

1972 No. 71

PENSIONS

The Pensions Increase (Judicial Pensions) Regulations 1972

<i>Made</i>	- - -	<i>27th January 1972</i>
<i>Laid before Parliament</i>		<i>3rd February 1972</i>
<i>Coming into Operation</i>		<i>24th February 1972</i>

The Minister for the Civil Service, in exercise of the powers conferred on him by section 5(3) and (4) of the Pensions (Increase) Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Pensions Increase (Judicial Pensions) Regulations 1972, and shall come into operation on 24th February 1972.

2.—(1) In these Regulations—

“the 1971 Act” means the Pensions (Increase) Act 1971 ;

“judicial pension” means any of the pensions specified in the Schedule to these Regulations.

(2) Any reference in these Regulations to the provisions of any enactment or instrument shall be construed, unless the context otherwise requires, as a reference to those provisions as amended by any subsequent enactment or instrument.

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

3. The provisions of the 1971 Act shall apply in relation to a judicial pension subject to the modifications specified in the following provisions of these Regulations.

4.—(1) Subject to the provisions of these Regulations, the increase that may be made in a judicial pension under the 1971 Act shall be the amount necessary to bring the annual rate up to that arrived at by applying the multiplier given, for the period in which the pension began, in column 3 of

(a) 1971 c. 56.

(b) 1889 c. 63.

the table set out below the description of the pension in the Schedule to these Regulations—

- (a) in a case where the multiplier is not marked with an asterisk, to the basic rate of the pension, or
- (b) in a case where the multiplier is marked with an asterisk, to the 1971 rate with the addition (if any) to be made to that rate under section 6(5) of the 1971 Act.

(2) Where a judicial pension begins after the last, or only, date given in column 2 of the table relating to the pension in the Schedule to these Regulations, no increase shall be payable on that pension under the 1971 Act.

5.—(1) Where a judicial pension is a derivative pension which first becomes payable after the coming into operation of these Regulations, the increase that may be made in it under the 1971 Act shall be the amount necessary to bring the annual rate up to whichever is the higher of—

- (a) the annual rate to which it may be increased in accordance with Regulation 4 above, or
- (b) the annual rate arrived at by multiplying by 1.1800 the 1971 rate (ascertained in accordance with paragraph (2) below) with the addition (if any) to be made to that rate under section 6(5) of the 1971 Act.

(2) Where a judicial pension falls to be increased in accordance with paragraph (1)(b) above by reference to the 1971 rate, that rate shall be ascertained in accordance with section 6(4) of the 1971 Act, but the pension shall, for the purposes of the Pensions (Preservation of Increases) Order 1971(a), be taken to have begun on the date given in column 1 of the table relating to the pension in the Schedule to these Regulations as the date preceding the period during which the pension actually began.

6. Any increase of pension payable by virtue of these Regulations shall take effect from 1st September 1971.

Given under the official seal of the Minister for the Civil Service on 27th January 1972.

(L.S.)

K. H. McNeill,
Authorised by the Minister
for the Civil Service.

Regulations 2(1) and 4

SCHEDULE

Judicial pensions, together with tables giving multipliers for determining the amount to which pensions may be increased

(Note: if the multiplier is not marked with an asterisk, it is to be applied to the basic rate of pension; if it is marked with an asterisk, it is to be applied to the 1971 rate.)

1. A pension payable under—

- (a) the Lord Chancellor's Pension Act 1832(a); or
(b) Part I of the Administration of Justice (Pensions) Act 1950(b) in respect of service of any person as Lord Chancellor.

Pension beginning after	TABLE but not later than	Multiplier
17.12.59	1.4.66	1.0000*

2. A pension payable under—

- (a) the Appellate Jurisdiction Act 1876(e) (Lords of Appeal in Ordinary); or
(b) section 14 of the Supreme Court of Judicature (Consolidation) Act 1925(d) in respect of service of any person as Master of the Rolls; or
(c) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person as a Lord of Appeal in Ordinary or Master of the Rolls.

Pension beginning after	TABLE but not later than	Multiplier
—	17.12.59	2.7550
17.12.59	1.4.66	1.6485
1.4.66	29.5.70	1.3192
29.5.70	1.1.71	1.1000

3. A pension payable under—

- (a) section 14 of the Supreme Court of Judicature (Consolidation) Act 1925 (higher judiciary in England and Wales), except such a pension as is specified in paragraph 2(b) above; or
(b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in which that person became or might have become eligible for a pension specified in sub-paragraph (a) above.

