

Status: Point in time view as at 20/04/2006.

Changes to legislation: There are currently no known outstanding effects for the Pensions (Increase) Act 1971, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Sections 7 and 17.

FURTHER ADMINISTRATIVE, INCIDENTAL AND CONSEQUENTIAL PROVISIONS

Modifications etc. (not altering text)

- C1** Sch. 3 excluded by S.I. 1990/503, **reg. 3(2)(b)(c)**
- C2** Sch. 3 continued by S.I. 1990/503, **reg. 3(2)(c)**
- C3** Sch. 3 applied (with modifications) (8.1.1993) by S.I. 1992/3229, **reg. 2(1)**
Sch. 3 modified (29.3.1994) by S. I. 1994/948, **reg. 2(1)(2)**
Sch. 3 modified (retrospective effect to 1.4.1990) by S.I. 1994/3026, **regs. 1(c), 10(2)**
Sch. 3 restricted (2.5.1995) by S.I. 1995/1019, **reg. L19(1)(b)**
Sch. 3 restricted (30.6.1997) by S.I. 1997/1612, **reg. 91**
Sch. 3 restricted (1.4.1998) by S.I. 1998/366, **reg. 90**

Liability for cost of increase of certain local authority, police and fire service pensions

- 1 (1) Where a pension to which this paragraph applies is increased under this Act, the cost of the increase shall be defrayed by the pension authority; but where the pension authority are not the last employing authority, the last employing authority shall reimburse to the pension authority that cost or so much of it as is not required by paragraph 2 below to be reimbursed by some other authority or to be borne by the pension authority.
- (2) For the purposes of this paragraph, “the last employing authority” means, in relation to a pension, the authority to whom the latest services in respect of which the pension is payable were rendered, unless the functions in connection with which they were rendered have been transferred to another authority; and where they have been so transferred, “the last employing authority” means the authority by whom those functions are for the time being exercisable.
- (3) Any question who are the last employing authority for the purposes of this paragraph shall, in default of agreement, be determined by the Secretary of State.
- (4) Nothing in this paragraph shall affect the operation in relation to increases under this Act of the provisions of section 14 of the ^{M1}Police Act 1890 and section 10 of the ^{M2}Police Pensions Act 1921 as to the payment of pensions partly out of the police fund and partly out of moneys provided by Parliament.
- (5) This paragraph applies to the pensions specified in the following paragraphs of Schedule 2 to this Act, that is to say, paragraphs 39, 44, 45, 47, 48, 49, 51, 53, 54, 56 to 60, 62 [^{F1}63, 64A and, so far as relating to any pension falling within any of the foregoing paragraphs, 64B][^{F2}and 64C.]

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Textual Amendments

- F1** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\), s. 61\(3\)](#)
F2 Words inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\), s. 179\(4\)](#)

Modifications etc. (not altering text)

- C4** [Sch. 3 para. 1](#) (except 1(4)) extended by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 2\(2\)](#)
C5 [Sch. 3 para. 1\(1\)](#); so much of sub-paragraph (1) as follows the first reference in that sub-paragraph to the pension authority excluded by [S.I. 1986/399, art. 9\(7\)\(a\)](#)
C6 [Sch. 3 para. 1\(1\)](#) amended by [S.I. 1989/1815, art. 7\(7\)](#)
C7 [Sch. 3 para 1\(2\)](#) excluded (E.W.) by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\), s. 15\(6\)](#) and excluded by [SI 1986/399, art 9\(7\)\(b\)](#)
C8 [Sch. 3 para 1\(2\)](#) modified (13.2.1992) by [Severn Bridges Act 1992 \(c. 3\), s. 18\(4\)\(5\)](#).
C9 [Sch. 3 Para 1\(3\)](#) excluded by [SI 1986/399, art. 9\(7\)\(b\)](#)

Marginal Citations

- M1** [1890 c. 45.](#)
M2 [1921 c. 31.](#)

- 2 (1) Where a pension to which this paragraph applies is increased under this Act, and by virtue of section 7(3) any part of the cost of the increase would, but for paragraph 1 above, be apportioned to a fund not administered by the pension authority, that part of the cost shall be reimbursed to the pension authority; and the cost of reimbursement shall be defrayed and borne as if it were the cost of an increase under this Act on a separate pension payable out of that fund in respect of the employment giving rise to the apportionment to that fund.
- (2) Where a pension to which this paragraph applies is increased under this Act, and—
- (a) the pension is payable partly in respect of service in respect of which another such pension was payable (“the previous service”) and partly in respect of further service rendered after the termination of the previous service; and
 - (b) different authorities are the last employing authority in relation to the two pensions, but the cost of the final pension does not fall to be apportioned;
- then so much of the cost of the increase as is referable to the previous service on an apportionment made according to the length of that service as compared with that of the further service shall be reimbursed to the pension authority by the authority who are the last employing authority in relation to the earlier pension (or, if the pension authority are that authority, shall be borne by the pension authority and shall not be reimbursed in accordance with paragraph 1 above by the last employing authority).
- (3) Paragraphs 1(2) and (3) above shall apply for purposes of this paragraph as they apply for purposes of paragraph 1.
- (4) This paragraph applies to the same pensions as paragraph 1 above, except that it does not apply to pensions specified in paragraphs 44, 45 and 56 of Schedule 2.

