



# Pensions (Increase) Act 1971

## 1971 CHAPTER 56

### PART I

#### GENERAL PROVISIONS

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

C1 Pt. I extended by [Social Security Pensions Act 1975 \(c. 60\), s. 59\(7\)](#)

#### 1 Present increases.

- (1) Subject to the provisions of this Act, the annual rate of an official pension may, if any qualifying condition is satisfied, [<sup>F1</sup>or the pension is a widow's pension] be increased by the pension authority in respect of any period beginning on or after 1st September 1971, as follows:—
- (a) a pension beginning before the year 1969 may be increased by the amount necessary to bring the rate up to the 1969 standard, that is to say, to the rate arrived at by applying to the basic rate of pension the multiplier given in Schedule 1 for the year in which the pension began, and by a further 18 per cent. of the rate as so increased;
  - (b) a pension beginning on or before 1st April 1969 but not earlier than that year may be increased by 18 per cent. of the basic rate;
  - (c) a pension beginning in the six months following 1st April 1969 may be increased by 16 per cent. of the basic rate;
  - (d) a pension beginning in the six months following 1st October 1969 may be increased by 14 per cent. of the basic rate;
  - (e) a pension beginning in the six months following 1st April 1970 may be increased by 10 per cent. of the basic rate;
  - (f) a pension beginning in the six months following 1st October 1970 may be increased by 6 per cent. of the basic rate.

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- (2) In the case of a pension beginning before the year 1969 the increase authorised by subsection (1)(a) above shall take the place of those authorised by the Pensions (Increase) Acts 1920 to 1969, but in the cases provided for by section 6 below shall be of the larger amount there specified by reference to increases that might have been made under those Acts.

**Textual Amendments**

**F1** Words inserted with saving by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(3\)\(a\)](#)

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

**C2** [S. 1](#) is set out in the Schedule to SI 1978/1211 for the purpose mentioned in art. 3(2) thereof  
[S. 1](#) excluded (1.3.1995) by [S.I. 1995/238, reg.10](#)

**C3** [S. 1\(1\)\(a\)](#) modified (1.3.1995) by [S.I. 1995/238, reg.11\(b\)](#)

**2 Future reviews and increases.**

F2

**Textual Amendments**

**F2** [S. 2](#) repealed by [Social Security Pensions Act 1975 \(c. 60\), Sch. 5](#) with saving for existing orders under s. 2

**3 Qualifying conditions.**

- (1) A pension shall not be increased under this Part of this Act unless one of the conditions laid down by this section (in this Act referred to as “qualifying conditions”) is satisfied <sup>F3</sup>or the pension is [<sup>F4</sup>a derivative or substituted pension or a relevant injury pension.]
- (2) A pension payable in respect of the pensioner’s own services [<sup>F5</sup>other than a relevant injury pension,] shall not be increased unless the pensioner—
  - (a) has attained the age of [<sup>F6</sup>fifty-five years]; or
  - (b) has retired on account of physical or mental infirmity from the office or employment in respect of which, or on retirement from which, the pension is payable; or
  - (c) [<sup>F7</sup>subject to subsections (9) to (11) below,]. . . has at least one dependant; or the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.
- [<sup>F8F9</sup>(2A) A pension attributable to the pensioner having become entitled to a pension credit shall not be increased unless the pensioner has attained the age of fifty-five years.]
- <sup>F10</sup>(3) .....
- <sup>F11</sup>(4) .....
- (5) For the purposes of this section, a pensioner shall be deemed to be disabled by physical or mental infirmity if he is permanently incapacitated by such infirmity from engaging in any regular full-time employment.

