1979 No. 338

PENSIONS

The Pensions Increase (Review) Order (Northern Ireland) 1979

Made	*26th September* 1979
Coming into operation . . .	*12th November* 1979

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

Now therefore the Department of the Civil Service in exercise of the powers conferred by Article 69(1)(2)(3)(4) and (5) of the Social Security Pensions (Northern Ireland) Order and now vested in it(d) 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) 1979 and shall come into operation on 12th November 1979.

2.—(1) In this Order—

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

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

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

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

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

(a) S.I. 1975/1503 (N.I. 15); Article 69 was amended by Article 10 of The Social Security (Northern Ireland) Order 1979 (S.I. 1979/396 (N.I. 5))
(b) The direction is contained in S.R. 1979 No. 273
(c) 1975 c. 15
(d) By S.R. 1976 No. 281 Art. 3 and Sch. 1 (II, p. 1339)
(e) 1971 c. 35 (N.I.)
(f) S.R. & O. (N.I.) 1972 No. 263 (p. 1400)
(g) S.R. & O. (N.I.) 1973 No. 364 (II, p. 2063)
(h) S.R. 1974 No. 296 (II, p. 1396)
(i) S.R. 1975 No. 269 (II, p. 1272)
(j) S.R. 1976 No. 276 (II, p. 1332)
(k) S.R. 1977 No. 277 (II, p. 1523)
(l) S.R. 1978 No. 269 (II, p. 932)

"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) of the Act of 1971.

(2) For the purposes 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.

Pension Increases

3. The annual rate of an official pension may, if a qualifying condition is satisfied or the pension is a widow's pension, be increased by the pension authority in respect of any period beginning on or after 12th November 1979 as follows:—

(1) a pension beginning on or before 1st July 1978 may be increased by 16 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;

(2) a pension beginning on or after 2nd July 1978 may be increased by 17.5 per cent, multiplied by A/B where

(*a*) A is the number of complete months in the period between the beginning of the pension and 12th November 1979 and

(*b*) B is 12.

Increases in certain lump sums

4. In respect of any lump sum or instalment of a lump sum which became payable before 12th November 1979 but after 1st December 1978 there may be paid an increase of 17.5 per cent, multiplied by 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, 1st December 1978 and the date on which it became payable; and

(*b*) B is 12.

Reductions in respect of guaranteed minimum pensions

5. 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, in the case of a person who

(i) is entitled to a guaranteed minimum pension on 12th November 1979; and

(ii) whose 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.

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 of the Order of 1975, otherwise direct.

Sealed with the Official Seal of the Department of the Civil Service for Northern Ireland on 26th September 1979.

(L.S.) *W. G. Robinson*
Deputy Secretary