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## SCHEDULES

### SCHEDULE 2

Section 23.

#### SUPERANNUATION OF CHAIRMEN, ETC., WHO HAVE BEEN STIPENDIARY MAGISTRATES

- 1 Where a person to whom this Schedule applies retires from the office of chairman or deputy chairman of the court of quarter sessions for a London commission area having qualified for a pension under section 22 of the Administration of Justice (Pensions) Act 1950 as applied by section 23(1) of this Act, then, if he so elects—
  - (a) the amount of the pension which may be paid to him under the said section 22 shall be an amount equal to the pension for which he would have been eligible if he had continued to serve in his former office of stipendiary magistrate until his retirement at the salary then payable to a holder of that office ; and
  - (b) any lump sum payable in his case under Part I of the said Act of 1950 shall be calculated as if his last annual salary were the salary payable at the date of his retirement to a holder of his former office.
- 2 Where a person to whom this Schedule applies dies while still holding office as chairman or deputy chairman of the court of quarter sessions for a London commission area, and his legal personal representatives so elect, any derivative benefit payable in respect of him under the said Act of 1950 shall be calculated as if the pension for which he would have been eligible if he had retired at the time of his death were a pension of the amount described in paragraph 1(a) of this Schedule, and as if his last annual salary were the salary payable at the time of his death to a holder of his former office.
- 3 Where the amount of any pension or other benefit payable to or in respect of a person under section 22 of the said Act of 1950 is calculated in accordance with paragraph 1 or 2 of this Schedule, the Greater London Council shall, if he served for not less than five years as a stipendiary magistrate, be entitled to contributions in respect of his former service as a stipendiary magistrate and the contributions shall be paid by the authority who paid his salary in his last office of stipendiary magistrate.
- 4 The amount of any contribution payable under paragraph 3 of this Schedule in respect of any pension or other benefit to or in respect of any person—
  - (a) shall be such as may be agreed between the Greater London Council and the other authority concerned ; or
  - (b) in default of agreement, shall be the amount which the contributing authority would have to pay in respect of that benefit on the date of the payment of the benefit if—
    - (i) that person had on ceasing to hold his last office of stipendiary magistrate retired from that office on the ground that he was permanently incapacitated by reason of infirmity of mind or body from discharging the duties of his office ; and

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- (ii) the Lord Chancellor or the contributing authority, as the case may be, had been satisfied of that ground by means of a medical certificate.
- 5      Section 33(6) of the Justices of the Peace Act 1949 (which provides for contributions from one authority to another in respect of a pension under that section of a stipendiary magistrate who has served in more than one office) shall apply to the contribution payable by a contributing authority under paragraph 3 of this Schedule as it applies to a pension payable under that section.
- 6      An election under paragraph 1 or 2 of this Schedule shall be made within the period of three months beginning with the retirement or death of the person by or in respect of whom it is made and shall be made in writing addressed to the clerk to the Greater London Council.
- 7      Any contribution payable by the Treasury under paragraph 3, or by virtue of paragraph 5, of this Schedule shall be paid out of the Consolidated Fund.