



# Pensions (Increase) Act 1971

1971 CHAPTER 56

PART III **U.K.**

SUPPLEMENTARY

14 ..... <sup>F1</sup> **E+W+S**

**Textual Amendments**

**F1** Ss. 14, 15(1)–(3), (6) repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), **Sch. 8**

<sup>F2</sup>15 **Adjustment of fire service pensions.** **E+W+S**

**Textual Amendments**

**F2** S. 15 repealed (1.10.2004 except in relation to W., 10.11.2004 for W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#), s. 61, **Sch. 2**; [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2

16 **Expenses.** **E+W+S**

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenditure incurred by a government department under or by virtue of this Act; and
- (b) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.

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*Changes to legislation: There are currently no known outstanding effects for the Pensions (Increase) Act 1971, Part III. (See end of Document for details)*

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## 17 Interpretation. **E+W+S**

(1) For purposes of this Act, unless the context otherwise requires,—

“basic rate” means the annual rate of a pension apart from any increase under or by reference to this Act or any enactment repealed by this Act, or any corresponding increase made otherwise than under or by reference to this Act or an enactment repealed by it [<sup>F3</sup>but including any increase in the said annual rate in consequence of the <sup>M1</sup>Pensions (Increase) Act 1974 ;]

[<sup>F4</sup> “ derivative pension ” means a pension which—

- (a) is not payable in respect of the pensioner’s own services, and
- (b) is not attributable to the pensioner having become entitled to a pension credit;]

“earnings-related pension” means a pension computed by reference to a rate of emoluments (whether actual emoluments or not and whether final or average emoluments), or payable at alternative rates one of which is so computed, and includes a derivative pension computed by reference to the rate of an earnings-related pension;

“flat rate” means a rate fixed otherwise than by reference to a rate of emoluments or to the rate of another pension, and “flat-rate pension” means a pension payable at a flat rate only, but includes a derivative pension computed by reference to the rate of a flat-rate pension;

“local authority” and “local government service” have the meanings given by Schedule 3 to this Act;

[<sup>F5</sup> “ money purchase benefits ” has the meaning given by [<sup>F6</sup> section 181(1) of the Pension Schemes Act 1993 ] ; ]

“pension” has the meaning given by section 8 above, “official pension” that given by section 5(1), and “pension authority” that given by section 7(1), and the time when a pension “begins” is that stated in section 8(2);

[<sup>F7</sup> “ pension credit ” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 or under corresponding Northern Ireland legislation;

“ principal pension ” means a pension which—

- (a) is payable in respect of the pensioner’s own services, or
- (b) is attributable to the pensioner having become entitled to a pension credit;]

“qualifying condition” means one of the conditions laid down by section 3 above;

[<sup>F8</sup> “ relevant injury pension ” means—

- (a) a pension paid to a person in respect of his absence from work by reason only of an injury sustained, or disease contracted, by him in the course of the employment by virtue of which his entitlement to the pension arises; or
- (b) a pension paid to a person in respect of his having accepted less favourable terms and conditions of employment by reason of ill-health suffered by him in consequence of an injury so sustained or a disease so contracted;

but does not include any pension the rate of which is periodically recalculated by reference to the rate of the salary which the pensioner could reasonably be expected to have received had he not sustained the injury or contracted the disease in question;]

“substituted pension” means a pension granted in consideration of the surrender of the whole or part of another pension (“the original pension”);

[<sup>F4</sup> “ widow’s pension ” means a pension payable [<sup>F9</sup>to a woman]—

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- (a) in respect of the services of the pensioner's deceased [<sup>F10</sup>male spouse], or
  - (b) by virtue of the pensioner's deceased [<sup>F10</sup>male spouse] having become entitled to a pension credit.]
- (2) References in this Act to an enactment include an enactment in a local Act and a provisional order confirmed by Parliament.
  - (3) Any power to make regulations which is conferred by this Act is a power exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F3** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\)](#), **s. 1(3)**
- F4** Definitions in s. 17(1) substituted (1.12.2000) by [1999 c. 30](#), **s. 39(5)(a)(c)**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F5** Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 7(3)**
- F6** Words in s. 17(1) substituted (7.2.1994) by [1993 c. 48](#), s. 190, **Sch. 8 para. 5** (with ss. 6(8), 164); S.I. 1994/86, **art. 2**.
- F7** Definitions in s. 17(1) inserted (1.12.2000) by [1999 c. 30](#), **s. 39(5)(b)**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F8** Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 1(6)**
- F9** Words in s. 17(1) inserted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 3 para. 1(3)(a)**; (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 3 para. 1(3)(a)**
- F10** Words in s. 17(1) substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 3 para. 1(3)(b)**; (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), art. 1(2), **Sch. 3 para. 1(3)(b)**

#### Modifications etc. (not altering text)

- C1** S. 17(1) amendment by S.I. 2014/560, Sch. 3 para. 1(3) extended to N.I. (N.I.) (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), **149(b)(ii)** (with regs. 6-9)

#### Marginal Citations

- M1** [1974 c. 9](#).

