

*Status: Point in time view as at 28/02/2014.*

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

## SCHEDULES

### SCHEDULE 2

#### OFFICIAL PENSIONS

#### PART II

#### PENSIONS OUT OF LOCAL FUNDS

*[<sup>F1</sup> Scottish Parliament and Scottish Executive*

##### Textual Amendments

- F1** Sch. 2 Pt. II para. 38AB and cross heading inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 13**; S.I. 1998/3178, art. 2(2), **Sch. 3**

- <sup>F2</sup> 38AB A pension payable under a scheme established by virtue of section 81(4)(b) of, or paragraph 3(4)(b) of Schedule 2 to, the Scotland Act 1998.]

##### Textual Amendments

- F2** Sch. 2 Pt. II para. 38AB and cross heading inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 13** (with s. 126(3)-(11)); S. I. 1998/3178, art. 2(2), **Sch. 3**

*[<sup>F3</sup> National Assembly for Wales]*

##### Textual Amendments

- F3** Sch. 2 Pt. II para. 38B and crossheading inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 10** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

- [<sup>F4</sup>38B A pension payable under a scheme established under [<sup>F5</sup>section 20(4)(b) or section 53(4)(b) of the Government of Wales Act 2006].]

##### Textual Amendments

- F4** Sch. 2 Pt. II para. 38B and crossheading inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 10** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**
- F5** Words in Sch. 2 para. 38B substituted by **Government of Wales Act 2006 (c. 32)**, s. 160, Sch. 10 para. 9 (with Sch. 11 para. 22), the amending provision coming into force immediately after "the 2007 election" (held on 3.5.2007) subject to s. 161(1)(4)(5) of the amending Act, which provides for certain provisions to come into force for specified purposes immediately after the end of "the initial

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period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) - see ss. 46, 161(4)(5) of the amending Act.

#### *Local government service*

39 A pension payable by a local authority in respect of service ending with local government service, other than a pension within paragraph 44, 45 or 52 of this Schedule or within the exception from paragraph 44.

[<sup>F6</sup>39A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State or the Scottish Ministers under section 1 of that Act by virtue of section 1(2)(c) of that Act (local government workers).]

#### **Textual Amendments**

**F6** Sch. 2 para. 39A inserted (28.2.2014) by [Public Service Pensions Act 2013 \(c. 25\), s. 41\(2\), Sch. 8 para. 5\(9\)](#) (with [Sch. 11 para. 8](#)); [S.I. 2014/433, art. 5\(b\)](#)

#### *Administration of justice*

40 A pension payable under section 33 of the Justices of the <sup>M1</sup>Peace Act 1949 (stipendiary magistrates).

#### **Marginal Citations**

**M1** [1949 c. 101.](#)

41 A pension payable by a local authority under Part I of the <sup>M2</sup>Administration of Justice (Pensions) Act 1950 (widows and children of stipendiary magistrates and of chairmen and deputy chairmen of London Sessions).

#### **Marginal Citations**

**M2** [1950 c. 11 \(14 & 15 Geo. 6\).](#)

42 A pension payable under section 22 of the Administration of Justice (Pensions) Act 1950 (chairmen and deputy chairmen of London Sessions).

#### *Police and firemen*

43 A pension payable (otherwise than as mentioned in paragraph 14 or 15 above) under any of the following;—

- (a) [<sup>F7</sup>the <sup>M3</sup>Police Pensions Act 1976, or any enactment repealed by the <sup>M4</sup>Police Pensions Act 1948] or by the <sup>M5</sup>Police Pensions Act 1921;
- [<sup>F8</sup>(b) section 51 or 52 of the Police Act 1996;]
- [<sup>F9</sup>(c) section 48 of the Police and Fire Reform (Scotland) Act 2012, as extended by article 14 of the Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013.]

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This paragraph does not include a derivative pension other than a substituted pension, nor a substituted pension if the original pension was a derivative pension.