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- (6) Subject to subsection (7) below, “dependant” in this section means, in relation to a pensioner, a person who the pension authority are satisfied is wholly or mainly supported by the pensioner and who either has not attained the age of [<sup>F12</sup>seventeen] years or is receiving full-time instruction at an educational establishment or is undergoing training [<sup>F13</sup>for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years].
- (7) Where a pension payable to a woman at 31st August 1971 is then payable at a rate increased under the Pensions (Increase) Acts 1920 to 1969 by reason only that she is, and has since 1st April 1956 been, wholly or mainly supporting another person, being either—
- (a) her, or her deceased husband’s, father, mother, brother, sister, child, uncle or aunt; or
  - (b) the child of any such person as is mentioned in paragraph (a) above; or
  - (c) her step-father or step-mother; or
  - (d) a person undergoing training for any trade, profession or vocation;
- then so long as the pension authority are satisfied that she continues wholly or mainly to support that person and, if this subsection applies only by virtue of paragraph (d), that person continues to undergo training for a trade, profession or vocation, that person shall be deemed for purposes of this section to be the woman’s dependant.
- In this subsection “child” includes a step-child and an illegitimate child,  
<sup>F14</sup> . . .
- (8) The Minister for the Civil Service may by order made by statutory instrument provide for reducing (or further reducing) the age sixty in subsection (2)(a) [<sup>F15</sup>above] to any age not less than fifty-five, and this section shall have effect subject to any such order for the time being in force; but a statutory instrument under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F8</sup>(9) On and after 1st January 1993 paragraph (c) of subsection (2) above shall have effect only to the extent provided by subsections (10) and (11) below.
- (10) Where, immediately before 1st January 1993, a [<sup>F16</sup>person is in receipt of a pension the whole or any part of] which has been increased under this Part of this Act by virtue of paragraph (c) of subsection (2) above, that paragraph shall continue to have effect in relation to that [<sup>F17</sup>person and that pension or part] until such time as the pension falls to be increased under this Part of this Act in consequence of any other provision of that subsection.
- (11) In any case where—
- (a) a [<sup>F18</sup>person’s] pension commences on or after 1st January 1993, and
  - (b) on the day on which the pension commences [<sup>F19</sup>he] has not attained the age of 55,
- paragraph (c) of subsection (2) above shall have effect in relation to that [<sup>F20</sup>person] and so much of the pension as is referable to service rendered before 1st January 1993 until such time as the pension falls to be increased under this Part of this Act in consequence of any other provision of that subsection.]

#### Textual Amendments

**F3** Words inserted with saving by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(3\)\(a\)](#)

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- F4** Words substituted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(1)**
- F5** Words inserted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(2)(a)**
- F6** Words substituted by virtue of S.I. 1972/1299, **art. 3**
- F7** Words inserted (1.1.1993) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(2)(b)(8)**
- F8** S. 3(9)(10)(11) added (1.1.1993) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(4)(8)**
- F9** S. 3(2A) inserted (1.12.2000) by 1999 c. 30, **s. 39(2)**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F10** S. 3(3) repealed by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(3)(a)**
- F11** S. 3(4) repealed with saving by Pensions (Increase) Act 1974 (c. 9), **s. 3(3)**
- F12** Word substituted by Pensions (Increase) Act 1974 (c. 9) s. 3(2)
- F13** Words substituted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(3)(b)**
- F14** Words repealed by Children Act 1975 (c. 72), **Sch. 4 Pt. 1**
- F15** Words substituted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(3)(c)**
- F16** Words in s. 3(10) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, **ss. 171(3)(a)(5), 180(2)(c)**
- F17** Words in s. 3(10) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, **ss. 171(3)(b)(5), 180(2)(c)**
- F18** Words in s. 3(11) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, **ss. 171(4)(a)(5), 180(2)(c)**
- F19** Words in s. 3(11) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, **ss. 171(4)(b)(5), 180(2)(c)**
- F20** Words in s. 3(11) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, **ss. 171(4)(b)(5), 180(2)(c)**

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

- C4** S. 3(8) has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: S.I. 1981/1670, **arts. 2(1)(c), 3(5)**

## **4 Effect of re-employment.**

- (1) Where a person has been in receipt of an official pension in respect of any service, and in consequence of any further service rendered by him the pension falls to be recalculated as to its basic rate and to be treated for purposes of this Act as beginning at a later date, then the rate of the pension as recalculated, with any increase under this Part of this Act apart from this section, may be further increased up to the rate, if it is higher, at which the pension would have been payable with any such increase if—
- (a) the further service had not been rendered; and
  - (b) where the pension is one of those specified in subsection (4) below and the recalculation is on the basis there mentioned, the length of the previous service had been increased by the length of the further service.
- (2) Where a person has terminated his service in circumstances such that he is or may [F21 (without rendering further reckonable service)] become eligible for an official pension, but has not been in receipt of that pension before rendering further service in consequence of which the pension falls to be recalculated or to be calculated on a

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different basis, subsection (1) above shall apply as it would apply if he had been in receipt of the pension before rendering the further service.