Modifications etc. (not altering text)

- C10** [Para 2](#) Extended by the [Pensions \(Increase\) Act 1974 \(c. 9\), s. 2\(2\)](#)

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Pensions of former civil servants payable by Post Office

- 3 It shall be the duty of [^{F3}the Post Office company] to increase in accordance with this Act any pension which is payable under the [^{F4}principal civil service pension scheme within the meaning of section 2 of the ^{M3}Superannuation Act 1972] but in relation to which [^{F5}the Post Office company is] the pension authority by virtue of [^{F6}paragraph 2 of Schedule 3 to the Postal Services Act 2000 as it has effect by reference to]section 44 of the ^{M4}Post Office Act 1969; and where under [^{F7}the Post Office Act 1969 or any enactment reproducing its effect] part of a pension so payable is to be paid by [^{F3}the Post Office company] and part is not, this Act shall apply as if the two parts were separate pensions.

Textual Amendments

- F3** Words in Sch. 3 para. 3 substituted (26.3.2001) by 2000 c. 26, s. 127(4), Sch. 8 Pt. II para. 12(a)(e); S.I. 2001/1148, art. 2(2), Sch.
- F4** Words substituted by Superannuation Act 1972 (c. 11), Sch. 6 para. 90(a)
- F5** Words in Sch. 3 para. 3 substituted (26.3.2001) by 2000 c. 26, s. 127(4), Sch. 8 Pt. II para. 12(b); S.I. 2001/1148, art. 2(2), Sch.
- F6** Words in Sch. 3 para. 3 inserted (26.3.2001) by 2000 c. 26, s. 127(4), Sch. 8 Pt. II para. 12(c); S.I. 2001/1148, art. 2(2), Sch.
- F7** Words in Sch. 3 para. 3 substituted (26.3.2001) by 2000 c. 26, s. 127(4), Sch. 8 Pt. II para. 12(d); S.I. 2001/1148, art. 2(2), Sch.

Modifications etc. (not altering text)

- C11** Para. 3 extended by Pensions (Increase) Act 1974 (c. 9), s. 2 (2)

Marginal Citations

- M3** 1972 c. 11.
- M4** 1969 c. 48.

- (^{F8}3A) In paragraph 3 above “the Post Office company” has the same meaning as in Part IV of the Postal Services Act 2000.]

Textual Amendments

- F8** Sch. 3 para. 3A inserted (26.3.2001) by 2001/1149, arts. 3(1), Sch. 1 para. 29

Re-employed teachers

Modifications etc. (not altering text)

- C12** The text of Sch 2 Pt. III para. 65, Sch. 3 para. 4, 5, Sch. 7, Sch. 8 Pt. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 4 Any reference to the Pensions (Increase) Acts 1920 to 1969 (or any of them) which is contained—

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- (a) in regulation 50 of the ^{M5}Teachers' Superannuation Regulations 1967, as inserted by regulation 13 of the ^{M6}Teachers' Superannuation (Amendment) Regulations 1970 ; or
- (b) in regulation 50 of the ^{M7}Teachers' Superannuation (Scotland) Regulations 1969 ;

shall have effect, in relation to any period after 31st August 1971, as a reference to Part I of this Act and, in relation to any period after 30th November 1973, as a reference to the said Part I and the Pensions (Increase) Act 1974 (but without prejudice to the power to vary or revoke those regulations).

Marginal Citations

- M5** [S.I. 1967/489.](#)
M6 [S.I. 1970/10.](#)
M7 [S.I. 1969/77.](#)

Retired staff of former approved schools etc.

Modifications etc. (not altering text)

- C13** The text of Sch 2 Pt. III para. 65, Sch. 3 para. 4, 5, Sch. 7, Sch. 8 Pt.I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 5 In Schedule 3 to the ^{M8}Children and Young Persons Act 1969 (which relates to the arrangements to take effect on an institution ceasing under section 46 to be an approved school, remand home, approved probation hostel or approved probation home), for paragraph 1(3) there shall be substituted—

“(3) In respect of any such superannuation or other benefits as are referred to in sub-paragraph (2)(b) of this paragraph, being benefits to which a person became entitled before the specified date and to which the Pensions (Increase) Act 1971 does not apply, the section 46 order may contain such provisions for securing the payment of additional amounts (calculated by reference to increases under that Act or under any enactment repealed by it) as the Secretary of State considers appropriate having regard to any arrangements obtaining with respect to those benefits before the specified date.”

