
Status: This is the original version (as it was originally enacted).

SCHEDULES

SCHEDULE 1

CERTAIN SUPREME COURT AND COUNTY COURT OFFICERS, AND PRESIDENT OF TRANSPORT TRIBUNAL

PART II

PENSION BENEFITS

Allocation of benefit to spouse or dependant

- 10 (1) In this paragraph and paragraphs 11 and 12 below—
- (a) "retiring officer" means an officer to whom this Schedule applies who is granted a pension under paragraph 4, 7 or 8 above otherwise than on the ground of ill-health,
 - (b) "the personal pension" means that pension,
 - (c) "the date of retirement" means the beginning of the period in respect of which the personal pension is paid,
 - (d) a "derivative pension" means a pension granted under sub-paragraph (2) below,
 - (e) "prescribed" means prescribed by rules under this paragraph.
- (2) The Minister may make rules for securing that, in the prescribed circumstances, and subject to the prescribed conditions as to proof of good health and other prescribed matters, a retiring officer of a prescribed class shall be allowed to surrender, as from the date of retirement, the prescribed part, not exceeding one third, of the personal pension in return for the grant of a pension to the retiring officer's spouse, or to a dependant of his.
- (3) The derivative pension shall be of such value as, according to tables prepared from time to time by the Government Actuary, is actuarially equivalent to the value of the part of the personal pension which is surrendered.
- (4) Rules under this paragraph may prescribe classes of persons for the purposes of this paragraph by reference to the age which they have attained at a prescribed date.
- (5) Rules under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- 11 (1) A derivative pension for the benefit of the spouse of a retiring officer shall, according as the retiring officer may, in conformity with rules under paragraph 10 above, elect, be payable either—
- (a) in respect of the period, if any, for which the spouse survives the retiring officer, or

Status: This is the original version (as it was originally enacted).

- (b) in respect both of the period of their joint lives (from the date of retirement) and of the period, if any, for which the spouse survives the retiring officer, and the rules may provide for the pension under paragraph (b) above to be at one rate during the joint lives, and at a higher rate thereafter.
 - (2) A derivative pension for the benefit of a dependant (not being the spouse) of a retiring officer shall be payable for the period, if any, for which the dependant survives the retiring officer.
- 12
- (1) Any suspension of a pension under paragraph 9 above shall be disregarded in determining the date of retirement as defined in paragraph 10(1)(c) above.
 - (2) In applying paragraph 9 above to a pension part of which is surrendered under paragraph 10 above the salary before retirement, as defined in paragraph 9(1) above, shall be treated as reduced by the annual amount so surrendered.
- 13
- The fact that Part II of this Act applies to a person shall not affect any rights of his under paragraphs 10 to 12 above, and any calculation to be made under Part II of this Act shall be made as if any surrender under those paragraphs of a part of a pension had not been made.