[<sup>F22</sup>(2A) In subsection (2) above “reckonable service”, in relation to a person and his official pension, means service which falls to be taken into account in calculating the basic rate of pension.]

(3) Where the basic rate of a derivative pension, not being a substituted pension, falls to be calculated

[<sup>F23</sup>(a)] by reference to that of a principal pension which is authorised to be increased under subsection (1) or (2) above (or which would have been, if the further service had been terminated by retirement), [<sup>F23</sup>or

(b) by reference to a rate of emoluments (whether actual emoluments or not and whether final or average emoluments) and a period of service of the person who was or, had he survived, would have been the pensioner in relation to such a principal pension,]the derivative pension may be increased in the way in which subsection (1) above authorises (or would have authorised) the principal pension to be increased; and for this purpose the reference in subsection (1)(b) to the pension is to be taken as a reference to the principal pension, not the derivative pension.

(4) Subsection (1)(b) above shall apply to pensions specified in paragraphs 4, 18 to [<sup>F24</sup>20A] and 50 of Schedule 2 to this Act, and also to those specified in paragraphs 22(b) [<sup>F24</sup>to 23A] if computed under the Superannuation Acts 1834 to 1949, but shall apply only in a case where the recalculation falls to be made by reference—

(a) to the aggregate of the further service and the previous service; and

(b) to emoluments attributed to a period immediately preceding the termination of the further service not lower than the emoluments by reference to which the pension was to be calculated before the further service.

#### Textual Amendments

**F21** Words inserted (*retrosp.*) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7 SIF 101A:3), s. 2(1) (2)

**F22** S. 4(2A) inserted (*retrosp.*) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 2(1)(3)

**F23** Words inserted (*retrosp.*) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 2(1) (4)

**F24** Words substituted by Superannuation Act 1972 (c. 11), Sch. 6 para. 84

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

**C5** S. 4 excluded (1.3.1995) by S.I. 1995/238, reg. 7(3)(a)

## 5 Scope of Act, and general powers to extend and adapt increases.

(1) For purposes of this Act “official pension” means, subject to subsection (2) below, any of the pensions specified in Schedule 2; and in the case of a pension specified in Part II of the Schedule it shall be the duty of a pension authority, except as otherwise provided by section 9(7) [<sup>F25</sup>or (7A)] below, to increase the pension in accordance with this Act.

(2) The Minister for the Civil Service may by regulations provide that this Act shall have effect in relation to any pensions not specified in Schedule 2 as if they were specified

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in such Part of that Schedule as may be directed by the regulations; and regulations under this subsection—

- (a) may include such incidental, consequential and supplemental provisions as appear to the Minister to be expedient; and
  - (b) may in particular make provision for securing that the cost of increasing any pension is borne by the appropriate authority.
- (3) The Minister for the Civil Service, if satisfied in the case of any official pension that it is proper so to do, may by regulations direct (either generally or [<sup>F26</sup>for any particular purpose]) that the provisions of this Act shall apply in relation to that pension subject to such modifications, adaptations and exceptions as may be specified in the regulations.

The power conferred by this subsection on the Minister for the Civil Service may be exercised also, with his consent, by the Lord Chancellor, [<sup>F27</sup>the Secretary of State . . .<sup>F28</sup>.]

- (4) Any regulations under this section may provide for increases to take effect from a date before the making of the regulations.

#### Textual Amendments

- F25** Words inserted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 85](#)
- F26** Words substituted by [Social Security Pensions Act 1975 \(c. 60\), Sch. 4 Pt. I para. 18](#)
- F27** Words substituted by [S.I. 1974/1264, art. 5\(3\)](#)
- F28** Words repealed (21.11.1979) by [S.I. 1979/1451, Sch. 3](#)

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

- C6** [S.5](#) extended by Parliamentary and other [Pensions Act 1972 \(c. 48\), s. 31\(3\)](#)
- C7** [S. 5](#) 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\(5\)](#)
- C8** [S. 5\(2\)](#) extended by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 4\(2\)](#)
- C9** [S. 5\(3\)](#) amended by Parliamentary and other [Pensions Act 1987 \(c. 45, SIF 89\), s. 6, sch. 3 para 3\(1\)](#)

