



Pensions (Increase) Act (Northern Ireland) 1971

1971 CHAPTER 35

An Act to replace the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969 and make further provision for increases to be paid on certain pensions and related benefits.
[7th December 1971]

F1 1972 NI 10

Modifications etc. (not altering text)

- C1** Act applied (with modifications) (31.12.2007 with effect from 6.4.2006) by [Police Pension \(Northern Ireland\) Regulations 2007 \(S.R. 2007/476\)](#), regs. 1(2), **47(2)** (with reg. 61(1)(a))
- C2** Act applied (with modifications) (6.4.2009 with effect from 6.4.2006) by [Police Pension \(Northern Ireland\) Regulations 2009 \(S.R. 2009/79\)](#), regs. 1(2), **47(3)** (with reg. 61(1)(a))

PART I ^{F2}

GENERAL PROVISIONS

F2 1975 NI 15

1 Present increases.

- (1) Subject to the provisions of this Act, the annual rate of an official pension may, if any qualifying condition is satisfied, [^{F3} 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, as follows:—
- (a) a pension beginning before the year 1969 may be increased by the amount necessary to bring the rate up to the 1969 standard, that is to say, to the rate arrived at by applying to the basic rate of pension the multiplier given in Schedule 1 for the year in which the pension began, and by a further 18 per cent. of the rate as so increased;

Changes to legislation: There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971. (See end of Document for details)

- (b) a pension beginning on or before 1st April 1969 but not earlier than that year may be increased by 18 per cent. of the basic rate;
 - (c) a pension beginning in the six months following 1st April 1969 may be increased by 16 per cent. of the basic rate;
 - (d) a pension beginning in the six months following 1st October 1969 may be increased by 14 per cent. of the basic rate;
 - (e) a pension beginning in the six months following 1st April 1970 may be increased by 10 per cent. of the basic rate;
 - (f) a pension beginning in the six months following 1st October 1970 may be increased by 6 per cent. of the basic rate.
- (2) The annual rate of any pension (whether beginning before or after the passing of this Act) payable under the Belfast Corporation Act (Northern Ireland) 1943 shall, in respect of any period beginning on or after 1st September 1971, be increased by the pension authority under subsection (1) as if it were a pension beginning in 1943 .
- (3) In the case of a pension beginning before the year 1969 or a pension payable under the Belfast Corporation Act (Northern Ireland) 1943 (whatever the date of its beginning) the increase authorised by subsection (1)(a) shall take the place of those authorised by the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969, but in the cases provided for by section 6 shall be of the larger amount there specified by reference to increases that might have been made under those Acts.

F3 1974 NI 2

S. 2 rep. with saving for pension increases by orders made thereunder, by 1975 NI 15

3 Qualifying conditions.

- (1) A pension shall not be increased under this Part unless one of the conditions laid down by this section (in this Act referred to as “qualifying conditions”) is satisfied [^{F4} or the pension is a^{F5} derivative or substituted pension or a relevant injury pension]].
- (2) A pension payable in respect of the pensioner's own services^{F5}, other than a relevant injury pension,] shall not be increased unless the pensioner—
 - (a) has attained the age of [^{F6} fifty-five years]; or
 - (b) has retired on account of physical or mental infirmity from the office or employment in respect of which, or on retirement from which, the pension is payable; or
 - (c) [^{F5}subject to subsections (9) to (11),]^{F7} . . . has at least one dependant;
 or the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.
- [^{F8}(2A) A pension attributable to the pensioner having become entitled to a pension credit shall not be increased unless the pensioner has attained the age of fifty-five years.]
 - Subs. (3) rep. by 1990 NI 13*
 - Subs.(4) rep. by 1974 NI 2*
- (5) For the purposes of this section, a pensioner shall be deemed to be disabled by physical or mental infirmity if he is permanently incapacitated by such infirmity from engaging in any regular full-time employment.

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(6) Subject to subsection (7), “dependant” in this section means, in relation to a pensioner, a person who the pension authority are satisfied is wholly or mainly supported by the pensioner and who either has not attained the age of [^{F9} seventeen] years or is receiving full-time instruction at an educational establishment or is undergoing training [^{F10} for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years].

(7) Where a pension payable to a woman at 31st August 1971 was then payable at a rate increased under the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969 by reason only that she was, and had since 1st April 1956 been, wholly or mainly supporting another person, being either—

- (a) her, or her deceased husband's, father, mother, brother, sister, child, uncle or aunt; or
- (b) the child of any such person as is mentioned in paragraph (a); or
- (c) her step-father or step-mother; or
- (d) a person undergoing training for any trade, profession or vocation;

then so long as the pension authority are satisfied that she continued and continues wholly or mainly to support that person and, if this subsection applies only by virtue of paragraph (d), that person continued and continues to undergo training for a trade, profession or vocation, that person shall be deemed for purposes of this section to be the woman's dependant.

In this subsection “child” includes a step-child and an illegitimate child,^{F11} . . .

Subs. (8) spent

[^{F12}(9) On and after 1st January 1993 paragraph (c) of subsection (2) shall have effect only to the extent provided by subsections (10) and (11).

(10) Where, immediately before 1st January 1993, a person is in receipt of a pension the whole or any part of] which has been increased under this Part by virtue of paragraph (c) of subsection (2), that paragraph shall continue to have effect in relation to that [^{F13} person and that pension or part] until such time as the pension falls to be increased under this Part in consequence of any other provision of that subsection.

