - (i) he has completed five years' service as a resident magistrate; or

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*Changes to legislation:* There are currently no known outstanding effects for the Resident Magistrates' Pensions Act (Northern Ireland) 1960, Section 2. (See end of Document for details)

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- (ii) the aggregate of the periods of his service as a resident magistrate and of his service in whole-time employment to which the Superannuation Acts apply (in this Act referred to as “aggregated service”) is not less than ten years' service;
  - (c) he is not less than sixty-five years of age, except upon a medical certificate to the satisfaction of the Minister of Home Affairs<sup>F2</sup> (in this Act referred to as “the Minister”) that he is incapable, from infirmity of mind or body, of discharging the duties of his office, and that the incapacity is likely to be permanent.
- (4) A resident magistrate to whom a pension has been granted under this section before he has attained the age of sixty-five in consequence of any such incapacity as is mentioned in paragraph (c) of sub-section (3) shall, until he has attained that age, be liable to be required by the Governor<sup>F5</sup> to resume the duties of a resident magistrate 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, his pension shall cease to be payable, unless<sup>F1</sup> the Treasury] after consultation with the Minister otherwise directs.
- (5) Whenever a resident magistrate has resumed 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 sub-section (4), at the end of that period the pension shall again be payable and be recalculated in accordance with Part I or Part II of the Schedule, as the case may require, and for that purpose the period of his resumed service shall be added to the period of his former service.
- (6) Paragraph (b) of sub-section (2) applies to—
  - (a) a person who at the time of his appointment as a resident magistrate—
    - (i) is serving in whole-time employment to which the Superannuation Acts apply; and
    - (ii) has not become eligible for any superannuation benefits under those Acts; or
  - (b) a person who at any time before his appointment as a resident magistrate has retired from employment to which the Superannuation Acts apply in such circumstances that, on attaining a specific age, he would or might have become eligible for a superannuation allowance by virtue of sub-section (2) of section thirty-four<sup>F6</sup> of the Superannuation Act (Northern Ireland), 1949 , but has not at the date of his appointment as a resident magistrate become eligible for such a superannuation allowance.
- <sup>F7</sup>(7) The Lord Chancellor must consult the Lord Chief Justice before—
  - (a) satisfying himself as mentioned in subsection (3)(c), or
  - (b) requiring a person to resume the duties of resident magistrate in accordance with subsection (4).
- (8) The Lord Chief Justice may nominate any of the following to exercise his functions under subsection (7)—
  - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002 (c. 26);
  - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

**F1** 1991 NI 24

**F2** Now Lord Chancellor, SI 1978/2163

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- F3** 1993 c. 8
- F4** S. 2(1B) inserted (1.4.2014) by Public Service Pensions Act 2013 (c. 25), s. 41(2), **Sch. 8 para. 2** (with Sch. 11 para. 8); S.I. 2014/839, art. 4(2)(b)
- F5** To be construed as a ref. to Lord Chancellor, SI 1973/2163
- F6** 1967 c.24; the allowance would now arise under a scheme made under 1972 NI 10
- F7** S. 2(7)(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 14; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 12(a)

**Changes to legislation:**

There are currently no known outstanding effects for the Resident Magistrates' Pensions Act (Northern Ireland) 1960, Section 2.