

SCHEDULE 6

CONSEQUENTIAL MODIFICATIONS TO SECONDARY LEGISLATION

Judicial Pensions (Requisite Benefits) Order 1988

8.—(1) The Judicial Pensions (Requisite Benefits) Order 1988⁽¹⁾ is amended as follows.

(2) In article 4 (office-holders to whom Order applies), for “his widow” substitute “that person’s surviving spouse or surviving civil partner”.

(3) In article 7 (widow’s benefits)—

- (a) in the heading, for “Widow’s” substitute “Surviving spouse’s or surviving civil partner’s”;
- (b) in paragraph (1), for “his widow” substitute “that person’s surviving spouse or surviving civil partner”; and
- (c) in paragraph (2), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(4) In article 9 (widow’s guaranteed minimum pension)—

- (a) for the heading, substitute “Guaranteed minimum pension for surviving spouse or surviving civil partner”;
- (b) in paragraph (1)—
 - (i) for “his widow” substitute “that person’s surviving spouse or surviving civil partner”; and
 - (ii) for “her” substitute “that person’s”, and
- (c) in paragraph (3), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(5) Omit article 10 (widower’s or surviving civil partner’s guaranteed pension).

(6) In article 11(3) (ascertainment of salary for requisite benefits), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(7) In article 12 (contribution in event of marriage during retirement)—

(a) for paragraph (1) substitute—

“(1) Where on the date when an office-holder (“O”) ceases to hold office, O is neither married, nor in a civil partnership, O may be required to undertake, in return for payment to O of a lump sum under or by virtue of whichever of the enactments mentioned in paragraph (2) below is applicable to O, that the first time O—

- (a) marries (and where O has not previously entered into a civil partnership); or
- (b) enters into a civil partnership (and where O has not previously married),

O will pay a contribution in respect of the benefits that may become payable to O’s surviving spouse or surviving civil partner by virtue of articles 7 and 9.”; and

(b) for paragraph (3) substitute—

“(3) The contribution referred to in paragraph (1) above shall be equal to 1 7/8 per cent of O’s final salary multiplied by the number of whole years of relevant service of O’s prior to the Principal Appointed Day which were—

- (a) completed by O before O attained pensionable age; and
- (b) not years—

(i) during any part of which O was married or in a civil partnership; or

(1) [S.I. 1988/1420](#); article 10 was amended by [S.I. 2005/3325](#). Article 12 was amended by [S.I. 1995/2647](#). Articles 4, 7, 9, 10 and 11 to 13 were amended by [S.I. 2014/107](#). There are other amending instruments but none is relevant.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(ii) preceding a marriage of O's contracted, or a civil partnership of O's entered into, before O ceased to hold office.”.

(8) For article 13 (marriage shortly before death), substitute—

“Marriage or entry into a civil partnership shortly before death

13. Where an office-holder (“O”) marries or enters into a civil partnership after O has ceased to hold office, and not more than six months before O’s death, any pension paid to O’s surviving spouse or surviving civil partner by virtue of this Order shall be limited to the guaranteed minimum pension due to that person.”.

Commencement Information

II Sch. 6 para. 8 in force at 16.12.2014, see [art. 1\(2\)](#)

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 6(1A) inserted by [S.I. 2019/1514 reg. 10\(3\)\(b\)](#)