#### Textual Amendments

- F7** Words substituted by [Police Pensions Act 1976 \(c. 35\)](#), **Sch. 2 para. 8(b)**  
**F8** Sch. 2 para. 43(b) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7, Pt. II para. 18(3)**  
**F9** Sch. 2 para. 43(c) substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 2 para. 7(3)** (with [Sch. 3 para. 10\(2\)](#))

#### Marginal Citations

- M3** 1976 c. 35.  
**M4** 1948 c. 24.  
**M5** 1921 c. 31.

[<sup>F10</sup>43A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State or the Scottish Ministers under section 1 of that Act by virtue of section 1(2)(g) of that Act (police).

In the case of a scheme made by the Secretary of State, this paragraph does not include a pension referred to in paragraph 15B above.]

#### Textual Amendments

- F10** Sch. 2 para. 43A inserted (28.2.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), **Sch. 8 para. 5(10)** (with [Sch. 11 para. 8](#)); [S.I. 2014/433](#), art. 5(b)

[<sup>F11</sup> 44 A pension payable by a fire and rescue authority or [<sup>F12</sup>the Scottish Fire and Rescue Service] in accordance with a scheme brought into operation under section 34 of the Fire and Rescue Services Act 2004. ]

#### Textual Amendments

- F11** Sch. 2 para. 44 substituted (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. 1 para. 35(3)** (with savings for E.S. in [S.I. 2004/2306](#), art. 3, Sch. and for W. in [S.I. 2004/2918](#), art. 3, Sch.); [S.I. 2004/2304](#), art. 2; [S.I. 2004/2917](#), art. 2  
**F12** Words in Sch. 2 para. 44 substituted (1.4.2013) for E. W. by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), art. 1(2), **Sch. 1 para. 1**; for S. by [The Police and Fire Reform \(Scotland\) Act 2012 \(asp 8\)](#), Sch.7 para. 48; [S.S.I. 2013/51](#), art. 2

[<sup>F13</sup>44A A pension payable under a defined benefits scheme, within the meaning of the Public Service Pensions Act 2013, made by the Secretary of State, the Scottish Ministers or the Welsh Ministers under section 1 of that Act by virtue of section 1(2)(f) of that Act (fire and rescue workers).

In the case of a scheme made by the Secretary of State, this paragraph does not include a pension referred to in paragraph 16B above.]

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#### Textual Amendments

**F13** Sch. 2 para. 44A inserted (28.2.2014) by [Public Service Pensions Act 2013 \(c. 25\)](#), s. 41(2), **Sch. 8 para. 5(11)** (with [Sch. 11 para. 8](#)); S.I. 2014/433, art. 5(b)

<sup>F14</sup>45 . . . . .

#### Textual Amendments

**F14** Sch. 2 para. 45 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. 1 para. 35\(4\)](#), **Sch. 2**; S.I. 2004/2304, art. 2; S.I. 2004/2917, art. 2

46 A derivative pension payable under the <sup>M6</sup>Police Pensions Act 1921 in respect of a person to whom the <sup>M7</sup>National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 applied at the time of that person's death or retirement.

#### Marginal Citations

**M6** 1921 c. 31.  
**M7** S.R. & O. 1941/1271.

#### *Court and police staffs*

47 A pension payable by a local authority in England or Wales under any enactment other than section 15(1) to (7) of the <sup>M8</sup>Superannuation (Miscellaneous Provisions) Act 1967 in respect of—

- (a) service as a justices' clerk or as the employee of a justices' clerk; or
- (b) service as a person employed by a magistrates' courts committee to assist a justices' clerk [<sup>F15</sup>or as staff of such a committee; or
- (c) service as a justices' chief executive.]

