1980 No. 364

PENSIONS

Pensions Increase (Review) Order (Northern Ireland) 1980

Made . . . . . 22nd October 1980

Coming into operation . . . 24th November 1980

Whereas by virtue of Article 25 of the Social Security Pensions (Northern Ireland) Order 1975(**a**) a direction(**b**) has been given under section 120 of the Social Security (Northern Ireland) Act 1975(**c**) by the Department of Health and Social Services acting in conjunction with the Department of Finance that the sums which are the additional components in the rates of long-term benefits are to be increased by a specified percentage:

Now, therefore, the Department of the Civil Service, in exercise of the powers conferred by Article 69(1)(2) and (5) of the Social Security Pensions (Northern Ireland) Order 1975(**d**) and now vested in it(**e**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Pensions Increase (Review) Order (Northern Ireland) 1980 and shall come into operation on 24th November 1980.

Interpretation

2.—(1) In this Order—

"the Act of 1971" means the Pensions (Increase) Act (Northern Ireland) 1971(**f**);

"basic rate" has the meaning given by section 15(1) of the Act of 1971;

"existing Orders" means — the Pensions Increase (Annual Review) Order (Northern Ireland) 1972(**g**), the Pensions Increase (Annual Review) Order (Northern Ireland) 1973(**h**), the Pensions Increase (Annual Review) Order (Northern Ireland) 1974(**i**), the Pensions Increase (Annual Review) Order (Northern Ireland) 1975(**j**), the Pensions Increase (Annual Review) Order (Northern Ireland) 1976(**k**), the Pensions Increase (Annual Review) Order (Northern Ireland) 1977(**l**), the Pensions Increase (Annual Review) Order (Northern Ireland) 1978(**m**), and the Pensions Increase (Review) Order (Northern Ireland) 1979(**n**);

(**a**) S.I. 1975/1503 (N.I. 15)
(**b**) Contained in S.R. 1980 No. 294 Art. 3(3)
(**c**) 1975 c. 15
(**d**) Art. 69 of S.I. 1975/1503 (N.I. 15) amended the Pensions (Increase) Act (Northern Ireland) 1971 (1971 c. 35 (N.I.)). Art. 69(5) was modified in its effect by Art. 69A (inserted by Art. 10(3) of the Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))). Art. 69 was further amended by S.I. 1979/396 (N.I. 5) Art. 10(2)
(**e**) By S.R. 1976 No. 281 (II, p. 1339) Art. 3 and Sch. 1
(**f**) 1971 c. 35 (N.I.)
(**g**) S.R. & O. (N.I.) 1972 No. 263 (p. 1400)
(**h**) S.R. & O. (N.I.) 1973 No. 364 (II, p. 2063)
(**i**) S.R. 1974 No. 296 (II, p. 1396)
(**j**) S.R. 1975 No. 269 (II, p. 1272)
(**k**) S.R. 1976 No. 276 (II, p. 1332)
(**l**) S.R. 1977 No. 277 (II, p. 1523)
(**m**) S.R. 1978 No. 269 (II, p. 932)
(**n**) S.R. 1979 No. 338 (II, p. 1481)

"official pension" has the meaning given by section 5(1) of the Act of 1971;

"the Order of 1975" means the Social Security Pensions (Northern Ireland) Order 1975;

"pension authority" has the meaning given by section 7(1) of the Act of 1971;

"qualifying condition" means one of the conditions laid down in section 3 of the Act of 1971;

"widow's pension" has the meaning given by section 15(1)(o) of the Act of 1971.

(2) For the purpose of this Order the time when a pension "begins" is that stated in section 8(2) of the Act of 1971.

(3) Where, for the purposes of this Order, it is necessary to calculate the number of complete months in any period an incomplete month shall be treated as a complete month if it consists of at least 16 days.

Increases in certain pensions

3.—(1) The annual rate of an official pension may, if a qualifying condition is satisfied or the pension is a widow's pension, be increased as set out in paragraphs (2) and (3) by the pension authority in respect of any period beginning on or after 24th November 1980.

(2) A pension beginning before 12th November 1979 may be increased by 16.5 per cent of the basic rate as increased by the amount of any increase under section 1 of the Act of 1971 or the existing Orders.

(3) A pension beginning on or after 12th November 1979 and before 24th November 1980 may be increased by 16.5 per cent multiplied by $\frac{A}{B}$ where A is the number of complete months in the period between the beginning of the pension and 24th November 1980 and B is 12.

Increases in certain lump sums

4. In respect of any lump sum which became payable before 24th November 1980 but after 11th November 1979 there may be paid an increase of 16.5 per cent. of the amount of the lump sum (as increased by the amount of any increase under section 1 of the Act of 1971 or under the existing Orders) multiplied by $\frac{A}{B}$ where:

(*a*) A is the number of complete months in the period between the beginning date for the lump sum (or, if later, 12th November 1979) and the date on which it became payable; and

(*b*) B is 12.

Reductions in respect of guaranteed minimum pensions

5. Where—

(i) a person is entitled to a guaranteed minimum pension on 24th November 1980; and

(ii) entitlement to that guaranteed minimum pension arises from an employment from which (either directly or by virtue of the payment of a transfer credit under Article 40 of the Order of 1975) entitlement to the official pension also arises;

the amount by reference to which any increase in the rate of an official pension provided for by this Order is to be calculated shall be reduced by an amount equal to the rate of the guaranteed minimum pension unless the Department of the Civil Service shall, in accordance with the provisions of Article 69A(**p**) of the Order of 1975, otherwise direct.

(**o**) As amended by S.I. 1974/1267 (N.I. 2) Art. 5(3)(*b*)
(**p**) Inserted by S.I. 1979/396 (N.I. 5) Art. 10(3)