## 6 Preservation for certain purposes of benefit of previous Acts.

- (1) If in the case of an official pension beginning before the year 1969 the 1969 standard is less than the 1971 rate of the pension with the addition (if any) to be made to that rate under subsection (5) below, then the increase that may be made in the pension under section 1(1)(a) above shall be of the amount necessary to bring the annual rate up to 118 per cent. of the 1971 rate or, if subsection (5) below applies, to 118 per cent. of the 1971 rate with the addition under that subsection.
- (2) For any pension that qualified for an increase under the <sup>M1</sup>Pensions (Increase) Act 1920, the 1971 rate shall be taken to be the annual rate at which it is being paid on 31st August 1971 (or, if payment is then suspended, was last paid before that date).
- (3) Where an official pension not falling within subsection (2) above is being paid on 31st August 1971 at a rate which includes any relevant increases, then the annual rate at which it is then being paid shall be taken as the 1971 rate, unless it is shown that the rate should have been revised or there is a change of circumstances that would affect the 1971 rate if ascertained under subsection (4) below.

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- (4) Subject to the provisions of this section, the Minister for the Civil Service shall by order prescribe tables and rules for ascertaining, for any pension to which subsection (1) above may apply (other than a pension falling within subsection (2) above), the annual rate at which it would be payable if paid with any relevant increases; and the rate so ascertained shall be taken to be the 1971 rate, unless subsection (3) above applies.
- (5) Where a pension beginning on or before 1st April 1961 is one that (but for this Act) might have been increased under section 1 of the <sup>M2</sup>Pensions (Increase) Act 1962, and any of the qualifying conditions other than those specified in section 3(3)(b), (c) and (d) above is satisfied, [<sup>F29</sup>or the pension is a widow's pension] then there shall for purposes of this section be made to the 1971 rate as ascertained under sub-section (4) above an addition of the amount prescribed by order of the Minister for the Civil Service as corresponding to that of the increase provided for by section 2 of that Act (additional increase for pensioners over 70); and where subsection (3) above applies, the like addition shall be made to the 1971 rate given by that subsection, unless the pensioner had attained the age of 70 on or before 31st August 1971.
- (6) The annual rate of official pensions beginning after the year 1968 may, if any qualifying condition is satisfied [<sup>F29</sup>or the pension is a widow's pension,] be increased by the pension authority in respect of any period beginning on or after 1st September 1971 by such amounts as may be prescribed by order of the Minister for the Civil Service as corresponding to those of any increases that might (but for this Act) have been made in the case of those pensions under the <sup>M3</sup>Pensions (Increase) Acts 1944 <sup>M4</sup> and 1947 or the <sup>M5</sup>Pensions (Increase) Act 1956, and where the rate of a pension may be increased under this subsection, any increase under section 1 or 2 above shall be calculated by reference to the rate as so increased as if it were the basic rate.
- (7) Orders made for the purposes of this section shall include such provision as may be necessary to enable the pensions to which subsections (1), (5) and (6) relate to be identified without reference to the <sup>M6</sup>Pensions (Increase) Acts 1920 to 1969, except that pensions which qualified for an increase under the Pensions (Increase) Act 1920 need not be otherwise identified.
- (8) This section shall have effect subject to any provision made in the exercise of the powers conferred by section 5(3) above; and accordingly an order under this section may disregard any provision made in the exercise of corresponding powers conferred by the Pensions (Increase) Acts 1920 to 1969 or of powers conferred by section 17 of the <sup>M7</sup>Ministerial Salaries and Members' Pensions Act 1965 (past Prime Ministers), and may also disregard section 7(1) of the <sup>M8</sup>Judicial Pensions Act 1959.
- (9) An order under this section shall take no account of any provision of the Pensions (Increase) Acts 1920 to 1969 whereby a fraction of a pound was to be treated as a whole pound and may make such other departures from the effect of those Acts as in the opinion of the Minister will, without materially reducing the rate of any pension, simplify the tables or rules or make for ease of calculation.
- (10) For purposes of this section, "relevant increase" means, in relation to any pension, any increase that might (but for this Act) have been made in the annual rate of the pension under section 1 of any of the following Acts, that is to say the <sup>M9</sup>Pensions (Increase) Act 1944, the <sup>M10</sup>Pensions (Increase) Act 1952, the Pensions (Increase) Act 1956, the <sup>M11</sup>Pensions (Increase) Act 1959, the <sup>M12</sup>Pensions (Increase) Act 1962, the <sup>M13</sup>Pensions (Increase) Act 1965 and the <sup>M14</sup>Pensions (Increase) Act 1969; but an order under this section may for purposes of subsection (4) treat as a relevant increase any increase

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authorised by or under any enactment by reference to a relevant increase, and may repeal or amend the provision authorising it accordingly.