#### Textual Amendments

**F15** Sch. 2 para. 47(c), and preceding words in para. 47(b) added (1.4.1995) by [1994 c. 29](#), s. 91, **Sch. 8 Pt. II para. 26**; S.I. 1995/685, **arts. 4(1), 7(2)(b)**

#### Marginal Citations

**M8** 1967 c. 28.

48 A pension payable by <sup>F16</sup>the [<sup>F17</sup>London Residuary Body][<sup>F17</sup>London Pensions Fund Authority]in respect of service ending with employment by the committee of magistrates for the inner London area.

#### Textual Amendments

**F16** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. **61(1)**  
**F17** Words "London Pensions Fund Authority" substituted for "London Residuary Body" by [S.I. 1989/1815](#), **art. 7(5)**

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- 49 A pension payable by [<sup>F18</sup>the][<sup>F19</sup>London Residuary Body][<sup>F19</sup>London Pensions Fund Authority] under any enactment in respect of service in the employment of the standing joint committee for the county of London as clerk of the peace or deputy clerk of the peace or in any other capacity.

#### Textual Amendments

**F18** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 61(1)**

**F19** Words “London Pensions Fund Authority” substituted for “London Residuary Body” by [S.I. 1989/1815](#), **art. 7(5)**

- 50 A pension payable under section 15(1) to (7) of the Superannuation (Miscellaneous Provisions) Act 1967 (metropolitan civil staffs).

- 51 A pension payable by a local authority, or by a [<sup>F20</sup>local policing body or a chief officer of police] in England and Wales <sup>F21</sup>. . . , under any enactment other than section 15 of the <sup>M9</sup>Superannuation (Miscellaneous Provisions) Act 1967 in respect of service ending with—

- (a) service as a civilian employed under [<sup>F22</sup>section 15 of the Police Act 1996] by [<sup>F23</sup>a police authority;]
- [<sup>F24</sup>(aa) service as a member of staff of a police and crime commissioner;
- (ab) service as a member of staff of the Mayor's Office for Policing and Crime;
- (ac) service as a member of the civilian staff of a police force; or]
- (b) service as a traffic warden employed [<sup>F25</sup>by a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, by the Commissioner of Police of the Metropolis or by a] police authority under section 2 of the <sup>M10</sup>Road Traffic and Roads Improvement Act 1960 or section 81(9) of the <sup>M11</sup>Road Traffic Regulation Act 1967 [<sup>F26</sup>section 95(1) of the Road Traffic Regulation Act 1984.]

[<sup>F27</sup>In this paragraph—

- (a) references to the staff of a police and crime commissioner, the staff of the Mayor's Office for Policing and Crime, and the civilian staff of a police force, have the same meanings as in Part 1 of the Police Reform and Social Responsibility Act 2011;
- (b) “ police force ” includes the metropolitan police force. ]

#### Textual Amendments

**F20** Words in Sch. 2 para. 51 substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 97(2)**; [S.I. 2011/3019](#), art. 3, Sch. 1 (with Sch. 2 para. 24)

**F21** Words in Sch. 2 para. 51 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 9 Pt. I**

**F22** Words in Sch. 2 para. 51(a) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), **Sch. 7 Pt. II**, para. 18(4)

**F23** Words in Sch. 2 para. 51(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 97(3)**; [S.I. 2011/3019](#), art. 3, Sch. 1

**F24** Sch. 2 para. 51(aa)-(ac) inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 97(4)**; [S.I. 2011/3019](#), art. 3, Sch. 1

**F25** Words in Sch. 2 para. 51(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 97(5)**; [S.I. 2011/3019](#), art. 3, Sch. 1

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- F26** Words inserted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 13 para. 12**  
**F27** Words in Sch. 2 para. 51 inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 97(6)**; S.I. 2011/3019, art. 3, Sch. 1

#### Marginal Citations

- M9** 1967 c. 28.  
**M10** 1960 c. 63.  
**M11** 1967 c. 76.

