

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 6

Section 26.

RETIREMENT DATES FOR CERTAIN JUDICIAL OFFICES

The Judicial Committee of the Privy Council

- 1 (1) At the end of section 3 of the ^{M1}Appellate Jurisdiction Act 1887 (Judicial Committee of the Privy Council to include such members of the Privy Council as are holding or have held high judicial office) there shall be added the words “ but no person shall be a member of that Committee by virtue of this section at any time after the day on which he attains the age of seventy-five years unless he is for the time being the Lord Chancellor of Great Britain. ”
- (2) At the end of section 1 of the ^{M2}Judicial Committee Act 1881 (person holding, or who has held, the office of Lord Justice of Appeal, if a member of the Privy Council, to be a member of the Judicial Committee) there shall be added the words “ but no person shall be a member of that Committee by virtue of this section at any time after the day on which he attains the age of seventy-five years. ”

Marginal Citations

M1 1887 c. 70.
M2 1881 c. 3.

Lords of Appeal

- 2 In section 5 of the ^{M3}Appellate Jurisdiction Act 1876, after paragraph (3) (peers who hold, or have held, high judicial office to be Lords of Appeal) there shall be added the words—
- “ but this section is subject to sections 26(7)(b) and 27 of the Judicial Pensions and Retirement Act 1993 (prohibition on participating in the hearing and determination of appeals after attaining the age of seventy-five years, except for the purpose of completing proceedings already begun). ”

Marginal Citations

M3 1876 c. 59.

Lords of Appeal in Ordinary and senior judges in Scotland and Northern Ireland

- 3 In subsection (1) of section 2 of the ^{M4}Judicial Pensions Act 1959 (which provides that any Lord of Appeal in Ordinary, Lord Justice General, Lord Justice Clerk, Senator of the College of Justice in Scotland, Lord Chief Justice of Northern

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Ireland, Lord Justice of Appeal in Northern Ireland or Judge of the High Court of Justice in Northern Ireland is to vacate his office on the day on which he attains the age of 75) for the words “seventy-five” there shall be substituted the word “seventy”.

Marginal Citations

M4 1959 c. 9.

Judges of the Supreme Court

- 4 In subsection (2) of section 11 of the ^{M5}Supreme Court Act 1981 (which provides that any judge of the Supreme Court, other than the Lord Chancellor, is to vacate his office no later than the day on which he attains the age of 75) for the words “seventy-five” there shall be substituted the word “seventy”.

Marginal Citations

M5 1981 c. 54.

Acting and deputy judges

- 5 (1) In section 9 of the Supreme Court Act 1981, after subsection (1) (persons who may act as judges) there shall be inserted—
- “(1A) A person shall not act as a judge by virtue of subsection (1) after the day on which he attains the age of 75.”
- (2) After subsection (4) of that section (appointment of deputy High Court judges) there shall be inserted—
- “(4A) No appointment of a person as a deputy judge of the High Court shall be such as to extend beyond the day on which he attains the age of 70, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”
- (3) In subsection (6)(b) of that section (which refers to subsection (7) of that section, relating to the completion of proceedings after retirement), for the words “subject to subsection (7)” there shall be substituted the words “subject to section 27 of the Judicial Pensions and Retirement Act 1993”.

Temporary Judges of the Court of Session

- 6 (1) In paragraph 5 of Schedule 4 to the ^{M6}Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (appointment of temporary judges of the Court of Session) for the words “75 years” there shall be substituted the words “70 years”.
- (2) The said paragraph 5 as amended by sub-paragraph (1) above shall be numbered sub-paragraph (1) and there shall be added the following sub-paragraph—

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“(2) Sub-paragraph (1) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M6 1990 c. 40.

Acting judges of the High Court or Court of Appeal in Northern Ireland

- 7 In section 7 of the ^{M7}Judicature (Northern Ireland) Act 1978, in subsection (1) (which provides that certain judges and former judges may, at the request of the Lord Chancellor, sit as judges of the High Court or Court of Appeal in Northern Ireland)—
- (a) the words “at any time” shall be omitted; and
 - (b) at the end, there shall be added the words “ at any time on or before the day on which he attains the age of seventy-five. ”

Marginal Citations

M7 1978 c. 23.

Circuit judges

- 8 (1) Section 17 of the ^{M8}Courts Act 1971 (retirement of Circuit judges) shall be amended in accordance with the following provisions of this paragraph.
- (2) For subsection (1) (which requires a Circuit judge to vacate his office at the end of the completed year of service in which he attains the age of 72, subject to the possibility of extended appointment) there shall be substituted—
- “(1) Subject to subsection (4) below and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75), a Circuit judge shall vacate his office on the day on which he attains the age of 70.”
- (3) Subsection (2) (which contains power to continue a Circuit judge’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) Subsection (3) (day on which certain persons are to be regarded as completing a year of service) shall cease to have effect.

