



Pensions (Increase) Act 1971

1971 CHAPTER 56

PART III

SUPPLEMENTARY

14^{F1}

Textual Amendments

F1 Ss. 14, 15(1)–(3), (6) repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

15 Adjustment of fire service pensions.

(1)^{F2}

(4) Where a pension payable under the Firemen's Pension Scheme is or has been granted at the higher of a flat rate and a rate fixed by reference to emoluments, then—

(a) no increase shall be made by virtue of [^{F3}section 1 above or section 59 of the ^{M1}Social Security Pensions Act 1975] in the flat rate or in any substituted pension computed by reference to the flat rate; . . .^{F4}

(b)^{F4}

(5) Where a pension payable under the Firemen's Pension Scheme, or any such pension as is mentioned in paragraph 45 or 46 of Schedule 2 to this Act, is or has been granted at the higher of a flat rate and a rate fixed by reference to emoluments, the grant shall have effect, in relation to any period beginning on or after 1st September 1971, as a grant at whichever rate is for the time being the higher after account is taken of the operation of this Act.

(6)^{F2}

(7) The order to be made under section 6 above may omit any special provision which, apart from this subsection, would be required for pensions payable under the Firemen's

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Pension Scheme or for pensions mentioned in paragraph 45 or 46 of Schedule 2 to this Act, if it appears to the Minister for the Civil Service, having regard in particular to any changes or proposed changes in the Scheme, that the provision is more appropriately or conveniently made by regulations under section 5(3) above.

- (8) In this section “the Firemen’s Pension Scheme” means a scheme in force under section 26 of the ^{M2}Fire Services Act 1947; but nothing in this section shall authorise any alteration of provisions of the Scheme having effect by virtue of section 27(3) of that Act (which provides for certain features of previous arrangements to be incorporated in the Scheme where a person has so elected under the section), and subsection (4)(a) above shall not prevent an increase being made under this Act in the rate of a pension where the rate depends on section 27(3).

Textual Amendments

- F2** Ss. 14, 15(1)–(3), (6) repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**
F3 Words substituted by Social Security Pensions Act 1975 (c. 60), **Sch. 4 Pt. I para. 19**
F4 Word and s. 15(4)(b) repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

Modifications etc. (not altering text)

- C1** Ss. 11, 11A, 12, 13, 15 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)

Marginal Citations

- M1** 1975 c. 60.
M2 1947 c. 41.

16 Expenses.

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.

17 Interpretation.

- (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 ^{F5}but including any increase in the said annual rate in consequence of the ^{M3}Pensions (Increase) Act 1974 ;]

“derivative pension” and “principal pension” mean a pension which is not, and one which is, payable in respect of the pensioner’s own services;

“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;

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“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;

[^{F6}“money purchase benefits” has the meaning given by [^{F7}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);

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

[^{F8}“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”);

[^{F9}“widow’s pension” means a pension payable in respect of the services of the pensioner’s deceased husband.]

- (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

- F5** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 1\(3\)](#)
- F6** Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\), s. 7\(3\)](#)
- F7** Words in [s. 17\(1\)](#) substituted (7.2.1994) by [1993 c. 48, ss. 190, Sch. 8 para.5](#) (with [ss. 6\(8\), 164](#)); [S.I. 1994/86, art. 2](#).
- F8** Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\), s. 1\(6\)](#)
- F9** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(3\)\(b\)](#) in relation to any period after 1.12.1974

Marginal Citations

- M3** [1974 c. 9](#).

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18 Repeal, and transitional provisions.

- (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 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.

- (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 ^{M4}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 [^{F10}] or out of the Parliamentary Contributory Pension Fund [^{F11}] or payable under Part I or section 19 of the Judicial Pensions and

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Retirement Act 1993 (otherwise than under or by virtue of section 10 of that Act)];] and

- (b) ^{F12}
- (c) section 18(5) and Part II of Schedule 8 extend to Northern Ireland.

Textual Amendments

F10 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)

F11 Words in s. 19(2)(a) inserted (31.3.1995) by 1993 c. 8, s. 22(2); S. I. 1995/631, art. 2

F12 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

Marginal Citations

M4 1920 c. 67.

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