



Pensions (Increase) Act 1971

1971 CHAPTER 56

PART I

GENERAL PROVISIONS

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 ^{M1}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.
- (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 ^{M2}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, [^{F1}or the pension is a widow's pension] then there shall for

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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 [^{F1}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 ^{M3}Pensions (Increase) Acts 1944 ^{M4} and 1947 or the ^{M5}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 ^{M6}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 ^{M7}Ministerial Salaries and Members' Pensions Act 1965 (past Prime Ministers), and may also disregard section 7(1) of the ^{M8}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 ^{M9}Pensions (Increase) Act 1944, the ^{M10}Pensions (Increase) Act 1952, the Pensions (Increase) Act 1956, the ^{M11}Pensions (Increase) Act 1959, the ^{M12}Pensions (Increase) Act 1962, the ^{M13}Pensions (Increase) Act 1965 and the ^{M14}Pensions (Increase) Act 1969; but an order under this section may for purposes of subsection (4) treat as a relevant increase any increase 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.

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- (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

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

Modifications etc. (not altering text)

- C1** [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\(4\)](#)
- C2** [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](#)
- C3** [S. 6\(3\)](#) applied (with modifications) (1.3.1995) by [S.I. 1995/238, reg. 13\(5\)](#)
- C4** [S. 6\(4\)](#) modified (1.3.1995) by [S.I. 1995/238, reg. 13\(3\)](#)
- C5** [s. 6\(5\)](#) applied (with modifications) (1.3.1995) by [S.I. 1995/238, reg. 13\(1\)](#)
- C6** [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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