Marginal Citations

M8 1971 c. 23.

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Recorders, deputy Circuit judges and assistant Recorders

- 9 (1) In section 21 of the ^{M9}Courts Act 1971, in subsection (5) (Recorder not to hold office after the end of the completed year of service in which he attains the age of 72) for the words from “the end of” onwards there shall be substituted the words “ the day on which he attains the age of seventy, but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75). ”
- (2) In section 24 of that Act (deputy Circuit judges and assistant Recorders), after subsection (1) there shall be inserted—
- “(1A) No appointment of a person under subsection (1) above shall be such as to extend—
- (a) in the case of appointment as a deputy Circuit judge, beyond the day on which he attains the age of seventy-five; or
- (b) in the case of appointment as an assistant Recorder, beyond the day on which he attains the age of seventy;
- but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Marginal Citations

M9 1971 c. 23.

Sheriffs

- 10 In the ^{M10}Sheriff Courts (Scotland) Act 1971, after section 5 (qualification for offices of sheriff principal and sheriff) there shall be inserted—
- “5A Retiring age for sheriff principal and sheriff.**
- (1) A sheriff principal or sheriff shall vacate his office on the day on which he attains the age of 70.
- (2) Subsection (1) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M10 1971 c. 58.

Temporary sheriffs

- 11 In section 11 of the Sheriff Courts (Scotland) Act 1971 (power to appoint temporary sheriffs principal and temporary sheriffs), after subsection (4) there shall be inserted the following subsections—

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“(4A) No appointment under this section of a person to be a temporary sheriff principal or temporary sheriff shall extend beyond the day on which the person reaches the age of 70.

(4B) Subsection (4A) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

County Court Judge in Northern Ireland

12 In section 105 of the ^{M11}County Courts Act (Northern Ireland) 1959, for subsection (4) (which requires every judge to vacate his office at the end of the completed year of service in which he attains the age of 72, but subject to a proviso for judges who would not have completed 15 years’ service) there shall be substituted—

“(4) Every judge shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Marginal Citations

M11 1959 c. 25 (N.I.).

Deputy judge of a county court in Northern Ireland

13 In section 107 of the County Courts Act (Northern Ireland) 1959, for subsection (4) (which provides that, except in the case of a former judge, a deputy judge shall not hold office after the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(4) Neither the initial term for which a deputy judge is appointed nor any extension of that term under subsection (3) shall be such as to continue his appointment as a deputy judge after the day on which he attains the age of seventy; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Officers of the Supreme Court

14 (1) Section 92 of the ^{M12}Supreme Court Act 1981 (tenure of office of certain officers of the Supreme Court) shall be amended in accordance with the following provisions of this paragraph.

(2) In subsection (1) (certain Masters, Registrars and other officers of the Supreme Court to vacate office at the end of the completed year of service in which they attain the age of 72)—

(a) after the words “Subject to the following provisions of this section” there shall be inserted the words “ and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75) ”; and

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- (b) for the words from “at the end” onwards there shall be substituted the words “on the day on which he attains the age of seventy years.”
- (3) In subsection (2B) (offices to which subsection (2A) applies) the words “and the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals” shall be omitted.
- (4) Subsection (2C) (which makes provision for determining the day on which persons who successively hold offices falling within column 1 of Part I or II of Schedule 2 to that Act are to be regarded as completing a year of service, and which is of no further utility) shall cease to have effect.
- (5) ^{F1}
- (6) Subsection (3) (which contains power to continue a person’s appointment to an office to which subsection (1) applies up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (7) ^{F1}

Textual Amendments

F1 Sch. 6 para. 14(5)(7) repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(3), 110(1), Sch. 10; S.I. 2005/910, art. 3(aa)

Marginal Citations

M12 1981 c. 54.

Deputy and temporary officers of the Supreme Court

- 15 In section 91 of the ^{M13}Supreme Court Act 1981, in subsection (3) (which permits certain appointments as a deputy or temporary officer to be made, notwithstanding that the person would be disqualified by age from holding the office in question) after paragraph (c) there shall be added—
- “but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.”

Marginal Citations

M13 1981 c. 54.

Deputy district judges of district registries of the High Court

- 16 In section 102 of the Supreme Court Act 1981, at the end of subsection (3) (which permits certain appointments as a deputy district judge of a district registry of the High Court to be made, notwithstanding that the person would be disqualified by age from holding the office in question) there shall be added the words “; but no appointment by virtue of this subsection shall be such as to extend beyond the day on which the person in question attains the age of seventy-five years.”

