STATUTORY INSTRUMENTS

1974 No. 1267 (N.I. 2)

Pensions (Increase) (Northern Ireland) Order 1974

- - - - - - *[25th July 1974]*

Title and commencement

1. This Order may be cited as the Pensions (Increase) (Northern Ireland) Order 1974 … *Commencement ...*

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

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

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Department of Finance[F1] or made by any other department of the Government of Northern Ireland with the approval of that Department; and

"the relevant date", in relation to a pension, means—

(a) such date as may be specified in regulations as that on which, in the opinion of the Department making the regulations, the emoluments relevant for the purpose of calculating the pension were or are expected to be increased by the principal pay increase made or expected to be made, during the year ending with 6th November 1974, in accordance with the code in force under section 2 of the Counter-Inflation Act 1973 at the time of the increase; or

(b) if on 7th November 1974 no date is specified in respect of the pension in pursuance of the preceding sub-paragraph, 6th November 1974;

and other expressions used in this Order and the Act of 1971 have the same meanings in this Order as in that Act except that references to a pension in this Order do not include payments other than periodical payments.

(3) A pension as to which it is provided in pursuance of section 5(2) of the Act of 1971 that that Act shall have effect as if the pension were specified in a particular Part of Schedule 2 to that Act shall be deemed for the purposes of this Order to be specified in that Part of that Schedule.

Annotations:

F1 Functions transf. by SR 1976/281

Increases of certain official pensions

3.—(1) The rate which apart from this Order is the basic rate of an official pension of a class prescribed for the purposes of this paragraph and beginning—

(a) after 1st January 1973; and

(b) in the case of a pension beginning after 6th November 1974, before the first anniversary of the relevant date for the pension,

may be increased by the pension authority, in respect of any period beginning on or after 1st December 1973, by a percentage of the said basic rate ascertained in accordance with the following paragraph.

(2) The said percentage in respect of any pension is that which is specified in relation to a pension beginning when the pension in question begins—

(a) in Part I of the Schedule in the case of a pension to which this sub-paragraph applies; and

(b) in Part II of the Schedule in any other case;

and sub-paragraph (*a*) applies to pensions specified in regulations as pensions as respects which, in the opinion of the Department making the regulations, increases in the emoluments relevant for the purpose of calculating the pensions were deferred during the period beginning with 6th November 1972 and ending with 31st March 1973 in consequence of provisions of the Counter-Inflation (Temporary Provisions) Act 1972.

Para.(3) amends s.15 of 1971 c.35 (NI)

(4) Regulations may provide that this Order (except this paragraph and Article 5) shall have effect, in relation to any official pension of a class prescribed for the purposes of this paragraph, with prescribed additions, amendments and omissions.

(5) The classes of official pension which may be prescribed for the purposes of paragraph (1) shall not include any pension for which the Minister for the Civil Service is the pension authority.

Provisions supplementary to Article 3

4.—(1) Where a pension authority has power by virtue of the preceding Article to increase any pension specified in Part II of Schedule 2 to the Act of 1971 (which relates to pensions payable by local authorities etc.) it shall be the duty of the authority to exercise the power.

(2) Section 7(2) and (3) of the Act of 1971 and Article 9(3) of the Superannuation (Northern Ireland) Order 1972 (which among other things relate to the manner in which certain increases under the Act of 1971 are to be paid or borne and in which the cost of them is to be apportioned) shall have effect as if references to the Act of 1971 included references to this Order.

(3) Regulations may provide that, in relation to any pensions specified in the regulations, functions of the pension authority under this Order shall be performed on behalf of the pension authority by such other authority as is so specified.

(4) In calculating the rate of any derivative pension any increase under this Order of the principal pension shall be disregarded.

Amendments of Pensions (Increase) Act (Northern Ireland) 1971

Para.(1) rep. by 1975 NI 15

Para.(2) amends s.3 of 1971 c.35 (NI)

(3) Subsection (4) of section 3 of the Act of 1971 (which provides that an increase in pursuance of that Act of a widow's pension shall not be payable unless a qualifying condition mentioned in that subsection is satisfied) shall cease to have effect, and accordingly—

(a) in sections 1(1), …[F2], 3(1) and 6(6) of that Act, Article 3(1) of the Pensions Increase (Annual Review) Order (Northern Ireland) 1972, Article 3(1) of the Pensions Increase (Annual Review) Order (Northern Ireland) 1973 and the Schedules to those Orders, after the words "is satisfied" there shall be inserted the words " or the pension is a widow's pension "; and

(b) at the end of section 15(1) of that Act there shall be inserted the words " 'widow's pension' means a pension payable in respect of the services of the pensioner's deceased husband ";

but nothing in this paragraph affects any increase which became payable before the commencement of this Order and no increase shall be payable by virtue of this paragraph in respect of any period before 1st December 1974.

Annotations:
F2 1975 NI 15

Regulations

6. Regulations made under this Order—

(a) may provide for them to have effect from a date before the making thereof (whether before or after the commencement of this Order); and

(b) shall be subject to negative resolution.