CHAPTER 38

Supreme Court Officers (Pensions) Act, 1954

ARRANGEMENT OF SECTIONS

Section
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SCHEDULE—Enactments repealed.

An Act to improve the pension rights of official referees, to confer pension rights on certain officers attached to Judges of the Supreme Court in England, or of the Supreme Court in Northern Ireland, and on persons employed in the lunacy office in Northern Ireland, to amend the law with respect to the appointment and conditions of employment of the said officers and to modify certain enactments making the salary and pension rights of officers of those courts depend on their appointment with a certificate from the Civil Service Commissioners. [4th June, 1954]

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 of official referees.

1.—(1) Subject to the provisions of this section, the superannuation allowance which may be granted to a person on retirement after the commencement of this Act from the office of official referee shall be calculated in accordance with the next following subsection, instead of Part III of the Third Schedule to the Supreme Court of Judicature (Consolidation) Act, 1925; and the Administration of Justice (Pensions) Act, 1950, shall have effect accordingly whether in relation to a person so retiring or in relation to a person who dies after the commencement of this Act while serving in that office.

(2) An annual allowance not exceeding ten-fortieths of the last annual salary may be granted after the completion of a period of service of five years; and, where the period of service completed exceeds five years, there may be granted an annual allowance not exceeding ten-fortieths of the last annual salary with an addition

of one-fortieth of that salary for each completed year's service in excess of five, but so that the maximum allowance shall be one half of that salary.

The foregoing provisions of this subsection give the amount of the allowance as reduced under the said Act of 1950 and, where it is not to be so reduced, ten-thirtieths, one-thirtieth and two-thirds of the last annual salary shall be substituted for ten-fortieths, one-fortieth and one half.

(3) For the purpose of computing the superannuation allowance for which a person becomes eligible under the last foregoing subsection (or, in the case of a person dying in office, the superannuation allowance for which he would have become eligible under that subsection if he had retired on the ground of permanent infirmity immediately before his death), no account shall be taken of service in any office specified in Part I of the Third Schedule to the said Act of 1925 other than the office of official referee.

(4) Where a superannuation allowance computed in accordance with the two last foregoing subsections would be less than one computed in accordance with Part III of the Third Schedule to the said Act of 1925, the foregoing provisions of this section shall not apply.

(5) In the case of a person serving in the office of judge of county courts immediately before his appointment as official referee, his service in that office shall be taken into account for the purpose aforesaid, and be treated as relevant service for the purposes of the said Act of 1950, unless an allowance has been granted in respect of that service under section nine of the County Courts Act, 1934; and, in the case of such a person, service in any office specified in Part I of the Third Schedule to the said Act of 1925, other than the office of official referee, shall not be treated as relevant service for the purposes of the said Act of 1950, and the last foregoing subsection shall not apply.

(6) This section shall be deemed to have had effect from the beginning of the year nineteen hundred and fifty-four, and shall apply to any person who has retired from or died while serving in the office of official referee between the end of the year nineteen hundred and fifty-three and the commencement of this Act as it applies to a person doing so after the commencement of this Act.

Judges' secretaries and clerks in England.

2.—(1) The following provisions of this section shall have effect in place of section one hundred and twenty-one of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides for the Lord Chief Justice and the Master of the Rolls each to have a secretary and a clerk, and each of the other judges of the High Court and the Lords Justices of Appeal a clerk, appointed by themselves).

(2) A secretary and a clerk shall be attached to each of the Lord Chief Justice, the Master of the Rolls and the President of the Probate, Divorce and Admiralty Division, and a clerk to each of the other judges of the High Court and to each of the Lords Justices of Appeal.

(3) Subject to subsections (5) and (7) of this section, any secretary or clerk so attached shall be appointed by the Lord Chancellor, and shall as such be an officer of the Supreme Court.

(4) Subject to subsection (6) of this section, the employment of a secretary or clerk appointed under this section shall be deemed for all purposes employment in the civil service of the State.

(5) If at any time it appears to the Lord Chief Justice, the Master of the Rolls or the President of the Probate, Divorce and Admiralty Division, that his secretary should be employed part-time only, but have legal qualifications, and the Lord Chancellor agrees to the making of the appointment under this subsection, a barrister or solicitor may be appointed accordingly by the judge in question, instead of by the Lord Chancellor.

(6) A secretary appointed under subsection (5) of this section by the Lord Chief Justice, the Master of the Rolls or the President of the Probate, Divorce and Admiralty Division shall be removable by him at his pleasure, and section one hundred and twenty of the Supreme Court of Judicature (Consolidation) Act, 1925 (which prohibits officers of the Supreme Court from practising as barristers or solicitors), shall not apply to a secretary so appointed, nor shall his employment be deemed to be employment in the civil service of the State.

(7) The persons who, at the commencement of this Act, are, or are acting as, secretary to the Lord Chief Justice, the Master of the Rolls or the President of the Probate, Divorce or Admiralty Division, or clerk to any judge of the High Court or Lord Justice of Appeal, shall be deemed to have been appointed secretary or clerk under subsection (3) or, in the case of a barrister or solicitor who is or is acting as part-time secretary, subsection (5) of this section; and for the purposes of the Superannuation Acts, 1834 to 1950, their employment before the commencement of this Act as, or to act as, such a secretary or clerk shall (except in the case of a barrister or solicitor's employment as or to act as part-time secretary) be treated as having been employment in the civil service of the State.

(8) There may be paid to or in respect of any person who, at the beginning of the year nineteen hundred and fifty-four was, or was acting as, secretary to the Lord Chief Justice, the Master of the Rolls or the President of the Probate, Divorce or Admiralty Division, or clerk to any judge of the High Court or Lord Justice

of Appeal, but is not at the commencement of this Act, any such benefits under the Superannuation Acts, 1834 to 1950, as would have been payable to or in respect of him by virtue of the foregoing provisions of this section, if this Act had come into force at the beginning of that year.