- (11) An order made (or purporting to be made) under this section shall have effect notwithstanding any error or omission in reproducing the effect of any Act or instrument, but may be amended by a further order for the purpose of correcting any such error or omission; and any such amendment may be made so as to have effect from such date as may be specified in the further order (including a date before the making of that order), and with such savings and transitional provisions as the Minister thinks proper.
- (12) An order under this section shall be made by statutory instrument; and if an order made by virtue of subsection (11) above has the effect of reducing the rate of any pension, the statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F29** Words inserted with saving by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(3\)\(a\)](#)

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

- C10** [Ss. 6, 7](#) have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: [SI 1981/1670 arts. 2\(1\), 3\(5\)](#)  
[S. 6](#) excluded (1.3.1995) by [S.I. 1995/238, regs. 12, 15](#)  
[S. 6](#) restricted (1.3.1995) by [S.I. 1995/238, reg. 13\(2\)\(b\)](#)  
[S. 6](#) modified (1.3.1995) by [S.I. 1995/238, regs. 13\(2\)\(c\), 13\(4\)](#)
- C11** [S. 6\(2\)](#) excluded (1.3.1995) by [S.I. 1995/238, reg. 13\(2\)\(a\)](#)  
[S. 6\(2\)-\(5\)](#) excluded (1.3.1995) by [S.I. 1995/238, reg. 16](#)
- C12** [S. 6\(3\)](#) applied (with modifications) (1.3.1995) by [S.I. 1995/238, reg. 13\(5\)](#)
- C13** [S. 6\(4\)](#) modified (1.3.1995) by [S.I. 1995/238, reg. 13\(3\)](#)
- C14** [s. 6\(5\)](#) applied (with modifications) (1.3.1995) by [S.I. 1995/238, reg. 13\(1\)](#)
- C15** [Ss. 6, 7](#) have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: [S.I. 1981/1670, arts. 2\(1\)\(c\), 3\(5\)](#)

#### Marginal Citations

- M1** 1920 c. 36.  
**M2** 1962 c. 2 (11 & 12 Eliz. 2).  
**M3** 1944 c. 21.  
**M4** 1947 c. 7.  
**M5** 1956 c. 39.  
**M6** 1920 c. 36.  
**M7** 1965 c. 11.  
**M8** 1959 c. 9 (8 & 9 Eliz. 2).  
**M9** 1944 c. 21.  
**M10** 1952 c. 45.  
**M11** 1959 c. 50.  
**M12** 1962 c. 2 (11 & 12 Eliz. 2).  
**M13** 1965 c. 78.  
**M14** 1969 c. 7.



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## 7 Administrative provisions.

- (1) In this Act “pension authority” means, except as otherwise provided in Part III of Schedule 2 to this Act, the authority by whom the pension is payable; but the Minister for the Civil Service or, with his approval, the Secretary of State may by regulations provide that, in relation to any class of pensions specified in the regulations, all or any of the functions of the pension authority under this Act shall be performed on behalf of the pension authority by such other authority as may be so specified.
- (2) The provisions of Schedule 3 to this Act shall have effect with regard to the manner in which the cost of increases under this Act is to be borne in the cases there mentioned and with regard to other incidental and consequential matters.
- (3) Subject to the provisions of this Act, any provision made by or under any enactment shall, in so far as it relates to the apportionment of the cost of a pension between two or more authorities or funds, or to the manner in which a pension is to be paid or borne, or to the proof of title to sums payable on account of a pension, or in so far as it prohibits or restricts the assignment or charging of a pension or its application towards the payment of debts, have effect in relation to any increase of the pension under this Act as it has effect in relation to the pension:

Provided that this subsection, in so far as it relates to the apportionment of the cost of an increase under this Act, shall have effect subject to any agreement between the authorities concerned.

