STATUTORY INSTRUMENTS

1975 No. 740

PENSIONS

The Pensions of the Higher Judiciary (Preservation of Entitlement) Order 1975

Made - - - -	30*th April* 1975
Coming into Operation	6*th June* 1975

The Lord Chancellor, in exercise of the powers conferred on him by section 65 of the Social Security Act 1973(**a**), as the appropriate authority designated for that purpose by the Minister for the Civil Service in accordance with the provisions of the said section, hereby makes the following Order:—

1. This Order may be cited as the Pensions of the Higher Judiciary (Preservation of Entitlement) Order 1975 and shall come into operation on 6th June 1975.

2.—(1) In this Order, unless the context otherwise requires—

"the Act of 1973" means the Administration of Justice Act 1973(**b**);

"the Schedule" means Schedule 4 to the Act of 1973;

"office holder" means the holder of any of the offices listed in paragraph 1(1) of the Schedule;

"relevant service" has the same meaning as in paragraph 3 of the Schedule;

"normal pension age" means age 70 or the age at which, if his service had continued, an office holder would have completed in the aggregate 15 years of relevant service before the age of 70;

"Schedule rate" means a rate of pension arrived at in accordance with—

(i) in the case of an office holder who would have completed in the aggregate 15 years or more of relevant service on or before attaining the age of 70 if his service had continued, paragraph 2(1) of the Schedule;

(ii) in any other case, paragraph 2(2) of the Schedule.

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

3. Subject to the following provisions of this Order, an office holder who has completed 5 years of relevant service but who ceased to hold office before normal pension age shall be entitled to a pension under the Schedule when he reaches that age or the age of 60 whichever is the later.

4. When entitlement to a pension arises by virtue of this Order the annual rate at which that pension shall be payable shall bear the same proportion to

(**a**) 1973 c. 38. (**b**) 1973 c. 15. (**c**) 1889 c. 63.

the appropriate Schedule rate as the number of completed years of relevant service bears to the number of completed years which the office holder would have served if his service had continued to normal pension age.

5. Any assignment of or charge on, and any agreement to assign or charge, any pension to which entitlement arises by virtue of this Order shall (unless made by an office holder in favour of his widow or dependant) be void.

Dated 30th April 1975.

Elwyn-Jones, C.

EXPLANATORY NOTE

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

This Order modifies the pension Scheme for the higher judiciary in Schedule 4 to the Administration of Justice Act 1973 by giving an entitlement to a reduced pension to an office holder who retires before the age at which he would otherwise become entitled to a pension, in accordance with sections 64 and 65 of, and Schedule 16 to, the Social Security Act 1973.

Article 3 provides that such a pension shall become payable at the age at which the office holder would have been entitled to retire normally, or at the age of 60, whichever would be the later. Article 4 defines the way in which the rate of pension is to be calculated. Article 5 prevents pensions from being assigned, except in favour of a widow or dependant.

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