

1977 No. 2185

PENSIONS

**The Judicial Pensions (Preservation of Benefits) (Amendment)
Order 1977**

Made - - - - - 21st December 1977

Laid before Parliament 6th January 1978

Coming into Operation 1st February 1978

The Lord Chancellor (in relation to England and Wales and Northern Ireland) and the Secretary of State for Scotland (in relation to Scotland), in exercise of the powers conferred on them by section 65 of the Social Security Act 1973(a) and Article 61(1) of the Social Security Pensions (Northern Ireland) Order 1975(b), as the appropriate authorities designated for that purpose by the Minister for the Civil Service in accordance with the said provisions, hereby make the following Order:—

Citation and Commencement

1. This Order may be cited as the Judicial Pensions (Preservation of Benefits) (Amendment) Order 1977 and shall come into operation on 1st February 1978.

Interpretation

2.—(1) In this Order “the principal Order” means the Judicial Pensions (Preservation of Benefits) Order 1977(c).

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Definition of relevant service

3. In Article 4(2) of the principal Order, the following proviso shall be added at the end:—

“so, however, that where an office holder is entitled to make an election under this Order or any other enactment relating to the preservation of superannuation benefits, then, whether he makes or does not make an election, his relevant service shall not include any service of his which would have fallen to be disregarded for the purposes of superannuation benefits had he made or, as the case may be, not made a corresponding election under the relevant enactment on his retirement”.

(a) 1973 c. 38.
(c) S.I. 1977/717 (1977 I, p. 2117).

(b) S.I. 1975/1503 (N.I. 15).
(d) 1889 c. 63.

Election in respect of two or more periods of service

4. In Article 7(1), for the words “normal pension age” there shall be substituted the following words:—

“an age at which an election under that enactment would have been available to him.

(1A) Where an election is made in reliance upon this Article, this Order shall apply as if in Article 5 for the expression ‘normal pension age’ there were substituted a reference to the earliest age at which the office holder might have become eligible for superannuation benefits following an election made by him under an enactment referred to in paragraph (1)(b) of this Article”.

Dated 21st December 1977.

Elwyn-Jones, C.

Dated 20th December 1977.

Bruce Millan,

One of Her Majesty’s Principal Secretaries
of State.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Judicial Pensions (Preservation of Benefits) Order 1977 in two minor respects relating to office holders who have served in more than one office and who then cease to hold office before the age at which they would otherwise normally become eligible to be granted a pension. The amendment at Article 3 relates to the amount of service to be taken into account, and the amendment at Article 4 relates to the length of notional service by reference to which the pension in respect of the actual service is to be reckoned.

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