



LAWS OF MALAYSIA

Act A609

**JUDGES' REMUNERATION (AMENDMENT)
ACT 1984**

Date of Royal Assent ... 24th December 1984

Date of publication in
Gazette ... 31st December 1984

LAWS OF MALAYSIA

Act A609

JUDGES' REMUNERATION (AMENDMENT)
ACT 1984

An Act to amend the Judges' Remuneration Act 1971.

[1st July 1980.]

and
1st January 1985

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

1. (1) This Act may be cited as the Judges' Remuneration (Amendment) Act 1984 and shall, subject to subsection (2), be deemed to have come into force on the 1st July 1980.

Short title
and com-
mencement.
Act 45.

(2) The interpretation of the expression "resident in Malaysia" introduced into section 1A of the Judges' Remuneration Act 1971 by section 3 shall come into force on the date following the date of publication of this Act in the *Gazette* and that Act shall be construed accordingly wherever such expression appears therein.

2. The Judges' Remuneration Act 1971, which in this Act is referred to as "the principal Act", is amended by substituting for the long title the following long title:

Amendment
of long title.

"An Act to provide for the remuneration of Judges and for the pensions and other benefits of their dependants, and for matters connected therewith."

New
section 1A.

3. The principal Act is amended by inserting after section 1 in Part I the following section 1A:

"Inter-
pretation.

1A. In this Act, unless the context otherwise requires—

"child" means a child of a deceased Judge—

(a) who is a child under twenty-one years of age and includes—

(i) a posthumous child, a dependent step-child and an illegitimate child of the Judge; and

(ii) a child adopted by the Judge under any written law relating to adoption or under any custom or usage, on satisfactory proof of such adoption;

and

(b) who is a child of any age and is mentally retarded or physically and permanently incapacitated and is incapable of supporting himself;

"corresponding last drawn salary" means, in the case of a Judge to whom any of the current salaries does not apply by virtue of his having retired or died prior to the implementation of the current salaries, the equivalent salary that he would have drawn under the First Schedule had he held office as Judge on such implementation and had the appropriate current salary been applied to his case;

"current salary" means the latest appropriate salary specified in the First Schedule which is payable to a Judge;

"dependant" means a spouse, a child, the mother or the dependent father of a deceased Judge;

"Judge" means a Judge of the Federal Court or of the High Court and includes the Lord President and a Chief Justice;

"last drawn salary" means the actual last drawn monthly substantive salary of a Judge, specified in the First Schedule, prior to his death or retirement;

"pension and other benefit" or "pension or other benefit" includes pension, disability pension, gratuity, derivative pension, dependant's pension and derivative gratuity granted, or granted and adjusted, under this Act, as the case may be, but does not include any allowance or other privilege specified in the Second Schedule;

"remuneration" shall have the meaning assigned to that expression in Clause (2) of Article 160 of the Federal Constitution;

"resident in Malaysia" means being habitually resident in Malaysia as evidenced by the person concerned having his sole or principal place of abode in Malaysia and residing therein for such period or periods of time as is not inconsistent with the continuity of residence in Malaysia and as point to durable ties between him and Malaysia;

"retirement" means—

- (a) retirement from the office of Judge on attaining the age of sixty-five years under paragraph (a) of section 8;
- (b) retirement from such office under section 8A or 8B;
- (c) resignation from such office under paragraph (c) of section 8; or
- (d) ceasing to hold such office under paragraph (d) of section 8;

"spouse" means the surviving husband or a surviving wife of a deceased Judge whose marriage to the Judge is recognised in Malaysia as a valid marriage under any written law, custom, religion or usage."

Amendment
reading
Part III. 4. The principal Act is amended by substituting for the heading of Part III the following heading:

“PENSIONS AND OTHER BENEFITS OF JUDGES
AND DEPENDANTS”.

Amendment
sections
and 4. 5. The principal Act is amended by substituting for sections 3 and 4 the following sections 3 and 4:

“Pension
and other
benefits
of Judge. 3. A Judge shall on his retirement be entitled to a pension and other benefits in accordance with the provisions of this Act.

Computa-
tion and
amount of
pension of
Judge. 4. Subject to this Part, a Judge's pension shall be computed at the rate of $1/360$ of his last drawn salary in respect of each completed month's service as a Judge:

Provided that in no case shall the pension so computed be more than $1/2$ of his last drawn salary but without prejudice, however, to any adjustment of pension to his advantage that may be made in accordance with the provisions of Part IIIA.”.