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District judges and deputy district judges of county courts

- 17 (1) In section 8 of the ^{M14}County Courts Act 1984 (deputy district judges) after subsection (1) there shall be inserted—

“(1A) Any appointment of a person as a deputy district judge—

- (a) if he has previously held office as a district judge, shall not be such as to extend beyond the day on which he attains the age of 75 years; and
- (b) in any other case, shall not be such as to extend beyond the day on which he attains the age of 70 years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

- (2) Section 11 of that Act (tenure of office of district judge etc) shall be amended in accordance with the following provisions of this paragraph.

- (3) For subsections (1) and (2) (which provide for a person to whom subsection (1) applies to vacate his office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(1) This subsection applies to the office of district judge.

- (2) Subject to the following provisions of this section and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75), a person who holds an office to which subsection (1) applies shall vacate his office on the day on which he attains the age of 70 years.”

- (4) Subsection (3) (which confers power to continue district judges etc in office up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Marginal Citations

M14 1984 c. 28.

Statutory officers in Northern Ireland

- 18 In section 71 of the ^{M15}Judicature (Northern Ireland) Act 1978, for subsection (3) (which provides that a statutory officer, within the meaning of that Act, is to retire at the end of the completed year of service in which he attains the age of 72, but subject to the substitution of a lower age, under subsection (4)) there shall be substituted—

“(3) Subject to subsection (4) below and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office beyond the age of 70, up to the age of 75), a statutory officer shall retire on the day on which he attains the age of 70 years.”

Marginal Citations

M15 1978 c. 23.

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Stipendiary magistrates in England and Wales

F219

Textual Amendments
F2 Sch. 6 para. 19 repealed (19.6.1997) by 1997 c. 25, ss. 73(3), 74(1), Sch. 6 Pt. I (with Sch. 4 para. 27)

Resident Magistrates in Northern Ireland

20 For section 1 of the ^{M16}Resident Magistrates’ Pensions Act (Northern Ireland) 1960 (Resident Magistrate to vacate office at the end of the completed year of service in which he attains the age of 70, but with power to continue in office up to the age of 72) there shall be substituted—

“1 Retiring age of resident magistrates.

Every resident magistrate (whether appointed before or after the passing of this Act) shall vacate his office on the day on which he attains the age of seventy; but this section is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Marginal Citations
M16 1960 c. 2 (N.I.).

Social security: Commissioners, and the President and chairmen of appeal tribunals

F321

Textual Amendments
F3 Sch. 6 para. 21 repealed (29.11.1999 except for specified purposes) by 1998 c. 14, s. 86(2), Sch. 8; S.I. 1999/3178, art. 2(1)(2), Sch. 1 (subject to transitional provisions in Schs. 21-23)

Social security: Commissioners, and the President and chairmen of appeal tribunals in Northern Ireland

22 (1) Paragraph 1 of Schedule 2 to the ^{M17}Social Security Administration (Northern Ireland) Act 1992 (tenure of office as Commissioner, President or full-time chairman) shall be amended in accordance with the following provisions of this paragraph.
(2) In sub-paragraph (2) (which requires such a person to vacate office at the end of the completed year of service in which he attains the age of 72) for the words from “at the end of” onwards there shall be substituted the words “ on the day on which they attain the age of 70, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75). ”

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- (3) Sub-paragraph (3) (which contains power to continue such a person’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (4) In sub-paragraph (6) (sub-paragraph (2) or (3) not to apply in relation to deputy Commissioners) the words “or (3)” shall be omitted.

Marginal Citations

M17 1992 c. 8.

Child support: Commissioners and chairmen of appeal tribunals

23 ^{F4}(1)

- (2) In Schedule 4 to that Act (Child Support Commissioners), in paragraph 1—
 - (a) in sub-paragraph (1) (Child Support Commissioner to retire at the end of the completed year of service in which he reaches the age of 72) for the words from “at the end” to the end of that sub-paragraph there shall be substituted the words “ on the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75) ”; and
 - (b) sub-paragraph (2) (which contains power to continue a Commissioner’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.
- (3) In paragraph 4 of that Schedule (deputy Child Support Commissioners) at the beginning of paragraph (b) of sub-paragraph (2) there shall be inserted the words “ Subject to sub-paragraph (2A) ”, and after that sub-paragraph there shall be inserted—
 - “(2A) No appointment of a person to be a deputy Child Support Commissioner shall be such as to extend beyond the date on which he reaches the age of 70; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

