

Status: Point in time view as at 08/05/2017.

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

[^{F1} 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**

- ^{F2} 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**

[^{F3} 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**

- [^{F4}38B A pension payable under a scheme established under [^{F5}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

Status: Point in time view as at 08/05/2017.

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

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.

[^{F6}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 ^{M1}Peace Act 1949 (stipendiary magistrates).

Marginal Citations

M1 [1949 c. 101](#).

41 A pension payable by a local authority under Part I of the ^{M2}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) [^{F7}the ^{M3}Police Pensions Act 1976, or any enactment repealed by the ^{M4}Police Pensions Act 1948] or by the ^{M5}Police Pensions Act 1921;
- [^{F8}(b) section 51 or 52 of the Police Act 1996;]
- [^{F9}(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.]

Status: Point in time view as at 08/05/2017.

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

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.

[^{F10}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)

[^{F11} 44 A pension payable by a fire and rescue authority or [^{F12}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

[^{F13}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.]

Status: Point in time view as at 08/05/2017.

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

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)

^{F14}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 ^{M6}Police Pensions Act 1921 in respect of a person to whom the ^{M7}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 ^{M8}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 [^{F15}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 ^{F16}the [^{F17}London Residuary Body][^{F17}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)**

Status: Point in time view as at 08/05/2017.

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

- 49 A pension payable by [^{F18}the][^{F19}London Residuary Body][^{F19}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 ^{F20M9}A pension payable by a local authority, or by a [^{F21}local policing body or a chief officer of police] in England and Wales . . . , under any enactment other than section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 in respect of service ending with—

- (a) service as a civilian employed under [^{F22}section 15 of the Police Act 1996] by [^{F23}a police authority;]
^{F24}(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 [^{F25}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 ^{M10}Road Traffic and Roads Improvement Act 1960 or section 81(9) of the ^{M11}Road Traffic Regulation Act 1967 [^{F26}section 95(1) of the Road Traffic Regulation Act 1984.]

[^{F27}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 repealed (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 9 Pt. I](#)
F21 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](#))
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](#)
F26 Words inserted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), [s. 146](#), [Sch. 13 para. 12](#)

Status: Point in time view as at 08/05/2017.

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

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

Modifications etc. (not altering text)

C1 Sch. 2 para. 51(aa) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Transfer of Police and Crime Commissioner Functions to the Mayor\) Order 2017](#) (S.I. 2017/470), art. 1(2), **Sch. 1 para. 3(2)**

Marginal Citations

M9 1967 c. 28.

M10 1960 c. 63.

M11 1967 c. 76.

52 A pension payable by [^{F28}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 ^{M12}Local Government Act 1958, section 85(4) of the ^{M13}London Government Act 1963 or section 4 of the ^{M14}Public Expenditure and Receipts Act 1968 (compensation for loss of employment or emoluments due to reorganisation of local government etc). [^{F29}or under regulations made under section 24 of the ^{M15}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 ^{M16}Local Government Superannuation Act 1953 [^{F30}or section 7 of the ^{M17}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)**

Status: Point in time view as at 08/05/2017.

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

Marginal Citations

M16 1953 c. 25.

M17 1972 c. 11.

[^{F31}53A A pension payable in accordance with regulations under section 7 of the ^{M18}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.

[^{F32}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 ^{M19}Local Government Act 1958 or section 85(4) of the ^{M20}London Government Act 1963 (compensation for loss of employment or emoluments due to reorganisation of local government) [^{F33}or under regulations made under section 24 of the ^{M21}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 ^{M22}Teachers (Superannuation) Act 1925.

Status: Point in time view as at 08/05/2017.

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

Marginal Citations

M22 1925 c. 59.

- 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 ^{M23}Education Act 1921 or a voluntary school within the meaning of [^{F34}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 [^{F35}regulations made under section 7 of the ^{M24}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 [^{F36}section 6 of the ^{M25}Coroners (Amendment) Act 1926 (county and borough coroners)] [^{F36}paragraph 2 of Schedule 1 to the Coroners Act 1988 [^{F37}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)

Status: Point in time view as at 08/05/2017.

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

Marginal Citations

M25 1926 c. 59.

- 62 A pension payable by a local authority in respect of service as a clerk, officer or servant employed under section 47 of the ^{M26}Local Government Act 1948 or section 92 of the ^{M27}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 ^{M28}Rent Act 1965 or section 40 of the ^{M29}Rent Act 1968 [^{F38}or section 63 of the ^{M30}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) [^{F39}or (c)] of this Act.

Textual Amendments

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

- [^{F40} 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)

C2 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\(2\)](#))

- [^{F41}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.]

Status: Point in time view as at 08/05/2017.

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

Textual Amendments

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

[^{F42}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.]

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)**

^{F43}[^{F44}64D A pension payable by the London Pensions Fund Authority.]

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)

Status:

Point in time view as at 08/05/2017.

Changes to legislation:

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