Amendment
section 6. 6. Section 6 of the principal Act is amended—

(a) by substituting for the words “sections 10, 11 and 13” the words “this Act,”; and

(b) by inserting after the words “the pension” the words “and any other benefit”.

Amendment
section 7. 7. The principal Act is amended by substituting for the word “person” in section 7 the word “Judge”.

Amendment
section 8. 8. The principal Act is amended by substituting a colon for the full stop in section 8 and inserting the following proviso to that section:

“Provided that the amount of pension granted to a person who retires from such office in the circumstances referred to in paragraph (d) or in section 8A shall not be less than $1/5$ of his last drawn salary but without prejudice, however, to any adjustment of pension to his advantage that may be made in accordance with the provisions of Part IIIA.”.

JUDGES' REMUNERATION (AMENDMENT)

7

9. The principal Act is amended by substituting for sections 10 and 11 the following sections 10, 11, 11A, 11B, 11C, 11D and 11E:

Amendment
of sections
10 and 11
and new
sections
11A, 11B,
11C, 11D
and 11E.

"Derivative
pension and
derivative
gratuity
where
Judge dies
in service.

10. (1) Subject to subsection (4), where a Judge dies in service, the Yang di-Pertuan Agong may grant—

- (a) a derivative pension and a derivative gratuity to his spouse or child, or both spouse and child, as the case may be; and
- (b) a derivative gratuity to his mother or, if his mother is not living, to his dependent father,

according to the entitlement of the Judge, computed in accordance with sections 4 and 7:

Provided that the amount of derivative pension granted shall not be less than 1/5 of the last drawn salary but without prejudice, however, to any adjustment of derivative pension to the recipients' advantage that may be made in accordance with the provisions of Part IIIA.

(2) A derivative pension granted under subsection (1) shall be payable for a period of twelve and a half years from the date immediately following the date of death in service of the Judge; and thereafter the recipient, provided he is resident in Malaysia, shall continue to be paid seventy per centum of the amount granted.

(3) The derivative pension granted under subsection (1) shall be paid in accordance with subsection (2)—

(a) for life if the recipient is—

- (i) a spouse;
- (ii) a child referred to in paragraph (b) of the interpretation of "child" in section 1A;

(b) for the duration of his education if the recipient is a child who is receiving education in an institution of higher learning but not education leading beyond a first degree.

(4) The derivative pension and derivative gratuity granted under subsection (1) shall be paid or be payable in such proportion as the Yang di-Pertuan Agong may determine and the derivative pension may be reapportioned among other eligible recipients whenever any recipient dies or ceases to be eligible for such payment.

(5) Where a Judge dies in service and leaves no spouse, child, mother or dependent father surviving him, there shall be paid to the legal personal representative of the deceased Judge a derivative gratuity only, computed in accordance with section 7.

Derivative pension where Judge dies in retirement.

11. (1) (a) Where a Judge dies within a period of twelve and a half years from the date of his retirement, the Yang di-Pertuan Agong may grant to his spouse or child, or both spouse and child, as the case may be, a derivative pension according to the entitlement of the Judge for a period not exceeding the difference between a period of twelve and a half years and the period during which the Judge had been in retirement; and thereafter the recipient, provided he is resident in Malaysia, shall continue to be paid seventy per centum of the amount granted.

(b) Where a Judge dies after a period of twelve and a half years from the date of his retirement, the Yang di-Pertuan Agong may grant to his spouse or child, or both spouse and child, as the case may be, a derivative pension equivalent to seventy per centum of the Judge's pension, provided that the recipient is resident in Malaysia.

JUDGES' REMUNERATION (AMENDMENT)

9

(2) The derivative pension granted under subsection (1) shall be paid in accordance with that subsection—

(a) for life if the recipient is—

(i) a spouse;

(ii) a child referred to in paragraph (b) of the interpretation of "child" in section 1A;

(b) for the duration of his education if the recipient is a child who is receiving education in an institution of higher learning but not education leading beyond a first degree.

(3) Notwithstanding subsection (2), the payment of such derivative pension shall only be made where the recipient—

(a) if a spouse, was married to the Judge prior to the date of his retirement;

(b) if a child or dependent step-child, is a child or dependent step-child of a marriage that had taken place prior to the date of retirement of the Judge;

(c) if an adopted child, was adopted prior to the date of retirement of the Judge;

(d) if an illegitimate child, was conceived prior to the date of retirement of the Judge.