(4) ^{F5}

Textual Amendments

F4 Sch. 6 para. 23(1) repealed (1.6.1999) by 1998 c. 14, s. 86(2), **Sch. 8**; S.I. 1999/1510, **art. 2(f)(vii)**

F5 Sch. 6 para. 23(4) omitted (3.11.2008) by virtue of **The Transfer of Tribunal Functions Order 2008** (S.I. 2008/2833), art. 9(1), **Sch. 3 para. 228(b)**

Chairmen of child support appeal tribunals in Northern Ireland

^{F6}24

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Textual Amendments

- F6** Sch. 6 para. 24 repealed (1.6.1999) by S.I. 1998/1506 (N.I. 10), art. 78(2), Sch. 7; S.R. 1999/246, art. 2, Sch. 1 (subject to transitional provisions in arts. 23-25)

Chairman of the Foreign Compensation Commission

- 25 In section 1 of the ^{M18}Foreign Compensation Act 1950 (constitution of the Foreign Compensation Commission), at the beginning of subsection (3) there shall be inserted the words “ Subject, in the case of the chairman, to subsection (3A) of this section, ” and after that subsection there shall be inserted—

“(3A) The chairman of the Commission shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

- M18** 1950 c. 12.

Commons Commissioners

- 26 In section 17 of the ^{M19}Commons Registration Act 1965 (which includes provision for the appointment of Commons Commissioners) after subsection (1) there shall be inserted—

“(1A) A Commons Commissioner shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power of Lord Chancellor to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

- M19** 1965 c. 64.

President and chairmen of ^{F7}employment tribunals]

Textual Amendments

- F7** Words in cross heading substituted (1.8.1998) by 1998 c.8, ss, 1(2)(b), 16; S.I. 1998/1658, art. 2(1)

- 27 (1) The ^{M20}^{F8}Employment Tribunals](England and Wales) Regulations 1965 shall be amended in accordance with sub-paragraphs (2) and (3) below.

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- (2) For regulation 3(2) (which requires the [^{F9}President of the Employment Tribunals (England and Wales)]to vacate office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(2) The President shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

- (3) In regulation 5, at the beginning of paragraph (5) (terms of membership of panels) there shall be inserted the words “ Subject to paragraph (6) ” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

- (4) The ^{M21}[^{F8}employment tribunals](Scotland) Regulations 1965 shall be amended in accordance with sub-paragraphs (5) and (6) below.

- (5) For regulation 3(2) (which requires the [^{F10}President of the Employment Tribunals (Scotland)]to vacate office at the end of the completed year of service in which he attains the age of 72) there shall be substituted—

“(2) The President shall vacate office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

- (6) In regulation 5, at the beginning of paragraph (5) (terms of membership of panels) there shall be inserted the words “ Subject to paragraph (6) ” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Textual Amendments

F8 Words in Sch. 6 para. 27(1)(4) substituted (1.8.1998) by 1998 c. 8, ss. 1(2)(b), 16 ; S.I. 1988/1658, art. 2(1), Sch. 1

F9 Words in Sch. 6 para. 27(2) substituted (1.8.1998) by 1998 c. 8, ss. 1(2)(d), 16 ; S.I. 1998/1658, art. 2(1), Sch. 1

F10 Words in Sch. 6 para. 27(5) substituted (1.8.1998) by 1998 c. 8, ss. 1(2)(e), 16 ; S.I. 1998/1658, art. 2(1), Sch. 1

Marginal Citations

M20 S.I. 1965/1101.

M21 S.I. 1965/1157.

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President, Vice-President and chairmen of industrial tribunals and of the Fair Employment Tribunal

28 ^{F11}(1)

(2) In regulation 3 of the ^{M22}Industrial Tribunals Regulations (Northern Ireland) 1965 (membership of tribunals), at the beginning of paragraph (5) there shall be inserted the words “ Subject to paragraph (6) ” and after that paragraph there shall be inserted—

“(6) A member of a panel of chairmen appointed under paragraph (2) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75).”

Textual Amendments
F11 Sch. 6 para. 28(1) repealed (1.3.1999) by S.I. 1998/3162 (N.I. 21), art. 105(4), Sch. 5; S.R. 1999/81, art. 3(1)

Marginal Citations
M22 S.R. & O. (N.I.) 1965 No. 112.

President of the Industrial Court in Northern Ireland

29 In Article 91 of the ^{M23}Industrial Relations (Northern Ireland) Order 1992, at the beginning of paragraph (3) (terms of appointment of president and other members of the Industrial Court) there shall be inserted the words “ Subject, in the case of the president, to paragraph (3A), ” and after that paragraph there shall be inserted—

“(3A) The president shall vacate his office on the day on which he attains the age of 70; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993.”

