
 STATUTORY INSTRUMENTS

1986 No. 946

PENSIONS

**The Judicial Pensions (Preservation of Benefits)
(Amendment No. 2) Order 1986**

<i>Made</i>	- - - -	27th May 1986
<i>Laid before Parliament</i>		10th June 1986
<i>Coming into Force</i>		1st July 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(c) in accordance with the said provisions, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Judicial Pensions (Preservation of Benefits) (Amendment No. 2) Order 1986 and shall come into force on 1st July 1986.

Interpretation

2. In this Order:

- (a) “the principal Order” means the Judicial Pensions (Preservation of Benefits) Order 1977(d);
- (b) “the Commissioners’ Order” means the National Insurance Commissioners’ Pensions (Preservation of Benefits) Order 1978(e); and
- (c) except where the context otherwise requires, expressions used in the principal Order and the Commissioners’ Order respectively shall have the same meaning as they have for the purposes of each of those Orders.

Definition of “full rate”

3.—(1) In article 2(1) of the principal Order, 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 annual salary attaching, at the date he ceased to hold office, to—

- (a) his last office; or
- (b) an earlier office of his where the amount of pension would have been based on that salary, but if that office had ceased to exist before the

(a) 1973 c.38.

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

(c) See the Transfer of Functions (Minister for the Civil Service and the Treasury) Order 1981 (S.I. 1981/1670), article 2(i)(c).

(d) S.I. 1977/717, as amended by S.I. 1977/2185 and 1986/111.

(e) S.I. 1978/407.

date on which he ceased to hold his last office, the annual salary shall be taken to be such as the Lord Chancellor or the Secretary of State, as the case may be, with the concurrence of the Treasury may determine it would have been had the earlier office continued to exist.

(2) In article 2(1) of the Commissioners' Order, 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 a Commissioner if his service had continued to normal pension age, but calculated by reference to the annual salary attaching, at the date he ceased to hold office, to—

- (a) his last office; or
- (b) an earlier office of his where the amount of pension would have been based on that salary, but if that office had ceased to exist before the date on which he ceased to hold his last office, the annual salary shall be taken to be such as the Lord Chancellor or the Secretary of State, as the case may be, with the concurrence of the Treasury may determine it would have been had the earlier office continued to exist.

Office holders to whom the principal 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".

Transitional provision

5. Unless he elects otherwise, this Order shall not apply in relation to any office holder, or any Commissioner, who ceases to hold office for the purposes of the principal Order, or of the Commissioners' Order, as the case may be, before the commencement of this Order.

Revocation

6. The Judicial Pensions (Preservation of Benefits) (Amendment) Order 1986 (a) is hereby revoked.

Hailsham of St. Marlyebone, C.

Dated 12th May 1986.

Malcolm Rifkind,
One of Her Majesty's Principal
Secretaries of State.

Dated 27th May 1986.

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 Commissioner's Pensions (Preservation of Benefits) Order 1978; it supersedes and revokes the Judicial Pensions (Preservation of Benefits) (Amendment) Order 1986. It makes it clear that the preserved pension of a judicial office holder, or National Insurance Commissioner, is to be calculated by reference to his salary immediately 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 becomes 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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