Pension beginning after	TABLE but not later than	Multiplier
—	17.12.59	2.6660
17.12.59	1.4.66	1.6485
1.4.66	29.5.70	1.3192
29.5.70	1.1.71	1.1000

4. A pension payable under—

- (a) the Judges' Pensions (Scotland) Act 1808(e) (higher judiciary in Scotland); or
(b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in an office in which that person became or might have become eligible for a pension specified in sub-paragraph (a) above.

Pension beginning after	TABLE but not later than	Multiplier
—	17.12.59	2.9620
17.12.59	1.4.66	1.6485
1.4.66	29.5.70	1.3192

(a) 1832 c. 111.

(c) 1876 c. 59.

(e) 1808 c. 145.

(b) 1950 c. 11 (14 & 15 Geo 6).

(d) 1925 c. 49.

5. A pension payable under—

- (a) section 19 of the Supreme Court of Judicature (Ireland) Act 1877(a) (higher judiciary in Northern Ireland); or
 (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in an office in which that person became or might have become eligible for a pension specified in sub-paragraph (a) above.

TABLE		
Pension beginning after	but not later than	Multiplier
—	17.12.59	3.3542
1.4.66	29.5.70	1.3192

6. A pension payable under—

- (a) section 9 of the County Courts Act 1934(b) (county court judges); or
 (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person as a county court judge.

TABLE		
Pension beginning after	but not later than	Multiplier
—	1.7.51	3.6014
1.7.51	18.4.57	2.2255
18.4.57	13.5.59	1.1800*
13.5.59	29.11.63	1.6485
29.11.63	19.5.66	1.4844
19.5.66	23.7.69	1.3192
23.7.69	1.1.71	1.1600
1.1.71	1.1.72	1.0600

7. A pension payable under—

- (a) section 1 of the Sheriffs' Pensions (Scotland) Act 1961(c) (salaried sheriffs); or
 (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person as a salaried sheriff.

TABLE

A: Any pension calculated by reference to a salary based on scale A of the scales of salaries for sheriffs

Pension beginning after	but not later than	Multiplier
19.7.61	1.8.63	1.5788
1.9.65	1.7.68	1.3584

B: Any pension calculated by reference to a salary based on Scale B of the scales of salaries for sheriffs

Pension beginning after	but not later than	Multiplier
1.1.64	1.9.65	1.4372
1.9.65	1.7.68	1.3526
1.7.68	1.7.69	1.2296
1.7.69	1.7.70	1.1600

(a) 1877 c. 57.
 (c) 1961 c. 42.

(b) 1934 c. 53.

C: Any pension calculated by reference to a salary based on scale C of the scale of salaries for sheriffs

Pension beginning after	but not later than	Multiplier
19.7.61	1.1.63	1.5788
1.1.64	1.9.65	1.4275
1.9.65	1.7.68	1.3619
1.7.69	1.7.70	1.1600

8. A pension payable under—

- (a) section 4(5) of the Criminal Justice Administration Act 1956(a) (Recorder of Manchester of Liverpool); or
 (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person as Recorder of Manchester or Liverpool.

Pension beginning after	TABLE but not later than	Multiplier
13.5.59	29.11.63	1.6485

9. A pension payable under—

- (a) the Superannuation Acts 1965 and 1967(b), as applied by section 128 of the Supreme Court of Judicature (Consolidation) Act 1925, to any person in respect of service in any of the following offices:—

Senior Master of the Supreme Court (Queen's Bench Division),
 Chief Master of the Supreme Court (Chancery Division),
 Chief Master of the Supreme Court (Taxing Office),
 Master of the Court of Protection,
 Chief Registrar, High Court in Bankruptcy,
 Senior Registrar, Probate Division; or

- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of such service as is specified in sub-paragraph (a) above.