Marginal Citations
M23 S.I. 1992/807 (N.I. 5).

Members of the Employment Appeal Tribunal

^{F12}30

Textual Amendments
F12 Sch. 6 para. 30 repealed (22.8.1996) by 1996 c. 17, ss. 45, 46, Sch. 3 Pt. 1 (with s. 38)

The Lands Tribunal and the Lands Tribunal for Scotland

31 In section 2 of the ^{M24}Lands Tribunal Act 1949, after subsection (5) (terms of appointment to membership of the Tribunal) there shall be inserted—

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“(5A) No person shall be appointed a member of the Tribunal for a term which extends beyond the day on which he attains the age of seventy, except in accordance with section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M24 1949 c. 42.

The Lands Tribunal for Northern Ireland

32 In section 2 of the ^{M25}Lands Tribunal and Compensation Act (Northern Ireland) 1964, for paragraph (b) of subsection (2) (which requires a member to vacate his office at the end of the completed year of service in the course of which he attains the age of 72) there shall be substituted—

“(b) shall vacate his office on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of 75); and”.

Marginal Citations

M25 1964 c. 29 (N.I.).

Judge Advocate of Her Majesty’s Fleet

33 In section 28 of the ^{M26}Courts-Martial (Appeals) Act 1951, in subsection (3) (Judge Advocate of the Fleet to vacate office at the end of the completed year of service in which he attains the age of 70, with a proviso for continuance in office up to the age of 72)—

- (a) for the words from “at the end” to “seventy years” there shall be substituted the words “ on the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75) ”; and
- (b) the proviso (which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Marginal Citations

M26 1951 c. 46.

Judge Advocate General and related offices

34 In subsection (2) of section 32 of that Act (which makes similar provision for the Judge Advocate General and also provides for certain other judicial officers to vacate office at the end of the completed year of service in which they attain the age of 65, but with a proviso for continuance in office up to the age of 70)—

- (a) after the words “The Judge Advocate General shall” there shall be inserted the words “ , subject to section 26(4) to (6) of the Judicial Pensions and

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Retirement Act 1993 (power to authorise continuance in office up to the age of 75), ”;

- (b) for the words “at the end of the completed year of service in the course of which”, in both places where they occur, there shall be substituted the words “ on the day on which ”; and
- (c) the proviso (which in relation to the Judge Advocate General is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Value added tax tribunals

F1335

Textual Amendments

F13 Sch. 6 para. 35 repealed (1.9.1994 with effect as mentioned in s. 100(1) of the repealing Act) by 1994 c. 23, s. 100(2), **Sch. 15**

Special, and deputy Special, Commissioners for Income Tax

36 (1) In section 4 of the ^{M27}Taxes Management Act 1970 (Special Commissioners) after subsection (3) there shall be inserted—

“(3A) A Special Commissioner—

- (a) may resign his office at any time; and
- (b) shall vacate his office on the day on which he attains the age of seventy years;

but paragraph (b) above is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

(2) In section 4A of that Act, at the end of subsection (2) (which provides that a person shall not be qualified for appointment as a deputy Special Commissioner unless he is qualified for appointment as a Special Commissioner) there shall be added the words “ (and, accordingly, no appointment of a person as a deputy Special Commissioner shall be such as to extend beyond the day on which he attains the age of seventy years, but subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993) ”.

Marginal Citations

M27 1970 c. 9.

President or other member of the Immigration Appeal Tribunal

F1437

Textual Amendments

F14 Sch. 6 para. 37 repealed (14.2.2000) by 1999 c. 33, s. 169(1)(3), Sch. 14 para. 98(1)(4), **Sch. 16**; S.I. 2000/168, art. 2, **Sch.** (with art. 3)

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Immigration adjudicators

F1538

Textual Amendments

F15 Sch. 6 para. 38 repealed (14.2.2000) by 1999 c. 33, s. 169(1)(4), Sch. 14 para. 98(1)(4), **Sch. 16**; S.I. 2000/168, art. 2, **Sch.** (with art. 3)

Pensions Appeal Tribunals

39 In the Schedule to the ^{M28}Pensions Appeal Tribunals Act 1943, for paragraph 2 (appointment, remuneration and removal of members) there shall be substituted—

“2 (1) The members of the Tribunals shall be appointed by the Lord Chancellor.

(2) There shall be paid to them such remuneration as the Treasury may determine.

(3) The Lord Chancellor may, if he thinks fit, remove any member of such a Tribunal.

(4) Subject to sub-paragraph (3) above and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75), a member of such a Tribunal shall vacate his office on the day on which he attains the age of seventy years.”

