

1969. No. 320

[C]

PENSIONS

Increase of Pensions

REGULATIONS, DATED 27TH NOVEMBER 1969, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER PARAGRAPH 7 OF SCHEDULE 2 TO THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1969.

The Ministry of Home Affairs, in exercise of the powers conferred on it by paragraph 7 of Schedule 2 to the Pensions (Increase) Act (Northern Ireland) 1969(a) and with the consent of the Ministry of Finance, hereby makes the following Regulations:—

Citation and Operation

1.—(1) These Regulations may be cited as the Increase of Pensions (Police and Fire Service) Regulations (Northern Ireland) 1969.

(2) These Regulations shall come into operation on 1st December 1969, and the increases authorised thereby shall take effect as from 1st April 1969.

Interpretation

2. In these Regulations—

- (a) the expression “the Act” means the Pensions (Increase) Act (Northern Ireland) 1969;
- (b) the expression “fire service pension” means such a pension as is referred to in paragraph 4 of Part II of Schedule 1 to the Act;
- (c) the expression “police pension” means such a pension as is referred to in paragraph 3 of Part I of the said Schedule.

Police and fire service pensions

3.—(1) This Regulation shall apply to a police pension or a fire service pension (other than a child's ordinary allowance payable under the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955(b)), being a pension which is reduced in amount or is not payable on account of the payment of some additional benefit.

(2) In relation to a pension to which this Regulation applies the expression “adjusted rate” in paragraph 2 of Schedule 2 to the Act shall have effect, subject to paragraph (4), as if it were provided therein that the aggregate annual rate of the pension should be calculated as if no additional benefit were payable.

(3) Where the permitted reduction in the amount of a pension to which this Regulation applies exceeds the adjusted rate of that pension, within the meaning of the Act as modified by these Regulations, section 1(1) of the Act shall have effect, subject to paragraph (4), as if it were provided therein that the increase payable thereunder should be reduced by that excess.

(4) If the modifications of the Act contained in paragraphs (2) and (3) would result in the increase of a pension under section 1 of the Act being less than it would have been but for those modifications, neither of the said modifications shall apply for the purpose of the calculation of the said increase.

(a) 1969. c. 5 (N.I.).

(b) S.R. & O. (N.I.) 1955, No. 181.

(5) In this Regulation the expression "additional benefit" means any benefit payable under the National Insurance Act (Northern Ireland) 1966(c) or the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(d) or any family allowance payable under the Family Allowances Act (Northern Ireland) 1966(e) and the expression "permitted reduction" means the amount (expressed as an annual rate) by which a pension would fall to be reduced on account of the payment of additional benefit if the reduction were not limited by the size of the pension.

Police pensions

4.—(1) This Regulation shall apply where a pensioner is entitled to both a police supplemental pension and some other police pension.

(2) In the circumstances described in paragraph (1)—

- (a) notwithstanding anything in the Royal Ulster Constabulary Pensions Orders or in the Ulster Special Constabulary Pensions Regulations, the relevant provisions of the Act and the provisions of Regulation 3 shall have effect as though the pensions mentioned in that paragraph constituted separate awards; and
- (b) without prejudice to Regulation 3(2), the definition of adjusted rate in paragraph 2 of Schedule 2 to the Act shall have effect in relation to those pensions as if any relevant increase within the meaning of the Pensions (Increase) Act (Northern Ireland) 1959(f) in the combined pensions were apportioned between the two pensions as follows, that is to say, for the purpose of the said definition so much of the combined increase as would have been payable had the pensioner not been entitled to a supplemental pension shall be treated as an increase in the other pension and the balance of the combined increase shall be treated as an increase in the supplemental pension.

(3) In this Regulation the expression "the Royal Ulster Constabulary Pensions Orders" means such Orders for the time being in force under the Constabulary Acts (Northern Ireland) 1922 to 1949, the expression "the Ulster Special Constabulary Pensions Regulations" means such Regulations for the time being in force under the said Acts and the expression "supplemental pension" has the same meaning as in those Orders and Regulations.

Fire service pensions

5. In relation to a fire service pension (other than a child's ordinary allowance under the Fire Services (Fire Officers and Firemen) Pensions Order (Northern Ireland) 1955) calculated otherwise than by reference to pensionable pay or average pensionable pay which began for the purposes of the Act after 1st July 1955, section 1(2) of the Act shall apply as if the pension so began not later than that date.

Sealed with the Official Seal of the Ministry of Home Affairs this 27th day of November 1969.

(L.S.)

W. G. Robinson,
Assistant Secretary.

The Ministry of Finance hereby consents to the making of the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance this 28th day of November 1969.

(L.S.)

C. F. Darling,
Assistant Secretary.

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations provide that specified provisions of the Pensions (Increase) Act (Northern Ireland) 1969 shall apply in relation to certain police and fire service pensions subject to modifications and adaptations. Regulation 3 provides that in calculating the aggregate annual rate of a pension (by reference to which the amount of an increase under the Act is determined) no account shall be taken of reductions in the pension made on account of the payment of certain additional benefits, but that in certain cases the increase is to be abated on account of such payment. Regulation 4 provides that, where a police pension comprises a supplemental and some other pension, those pensions are to be increased separately under the Act. Regulation 5 provides that certain flat-rate fire service pensions shall be treated, for the purpose of determining entitlement to, and the amount of, increases, as having begun at times other than those at which they are deemed under the Act to have begun.

Regulation 1(2) provides that the increases authorised by the Regulations shall take effect from 1st April 1969, the date from which increases under the Act are payable.