Pension beginning after	TABLE but not later than	Multiplier
1.10.50	1.4.56	2.4296
1.2.59	1.10.59	1.6485
1.8.63	1.9.65	1.4807
1.9.65	1.7.68	1.3584
1.7.68	1.7.69	1.2296
1.7.69	1.1.71	1.1600

10. A pension payable under—

- (a) the Superannuation Acts 1965 and 1967, as applied by section 128 of the Supreme Court of Judicature (Consolidation) Act 1925, to any person in respect of service in any of the following offices:—

Master of the Supreme Court (Queen's Bench Division),
 Assistant Master of the Supreme Court (Queen's Bench Division),
 Master of the Supreme Court (Chancery Division),
 Master of the Supreme Court (Taxing Office),
 Registrar, High Court in Bankruptcy,
 Registrar, Probate Division (not including a district probate registrar); or

- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of such service as is specified in sub-paragraph (a) above.

(a) 1956 c. 34.

(b) 1965 c. 74; 1967 c. 28.

TABLE		
Pension beginning after	but not later than	Multiplier
1.10.49	1.1.53	2.5004
1.1.53	1.7.55	1.1800*
1.4.56	1.2.59	1.1800*
1.2.59	1.7.60	1.6485
1.7.60	1.8.63	1.6319
1.8.63	1.9.65	1.4417
1.9.65	1.7.68	1.2921
1.7.68	1.7.69	1.2296
1.7.69	1.7.70	1.1320
1.7.70	1.1.71	1.0370

11. A pension payable under—

- (a) the Superannuation Acts 1965 and 1967, as applied by section 128 of the Supreme Court of Judicature (Consolidation) Act 1925, to any person in respect of service in the office of Official Referee to the Supreme Court; or
- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in that office.

TABLE		
Pension beginning after	but not later than	Multiplier
1.1.53	18.4.57	1.1800*
18.4.57	1.2.59	1.1800*
1.8.63	1.9.65	1.4844
1.7.68	1.7.69	1.2296
1.1.71	1.1.72	1.0540

12. A pension payable under—

- (a) the Superannuation Acts 1965 and 1967, as applied by section 128 of the Supreme Court of Judicature (Consolidation) Act 1925, to any person in respect of service in the office of Lord Chancellor's Legal Visitor; or
- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in that office.

TABLE		
Pension beginning after	but not later than	Multiplier
1.8.63	1.9.65	1.4844

13. A pension payable under—

- (a) the Superannuation Acts 1965 and 1967, as applied by section 128 of the Supreme Court of Judicature (Consolidation) Act 1925 and section 1 of the Supreme Court of Judicature (Circuit Officers) Act 1946(a) to any person in respect of service in the office of Clerk of Assize; or
- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in that office.

TABLE		
Pension beginning after	but not later than	Multiplier
1.2.59	1.9.65	1.6485
1.9.65	1.1.68	1.3712
1.1.68	1.1.69	1.2296

(a) 1946 c. 78.

14. A pension payable under—

- (a) section 2(6) of the Lands Tribunal Act 1949(a) (members of the Lands Tribunal); or
 (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in the office of member of the Lands Tribunal.

TABLE		
Pension beginning after	but not later than	Multiplier
1.11.56	1.2.59	1.7712
1.2.59	1.4.63	1.6485
1.9.65	1.7.68	1.3712
1.7.69	1.1.71	1.1600.

15. A pension payable under—

- (a) the Superannuation Acts 1965 and 1967, as applied by section 21 of the County Courts Act 1934 (county court registrars); or
 (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in the office of county court registrar.

TABLE		
Pension beginning after	but not later than	Multiplier
1.10.50	1.1.52	2.4296(x)
1.1.52	1.2.59	1.1800*
1.2.59	1.1.63	1.6485
1.1.63	1.4.63	1.5128
1.4.63	1.1.64	1.4844
1.9.65	1.1.68	1.3712
1.1.68	1.1.69	1.2296
1.7.69	1.4.70	1.1600
1.4.70	1.7.70	1.1110
1.7.70	1.8.70	1.1000
1.8.70	1.9.70	1.1360
1.12.70	1.1.71	1.1110

(x) If the basic pension is less than £216, substitute 1.1800* for the multiplier given.

16. A pension payable under—

- (a) the Police Magistrates (Superannuation) Acts 1915 and 1929(b) (metropolitan police magistrates); or
 (b) section 33 of the Justices of the Peace Act 1949(c) (stipendiary magistrates); or
 (c) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person as a metropolitan police magistrate or stipendiary magistrate.