(4) For the avoidance of doubt, it is declared that where the marriage to the Judge concerned had been contracted after the date of his retirement and his death occurs within a period of twelve and a half years from the date of his retirement, his spouse or a child of that marriage, or both such spouse and child, as the case may be, shall be entitled to a derivative pension according to the entitlement of the Judge but only for a period which

is the difference between the period of twelve and a half years and the period during which the Judge had been in retirement; and where the death of the Judge occurs after the period of twelve and a half years from the date of his retirement, no derivative pension whatsoever shall be payable.

(5) The derivative pension granted under subsection (1) shall be paid or be payable in such proportion as the Yang di-Pertuan Agong may determine and it may be reapportioned among other eligible recipients whenever a recipient dies or ceases to be eligible for such payment.

Circumstances in which payment of derivative pension shall not be made or shall cease.

11A. (1) Notwithstanding sections 10 and 11, no payment of derivative pension shall be made or, if made, such payment shall cease where the recipient is—

- (a) a spouse, upon re-marriage;
- (b) a child, other than a child referred to in paragraph (b) of the interpretation of "child" in section 1A or in paragraph (c), upon marriage or attaining the age of twenty-one years, whichever occurs earlier;
- (c) a child who is receiving education in an institution of higher learning but not education leading beyond a first degree, upon completing or ceasing to receive such education or upon marriage, whichever occurs earlier.

(2) Where any person who is in receipt of or would otherwise be entitled to receive any derivative pension—

- (a) under subsection (2) of section 10, after the expiry of the period of twelve and a half years from the date immediately following the date of death in service of the Judge;
- (b) under paragraph (a) of subsection (1) of section 11, after the expiry of the period which is the difference between

JUDGES' REMUNERATION (AMENDMENT)

11

the period of twelve and a half years from the date of retirement of the Judge and the retirement period of the Judge where the Judge dies within the period of twelve and a half years from the date of retirement; or

- (c) under paragraph (b) of subsection (1) of section 11, on the death of the Judge in retirement where the Judge dies after a period of twelve and a half years from the date of retirement,

is not or ceases to be resident in Malaysia, he shall not be paid or be entitled to be paid any derivative pension under any of the provisions referred to in paragraph (a), (b) or (c) after the expiry of any of the periods referred to in paragraph (a) or (b) or on the occurrence of the event referred to in paragraph (c); and he shall not, in the event of his becoming resident or resuming residence in Malaysia, be paid or be entitled to be paid such derivative pension.

(3) Notwithstanding subsection (2) and sections 10 and 11, the Yang di-Pertuan Agong may generally or specially exempt any person or class of persons for such reasons and subject to such conditions, if any, as may be specified in the exemption from complying with the requirement of that subsection and those sections for that person or class of persons to be resident in Malaysia in order to qualify for any derivative pension under this Act.

Disability
pension
for Judge.

11B. (1) Where a Judge ceases to hold office on the ground of inability from infirmity of body or mind or any other cause properly to discharge the functions of his office as a result of—

- (a) sustaining an injury in the course and arising out of performing his official duty or due to a travel accident; or
- (b) contracting a disease from his working environment,

he shall be entitled, in addition to his pension and gratuity, to a disability pension computed as a fraction of his salary as follows:

Degree of Impairment	Rate Payable
Slightly impaired	1/12
Impaired	1/6
Materially impaired	1/4
Totally impaired	1/3

Act A609. (2) Notwithstanding subsection (1), a Judge appointed prior to the date following the date of publication of the Judge's Remuneration (Amendment) Act 1984 in the *Gazette* shall elect in writing within six months of the date following the date of such publication whether he, his dependants or personal representatives, as the case may be, shall be granted either—

- (a) the death and disablement benefits provided as appropriate under paragraph 13 of the Second Schedule; or
- (b) the disability pension and dependant's pension provided as appropriate under this section and section 11c respectively,

in the event of his death or his sustaining an injury in the circumstances referred to in paragraph (a) of subsection (1) as a result of an accident referred to in paragraph 13 of the Second Schedule, and if he does not so elect, the provisions of paragraph 13 of the Second Schedule shall continue to apply to his case.

Act 82. (3) Subject to subsection (2), where a Judge referred to in subsection (1) had sustained such injury in a security area proclaimed under section 47 of the Internal Security Act 1960, the fractions specified in subsection (1) shall be read as if there had been substituted in that subsection wherever they occur 1/8 for 1/12, 1/4 for 1/6, 3/8 for 1/4 and 1/2 for 1/3.

