



# Judicial Pensions Act 1981

## 1981 CHAPTER 20

### PART I

#### RATE OF PENSION

### CHAPTER II

#### OTHER JUDICIAL OFFICES

#### **7 Stipendiary magistrates in England and Wales.**

- (1) A stipendiary magistrate in England or Wales may on the recommendation of the Lord Chancellor be granted a pension if he retires after not less than [<sup>F1</sup>2 years] service, and—
- (a) at the time of his retirement he has attained the age of 65, or
  - (b) 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.

[<sup>F2</sup>(1A) The Lord Chancellor must consult the Lord Chief Justice before making a recommendation in a case that falls within subsection (1)(b).]

- (2) The annual rate of a pension payable under this section to a person retiring after not less than 20 years service shall not exceed one half of his last annual salary.
- (3) The annual rate of a pension payable under this section to a person retiring after less than 20 years service shall not exceed—
- [<sup>F3</sup>(a) if the period of service amounts to less than 5 (but not less than 2) years, 6/80ths of his last annual salary,
  - (aa) if the period of service amounts to less than 10 years (but not less than 5), 15/80ths of his last annual salary plus 1/80th for each completed year of service exceeding 5,

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*Changes to legislation:* There are currently no known outstanding effects for the Judicial Pensions Act 1981, Section 7. (See end of Document for details)

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- (b) if the period of service amounts to not less than 10 years (but less than 20), one quarter of that salary plus 2/80ths for each completed year of service after the first 10 years.
- (4) A person to whom a pension is granted under this section on 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 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 pension which has been granted to him.
- (5) Any sums payable on account of a pension under this section shall be paid at such times in each year as [<sup>F1</sup>the Treasury] may determine.
- (6) In this section “service” means service as a stipendiary magistrate in England or Wales.
- [<sup>F4</sup>(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

- F1** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 83(1)(a)
- F2** S. 7(1A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), Sch. 4 para. 112(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F3** S. 7(3)(a) and “(aa)” substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 83(2)
- F4** S. 7(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(1), 148(1), Sch. 4 para. 112(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

**Changes to legislation:**

There are currently no known outstanding effects for the Judicial Pensions Act 1981, Section 7.