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 STATUTORY INSTRUMENTS
 

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**1986 No. 111****PENSIONS****The Judicial Pensions (Preservation of Benefits) (Amendment)  
Order 1986**

*Made* - - - 9th January 1986

*Laid before Parliament* 29th January 1986

*Coming into Operation* 1st August 1986

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 Treasury 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 1986 and shall come into operation on 1st August 1986.

*Interpretation*

**2.** In this Order:

- (a) “the principal Order” means the Judicial Pensions (Preservation of Benefits) Order 1977(c); and
- (b) except where the context otherwise requires, expressions used in the principal Order shall have the same meaning as they have for the purposes of that Order.

*Definition of “full rate”*

**3.** In article 2(1) of the principal Order and in article 2(1) of the National Insurance Commissioners’ Pensions (Preservation of Benefits) Order 1978(d), for the definition of “full rate” there shall be substituted the following:—

“ “full rate” means the rate at which a pension might have been granted to an office holder if his service had continued to normal pension age, but calculated by reference to the last annual salary paid to him;”

*Office holders to whom the Order applies*

**4.** In the schedule to the principal Order, after the office of “Assistant Registrar of Criminal Appeals” there shall be added “Registrar of Civil Appeals”.

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(a) 1973 c.38; section 97(3) was amended by section 4(2) of the Social Security Act 1980 (c.30).

(b) S.I. 1975/1503 (NI 15).

(c) S.I. 1977/717, as amended by S.I. 1977/2185.

(d) S.I. 1978/407.

*Transitional provision*

5. Unless he elects otherwise, this Order shall not apply in relation to any office holder who ceases to hold office for the purposes either of the principal Order, or of the National Insurance Commissioners' Pensions (Preservation of Benefits) Order(a) before the commencement of this Order.

*Hailsham of St. Marylebone, C.*

Dated 12th December 1985.

*George Younger,*

Dated 9th January 1986.

One of Her Majesty's Principal Secretaries of State.

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## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order amends the Judicial Pensions (Preservation of Benefits) Order 1977 and the National Insurance Commissioners' Pensions (Preservation of Benefits) Order 1978 in order to clarify that a judicial office holder's preserved pension is to be calculated by reference to his last salary before retirement (subject to any increases made pursuant to the Pensions Increase Legislation) rather than by reference to the salary he would have been earning had he retired at the time when the pension became due for payment. It also extends the provisions of the Judicial Pensions (Preservation of Benefits) Order 1977 to the Registrar of Civil Appeals, an office which was created by the Supreme Court Act 1981.

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(a) S.I. 1978/407.



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