

## SCHEDULE 3

### Modifying provisions and amendments

## PART 3

### Amendments

#### **Amendments to the Judicial Pensions and Retirement Act 1993**

**12.**—(1) Part 1 of the Judicial Pensions and Retirement Act 1993<sup>(1)</sup> (new arrangements for judicial pensions) is amended as follows.

(2) In section 2 (the judicial officer’s entitlement to a pension)—

- (a) in subsection (7)(c), after “shall” insert “(subject to subsection (7A))”, and
- (b) after subsection (7) insert—

“(7A) Subsection (2)(c) does not apply where, at the date of retirement, the person—

- (a) is a member of a scheme under section 1 of the Public Service Pensions Act 2013; and
- (b) is entitled under that scheme to early payment of benefits on the grounds of ill-health.”

(3) In section 4 (lump sum on the judicial officer’s retirement or death), after subsection (3) insert—

“(3A) Subsection (3) does not apply where, at the date of the person’s death—

- (a) the person is a member of a scheme under section 1 of the Public Service Pensions Act 2013, and
- (b) a lump sum is payable under that scheme on the person’s death.”

(4) In section 5 (surviving spouse’s and surviving civil partner’s pension), after subsection (6) insert—

“(7) In a case within subsection (6)(c), section 2(7)(c) (deemed increase in period of service) is to be disregarded in determining the rate that would have been the appropriate annual rate of the deceased’s pension if, at the date of death—

- (a) the deceased was a member of a scheme under section 1 of the Public Service Pensions Act 2013, and
- (b) under that scheme, benefits are payable on the deceased’s death to a widow, widower or surviving civil partner of the deceased.”

(5) In section 8 (rate of children’s pension), after subsection (4) insert—

“(5) Section 5(7) accordingly applies for the purposes of this section in a case within section 5(6)(c), but as if the reference in section 5(7)(b) to the benefits payable on the deceased’s death included a reference to benefits payable to surviving dependants of the deceased.”

#### **Amendments to the Judicial Pensions Act 1981**

**13.**—(1) Part 2 of the Judicial Pensions Act 1981 (lump sums and widows’, surviving civil partners’ and children’s pensions) is amended as follows.

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(1) 1993 c. 8.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (2) In section 17 (lump sum on retirement or death), after subsection (2) insert—
- “(2A) Subsection (2) does not apply where, at the date of the person’s death—
- (a) the person is a member of a scheme under section 1 of the Public Service Pensions Act 2013, and
  - (b) a lump sum is payable under that scheme on the person’s death.”