
 STATUTORY INSTRUMENTS

1972 No. 1655

PENSIONS

**The Pensions Increase (Parliamentary Pensions)
Regulations 1972**

Made - - - - - 3rd November 1972

Laid before Parliament 10th November 1972

Coming into Operation 1st December 1972

The Minister for the Civil Service, in exercise of the powers conferred on him by section 5(3) of the Pensions (Increase) Act 1971(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Pensions Increase (Parliamentary Pensions) Regulations 1972, and shall come into operation on 1st December 1972.

2.—(1) In these Regulations—

“the 1965 Act” means the Ministerial Salaries and Members’ Pensions Act 1965(b);

“the 1972 Act” means the Parliamentary and other Pensions Act 1972(c);

“basic rate” has the meaning given by section 17(1) of the Pensions (Increase) Act 1971.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. The provisions of the Pensions (Increase) Act 1971 shall apply in relation to a pension payable under Part II of the 1965 Act or under Part I of the 1972 Act subject to the modifications specified in the following provisions of these Regulations.

4.—(1) This Regulation applies to—

(a) a pension payable under Part II of the 1965 Act; and

(b) a pension payable under Part I of the 1972 Act, being a pension calculated in accordance with section 8 of the 1972 Act (which provides for an alternative calculation of pensions by reference to the 1965 Act).

(2) Subject to paragraph (3) below, a pension to which this Regulation applies shall, for the purposes of the Pensions (Increase) Act 1971, be treated as beginning on 16th October 1964.

(a) 1971 c. 56.

(b) 1965 c. 11.

(c) 1972 c. 48.

(d) 1889 c. 63.

(3) Any increase under the Pensions (Increase) Act 1971 (as modified by paragraph (2) above) of a pension to which this Regulation applies shall not exceed the amount by which the basic rate of the pension falls short of the rate of the pension which would have been payable under Part I of the 1972 Act if the service in respect of which the pension is payable (including any days of such service beyond completed years) had been continuous service ending on 31st December 1972.

5.—(1) This Regulation applies to a pension under Part I of the 1972 Act, not being a pension calculated in accordance with section 8 of the 1972 Act (which provides for an alternative calculation of pensions by reference to the 1965 Act).

(2) Where a pension to which this Regulation applies is calculated by reference to a terminal salary which, by virtue of section 7(5) of the 1972 Act, includes the salary for a period before 1st January 1972, the pension (hereafter in this Regulation referred to as “the total pension”) shall be treated for the purposes of the Pensions (Increase) Act 1971 as being divided into two pensions:—

(a) a pension (hereafter in this Regulation referred to as “the pre-1972 pension”) at an annual rate equal to so much of the annual rate of the total pension as is based on the salary for a period before 1st January 1972, and

(b) a pension (hereafter in this Regulation referred to as “the 1972 pension”) at an annual rate equal to so much of the annual rate of the total pension as is based on the salary for a period after 31st December 1971.

(3) Subject to paragraph (4) below, the pre-1972 pension shall, for the purposes of the Pensions (Increase) Act 1971, be treated as beginning on 16th October 1964, and the 1972 pension shall be treated as if it were excepted from the provisions of that Act.

(4) Any increase under the Pensions (Increase) Act 1971 (as modified by the foregoing provisions of this Regulation) of a pension to which this Regulation applies shall not exceed the amount by which the basic rate of the pension falls short of the rate of the pension which would have been payable under Part I of the 1972 Act if the service in respect of which the pension is payable (including any days of such service beyond completed years) had been continuous service ending on 31st December 1972.

(5) Where a pension to which this Regulation applies is calculated by reference to a terminal salary which does not include the salary for a period before 1st January 1972, the pension shall be treated as if it were excepted from the provisions of the Pensions (Increase) Act 1971.

Given under the official seal of the Minister for the Civil Service on 3rd November 1972.

(L.S.)

Kenneth Baker,
Authorised by the Minister
for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply the Pensions (Increase) Act 1971 to the pensions of former Members of Parliament subject to the following modifications. In the case of Members whose pensions were awarded under the Ministerial Salaries and Members' Pensions Act 1965 or under section 8 of the Parliamentary and other Pensions Act 1972 (which provides for an alternative calculation of pensions by reference to the 1965 Act), pensions will be treated for pensions increase purposes as having begun on the date (16th October 1964) from which the provisions of the 1965 Act applied, and the increase in each case will be restricted so as to secure that the pension concerned will not exceed the pension that would be awarded to a Member retiring on 31st December 1972 with a similar length of service. In the case of Members who retired under the Parliamentary and other Pensions Act 1972 with pensions based partly on salary before 1st January 1972 and partly on salary after that date, that part of the pension attributable to the pre-1972 salary will be treated for pensions increase purposes as having begun on 16th October 1964, and the increase in each case will be restricted so as to ensure that the pension concerned will not exceed the pension that would be awarded to a Member retiring on 31st December 1972 with a similar length of service. In the case of Members whose pensions are based wholly on salary after 1st January 1972, no increase will be payable.

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