CHAPTER 42

Sherriffs' Pensions (Scotland) Act, 1961

ARRANGEMENT OF SECTIONS

Section
1. Pensions for sheriffs and salaried sheriffs-substitute.
2. When pensions may be granted.
3. Rates of pension.
4. Calculation of pension on change of appointment after fifteen years' service.
5. Calculation of pension for persons opting out of Administration of Justice (Pensions) Act, 1950.
6. Retiring age.
7. Payment of salary and pensions.
8. Consequential amendments, repeals and saving.
9. Option for existing sheriffs.
10. Interpretation.
11. Financial provisions.
12. Short title.

SCHEDULES:
First Schedule—Consequential Amendments.
Second Schedule—Enactments Repealed.

An Act to amend the law with respect to the pensions attributable to the office of sheriff and salaried sheriff-substitute, to regulate the age of retirement from such offices, and to regulate the time at which payment may be made of those pensions and of the salaries attaching to the said offices. [19th July, 1961]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Pensions for sheriffs and salaried sheriffs-substitute.

1.—(1) The Treasury may, upon the recommendation of the Secretary of State, grant a pension in accordance with the following provisions of this Act to any person retiring from the office of sheriff or salaried sheriff-substitute who has completed five years' service in that office; and for the purposes of this section "sheriff" means a sheriff who is restricted by the terms of his appointment from engaging in private practice.

7 Edw. 7 c. 51.

(2) Section twenty of the Sheriff Courts (Scotland) Act, 1907 (which section relates to the payment of annuities to sheriffs and salaried sheriffs-substitute), is hereby repealed.

When pensions may be granted.

2. A pension may be granted under section one of this Act to a sheriff or salaried sheriff-substitute—

(*a*) if he vacates office in pursuance of section six of this Act; or

(*b*) if the Secretary of State is satisfied by means of a medical certificate that the sheriff or salaried sheriff-substitute is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that his incapacity is likely to be permanent; or

(*c*) if at the time of his retirement he has attained the age of sixty-five years.

Rates of pension.

3.—(1) The amount of a pension which may be granted under section one of this Act shall be the amount prescribed by this section.

(2) In the case of a person retiring from the office of sheriff, the amount of his pension shall be as follows, that is to say—

(*a*) where the period of his relevant service is five years, one-fourth of his last annual salary;

(*b*) where that period exceeds five years but is less than fifteen years, one-fourth of that salary plus one-fortieth of that salary for each completed year of relevant service exceeding five;

(*c*) where that period is fifteen years or more, one-half of his last annual salary;

but in any case where that person has previously held the office of salaried sheriff-substitute, and where it is more favourable to him so to do, the amount of his pension shall be calculated in accordance with the provisions of the next following subsection; and for the purposes of that subsection the period of his relevant service shall be determined as if all that service had been in the office of salaried sheriff-substitute.

(3) In the case of a person retiring from the office of salaried sheriff-substitute, the amount of his pension shall be as follows, that is to say—

(*a*) where the period of his relevant service is five years, fifteen-eightieths of his last annual salary;

(*b*) where that period exceeds five years but is less than ten, fifteen-eightieths of that salary plus one-eightieth for each completed year of relevant service exceeding five;

(*c*) where that period is or exceeds ten years but is less than twenty, one-fourth of that salary plus one-fortieth for each completed year of relevant service exceeding ten;

(*d*) where that period is twenty years or more, one-half of his last annual salary.

Calculation of pension on change of appointment after fifteen years' service.

4.—(1) Where a salaried sheriff-substitute who, after attaining the age of sixty years and after completing a period of relevant service of not less than fifteen years, has been appointed to the office of salaried sheriff-substitute at another place, retires from that office and becomes entitled under the provisions of this Act to a pension, his last annual salary for the purposes of section three of this Act shall be his annual salary on the day immediately preceding his appointment to the office from which he so retires, or his last annual salary in the appointment last mentioned, whichever is the greater.

(2) Where a salaried sheriff-substitute, after attaining the age of sixty years and after completing a period of relevant service of not less than fifteen years, is appointed to the office of sheriff, and is not restricted by the terms of that appointment from engaging in private practice, section three of this Act shall apply to him on his ceasing to hold the office of sheriff in like manner as it would have applied if, at the date of his appointment as aforesaid, he had retired from the office of sheriff-substitute, and had qualified for a pension under this Act.