JUDGES' REMUNERATION (AMENDMENT)

13

(4) No Judge shall qualify for a disability pension under this section unless the impairment in question is permanent, as determined by a board of medical officers constituted for that purpose under section 8A.

(5) For the purpose of subsection (1), "injury" or "disease" means injury or disease which is not due to, or which is not aggravated or contributed by, negligence or misconduct on the part of the Judge concerned.

(6) For the purposes of this section and section 11C, "salary" means the salary of the Judge as specified in the First Schedule at the time of sustaining the injury or contracting the disease.

(7) Where a Judge appointed on or after the date following the date of publication of the Judges' Remuneration (Amendment) Act 1984 in the *Gazette* sustains an injury in the circumstances referred to in paragraph (a) of subsection (1), he shall be entitled to a disability pension only under this section and he shall not have any right of election under subsection (2) to be granted the death and disablement benefits provided as appropriate under paragraph 13 of the Second Schedule.

Dependant's
pension.

11C. (1) Subject to subsection (5), where a Judge dies in any of the circumstances referred to in paragraph (a) or (b) of subsection (1) of section 11B and such death occurs within seven years of the date of sustaining the injury or contracting the disease referred to therein, his dependants shall be entitled, in addition to a derivative pension and any derivative gratuity, to a dependant's pension computed as a fraction of the Judge's salary as follows:

(a) to the widow, whilst remain-
ing unmarried ... 1/6

- (b) if the deceased Judge leaves a widow to whom a dependant's pension is granted under paragraph (a), in respect of each child up to six in number ... 1/48
- (c) if the deceased Judge does not leave a widow or no dependant's pension is granted to the widow under paragraph (a), in respect of each child up to six in number ... 1/24
- (d) with effect from the date of re-marriage or the date following the date of death of the widow to whom a dependant's pension had been granted under paragraph (a), in respect of each child up to six in number ... 1/24
- (e) if the deceased Judge's mother was wholly or mainly dependent on him for support at the time of his death, to the mother whilst without adequate means of support—
 - (i) if the deceased Judge does not leave a widow or no dependant's pension is granted to the widow under paragraph (a) ... 1/6
 - (ii) if the deceased Judge leaves a widow to whom a dependant's pension is granted under paragraph (a) ... 1/12
- (f) if the deceased Judge's father was wholly or mainly dependent on him for support at the time of his death, to

the father whilst without adequate means of support—

(i) if the deceased Judge does not leave a widow or no dependant's pension is granted to the widow under paragraph (a) and the mother of the Judge is dead ... 1/6
or

(ii) if the deceased Judge leaves a widow to whom a dependant's pension is granted under paragraph (a) and the mother of the Judge is dead ... 1/12

(2) Subject to subsection (5), where a Judge referred to in subsection (1) had sustained such injury in a security area proclaimed under section 47 of the Internal Security Act 1960, the fractions specified in subsection (1) shall be read as if there had been substituted in that subsection wherever they occur $\frac{1}{4}$ for $\frac{1}{6}$, $\frac{1}{24}$ for $\frac{1}{48}$, $\frac{1}{12}$ for $\frac{1}{24}$ and $\frac{1}{8}$ for $\frac{1}{12}$.

(3) Notwithstanding subsections (1) and (2), no payment of a dependant's pension shall be made or, if made, such payment shall cease where the recipient is—

(a) a widow, upon re-marriage;

(b) a child, other than a child referred to in paragraph (b) of the interpretation of "child" in section 1A or in paragraph (c), upon marriage or attaining the age of twenty-one years, whichever occurs earlier;

(c) a child who is receiving education in an institution of higher learning but not education leading beyond a first degree, upon completing or ceasing to receive such education or upon marriage, whichever occurs earlier;

(d) a deceased Judge's parent, on evidence that the parent is adequately provided with other means of support.

(4) A dependant's pension granted under this section may be re-determined whenever any recipient dies or ceases to be eligible for such payment.

(5) The provisions of this section shall not apply to the dependants of a Judge to whom the provisions of paragraph 13 of the Second Schedule apply pursuant to subsection (2) of section 11B.

Provisional
award
where
amount of
pension or
other
benefit
yet to be
determined.

11D. Where a Judge or his dependants are eligible for any pension or other benefit under this Act but the amount of such pension or other benefit has not yet been determined, the Yang di-Pertuan Agong may make to such Judge or his dependants a provisional award of the pension or other benefit pending determination of the amount.