TABLE		
Pension beginning after	but not later than	Multiplier
1.7.51	18.4.57	2.2255(x)
23.11.60	29.11.63	1.6319
29.11.63	19.5.66	1.4417
19.5.66	23.7.69	1.2924
23.7.69	1.1.71	1.1320

(x) If the basic pension is less than £143, substitute 1.1800* for the multiplier given.

(a) 1949 c. 42.
 (c) 1949 c. 101.

(b) 1915 c. 74; 1929 c. 37.

q/

17. A pension payable under—

- (a) the Superannuation Acts 1965 and 1967, as applied by section 128 of the Supreme Court of Judicature (Consolidation) Act 1925 and paragraph 8(2) of Schedule 10 to the Transport Act 1962(a), to any person in respect of service in the office of President of the Transport Tribunal; or
- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person in that office.

TABLE		
Pension beginning after	but not later than	Multiplier
1.2.59	1.8.63	1.6485

18. A pension payable under—

- (a) section 79 of the National Insurance Act 1965(b) (National Insurance Commissioners); or
- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person as National Insurance Commissioner.

TABLE		
Pension beginning after	but not later than	Multiplier
1.8.63	1.9.65	1.4844
1.9.65	1.7.69	1.3712

19. A pension payable under—

- (a) the Superannuation (President of Industrial Court) Act 1954(c); or
- (b) Part I of the Administration of Justice (Pensions) Act 1950 in respect of service of any person as President of the Industrial Court.

TABLE		
Pension beginning after	but not later than	Multiplier
1.2.59	1.1.61	1.6485

20. A pension payable under—

- (a) section 22 of the Administration of Justice (Pensions) Act 1950 or under that section as applied by section 23 of the Administration of Justice Act 1964(d) (chairman and deputy chairmen of London Sessions); or
- (b) Part I of that Act in respect of service of any person as chairman or deputy chairman of London Sessions.

TABLE		
Pension beginning after	but not later than	Multiplier
1.6.56	13.5.59	1.7712
23.11.60	29.11.63	1.6319
19.5.66	1.7.69	1.3192
1.7.69	1.1.71	1.1600

(a) 1962 c. 46.
(c) 1954 c. 37.

(b) 1965 c. 51.
(d) 1964 c. 42.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations modify the provisions of the Pensions (Increase) Act 1971 in their application to certain pensions payable in respect of service in judicial and other similar offices and calculated by reference to actual salary at retirement rather than by reference to salary averaged over the last 3 or 5 years of service. The increase payable under the Regulations on any pension calculated by reference to a particular rate of salary is in general equivalent to the increase which would be payable under section 1 or section 6 of the Act, as the case may be, on a pension which began on the day after that rate of salary first became applicable to the judicial office concerned.

The Regulations provide for pensions to be increased by the application of a multiplier given in tables in the Schedule. In cases where the appropriate increase is, subject to modification, that provided for in section 1(1) of the 1971 Act, the Regulations provide for the multiplier to be applied to the basic rate of the pension. In cases where the 1969 standard (provided for in section 1(1)(a) of the 1971 Act) of a pension beginning before 1969 is less than the 1971 rate of the pension (i.e. the basic rate plus increases payable under previous Pensions (Increase) Acts), and consequently the appropriate increase is, subject to modification, that provided for in section 6(1) of the 1971 Act, the Regulations provide for the multiplier to be applied to the 1971 rate of the pension with the addition of any supplement payable under section 6(5) of the 1971 Act (which represents the special increase payable to persons over 70 under section 2 of the Pensions (Increase) Act 1962).

Where the multiplier has to be applied to the 1971 rate of the pension, and that rate has to be ascertained by reference to the Pensions (Preservation of Increases) Order 1971 (because the pension in question was not actually in payment on 31st August 1971), the Regulations provide for the date given in column 1 of the appropriate table in the Schedule to be taken, for the purposes of the Order, as the date on which the pension began.

In some cases these Regulations restrict the amount of increase that would normally be payable under the provisions of the Act so as to secure that the rate of pension in payment will not exceed the pension that would be currently awarded for a similar record of service.

In accordance with the power conferred by section 5(4) of the 1971 Act, the Regulations provide for the increases to take effect from 1st September 1971.

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