Calculation of pension for persons opting out of Administration of Justice (Pensions) Act, 1950. 14 & 15 Geo. 6. c. 11.

5. In relation to a sheriff or salaried sheriff-substitute in whose case an election is in force under subsection (1) of section eleven of the Administration of Justice (Pensions) Act, 1950 (which subsection enabled persons serving at the commencement of that Act to opt out of the provisions of that Act for the grant of lump sums and widows' and children's pensions), this Act shall have effect as if for any reference to his last annual salary there were substituted a reference to the amount of the salary increased by one-third.

Retiring age.

6.—(1) A sheriff or salaried sheriff-substitute shall, subject to the provisions of section nine of this Act, vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years.

(2) The provisions of the last foregoing subsection shall apply to a sheriff who is not restricted by the terms of his appointment from engaging in private practice and who is first appointed to the office of sheriff after the commencement of this Act.

Payment of salary and pensions.

7. Any pension payable to a person under this Act or any salary or annuity payable under the Sheriff Courts (Scotland) Act, 1907, may be paid quarterly or otherwise in every year, as the Treasury may determine.

Consequential amendments, repeals and saving.

8.—(1) The enactments described in the First Schedule to this Act shall have effect subject to the amendments therein specified, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments described in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) This Act (other than the last foregoing section) does not affect any annuity, pension or other benefit payable to or in respect of a person who retired or died before the commencement of this Act.

Option for existing sheriffs.

9.—(1) The provisions of this Act, except section seven, subsection (1) of section eight and the First Schedule, shall not apply to any person who holds the office of sheriff or of salaried sheriff-substitute at the commencement of this Act unless he elects that those provisions shall apply to him.

(2) Where such an election is made by a person who has attained the age of seventy-two years, subsection (1) of section six of this Act shall apply to him as if he had not attained that age until the end of the calendar year in which that election is made.

(3) An election under this section shall be made within the period of three months beginning with the commencement of this Act and shall be made in writing addressed to the Treasury.

Interpretation.

10. In this Act the following expressions have the meanings hereby respectively assigned to them, unless the context otherwise requires—

" sheriff " except in subsection (2) of section six has the meaning assigned to it in section one of this Act;

" relevant service ", in relation to any person, means service which qualifies for a pension under section one of this Act, and such service need not be continuous or in the same sheriffdom.

Financial provisions.

11.—(1) There shall be paid out of the Consolidated Fund of the United Kingdom—

(*a*) any pension payable under this Act; and

(*b*) any increase attributable to this Act in the sums payable out of that Fund under any other enactment.

(2) There shall be defrayed out of moneys provided by Parliament any increase in administrative expenses incurred by any Government Department attributable to the passing of this Act.

Short title.

12. This Act may be cited as the Sheriffs' Pensions (Scotland) Act, 1961.

SCHEDULES

Section 8.

FIRST SCHEDULE

CONSEQUENTIAL AMENDMENTS

Sheriff Courts (Scotland) Act, 1907
(7 Edw. 7 c. 51)

In section fourteen, for the words from "by" to "instalments" there shall be substituted the words "quarterly or otherwise in every year as the Treasury may determine".

Section 8.

SECOND SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
17 & 18 Vict. c. 94.	The Public Revenue and Consolidated Fund Charges Act, 1854.	In Schedule (A), the entry relating to the retiring allowances to sheriffs-substitute.
7 Edw. 7. c. 51	Sheriff Courts (Scotland) Act, 1907.	Section twenty.
23 & 24 Geo. 5. c. 41.	Administration of Justice (Scotland) Act, 1933.	Section thirty-three.
14 & 15 Geo. 6. c. 11.	Administration of Justice (Pensions) Act, 1950.	Section one, so far as it relates to pensions for service as a sheriff or as a sheriff-substitute. Section twenty-four. In section twenty-five, in subsection (1), paragraph (*b*). In the Second Schedule, the amendment of the Sheriff Courts (Scotland) Act, 1907.