## 18 Repeal, and transitional provisions. **U.K.**

- (1) The enactments mentioned in Schedule 7 to this Act are hereby repealed to the extent specified in column 3 of the Schedule, but without prejudice to the operation of the repealed provisions as respects any period ending on or before 31st August 1971.
- (2) Where at 31st August 1971 authority to increase or supplement any pensions is given by regulations under any enactment repealed by subsection (1) above, being an enactment corresponding to any provision of Part II of this Act, then in respect of any period between that date and the coming into force of regulations under that provision there may be paid on those pensions the like increase or supplement, and

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the cost shall be defrayed in the same way, as if this Act had not been passed; and the first regulations made with respect to any pensions under any provision of Part II may take effect from 1st September 1971, notwithstanding that they are made after that date (but not so as to reduce any increase or supplement payable by virtue of this subsection in respect of a period before they come into force).

- (3) Where at 31st August 1971 there are in force with respect to any official pensions (other than pensions to which section 14(3) or 15(6) above applies) regulations under any enactment repealed by subsection (1) above, being an enactment corresponding to section 5(3) above, then unless or until regulations come into force under section 5(3) with respect to those pensions, or the Minister for the Civil Service by order made by statutory instrument directs that this subsection shall not apply to them, those pensions shall not be increased in accordance with this Act, but the like increases may be paid as if this Act had not been passed.
- (4) Except as otherwise provided by or under this Act, the repeal by this Act of the Pensions (Increase) Acts 1920 to 1969 shall not affect the operation of any provision made otherwise than by or under those Acts and authorising increases in pensions by reference to increases under those Acts or any of them.
- (5) The enactments mentioned in Schedule 8 to this Act are hereby repealed to the extent specified in column 3 of the Schedule, but subject to the saving in Part II of the Schedule.

**Modifications etc. (not altering text)**

- C2** S.18 has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts 2(1)(c), 3(5)

**19 Short title and extent. E+W+S**

- (1) This Act may be cited as the Pensions (Increase) Act 1971.
- (2) This Act extends to Great Britain only, except that—
  - (a) it extends to Northern Ireland in relation to pensions payable under Schedule 8 to the <sup>M2</sup>Government of Ireland Act 1920 (former Irish civil servants) or payable to or in respect of an existing Irish officer within the meaning of that Act under the Superannuation Acts 1834 to 1965, or payable under or by virtue of any other Act extending to Northern Ireland out of the Consolidated Fund of the United Kingdom or out of moneys provided by the Parliament of the United Kingdom [<sup>F11</sup>or out of the Parliamentary Contributory Pension Fund [<sup>F12</sup>or payable under Part I or section [<sup>F13</sup>18A or] 19 of the Judicial Pensions and Retirement Act 1993 (otherwise than under or by virtue of section 10 of that Act [<sup>F14</sup>or provision made under section 18A of that Act that is corresponding or similar to the provision that may be made by regulations under section 10 of that Act ])] and
  - (b) ..... <sup>F15</sup>
  - (c) section 18(5) and Part II of Schedule 8 extend to Northern Ireland.

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### Textual Amendments

- F11** Words inserted by Parliamentary and other Pensions Act 1972 (c. 48), s. 34(1). By virtue of Parliamentary and other Pensions Act 1987 (c. 45, SIF 89), s. 6, Sch. 3 para. 3(2) this amendment continues to have effect after the coming into force of the repeal by the said 1987 Act of the said s. 34(1)
- F12** Words in s. 19(2)(a) inserted (31.3.1995) by 1993 c. 8, s. 22(2); S. I. 1995/631, art. 2
- F13** Words in s. 19(2)(a) inserted (3.3.2015) by Pension Schemes Act 2015 (c. 8), s. 89(1)(c), Sch. 5 para. 2(a) (with s. 87)
- F14** Words in s. 19(2)(a) inserted (3.3.2015) by Pension Schemes Act 2015 (c. 8), s. 89(1)(c), Sch. 5 para. 2(b) (with s. 87)
- F15** S. 19(2)(b) repealed by Trustee Savings Banks Act 1976 (c. 4), Sch. 6 except in relation to any pension beginning before 21.11.1976

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### Marginal Citations

- M2** 1920 c. 67.

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