- 52 A pension payable by [<sup>F28</sup>a police and crime commissioner, the Mayor's Office for Policing and Crime, a chief constable established under section 2 of the Police Reform and Social Responsibility Act 2011, the Commissioner of Police of the Metropolis or] a police authority under regulations made under section 60(2) of the <sup>M12</sup>Local Government Act 1958, section 85(4) of the <sup>M13</sup>London Government Act 1963 or section 4 of the <sup>M14</sup>Public Expenditure and Receipts Act 1968 (compensation for loss of employment or emoluments due to reorganisation of local government etc). [<sup>F29</sup>or under regulations made under section 24 of the <sup>M15</sup>Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.).

This paragraph does not apply to a pension payable as mentioned in paragraph 15A above.]

#### Textual Amendments

- F28** Words in Sch. 2 para. 52 inserted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 98**; S.I. 2011/3019, art. 3, Sch. 1  
**F29** Words inserted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 89(k)**

#### Marginal Citations

- M12** 1958 c. 55.  
**M13** 1963 c. 33.  
**M14** 1968 c. 14.  
**M15** 1972 c. 11.

#### *Probation and after-care service*

- 53 A pension payable in accordance with regulations under Schedule 4 to the <sup>M16</sup>Local Government Superannuation Act 1953 [<sup>F30</sup>or section 7 of the <sup>M17</sup>Superannuation Act 1972] in respect of service as a probation officer or as a person appointed to assist a probation officer in the performance of his duties by a probation and after-care committee, by the Secretary of State or, before 1st July 1944, by a probation officer.

#### Textual Amendments

- F30** Words inserted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 89(l)**

#### Marginal Citations

- M16** 1953 c. 25.  
**M17** 1972 c. 11.

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[<sup>F31</sup>53A A pension payable in accordance with regulations under section 7 of the <sup>M18</sup> Superannuation Act 1972 in respect of service as chairman, chief officer, member or member of the staff of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000. ]

**Textual Amendments**

**F31** Sch. 2 para. 53A inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 45**; S.I. 2001/919, **art. 2(f)(ii)**

**Marginal Citations**

**M18** 1972 c. 11.

[<sup>F32</sup>53B. A pension payable in accordance with regulations under section 7 of the Superannuation Act 1972 in respect of service as a member of staff of a probation trust established under section 5 of the Offender Management Act 2007.]

**Textual Amendments**

**F32** Sch. 2 para. 53B inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), **art. 1, Sch. 1 para. 5(2)**

54 A pension payable by a local authority in England and Wales in respect of service as a member of the staff of an approved probation home or an approved probation hostel.

55 A pension payable by a probation and after-care committee under regulations made under section 60(2) of the <sup>M19</sup>Local Government Act 1958 or section 85(4) of the <sup>M20</sup>London Government Act 1963 (compensation for loss of employment or emoluments due to reorganisation of local government) [<sup>F33</sup>or under regulations made under section 24 of the <sup>M21</sup>Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.).]

**Textual Amendments**

**F33** Words inserted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para 89(m)**

**Marginal Citations**

**M19** 1958 c. 55

**M20** 1963 c. 33.

**M21** 1972 c. 11.

*Teachers and school staff*

56 A pension payable by a local authority under section 14(3)(b) of the <sup>M22</sup>Teachers (Superannuation) Act 1925.

**Marginal Citations**

**M22** 1925 c. 59.

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- 57 A pension payable by a local authority in England or Wales under any enactment in respect of service as an employee of the managers of a non-provided school within the meaning of the <sup>M23</sup>Education Act 1921 or a voluntary school within the meaning of [<sup>F34</sup>the Education Act 1996].

**Textual Amendments**

**F34** Words in Sch. 2 Pt. II substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(3), **Sch. 37 Pt. I**, para. 20 (with ss. 1(4), 582(3), Sch. 39)

**Marginal Citations**

**M23** 1921 c. 51.

- 58 A pension payable by a local authority in England or Wales under any enactment in respect of service as an employee of the governing body of any school or educational institution (other than a public elementary school or a county or voluntary school) if the whole cost of maintaining the school or educational institution after deducting such part of the cost (if any) as is met by the governing body fell or falls to be met by the local authority.