Marginal Citations

M28 1943 c. 39.

Mental Health Review Tribunals

40 In Schedule 2 to the ^{M29}Mental Health Act 1983 (which makes provision with respect to Mental Health Review Tribunals), at the beginning of paragraph 2 there shall be inserted the words “ Subject to paragraph 2A below, ” and after that paragraph there shall be inserted—

“2A A member of a Mental Health Review Tribunal shall vacate office on the day on which he attains the age of 70 years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

Marginal Citations

M29 1983 c. 20.

The Financial Services Tribunal

F1641

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F16 Sch. 6 para. 41 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 115(a)

Tribunals and advisory bodies under the Misuse of Drugs Act 1971

- 42 (1) Schedule 3 to the ^{M30}Misuse of Drugs Act 1971 (which includes provision in relation to tribunals and advisory bodies established for the purposes of sections 14 and 15 of that Act) shall be amended in accordance with this paragraph.
- (2) In paragraph 1 (membership of tribunals) after sub-paragraph (2) there shall be inserted—
- “(2A) The chairman of a tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”
- (3) In paragraph 13 (membership of advisory bodies) after sub-paragraph (1) there shall be inserted—
- “(1A) The chairman of an advisory body shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M30 1971 c. 38.

Restrictive Practices Court

- 43 (1) In section 3 of the ^{M31}Restrictive Practices Court Act 1976 (appointed members of the Restrictive Practices Court), in subsection (2)—
- (a) at the beginning, there shall be inserted the words “ Subject to subsection (2A) below, ”; and
- (b) the words “(not less than three years)” shall cease to have effect.
- (2) After that subsection there shall be inserted—
- “(2A) No appointment of a person to be an appointed member shall be such as to extend beyond the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years);”.

Marginal Citations

M31 1976 c. 33.

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Tribunals constituted under section 706 of the Income and Corporation Taxes Act 1988

44 Section 706 of the ^{M32}Income and Corporation Taxes Act 1988 (appointment of a tribunal to hear appeals in connection with the cancellation of tax advantages from certain transactions in securities) shall be numbered as subsection (1) of that section, and at the end of that section there shall be added—

“(2) A person appointed as chairman or other member of the tribunal shall vacate his office on the day on which he attains the age of 70; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M32 1988 c. 1.

Arbitrator appointed under the Agricultural Holdings Act 1986

45 ^{F17}

Textual Amendments

F17 Sch. 6 para. 45 repealed (19.10.2006) by [The Regulatory Reform \(Agricultural Tenancies\) \(England and Wales\) Order 2006 \(S.I. 2006/2805\)](#), art. 18, [Sch. 2](#) (with art. 10)

Agricultural Land Tribunals

46 (1) Schedule 9 to the ^{M33}Agriculture Act 1947 (constitution etc of Agricultural Land Tribunals) shall be amended in accordance with this paragraph.

(2) In paragraph 13 (which relates to the chairmen of such Tribunals), in sub-paragraph (2)—

- (a) at the beginning there shall be inserted the words “ Subject to sub-paragraph (2A) of this paragraph, ”; and
- (b) for the words “three years” there shall be substituted “ such period as may be specified in the terms of his appointment ”.

(3) After that sub-paragraph there shall be inserted—

“(2A) No appointment of a person to be the chairman shall be such as to extend beyond the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

(4) Paragraph 14 (which provides for there to be a panel of deputy-chairmen for each such Tribunal) shall be numbered as sub-paragraph (1) of that paragraph, and at the end of that paragraph there shall be added—

“(2) A member of the panel of deputy-chairmen shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act

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1993 (power to authorise continuance in office up to the age of seventy-five years).”

(5) In paragraph 15 (which provides for there to be panels of persons representing farmers’ and landowners’ interests), after sub-paragraph (1) there shall be inserted—

“(1A) A member of either of the panels drawn up under sub-paragraph (1) of this paragraph shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M33 1947 c. 48.

The Aircraft and Shipbuilding Industries Arbitration Tribunal

47 In section 42 of the ^{M34}Aircraft and Shipbuilding Industries Act 1977, at the beginning of subsection (5) (which makes provision in relation to the terms of appointment of the members of the Aircraft and Shipbuilding Industries Arbitration Tribunal) there shall be inserted the words “ Subject to subsection (5A) below, ” and after that subsection there shall be inserted—

“(5A) No appointment of a person to be the president of the arbitration tribunal shall be such as to extend beyond the day on which he attains the age of 70; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M34 1977 c.3.

