



Pensions (Increase) Act 1971

1971 CHAPTER 56

PART III

SUPPLEMENTARY

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rate” means the annual rate of a pension apart from any increase under or by reference to this Act or any enactment repealed by this Act, or any corresponding increase made otherwise than under or by reference to this Act or an enactment repealed by it [^{F1}but including any increase in the said annual rate in consequence of the ^{M1}Pensions (Increase) Act 1974 ;]

[^{F2} “ derivative pension ” means a pension which—

- (a) is not payable in respect of the pensioner’s own services, and
- (b) is not attributable to the pensioner having become entitled to a pension credit;]

“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;

“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;

[^{F3} “ money purchase benefits ” has the meaning given by [^{F4} 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);

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[^{F5} “ pension credit ” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 or under corresponding Northern Ireland legislation;

“ principal pension ” means a pension which—

- (a) is payable in respect of the pensioner’s own services, or
- (b) is attributable to the pensioner having become entitled to a pension credit;]

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

[^{F6} “ 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”);

[^{F2} “ widow’s pension ” means a pension payable [^{F7}to a woman]—

- (a) in respect of the services of the pensioner’s deceased [^{F8}male spouse], or
- (b) by virtue of the pensioner’s deceased [^{F8}male spouse] having become entitled to a pension credit.]

- (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

- F1** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\)](#) , **s. 1(3)**
- F2** Definitions in s. 17(1) substituted (1.12.2000) by [1999 c. 30](#) , **s. 39(5)(a)(c)** ; S.I. 2000/1047 , art. 2(2)(d) , **Sch. Pt. IV**
- F3** Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#) , **s. 7(3)**
- F4** Words in s. 17(1) substituted (7.2.1994) by [1993 c. 48](#) , s. 190 , **Sch. 8 para. 5** (with ss. 6(8) , 164) ; S.I. 1994/86 , **art. 2** .
- F5** Definitions in s. 17(1) inserted (1.12.2000) by [1999 c. 30](#) , **s. 39(5)(b)** ; S.I. 2000/1047 , art. 2(2)(d) , **Sch. Pt. IV**
- F6** Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\)](#) , **s. 1(6)**
- F7** Words in s. 17(1) inserted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#) , art. 1(2) , **Sch. 3 para. 1(3)(a)** ; (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#) , art. 1(2) , **Sch. 3 para. 1(3)(a)**
- F8** Words in s. 17(1) substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#) , art. 1(2) , **Sch. 3**

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para. 1(3)(b) ; (S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229) , art. 1(2) , **Sch. 3 para. 1(3)(b)**

Modifications etc. (not altering text)

C1 S. 17(1) amendment by S.I. 2014/560, Sch. 3 para. 1(3) extended to N.I. (N.I.) (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **149(b)(ii)** (with regs. 6-9)

Marginal Citations

M1 1974 c. 9 .

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