- 59 A pension payable by a local authority in respect of service as a member of the staff of an approved school.

*Miscellaneous*

- 60 A pension payable by a local authority under any enactment in respect of service as a registration officer as defined in [<sup>F35</sup>regulations made under section 7 of the <sup>M24</sup>Superannuation Act 1972.]

**Textual Amendments**

**F35** Words substituted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para. 89(n)**

**Marginal Citations**

**M24** 1972 c. 11.

- 61 A pension payable under [<sup>F36</sup>section 6 of the <sup>M25</sup>Coroners (Amendment) Act 1926 (county and borough coroners)] [<sup>F36</sup>paragraph 2 of Schedule 1 to the Coroners Act 1988 [<sup>F37</sup>or by virtue of paragraph 17 of Schedule 3 to the Coroners and Justice Act 2009 ].]

**Textual Amendments**

**F36** Words substituted (E.W.) by [Coroners Act 1988 \(c. 13, SIF 33\)](#), s. 36(1), Sch. 3 para. 15

**F37** Words in Sch. 2 para. 61 inserted (25.7.2013) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(4)(e), **Sch. 21 para. 23** (with s. 180); S.I. 2013/1869, art. 2(o)(xi)

**Marginal Citations**

**M25** 1926 c. 59.



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- 62 A pension payable by a local authority in respect of service as a clerk, officer or servant employed under section 47 of the <sup>M26</sup>Local Government Act 1948 or section 92 of the <sup>M27</sup>General Rate Act 1967 by a local valuation panel.

**Marginal Citations**

- M26** 1948 c. 26.  
**M27** 1967 c. 9.

- 63 A pension payable by a local authority in respect of service ending with service as a rent officer or deputy rent officer under section 22 or 24 of the <sup>M28</sup>Rent Act 1965 or section 40 of the <sup>M29</sup>Rent Act 1968 [<sup>F38</sup>or section 63 of the <sup>M30</sup>Rent Act 1977.]

**Textual Amendments**

- F38** Words added by [Rent Act 1977 \(c. 42\)](#), s. 155(2), **Sch. 23 para. 51**

**Marginal Citations**

- M28** 1965 c. 75.  
**M29** 1968 c. 23.  
**M30** 1977 c. 42.

- 64 A pension payable by a local authority by way of such compensation as is mentioned in section 8(1)(b) [<sup>F39</sup>or (c)] of this Act.

**Textual Amendments**

- F39** Words substituted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para. 89(o)**

- [<sup>F40</sup>64A A pension payable by a residuary body established by the Local Government Act 1985 in respect of service ending with service with that body.]

**Textual Amendments**

- F40** Sch. 2 Pt. 1 paras. 64A, 64B inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 61(2)**

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

- C1** Sch. 2 para. 64A extended (5.7.1994) by 1994 c. 19, ss. 39, 66(2), **Sch. 13 para. 27** (with ss. 54(7), 66(7), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

- [<sup>F41</sup>64B A pension payable by such a residuary body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the authorities abolished by the Act.]

**Textual Amendments**

- F41** Sch. 2 Pt. I paras 64A, 64B inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s.61(2)**

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[<sup>F42</sup>64C A pension payable by the London Residuary Body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the Inner London Education Authority.]

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**Textual Amendments**

**F42** Sch. 2 Pt. 1 para. 64C inserted (29.7.1988) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), s. 179(3)

[<sup>F43</sup><sup>F44</sup>64D A pension payable by the London Pensions Fund Authority.]

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**Textual Amendments**

**F43** Para. renumbered 64D by [S.I. 1990/198](#), art.3

**F44** Sch. 2 Pt. II para. 64D inserted (E.W.) (30.10.1989) at the end of Part II by SI 1989/1815, art. 7(6)

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