

1974 No. 229

PENSIONS

**The Judicial Pensions (Widows' and Children's Benefits) (No. 2)
Regulations 1974**

Made - - - 13th February 1974

** To be laid before Parliament*

Coming into Operation 18th February 1974

The Lord Chancellor, in exercise of the powers conferred on him by section 10(7) of the Administration of Justice Act 1973(a) and with the concurrence of the Minister for the Civil Service, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Judicial Pensions (Widows' and Children's Benefits) (No. 2) Regulations 1974 and shall come into operation on 18th February 1974.

Interpretation

2.—(1) In these Regulations, “the principal Regulations” means the Judicial Pensions (Widows' and Children's Benefits) Regulations 1974(b).

(2) Unless the context otherwise requires—

- (a) expressions to which a meaning is assigned by the principal Regulations have the same meaning in these Regulations; and
- (b) a reference in these Regulations to a paragraph by number is a reference to the paragraph so numbered in the Schedule to the principal Regulations.

(3) The Interpretation Act 1889(c) shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Periodical payments made by the Lord Chancellor

3. The provisions of the Schedule to the principal Regulations regulating the making of contributions in the form of periodical payments shall apply to a holder of the office of Lord Chancellor as they apply to a holder of a 15-year office subject to the following modifications:—

(1) paragraph 1(2) shall apply notwithstanding that part of the office-holder's service as Lord Chancellor was service before 18th April 1973;

(2) for the purpose of paragraph 2(2), and of sub-paragraph (3) below, appointment as Lord Chancellor for a second or subsequent term shall be treated as a first appointment;

*This instrument was laid before Parliament on 6th March 1974.

(a) 1973 c. 15.

(b) S.I. 1974/44 (1974 I, p. 143).

(c) 1889 c. 63.

(3) the office-holder may, whether or not he has back service, elect to make additional payments under paragraph 3(3) by notice in writing given to the responsible authority not later than 30th June 1974 or, if he was first appointed after 18th February 1974, not later than six months after his first appointment;

(4) an election under paragraph 3(3) shall, if it has not been revoked under paragraph 3(5), cease to have effect when the office-holder has made (or is to be treated by virtue of paragraph 3(7) as having made) periodical payments at the standard rate for the full period and no account shall be taken of paragraph 3(8);

(5) for the purpose of arriving at the amount of the reduction referred to in paragraph 4(4), paragraph 4(5) shall have effect as if, for the words "last annual salary", there were substituted the words "lump sum determined in accordance with paragraph 1(6)";

(6) paragraph 4(6) shall not apply.

Dated 12th February 1974.

Hailsham of St. Marylebone, C.

Concurrence of the Minister for the Civil Service given under his official seal on 13th February 1974.

(L.S.)

W. G. Bristow,
Authorised by the Minister
for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations supplement the Judicial Pensions (Widows' and Children's Benefits) Regulations 1974 (which enable a holder of the office of Lord Chancellor, in common with other holders of judicial office, to make contributions out of salary towards a widow's pension) by prescribing the rates at which such contributions may be made and the effect on the office-holder's liability to contribute out of his lump sum. The Regulations apply the earlier Regulations with such modifications as are required to take account of the fact that the Lord Chancellor's pension is a fixed proportion of his salary irrespective of his length of service.

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