

SCHEDULES

SCHEDULE 1

JUSTICES OF THE PEACE (CONSEQUENTIAL RE-ENACTMENTS AND AMENDMENTS)

PART I

RETIREMENT AND SUPERANNUATION OF STIPENDIARY MAGISTRATES

- 1 (1) A stipendiary magistrate appointed on or after the 25th October 1968 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 70:

Provided that where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 72 as the Lord Chancellor thinks fit.

- (2) A stipendiary magistrate appointed before the 25th October 1968 shall vacate his office at the end of the completed year of service in the course of which he attains the age of 72:

Provided that where the Lord Chancellor considers it desirable in the public interest to retain him in office after that time, the Lord Chancellor may from time to time authorise him to continue in office up to such age not exceeding 75 as the Lord Chancellor thinks fit.

- 2 (1) Subject to the provisions of this paragraph, where a stipendiary magistrate retires (under paragraph 1 above or otherwise) after not less than five years service as stipendiary magistrate, the Minister for the Civil Service on the recommendation of the Lord Chancellor may grant to him a superannuation allowance at an annual rate not exceeding 15/80ths of his annual salary, together with an addition for each complete year of his service as stipendiary magistrate after the first 5 years equal to 1/80th of the salary or, in the case of a year of service after the first 10 years, to 2/80ths of the salary ; but the allowance shall in no case exceed one half of the salary.

- (2) An allowance under this paragraph shall be calculated on the salary the magistrate is receiving immediately before his retirement.

- (3) An allowance shall not be granted under this paragraph to a magistrate who has not attained the age of 65 at the time of his retirement, unless the 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.

- (4) A person to whom an allowance is granted under this paragraph on his retirement on a medical certificate shall, until he attains the age of 65, be liable to be called upon to fill any public office or situation under the Crown in the United Kingdom for which his previous public services may render him eligible ; and if he declines, when called

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upon to do so, to take upon him such office or situation, or declines or neglects to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the allowance which has been granted to him.

- (5) The decision of the Minister for the Civil Service on any question which arises as to the application of any provision of this paragraph to any person, or as to the rate of any superannuation allowance under this paragraph, or as to the reckoning of any service for such an allowance, shall be final.
- (6) Any sums payable on account of allowances under this paragraph shall be charged on and paid out of the Consolidated Fund, and shall be paid at such times in every year as the Minister for the Civil Service may determine.

3 In this Part of this Schedule " stipendiary magistrate " means a metropolitan or other stipendiary magistrate in England or Wales, and references to service as a stipendiary magistrate are to be construed accordingly.