*Chairman of a tribunal established by section 29
of the Betting, Gaming and Lotteries Act 1963*

48 In section 29 of the ^{M35}Betting, Gaming and Lotteries Act 1963 (appointment of a tribunal to hear appeals concerning bookmakers’ levy) at the end of subsection (2) there shall be added the words “ , but subject, in the case of the chairman, to subsection (2A) of this section ”, and after that subsection there shall be inserted—

“(2A) The chairman of any such tribunal shall vacate his office on the day on which he attains the age of seventy years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M35 1963 c. 2.

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Copyright Tribunal

49 In section 146 of the ^{M36}Copyright, Designs and Patents Act 1988 (membership of the Copyright Tribunal) after subsection (3) there shall be inserted—

“(3A) A person who is the chairman or a deputy chairman of the Tribunal shall vacate his office on the day on which he attains the age of 70 years; but this subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

Marginal Citations

M36 1988 c. 48.

The Data Protection Tribunal

[^{F18}50 In Schedule 2 to the ^{M37}Data Protection Act 1984, in paragraph 8 (tenure of office of members of the Data Protection Tribunal), at the beginning of sub-paragraph (1) there shall be inserted the words “ Subject to the following provisions of this paragraph, ” and at the end of that paragraph there shall be added—

“(3) A person who is the chairman or a deputy chairman of the Tribunal shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”]

Textual Amendments

F18 Sch. 6 para. 50 repealed (1.3.2000) by 1998 c. 29, s. 74(2), Sch. 16 Pt. I; S.I. 2000/183, art. 2

Marginal Citations

M37 1984 c. 35.

Independent Schools Tribunals

^{F19}51

Textual Amendments

F19 Sch. 6 para. 51 repealed (1.11.1996) by 1996 c. 56, ss. 582(2), 583(2), Sch. 38 Pt. I (with ss. 1(4), 561, 562, Sch. 39)

President of a tribunal constituted under Schedule 3 to the Industry Act 1975

52 (1) In Schedule 3 to the ^{M38}Industry Act 1975, paragraph 6 (terms of appointment of members of a tribunal established to arbitrate in a dispute arising under that Act) shall be numbered as sub-paragraph (1) of that paragraph.

Status: Point in time view as at 03/11/2008.

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- (2) At the beginning of that sub-paragraph there shall be inserted the words “ Subject, in the case of the president of a tribunal, to sub-paragraph (2) below ”, and after that sub-paragraph there shall be added—

“(2) No appointment of a person to be the president of a tribunal shall be such as to extend beyond the day on which he attains the age of 70 years; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75 years).”

Marginal Citations

M38 1975 c. 68.

Tribunal constituted under Schedule 9 to the National Health Service Act 1977

- 53 In regulation 26 of the ^{M39}National Health Service (Service Committees and Tribunal) Regulations 1974 (tenure of office of chairman of Tribunal constituted under section 46 of the ^{M40}National Health Service Act 1977) at the beginning of paragraph (1) there shall be inserted the words “ Subject to paragraph (1A), ” and after that paragraph there shall be inserted—

“(1A) The chairman shall vacate his office on the day on which he attains the age of 70; but this paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of 75).”

Marginal Citations

M39 S.I. 1974/455.

M40 1977 c. 49.

Chairman of the Plant Varieties and Seeds Tribunal

- ^{F20}54

Textual Amendments

F20 Sch. 6 para. 54 repealed (8.5.1998) by 1997 c. 66, s. 52, Sch. 4; S.I. 1998/1028, art. 2

Chairman of a Registered Homes Tribunal

- 55 In section 40 of the ^{M41}Registered Homes Act 1984, at the beginning of subsection (6) (terms of appointment of persons to the panels of chairmen and other members of Registered Homes Tribunals), there shall be inserted the words “ Subject, in the case of a person appointed to the legal panel, to subsection (7) below, ” and after that subsection there shall be added—

“(7) No appointment of a person to the legal panel shall be such as to extend beyond the day on which he attains the age of seventy years; but this

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subsection is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M41 1984 c. 23.

Rent Assessment Committees

56 In Schedule 10 to the ^{M42}Rent Act 1977, after paragraph 2 (appointment by Lord Chancellor or Secretary of State of persons to constitute the panels from which the members of rent assessment committees are selected) there shall be inserted—

“2A No appointment of a person to any panel by the Lord Chancellor shall be such as to extend beyond the day on which the person attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (Lord Chancellor’s power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M42 1977 c. 42.

The Transport Tribunal

57 (1) Paragraph 3 of Schedule 4 to the ^{M43}Transport Act 1985 (tenure of office of judicial members) shall be amended in accordance with the following provisions of this paragraph.