Marginal Citations

- M8** [1969 c. 54.](#)

Meaning of “local authority” and “local government service”

- 6 (1) For the purposes of this Act “local authority” means—
- [^{F9}(a) in England and Wales—
- [a billing authority or a precepting authority, as defined in section 69 ^{F10} of the Local Government Finance Act 1992;

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- ^{F11}(i)
^{F12}(ia) a fire and rescue authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies;]]
^{F13}[the London Fire and Emergency Planning Authority;]
(ib)
(ii) a levying body within the meaning of section 74 of [^{F14}the Local Government Finance Act 1988]; and
(iii) a body as regards which section 75 of that Act applies; and]]
^{F15}(b) in Scotland any regional, islands or district council.]
- (2) References in this Act to a local authority shall apply also
- (a) to any joint board or joint committee established under or by virtue of any Act if all the constituent authorities are local authorities; and
- (b) to any other joint committee established by a combination scheme under section 5(1) and (2) of the ^{M9} Local Government and other Officers' Superannuation Act 1922 or under section 2 of the ^{M10} Local Government Superannuation Act 1937 or the ^{M11} Local Government Superannuation (Scotland) Act 1937 [^{F16} or in accordance with regulations made under section 7 of the ^{M12} Superannuation Act 1972] ; and
- (c) in relation to cases where they are the employing authority for purposes of the Local Government Superannuation Act 1937 or the Local Government Superannuation (Scotland) Act 1937 [^{F17} or for the purposes of regulations made under section 7 of the ^{M13} Superannuation Act 1972] , any passenger transport executive [^{F18} for the purposes of Part II of the ^{M14} Transport Act 1968]]^{F19} and
- (d) in Scotland to any water development board within the meaning of the ^{M15} Water (Scotland) Act 1967 and to any river purification board established under the ^{M16} Local Government (Scotland) Act 1973.]

Textual Amendments

- F9** Para. 6(1)(a) substituted by [S.I. 1974/595](#) , [art. 3\(16\)](#)
- F10** Sch. 3 paras. 6(1)(a)(i)-(iii) substituted for words (E.W.) by [S.I. 1990/776](#) , [arts. 2\(2\)](#) , [8](#) , [Sch. 3 para. 14](#)
- F11** Sch. 3 para. 6(1)(a)(i)(ia) substituted for para. 6(1)(a)(i) (2.11.1992) by [Local Government Finance Act 1992 \(c. 14\)](#) , [s. 117\(1\)](#) , [Sch 13](#) , [para. 30](#) ; [S.I. 1992/2454](#) , [art. 2](#) .
- F12** Sch. 3 para. 6(1)(a)(ia) substituted (1.10.2004 for specified purposes except in relation to W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#) , [s. 61](#) , [Sch. 1 para. 36\(2\)](#); [S.I. 2004/2304](#) , [art. 2](#)
- F13** Sch. 3 para. 6(1)(a)(ib) inserted (3.7.2000) by [1999 c. 29](#) , [s. 328](#) , [Sch. 29 Pt. I para. 13](#) (with [Sch. 12 para. 9\(1\)](#)) ; [S.I. 2000/1094](#) , [art. 4\(a\)\(h\)](#)
- F14** Words in Sch. 3 para. 6(1)(a)(ii) substituted (1.10.2004 for specified purposes except in relation to W.) by [Fire and Rescue Services Act 2004 \(c. 21\)](#) , [s. 61](#) , [Sch. 1 para. 36\(3\)](#); [S.I. 2004/2304](#) , [art. 2](#)
- F15** Para. 6(1)(b) substituted by [Pensions \(Increase\) Act 1974 \(c. 9\)](#) , [s. 3\(4\)\(b\)](#)
- F16** Words inserted by [Superannuation Act 1972 \(c. 11\)](#) , [Sch. 6 para. 90\(b\)](#)
- F17** Words inserted by [Superannuation Act 1972 \(c. 11\)](#) , [Sch. 6 para. 90\(c\)](#)
- F18** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#) , [s. 57\(6\)](#) , [Sch. 3 para. 23](#)
- F19** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\)](#) , [s. 3\(4\)\(c\)](#)

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- M9** 1922 c. 59 .
- M10** 1937 c. 68 .
- M11** 1937 c. 69 .
- M12** 1972 c. 11 .
- M13** 1972 c. 11 .
- M14** 1968 c.73 (**126**) .
- M15** 1967 c. 78 .
- M16** 1973 c. 65 .

- 7 (1) For the purposes of this Act “local government service” means service under any local authority [^{F20}, any county council, town council or district council and any other authority to whom section 270 of the ^{M17}Local Government (Scotland) Act 1947 applied] but includes service which by virtue of any enactment mentioned in sub-paragraph (2) below is, for superannuation purposes, treated as service under a local authority.
- (2) The enactments referred to in sub-paragraph (1) above are—
- (a) the following enactments (which relate to war service), that is to say,—
 - (i) sections 2 and 3 of the ^{M18}Local Government (Emergency Provisions) Act 1916;
 - (ii) section 12(3) of the Local Government Superannuation Act 1937 or of the Local Government Superannuation (Scotland) Act 1937;
 - (iii) section 3 of the ^{M19}Local Government Staffs (War Service) Act 1939; and
 - (b) section 51(4) (firemen employed in training institutions) of the ^{M20}London County Council (General Powers) Act 1949.

Textual Amendments

- F20** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(4\)\(d\)](#)

Marginal Citations

- M17** 1947 c. 43.
- M18** 1916 c. 12.
- M19** 1939 c. 94.
- M20** 1949 c. 1v.

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