

Status: Point in time view as at 05/12/2005.

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions and Retirement Act 1993, SCHEDULE 1A. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 1A

Section 5

SURVIVING CIVIL PARTNER'S PENSION: TRANSITIONAL PROVISIONS

Textual Amendments

- F1** Sch. 1A inserted (5.12.2005) by The Civil Partnership (Judicial Pensions and Church Pensions, etc.) Order 2005 (S.I. 2005/3325), art. 77

THE COMMENCEMENT DATE

- 1 In this Schedule “the commencement date” means 5th December 2005.

SERVICE WHOLLY BEFORE THE COMMENCEMENT DATE

- 2 No surviving civil partner's pension shall be payable in respect of a person who retires from qualifying judicial office before the commencement date.

SERVICE PARTLY BEFORE AND PARTLY ON THE COMMENCEMENT DATE

- 3 (1) The annual rate of a surviving civil partner's pension in respect of a person who—
(a) holds qualifying judicial office before the commencement date; and
(b) continues to do so on that date,
shall be calculated in accordance with section 5.
- (2) Sub-paragraph (1) does not apply if, within, 6 months of the formation of the civil partnership, the person elects for the annual rate of the surviving civil partner's pension to be calculated under sub-paragraph (3).
- (3) Where the annual rate of a surviving civil partner's pension falls to be calculated under this sub-paragraph, that pension shall be calculated in accordance with section 5, but solely for the purpose of this sub-paragraph, the annual rate of the deceased's judicial pension shall be deemed to be that to which he would have been entitled had he first been appointed to qualifying judicial office on the commencement date.
- (4) An election under sub-paragraph (2) must be made in writing to the administrators.
- (5) An election under sub-paragraph (2) is irrevocable.]

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