Payment
without
probate or
letters of
adminis-
tration.

11E. (1) Notwithstanding any written law to the contrary, where a Judge who is entitled to any payment under this Act dies before the payment is made, the amount remaining unpaid may be paid to his dependants without probate or letters of administration.

(2) Any unpaid amount under this section shall not form part of the deceased Judge's estate and shall be used for the benefit of his dependants.

(3) For the purpose of this section, "unpaid" means not yet paid by the Government or not yet drawn by the Judge."

Amendment
of section
12.

10. Section 12 of the principal Act is amended—

(a) by substituting a colon for the full stop in subsection (3) and inserting the following proviso to that subsection:

"Provided that when he attains the age of fifty years, a person referred to in subsection (1)—

(a) is holding office as Judge; or

JUDGES' REMUNERATION (AMENDMENT)

17

(b) is serving in the capacity in respect of which he was granted permission to retire under section 8B.”; and

(b) by inserting after subsection (3) and the proviso thereto the following subsections (3A), (3B), (3C) and (3D):

“ (3A) Where a person referred to in subsection (1)—

(a) dies while holding office as Judge; or

(b) dies while serving in the capacity in respect of which he was granted permission to retire from the office of Judge under section 8B,

before attaining the age of fifty years, his dependants shall be granted a derivative pension and a derivative gratuity in accordance with the provisions of the law mentioned in subsection (1).

(3B) Notwithstanding subsection (3), where a Judge referred to in subsection (1) retires from office under paragraph (d) of section 8 or under section 8A before attaining the age of fifty years, he shall be granted a pension and a gratuity in accordance with the provisions of the law mentioned in subsection (1), and in the event of his death in retirement, his dependants shall be granted a derivative pension in accordance with such law.

(3C) The pension, gratuity, derivative pension or derivative gratuity granted under this section shall be in addition to the pension and other benefits to which a person may be entitled under the other provisions of this Act.

(3D) Where eligibility for any derivative pension or dependant's pension under the law mentioned in subsection (1) is dependent upon the computation of any period of time from the occurrence of an event under that law, such computation of time shall commence from the date on which the pension or

disability pension of the person referred to in subsection (1) was paid or became due to be paid under this section and not otherwise, and the provisions of the law mentioned in subsection (1) shall be applied as modified by this subsection to the dependants of Judges to whom this section applies.”.

Amendment
of section
13.

11. The principal Act is amended by substituting for the word “gratuity” in section 13 the words “other benefit”.

New Part
IIIA.

12. The principal Act is amended by inserting after section 15 in Part III the following Part IIIA:

“

PART IIIA

ADJUSTMENT OF PENSIONS AND OTHER BENEFITS OF JUDGES AND DEPENDANTS

Application
of Part.

15A. (1) Subject to this section, this Part shall apply in respect of—

(a) Judges who on retirement receive or are entitled to receive pensions or other benefits under Part III;

(b) the dependants of Judges referred to in paragraph (a) who, on the death in service or in retirement of the Judges concerned, receive or are entitled to receive pensions or other benefits under Part III,

and who are resident in Malaysia.

(2) Where—

(a) a Judge who on retirement; or

(b) any of his dependants who, on the death in service or in retirement of the Judge,

is in receipt of or would otherwise be entitled to receive any pension or other benefit under Part III and this Part is not or ceases to be resident in Malaysia, he shall be paid or be entitled to be paid the pension or other benefit, if any, which was originally granted under Part III and he shall not be paid or be entitled to be paid any pension or other

JUDGES' REMUNERATION (AMENDMENT) 19

benefit under this Part; and he shall not, in the event of his becoming resident or resuming residence in Malaysia, be paid or be entitled to be paid any pension or other benefit after adjustment under this Part.

(3) Notwithstanding subsections (1) and (2), the Yang di-Pertuan Agong may generally or specially exempt any person or class of persons for such reasons and subject to such conditions, if any, as may be specified in the exemption from complying with the requirement of this section for that person or class of persons to be resident in Malaysia in order to qualify for the adjustment of any pension or other benefit under this Part.

Adjustment
of pensions
and other
benefits of
Judges and
dependants.

15B. (1) Subject to Part III and this Part, pensions and other benefits granted to Judges and their dependants under that Part before or on the implementation of any current salary shall be adjusted in accordance with the provisions of this Act and shall be paid or be payable with effect from the date of implementation of the current salary.

