

## SCHEDULES

### SCHEDULE 4

Sections 11 and 19.

#### PENSIONS OF HIGHER JUDICIARY

- 1 (1) Any Lord of Appeal in Ordinary, any Judge of the Supreme Court in England and Wales other than the Lord Chancellor, and any Judge of the Supreme Court in Northern Ireland, on retirement from that office shall be entitled during his life to a pension at the annual rate provided by this Schedule, if he retires after fifteen years relevant service or after he has attained the age of seventy years, or if at the time of his retirement he is disabled by permanent infirmity from the performance of the duties of his office.
- (2) A pension payable under this Schedule shall be charged on and paid out of the Consolidated Fund of the United Kingdom.
- 2 (1) Subject to paragraph 4 below, the annual rate of the pension payable under this Schedule to a person retiring from any office after fifteen or more years relevant service shall be one half of his last annual salary.
- (2) Subject as aforesaid, the annual rate of the pension payable under this Schedule to a person retiring from any office after less than fifteen years relevant service shall be as follows, that is to say—
  - (a) if the period of relevant service does not amount to six years or more, one quarter of his last annual salary;
  - (b) if the period amounts to six years or more, one quarter of that salary plus one fortieth of that salary for each completed year of service exceeding five.
- (3) This paragraph shall be without prejudice to the operation of the Pensions (Increase) Act 1971.
- (4) In relation to any person in whose case an election is in force under section 11(1) of the Administration of Justice (Pensions) Act 1950 (which enabled persons serving at the commencement of that Act to opt out of the provisions of that Act for the grant of lump sums and widow's and children's pensions) this paragraph shall have effect as if for any reference to his last annual salary there were substituted a reference to the amount of that salary increased by one third.
- 3 The relevant service for purposes of this Schedule is—
  - (a) in relation to the pension of a Lord of Appeal in Ordinary, any service as Lord of Appeal in Ordinary, as Judge of the Supreme Court in England and Wales, as Judge of the Court of Session or as Judge of the Supreme Court in Northern Ireland ; and
  - (b) in relation to the pension of a Judge of the Supreme Court in England and Wales, any service as a judge of that Court or as Lord of Appeal in Ordinary ; and
  - (c) in relation to the pension of a Judge of the Supreme Court in Northern Ireland, any service as a judge of that Court or as Lord of Appeal in Ordinary.

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*Status: This is the original version (as it was originally enacted).*

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- 4 (1) Neither this Schedule nor any repeal made by Part V of Schedule 5 to this Act shall affect the rate or amount of any pension or benefit payable to or in respect of a person who retired or died before the 17th December 1959 (being the date of commencement of the Judicial Pensions Act 1959) or who at that time held any of the offices mentioned in paragraph 3 above and did not elect that sections 1 and 2 of that Act should apply to him.
- (2) This Schedule shall have effect subject to the provisions of sections 4 and 6 of the Judicial Pensions Act 1959 (which allow for a special rate of pension in certain cases and make provision against double pensions); but in that Act " the relevant pension enactments " in relation to pensions payable in respect of the offices mentioned in paragraph 1 above shall mean this Schedule, and in section 4(2) of that Act for the words " by virtue of subsection (2) of section 2 of this Act" there shall be substituted the words " by retirement after attaining the age of seventy years ".
- (3) Subject to sub-paragraph (1) above, the Pensions (Increase) Act 1971 shall have effect as if in Schedule 2 there were substituted for paragraph 5—
- “5 A pension payable under Schedule 4 to the Administration of Justice Act 1973 or under the Judges' Pensions (Scotland) Act 1808”.