(11) In any case where—

- (a) a [^{F14} person's] pension commences on or after 1st January 1993, and
- (b) on the day on which the pension commences [^{F15} he] has not attained the age of 55,

paragraph (c) of subsection (2) shall have effect in relation to that [^{F16} person] and so much of the pension as is referable to service rendered before 1st January 1993 until such time as the pension falls to be increased under this Part in consequence of any other provision of that subsection.

F4 1974 NI 2

F5 1990 NI 13

F6 SRO (NI) 1972/264

F7 1995 NI 22

F8 1999 NI 11

F9 1974 NI 2

F10 1990 NI 13

F11 1987 NI 22

F12 1990 NI 13

Changes to legislation: There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971. (See end of Document for details)

F13 1995 NI 22

F14 1995 NI 22

F15 1995 NI 22

F16 1995 NI 22

4 Effect of re-employment.

(1) Where a person has been in receipt of an official pension in respect of any service, and in consequence of any further service rendered by him the pension falls to be recalculated as to its basic rate and to be treated for purposes of this Act as beginning at a later date, then the rate of the pension as recalculated, with any increase under this Part apart from this section, may be further increased up to the rate, if it is higher, at which the pension would have been payable with any such increase if—

- (a) the further service had not been rendered; and
- (b) where the pension is one of those specified in subsection (4) and the recalculation is on the basis there mentioned, the length of the previous service had been increased by the length of the further service.

(2) Where a person has terminated his service in circumstances such that he is or may^[F17] (without rendering further reckonable service) become eligible for an official pension, but has not been in receipt of that pension before rendering further service in consequence of which the pension falls to be recalculated or to be calculated on a different basis, subsection (1) shall apply as it would apply if he had been in receipt of the pension before rendering the further service.

^[F17](2A) In subsection (2) “reckonable service”, in relation to a person and his official pension, means service which falls to be taken into account in calculating the basic rate of the pension.]

(3) Where the basic rate of a derivative pension, not being a substituted pension, falls to be calculated

^[F17](a) by reference to that of a principal pension which is authorised to be increased under subsection (1) or (2) (or which would have been, if the further service had been terminated by retirement)^[F17] or]

^[F17](b) by reference to a rate of emoluments (whether actual emoluments or not and whether final or average emoluments) and a period of service of the person who was or, had he survived, would have been the pensioner in relation to such a principal pension,]

, the derivative pension may be increased in the way in which subsection (1) authorises (or would have authorised) the principal pension to be increased; and for this purpose the reference in subsection (1)(b) to the pension is to be taken as a reference to the principal pension, not the derivative pension.

(4) Subsection (1)(b) shall apply to pensions specified in paragraphs 2, 3, ^[F18] 3A, 5(b) and (c) and 7A] of Schedule 2, but shall apply only in a case where the recalculation falls to be made by reference—

- (a) to the aggregate of the further service and the previous service; and
- (b) to emoluments attributed to a period immediately preceding the termination of the further service not lower than the emoluments by reference to which the pension was to be calculated before the further service.

F17 1990 NI 13

F18 1972 NI 10

5 Scope of Act, and general powers to extend and adapt increases.

- (1) For purposes of this Act “official pension” means, subject to subsection (2), any of the pensions specified in Schedule 2; and in the case of a pension specified in Part II of the Schedule it shall be the duty of a pension authority to increase the pension in accordance with this Act.
- (2) The Ministry may by regulations provide that this Act shall have effect in relation to any pensions not specified in Schedule 2 as if they were specified in such Part of that Schedule as may be directed by the regulations; and regulations under this subsection—
 - (a) may include such incidental, consequential and supplemental provisions as appear to the Ministry to be expedient; and
 - (b) may in particular make provision for securing that the cost of increasing any pension is borne by the appropriate authority.
- (3) The Ministry, if satisfied in the case of any official pension that it is proper so to do, may by regulations direct (either generally or [^{F19} for any particular purpose]) that the provisions of this Act shall apply in relation to that pension subject to such modifications, adaptations and exceptions as may be specified in the regulations.

The power conferred by this subsection on the Ministry may be exercised also, with its consent, by any other department of the Government of Northern Ireland.

- (4) Any regulations under this section may provide for increases to take effect from a date before the making of the regulations or the passing of this Act, but not before 1st September 1971.

F19 1975 NI 15

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 (6), then the increase that may be made in the pension under section 1(1)(a) shall be of the amount necessary to bring the annual rate up to 118 per cent. of the 1971 rate or, if subsection (6) 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 Pensions (Increase) Act 1920, the 1971 rate shall be taken to be the annual rate at which it was being paid on 31st August 1971 (or, if payment was then suspended, was last paid before that date).
- (3) In the case of a pension payable under the Belfast Corporation Act (Northern Ireland) 1943, the 1971 rate shall, if the pension was payable on 31st August 1971, be taken to be the annual rate at which it was payable on that date and, if it became or becomes payable after 31st August 1971, shall be taken to be the annual rate at which it would have been payable on 31st August 1971, if the conditions for payment of the pension had been satisfied before 31st August 1971 and the service in respect of which the pension became or becomes payable had been rendered over a period immediately preceding 31st August 1971.