(2) The pension of a Judge granted under Part III shall be adjusted as provided in the Third Schedule.

(3) Any derivative pension granted under Part III shall be adjusted as provided in the Fourth Schedule.

(4) Any disability pension or dependant's pension granted under Part III shall be adjusted based on the Judge's corresponding last drawn salary but the factor applicable shall be the factor under that Part.

(5) In the event of any doubt in the determination of the corresponding last drawn salary of—

- (a) a Judge of a High Court;
- (b) a Judge of the Federal Court or a Chief Justice; or
- (c) a Lord President,

the corresponding last drawn salary in each case shall be determined respectively by—

- (i) the Chief Justice of the High Court concerned;
- (ii) the Lord President; or
- (iii) the Yang di-Pertuan Agong.”.

Amendment
of section
17.

13. The principal Act is amended by inserting after the word “pension” wherever it appears in section 17 and the marginal note thereto the words “or other benefit”.

Amendment
of para-
graph 1 of
Second
Schedule.

14. The Second Schedule to the principal Act is amended by inserting immediately below the last sentence in paragraph 1 the following sentence:

“In this paragraph, “free fully furnished institutional quarters” means housing accommodation provided free of rent by the Government and furnished in accordance with the guidelines of the Government for the furnishing of such accommodation.”.

Amendment
of para-
graph 12A
of Second
Schedule.

15. The Second Schedule to the principal Act is amended by substituting for the figures “1-7-1980” in paragraph 12A the figures “1-1-1974”.

Amendment
of para-
graph 16
of Second
Schedule.

16. The Second Schedule to the principal Act is amended by substituting for the word “wife” wherever it appears in paragraph 16 the word “spouse”.

New Third
and Fourth
Schedules.

17. The principal Act is amended by inserting after the Second Schedule the following Third and Fourth Schedules:

THIRD SCHEDULE

[Section 15B (2)]

ADJUSTMENT FORMULA FOR PENSION OF JUDGE

Type of Benefit	Formula
Pension of a Judge	$\left. \begin{array}{l} 1/360 \times \text{number of months of service (subject to not more than 180 months)} \times \text{corresponding last drawn salary; but the amount of pension, as adjusted, which is paid or payable in the case of a Judge who retires under paragraph (d) of section 8 or under section 8A shall not be less than } 1/5 \text{ of the Judge's corresponding last drawn salary} \end{array} \right\}$

JUDGES' REMUNERATION (AMENDMENT)

21

FOURTH SCHEDULE

[Section 15B (3)]

ADJUSTMENT FORMULA FOR DERIVATIVE PENSION
OF DEPENDANT*Type of Benefit**Formula*

Derivative pension shall be paid or
be payable—

- (a) for a period of $12\frac{1}{2}$ years from the date immediately following the date of death in service of the Judge on or after the 1st July 1980;
- or
- (b) where the death of the Judge in service or in retirement had occurred within a period of $12\frac{1}{2}$ years prior to the 1st July 1980, for a period (commencing from the 1st July 1980) which is the difference between the period of $12\frac{1}{2}$ years and the period during which derivative pension had been paid or payable prior to the 1st July 1980;
- or
- (c) where the death of the Judge occurs within a period of $12\frac{1}{2}$ years from the date of his retirement on or after the 1st July 1980, for a period which is the difference between the period of $12\frac{1}{2}$ years and the period during which the Judge had been in retirement;

$\frac{1}{360} \times \text{number of months of service (subject to not more than 180 months)} \times \text{corresponding last drawn salary}$; but the amount of derivative pension, as adjusted, which is paid or payable on the death of the Judge in service or in retirement under paragraph (d) of section 8 or under section 8A shall not be less than $\frac{1}{5}$ of the Judge's corresponding last drawn salary

and

- (d) for life (commencing on or after the 1st July 1980)—
 - (i) after the expiry of the appropriate period for the payment of derivative pension under subparagraph (a), (b) or (c);
 - or
 - (ii) where the death of the Judge in service or in retirement had occurred before a period of $12\frac{1}{2}$ years prior to the 1st July 1980;
 - or
 - (iii) where the death of the Judge occurs after a period of $12\frac{1}{2}$ years from the date of his retirement on or after the 1st July 1980

70 per cent of amount paid or payable under subparagraph (a), (b) or (c) of this paragraph

”

Revocation.
P.U.(A)
164/73.

18. The Judges (Pensions) Regulations 1973 are
revoked.