



Judicial Pensions Act (Northern Ireland) 1951 ^{F1}

^{F2}1951 CHAPTER 20

An Act to amend the law relating to the pensions and other benefits payable to and in respect of certain persons who administer justice, and for purposes connected therewith. [23rd August 1951]

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| F1 | functions transf. by 1986 c. 50 |
| F2 | functions transf. by SR 1999/481 |

Part I (ss. 1, 2) rep. by 1959 c. 7 (NI); 1959 c. 25 (NI)

PART II ^{F3}

LUMP SUMS AND WIDOWS' AND CHILDREN'S PENSIONS

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| F3 | Ss. 5-11, 15 app 1969 c. 7 (NI) s. 2(6); SRO (NI) 1973/455 |
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APPLICATION OF PART II

[^{F43} Application of Part II

Without prejudice to section 2(6)(a) of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969 (application of certain provisions in respect of President of the Industrial Court or of the Industrial Tribunals), this Part shall apply in relation to service by a person as a [^{F5} Social Security] Commissioner^{F6} remunerated by means of a salary; but in its application to such a Commissioner this Part shall have effect subject to paragraph 7(3) and (4) of Schedule 10 to the Social Security (Northern Ireland) Act 1975 ^{M1}, “serve” and “service” being construed accordingly.]

Changes to legislation: There are currently no known outstanding effects for the *Judicial Pensions Act (Northern Ireland) 1951*. (See end of Document for details)

- F4** 1975 c. 18
F5 1992 c. 9
F6 1980 c. 30 ;1975 c. 15

Marginal Citations

- M1** 1975 c.15

[^{F7}3A

For the purpose of the calculation of any derivative benefit under this Part, in respect of a person who is eligible for a pension for service in any office, there shall be left out of account any period of service during which an election under paragraph 7A of Schedule 10 to the Social Security (Northern Ireland) Act 1975 was in force in respect of that person.]

- F7** SR 1989/100

REDUCTION OF PENSION IN RETURN FOR LUMP SUM

S. 4 rep. by 1959 c. 25 (NI); SLR (NI) 1966

5^{F8} **Lump sum on retirement or death.**

- (1) Where a person on retirement becomes eligible for a pension for service, he may be granted a lump sum equal to twice the annual amount of that pension.
- (2) Where a person was serving at the time of his death and, if he had then retired on the ground of permanent infirmity, would have become eligible for a pension for that service, his legal personal representatives may be granted a lump sum equal to—
 - (a) twice the annual amount of the pension for which he would have been so eligible; or
 - (b) his last annual salary;
 whichever is greater.
- (3) Where a person on retirement becomes eligible for a pension for service but dies so soon thereafter that the sums paid or payable to him on account of that pension plus an amount equal to twice the annual amount of that pension fall short of his last annual salary for such service, his legal personal representatives may be granted a lump sum equal to the deficiency.

Subs. (4) spent

- F8** SR 1978/307

[^{F9}WIDOWS', SURVIVING CIVIL PARTNERS' AND CHILDREN'S PENSIONS]

- F9** SI 2005/3325

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act (Northern Ireland) 1951. (See end of Document for details)

6 ^[F10]Power to grant widows', surviving civil partners' and children's pensions]

^[F10](1) Subject to the provisions of this Part of this Act, on the death after the commencement of this Act of a person (in this Act referred to as “the deceased”) who—

- (a) had become eligible for a pension for service; or
- (b) was serving at the time of his death and would, if he had then retired on the ground of permanent infirmity, have become eligible for a pension for such service;

there may be granted in respect of his service—

- (i) where he leaves a widow, a pension to that widow (in this Act referred to as a “widow's pension”);
- ^[F10](ia) where he leaves a surviving civil partner, a pension to that surviving civil partner (in this Part referred to as a “surviving civil partner's pension”); and]
- ^[F10](ii) where he had a wife or a civil partner at any time during his relevant service (whether or not the marriage or civil partnership continued until his death and whether or not a widow's pension or surviving civil partner's pension is or can be granted), a pension for the benefit of any relevant children (in this Part referred to as a “children's pension”).]

^[F10](2) In subsection (1)(ii), “relevant children” means—

- (a) in relation to a marriage, any children of the marriage, and
 - (b) in relation to a civil partnership, any children of the family,
- and in paragraph (b) “children of the family” is to be construed in accordance with Article 2(2) of the Children (Northern Ireland) Order 1995.]

F10 SI 2005/3325

^[F11]6A ^[F12]Widowers' and surviving civil partners] pensions .

(1) Section 6 shall have effect in relation to the death of a female person^[F12] who has, or has had, a husband or civil partner] as it has effect in relation to the death of a male person^[F12] who has, or has had, a wife or civil partner] but as if—

- (a) for the words “widow”, “widow's pension” and “wife” there were substituted “widower”, “widower's pension” and “husband”;
- (b) for the words “his” and “him” there were substituted “her”;
- (c) for the word “he” there were substituted “she”.

(2) The transitional provisions set out in the Fourth Schedule to this Act shall have effect in relation to widowers' pensions.

[The transitional provisions set out in Schedule 4A shall have effect in relation to ^{F12}(3) surviving civil partners' pensions.]]