Provision for payment of salaries and gratuities to unestablished officers of Supreme Court in England.

3.—(1) Subsection (1) of section one hundred and nineteen of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides that, subject to exceptions, an officer of the Supreme Court shall not be entitled to a pension or salary unless admitted to his office with a certificate from the Civil Service Commissioners),—

(*a*) so far as it relates to salary, shall cease to have effect; and

(*b*) so far as it relates to pension, shall not apply to payments which may, under the Superannuation Acts, 1834 to 1950, be made otherwise than in respect of a person's employment in an established capacity.

(2) In subsection (1) of section one hundred and nine A of the said Act of 1925 (which was inserted by the Administration of Justice Act, 1928, and relates to the superannuation allowances of clerks in district probate registries) the words from " and if a certificate has been issued to him by the Civil Service Commissioners " onwards shall be omitted.

(3) No payment made before the commencement of this Act shall be deemed to have been made improperly, if it would have been properly made had this section been in force at the time.

Tipstaves and lunacy officers in Northern Ireland.

4.—(1) Notwithstanding anything in sections seventy-three and seventy-six of the Supreme Court of Judicature Act (Ireland), 1877,—

(*a*) the tipstaves attached to the judges of the Supreme Court of Northern Ireland shall be appointed by the Lord Chief Justice of Northern Ireland, and shall be removable by him; and

(*b*) for the purposes of the Superannuation Acts, 1834 to 1950, a person's employment as such a tipstaff (including any such employment before the commencement of this Act of a person serving at that commencement as such a tipstaff or otherwise as an officer of the court) shall be treated as employment in the civil service of the State, and shall be treated as employment in an established or an unestablished capacity according to the rules ordinarily applicable to such employment.

A person employed as such a tipstaff at the commencement of this Act shall continue in office as if appointed in accordance with this subsection.

(2) Section seventy-six of the Supreme Court of Judicature Act (Ireland), 1877 (which relates to salaries and pensions of officers of the Supreme Court of Northern Ireland), except in so far as it relates to salary, shall apply to the registrar in lunacy and to the officers and clerks employed in the lunacy office in Northern Ireland as it applies to officers of that court, and a person's employment as registrar in lunacy or as an officer or clerk in the lunacy office (including any such employment before the commencement of this Act of a person serving at that commencement as such registrar, officer or clerk or as an officer of the said court) shall be treated for the purposes of that section as if it were employment as an officer of the said court.

(3) There may be paid to or in respect of any person who, at the beginning of the year nineteen hundred and fifty-four, was serving as a tipstaff attached to a judge of the Supreme Court of Northern Ireland, or was serving as registrar in lunacy or officer or clerk in the lunacy office in Northern Ireland, but who is not serving in that capacity at the commencement of this Act, any such benefits under the Superannuation Acts, 1834 to 1950, as would have been payable to or in respect of him by virtue of the foregoing provisions of this section, if this Act had come into force at the beginning of that year.

(4) The expression "civil servant" in the Superannuation Act, 1949 (which relates to widows' pensions, etc.), shall include, and be deemed always to have included, any officer serving in a capacity in which he is eligible for a superannuation allowance by virtue of section seventy-six of the Supreme Court of Judicature Act (Ireland), 1877, notwithstanding that he does not hold his appointment directly from the Crown and has not been admitted into the civil service with a certificate from the Civil Service Commissioners; and references in the said Act of 1949 to persons ceasing to be civil servants, to persons retiring from being civil servants and to retired civil servants shall be construed accordingly.

Expenses.

5.—(1) There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the salaries so payable under Part V of the Supreme Court of Judicature (Consolidation) Act, 1925, or in the pensions and other benefits so payable under the Superannuation Acts, 1834 to 1950, or the Administration of Justice (Pensions) Act, 1950.

(2) There shall be paid into the Exchequer any increase attributable to this Act in the sums which fall to be so paid under the Superannuation Acts, 1834 to 1950.

Short title and repeal.

6.—(1) This Act may be cited as the Supreme Court Officers (Pensions) Act, 1954.

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

SCHEDULE

Section 6.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	In subsection (2) of section one hundred and nine, the proviso from "and notwithstanding" onwards; subsection (1) of section one hundred and nine A from "and" onwards; in section one hundred and nineteen, in subsection (1) the words from "or if" to "this Act" where next occurring, and subsection (3); section one hundred and twenty-one; subsection (2) of section one hundred and twenty-eight A from "and" onwards.
18 & 19 Geo. 5. c. 26.	The Administration of Justice Act, 1928.	In section one, subsection (3) and in subsection (4) the words "and a person so appointed shall be entitled to a salary under this Part of this Act, notwithstanding that he has been admitted to his office without a certificate from the Civil Service Commissioners"; section three from "and notwithstanding" onwards; section four from "and if a certificate" to "of the certificate".
1 Edw. 8 and 1 Geo. 6. c. 35.	The Statutory Salaries Act, 1937.	Subsection (2) of section two; in the Second Schedule, the entry relating to the Supreme Court of Judicature (Consolidation) Act, 1925.
1 & 2 Geo. 6. c. 67.	The Supreme Court of Judicature (Amendment) Act, 1938.	Section four from "and any increase" onwards.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Supreme Court of Judicature Act (Ireland), 1877	40 & 41 Vict. c. 57.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Administration of Justice Act, 1928	18 & 19 Geo. 5. c. 26.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.
Administration of Justice (Pensions) Act, 1950	14 & 15 Geo. 6. c. 11.