- (4) Except as provided by subsection (3) above or by Schedule 3 to this Act, an increase of a pension under this Act shall not be treated as part of the pension for the purposes of any provision made by or under any enactment; and in calculating the rate of a derivative pension, any increase under this Act of the principal pension shall be disregarded.

### Modifications etc. (not altering text)

- C16** Ss. 6, 7 have 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)
- C17** S. 7(2)(3) extended by [Pensions \(Increase\) Act 1974 \(c.9\), s. 2\(2\)](#)
- C18** S. 7(2)(3) extended by [Pensions \(Increase\) Act 1974 \(c.9\), s. 2\(2\)](#)

## 8 Meaning of “pension”, and other supplementary provisions.

- (1) For purposes of this Act “pension” includes (subject to section 9 below)—
  - (a) any allowance or other benefit payable <sup>F30</sup> . . . by virtue of any superannuation scheme, whether contained in an enactment or otherwise, including a superannuation scheme providing benefits in the case of injury or death; and
  - (b) any compensation payable in respect of retirement from an office or employment in pursuance of the provisions of an enactment, any compensation payable in respect of the loss, abolition or relinquishment of an office or employment occasioned by an alteration in the organisation of a department or service or by a transfer or other reorganisation of the functions of local authorities, and any compensation payable in respect of a diminution in the emoluments of an office or employment which has been occasioned as aforesaid [<sup>F31</sup>and

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- (c) without prejudice to the generality of paragraph (b) above, any compensation payable in pursuance of the provisions of a scheme under section 1 of the <sup>M15</sup>Superannuation Act 1972 made by virtue of section 2(2) of that Act or of regulations made under section 24 thereof]
- [<sup>F32</sup>but does not include any money purchase benefits.]
- (2) A pension [<sup>F33</sup>which is not attributable to a pension credit] shall be deemed for purposes of this Act to begin on the day following the last day of the service in respect of which the pension is payable (whenever the pension accrues or becomes payable), except that—
- (a) an earnings-related pension based, directly or indirectly, on emoluments received for a period not ending with the last day of that service, other than a substituted pension, is to be deemed to begin on the day following the last day of that period; . . . <sup>F34</sup>
- (b) a substituted pension is to be deemed to begin on the same day as the original pension, or, if earlier, on the day from which the surrender of the original pension takes effect; [<sup>F35</sup>and
- (c) a relevant injury pension payable by virtue of the acceptance of less favourable terms and conditions of employment is to be deemed to begin on the day on which the employment on less favourable terms and conditions begins.]
- [<sup>F36</sup>(2A) A pension which is attributable to a pension credit shall be deemed for purposes of this Act to begin on the day on which the order or provision on which the credit depends takes effect.]
- (3) Where an earnings-related pension beginning before the year 1969 may be payable either at a rate fixed, directly or indirectly, by reference to emoluments or at a flat rate, the 1969 standard and, if relevant, the 1971 rate of the pension according to either of its rates shall be determined without regard to the other.

#### Textual Amendments

- F30** Words in s. 8(1)(a) repealed (1.12.2000) by 1999 c. 30, ss. 39(3), 88, **Sch. 13 Pt. III**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F31** S. 8(1)(c) inserted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 86**
- F32** Words added by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 7(1)**
- F33** Words in s. 8(2) inserted (1.12.2000) by 1999 c. 30, **s. 39(4)**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F34** Word repealed by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(5)**
- F35** S. 8(2)(c) and preceding word added by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(5)**
- F36** S. 8(2A) inserted (1.12.2000) by 1999 c. 30, **s. 39(4)**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**

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

- C19** S. 8(1)(b): certain functions transferred (1.4.1992) by S.I. 1992/331, **art. 2(1)(b)(4)**.  
S. 8(1) modified (1.3.1995) by S.I. 1995/238, **reg. 7(3)(b)**
- C20** S. 8(2) modified by S.I. 1982/1302, **reg. 6(2)**  
S. 8(2) excluded (1.3.1995) by S.I. 1995/238, **reg. 7(3)(b)**
- C21** S. 8(3) excluded (1.3.1995) by S.I. 1995/238, **reg. 7(3)(b)**

#### Marginal Citations

- M15** 1972 c. 11.