(2) In sub-paragraph (1) (judicial member to hold office until the end of the completed year of service in which he attains the age of 72 and then retire)—

- (a) after the words “Subject to the following provisions of this paragraph” there shall be inserted the words “ and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five) ”; and
- (b) for the words “the end of the completed year of service in which he attains the age of seventy-two” there shall be substituted the words “ the day on which he attains the age of seventy ”.

(3) Sub-paragraph (2) (which contains power to continue the member’s appointment up to the age of 75 and which is superseded by section 26(4) to (6) of this Act) shall cease to have effect.

Marginal Citations

M43 1985 c. 67.

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Tribunal established under section 9 of the Wireless Telegraphy Act 1949

58

F21

Textual Amendments

F21 Sch. 6 para. 58 repealed (25.7.2003 for specified purposes and 29.12.2003 for further specified purposes) by Communications Act 2003 (c. 21), ss. 406(7), 411(2), Sch. 19(1), Note 1 (with Sch. 18); S.I. 2003/1900, arts. 2(1), 3, Sch. 1; S.I. 2003/3142, art. 3(2)

Wreck commissioner

59 F22

Textual Amendments

F22 Sch. 6 para. 59 repealed (1.1.1996) by 1995 c. 21, ss. 314, 316, Sch. 12 (with s. 312(1), Sch. 14 para. 1)

Chairman of a Reinstatement Committee

60

In Schedule 2 to the ^{M44}Reserve Forces (Safeguard of Employment) Act 1985, paragraph 2 (composition of Reinstatement Committees) shall be numbered as sub-paragraph (1) of that paragraph and at the end of that paragraph there shall be added—

“(2) A member of the panel of persons referred to in sub-paragraph (1)(a) shall vacate his office on the day on which he attains the age of seventy years; but this sub-paragraph is subject to section 26(4) to (6) of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five years).”

Marginal Citations

M44 1985 c. 17.

Tribunals constituted for the purposes of section 150(4) of the Mines and Quarries Act 1954

61

In Schedule 3 to the ^{M45}Mines and Quarries Act 1954, at the end of paragraph 1 (constitution of tribunals to inquire into whether a certificate of competency granted under that Act should be withdrawn or suspended) there shall be added the words “; but no person shall be appointed—

- (a) as the person, or one of the persons, constituting such a tribunal, or
- (b) as an assessor to assist any such tribunal,

after the day on which he attains the age of seventy years. ”

Marginal Citations

M45 1954 c. 70.

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Courts of inquiry under section 52 of the Merchant Shipping Act 1970

62 In rule 5 of the ^{M46}Merchant Shipping (Section 52 Inquiries) Rules 1982 (appointment of courts of inquiry for the purposes of section 52 of the ^{M47}Merchant Shipping Act 1970) after paragraph (3) there shall be added—

“(4) A person shall not be appointed after the day on which he attains the age of 70 to assist with a section 52 inquiry as an assessor.”

Marginal Citations

M46 S.I. 1982/1752.
M47 1970 c. 36.

Chairman of a vaccine damage tribunal in Northern Ireland

^{F23}63

Textual Amendments

F23 Sch. 6 para. 63 repealed (29.11.1999 except for specified purposes) by S.I. 1998/1506 (N.I. 10), art. 78(2), Sch. 7; S.R. 1999/472, art. 2(1)(a)(2), Sch. 1 (subject to transitional provisions in arts. 20-22)

Chairman of a tribunal constituted under section 47 of the Building Societies Act 1986

^{F24}64

Textual Amendments

F24 Sch. 6 para. 64 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 115(b)

Chairman of a tribunal constituted under section 28 of the Banking Act 1987

^{F25}65

Textual Amendments

F25 Sch. 2 para. 65 repealed (1.12.2001) by S.I. 2001/3649, arts. 1, 115(c)

Arbitrators appointed under Schedule 10 to the Electricity Act 1989

66 ^{F26}

Textual Amendments

F26 Sch. 6 para. 66 repealed (1.10.2006) by The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031), reg. 49(2), Sch. 6 para. 66 (with regs. 44-46)

Status: Point in time view as at 03/11/2008.

Changes to legislation: Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Chairman of a tribunal constituted under Schedule 3 to the Education (Schools) Act 1992

^{F27}67

Textual Amendments

F27 Sch. 6 para. 67 repealed (1.11.1996) by 1996 c. 57, ss. 47(2), 48(2), **Sch. 7**

Chairman of a tribunal constituted under section 59 of the Friendly Societies Act 1992

^{F28}68

Textual Amendments

F28 Sch. 2 para. 68 repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 115(d)**

Status:

Point in time view as at 03/11/2008.

Changes to legislation:

Judicial Pensions and Retirement Act 1993, SCHEDULE 6 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.