F11 1991 NI 24
F12 SI 2005/3325

*Changes to legislation: There are currently no known outstanding effects for the
Judicial Pensions Act (Northern Ireland) 1951. (See end of Document for details)*

[^{F137} [^{F14}Widows', widowers' and surviving civil partners' pensions]

- (1) No^{F14} widow's, widower's or surviving civil partner's] pension may be granted if the marriage^{F14} or formation of the civil partnership] with the deceased took place after he or she retired from relevant service.

^{F15} [A surviving civil partner's pension may not be granted in respect of a person's service (1A) if—

- (a) the person retired from relevant service before 13th January 2020, and
 - (b) power to grant the pension relies on the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.]
- (2) A^{F14} widow's, widower's or surviving civil partner's] pension shall come to an end on the death of the^{F14} widow, widower or surviving civil partner].
- (3) Where a^{F14} widow's, widower's or surviving civil partner's] pension is payable the Treasury may, on or at any time after^{F14}
- ^{F14} [the remarriage of, or formation of a civil partnership by, the widow or (a) widower, or
 - (b) the formation of a subsequent civil partnership by, or the marriage of, the surviving civil partner,]
- direct that it shall cease to be payable.
- (4) Where such a direction has been given the Treasury may at any time direct that payment of the pension is to be resumed.
- (5) The annual amount of a^{F14} widow's, widower's or surviving civil partner's] pension may be one half of the annual amount of the personal pension.]

F13 1991 NI 24

F14 SI 2005/3325

F15 S. 7(1A) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019](#) (S.I. 2019/1514), regs. 1(2), **54(2)** (with regs. 6-9)

8 Children's pension: beneficiaries.

- (1) A children's pension may be granted if, and be paid so long as and whenever, there are persons for whose benefit it can enure.
- (2) Subject to the provisions of this section, the persons for whose benefit a children's pension can enure are any such children as are referred to in section six of this Act who are for the time being in their period of childhood and full-time education.
- (3) ^{F16} A children's pension cannot enure for the benefit of any person conceived, or adopted by the deceased, after the end of his relevant service.
- (4) A children's pension cannot enure for the benefit of a female person who at the time of the death of the deceased was married^{F17} or a person who at the time of the death of the deceased was a civil partner] and if, after the death of the deceased, a female person marries^{F17} or a person forms a civil partnership], she^{F17} or he] shall thereupon cease to be a person for whose benefit a children's pension can enure.

F16 Mod., 1966 c. 27 (NI)

Changes to legislation: There are currently no known outstanding effects for the Judicial Pensions Act (Northern Ireland) 1951. (See end of Document for details)

F17 SI 2005/3325

9 Meaning of “period of childhood and full-time education”.

- (1) A person shall be deemed for the purposes of the last preceding section to be in his period of childhood and full-time education while either—
- (a) he is under the age of sixteen; or
 - (b) he is receiving full-time instruction at any university, college, school or other educational establishment; or
 - (c) he is undergoing training by any person (hereinafter referred to as “the employer”) for any trade, profession or vocation in such circumstances that—
 - (i) he is required to devote the whole of his time to the training for a period of not less than two years; and
 - (ii) while he is undergoing the training, the emoluments receivable by him, or payable by the employer in respect of him,^{F18} do not exceed the maximum allowable remuneration], exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training:

Provided that a person shall not be deemed for the purposes of this section to satisfy the conditions specified in paragraph (b) or the conditions specified in paragraph (c) of this sub-section, unless there has up till then been no time since he attained the age of sixteen when he did not satisfy one or other of those conditions. Any period of whole-time service in the armed forces of the Crown under the National Service Acts, 1948 to 1950, shall be ignored for the purposes of this proviso.

- (2) In the preceding sub-section the expression “emolument” means any salary, fees, wages, perquisites or profits or gains whatsoever, and includes the value of free board, lodging or clothing, and, for the purposes of sub-paragraph (ii) of paragraph (c) of the said sub-section, where a premium has been paid in respect of the training of a person, all emoluments at any time receivable by him, or payable by the employer in respect of him, shall be deemed to be receivable or payable by way of return of the premium, unless and except to the extent that the amount thereof exceeds in the aggregate the amount of the premium.

^{F18}(2A) For the purposes of subsection (1)(c)(ii), the “maximum allowable remuneration” at any time is an annual rate (£1,614 a year, at the passing of the Judicial Pensions and Retirement Act 1993) equal to that at which a pension of £250 a year—

- (a) awarded under the principal civil service pension scheme (within the meaning of that Act) on 1st June 1972, and
- (b) increased from time to time by the amount of increase that would be applied under the Pensions (Increase) Act 1971 to such a pension,

would (as so increased) be payable at that time, rounding any resulting fraction of £1 up to the next whole £1.]

- (3) As respects any period during which neither of the conditions specified in paragraphs (b) and (c) of sub-section (1) of this section is satisfied in relation to a person, the Ministry of Finance may, if it thinks fit, and is satisfied that that person's full-time education ought not to be regarded as completed, direct either—
- (a) that that period shall be ignored for the purposes of the proviso to sub-section (1) of this section; or