*Status: Point in time view as at 17/06/2002.*

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

## 9 Gratuities and lump sums.

- (1) References in this Act to a pension shall not apply to any payment made by way only of a return of contributions, with or without interest [<sup>F37</sup>(or any money purchase benefits)]; but, subject to that, this Act shall apply in relation to any allowance, benefit or compensation whether it takes the form of periodical payments or of a gratuity or other lump sum.
- (2) In relation to a lump sum—
  - (a) references to the time when a pension begins shall apply in accordance with section 8(2) above as in the case of a pension taking the form of periodical payments; and
  - (b) references to increasing a pension in respect of a period beginning at any time shall have effect as references to increasing any sum becoming payable at or after that time on account of the lump sum or any instalment of it; and
  - (c) references to the rate of a pension shall have effect as references to the amount of the lump sum or an instalment of it, as the case may require.
- (3)(4)(4A) . . . <sup>F38</sup>
- (5) For purposes of section 4 above any addition to a lump sum which would have resulted from treating the length of the previous service as being increased by the length of the further service in accordance with section 4(1)(b) shall be supposed not to have become payable until the day following that on which the further service in fact terminated.
- (6) Nothing in section 6 above shall apply to any lump sum.
- (7) The provisions of this section relating to lump sums shall not apply to the gratuities specified in subsection (8) below, and in relation to those gratuities section 6 above shall have effect as if they had all been included in section 6(1) of the <sup>M16</sup>Pensions (Increase) Act 1962 (and not only those payable in respect of local government service); but section 5(1) above shall not require a local authority to increase any such gratuity.
- [<sup>F39</sup>(7A) Section 5(1) above shall not require a local authority to increase any gratuity granted by way of periodical payments or by way of an annuity in accordance with regulations made under section 7 of the <sup>M17</sup>Superannuation Act 1972; and the provisions of this section relating to lump sums shall not apply to any such gratuity.]
- (8) The gratuities to which subsection (7) above applies are—
  - (a) any gratuity granted by way of periodical payments under any of the following enactments:—
    - (i) section 23 of the <sup>M18</sup>Local Government and other Officers' Superannuation Act 1922;
    - (ii) paragraph 4 of Part I of Schedule 1 to the <sup>M19</sup>Local Government (Clerks) Act 1931;
    - (iii) section 11 of the <sup>M20</sup>Local Government Superannuation Act 1937 or of the <sup>M21</sup>Local Government Superannuation (Scotland) Act 1937;
  - (b) any gratuity granted by way of periodical payments or by way of an annuity under section 18 of the <sup>M22</sup>Local Government Superannuation Act 1953;
  - (c) any gratuity granted by way of periodical payments or by way of an annuity under any local Act (or provisional order confirmed by Parliament)

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corresponding to any of the enactments mentioned in paragraphs (a) and (b) above.

Any question whether a local Act or provisional order corresponds to any of the enactments mentioned in paragraphs (a) and (b) above shall be determined, in the event of dispute, by the Secretary of State.

[<sup>F40</sup>(9) In any case where—

- (a) a lump sum beginning after the coming into force of this subsection, or an instalment of such a lump sum, is paid, but
- (b) the amount of that lump sum or instalment is subsequently recalculated, and
- (c) in consequence of the recalculation, an additional amount becomes payable by way of lump sum,

the additional amount shall not be increased under this Part of this Act in respect of the whole or any part of the period beginning with the day on which the lump sum or instalment became payable and ending with the day on which the additional amount is paid.]

#### Textual Amendments

- F37** Words inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 7(2)**
- F38** [S. 9\(3\)\(4\)\(4A\)](#) repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), **Sch. 5**
- F39** [S. 9\(7A\)](#) inserted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para. 87**
- F40** [S. 9\(9\)](#) added by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#), **s. 3**

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

- C22** [S. 9\(1\)](#) modified (1.3.1995) by [S.I. 1995/238](#), **reg. 7(3)(c)**
- C23** [S. 9\(2\)\(a\)](#) excluded (1.3.1995) by [S.I. 1995/238](#), **reg. 7(3)(c)**

#### Marginal Citations

- M16** 1962 c. 2 (11 & 12 Eliz. 2).
- M17** 1972 c. 11.
- M18** 1922 c. 59.
- M19** 1931 c. 45.
- M20** 1937 c. 68.
- M21** 1937 c. 69.
- M22** 1953 c. 25.

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**Changes to legislation:**

There are currently no known outstanding effects for the Pensions (Increase) Act 1971, Part I.