**1971. No. 406** [C]

# PENSIONS

## Increase of Pensions

REGULATIONS, DATED 29TH DECEMBER 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 5(3) OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1971.

The Ministry of Home Affairs, in exercise of the power conferred on it by section 5(3) of the Pensions (Increase) Act (Northern Ireland) 1971(a) and with the consent of the Ministry of Finance, hereby makes the following Regulations:—

*Citation and operation*

**1.**—(1) These Regulations may be cited as the Increase of Pensions (Police and Fire Service) Regulations (Northern Ireland) 1971.

(2) These Regulations shall come into operation on 1st January 1972 and shall have effect as from 1st September 1971.

*Interpretation*

**2.** In these Regulations—

(*a*) the expression "the principal Act" means the Pensions (Increase) Act (Northern Ireland) 1971;

(*b*) the expression "fire service pension" means such a pension as is specified in paragraph 16 of Schedule 2 to the Act;

(*c*) the expression "police pension" means such a pension as is specified in paragraph 4 of the said Schedule.

*Pensions reduced on account of additional benefit*

**3.**—(1) This Regulation shall apply to a police pension or a fire service pension which is reduced in amount or which is not payable on account of the payment of some additional benefit.

(2) Subject to paragraphs (6) and (7), in relation to a pension to which this Regulation applies, the basic rate, the 1969 standard and the 1971 rate shall be calculated (where Regulation 4 applies, having regard to paragraphs (3) and (4) thereof) as if no additional benefit were payable and there shall be construed accordingly—

(*a*) the reference to the annual rate on 31st August 1971 in section 6(4) of the principal Act, and

(*b*) the reference to the annual rate in the definition of the expression "basic rate" in section 15(1) of that Act.

(3) Subject to paragraphs (6) and (7), where the permitted reduction in the amount of a pension to which this Regulation applies exceeds—

(*a*) the 1969 standard or the 1971 rate, whichever is the greater, in the case of a pension which began before the year 1969, or

(a) 1971. c. 35 (N.I.).

(*b*) the basic rate of the pension in any other case,

(having regard to the provisions of these Regulations and, in particular, to paragraph (5)) section 1 of the principal Act shall have effect as if it were provided therein that the increase payable thereunder should be reduced by the excess.

(4) Subject to paragraph (6), where the permitted reduction in the amount of a pension to which this Regulation applies exceeds the basic rate of the pension as authorised to be increased as mentioned in sub-section (6) of section 2 of the principal Act (having regard to these Regulations and, in particular, to paragraph (5)) the said section 2 shall have effect as if it were provided therein that any increase provided for in an order thereunder should be reduced by the excess.

(5) For the purposes of paragraphs (3) and (4), without prejudice to paragraph (2), in determining the 1971 rate of the pension and in determining the basic rate of the pension as authorised to be increased as mentioned in paragraph (4) (in so far as that rate depends on the 1971 rate) there shall be disregarded—

(*a*) any relevant increase (within the meaning of section 6 of the principal Act) payable to the pensioner on 31st August 1971 by reason that he had attained the age of 70 on or before that date, and

(*b*) the provisions of section 6(6) of that Act.

(6) If the modifications of the principal Act contained in paragraph (3) or, as the case may be, in paragraph (4) (in either case read with paragraphs (2) and (5)) would result in an increase of a pension under section 1, or the increase of a pension provided for by an order under section 2, being less than it would have been but for the modifications in question, then, for the purpose of calculating that increase, the said modifications shall not apply.

(7) If, in the case of a pension to which this Regulation applies, increases were in payment under the Pensions (Increase) Act (Northern Ireland) 1956(**b**) or the Pensions (Increase) Act (Northern Ireland) 1959(**c**) on 31st August 1971 and the increase of that pension under section 1 of the principal Act is less than those increases, the said section 1 shall, notwithstanding anything in the preceding provisions of this Regulation, have effect subject to such modifications as will secure that the increase thereunder is not less than those which would have been payable under the said Acts of 1956 and 1959 had the principal Act not been enacted.

(8) In this Regulation the expression "additional benefit" means—

(*a*) any benefit payable under the National Insurance Act (Northern Ireland) 1966(**d**), together with any supplement thereto payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966(**e**), and any benefit payable by virtue of the Social Services (Parity) Order (Northern Ireland) 1971(**f**);

(*b*) any benefit payable under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**g**), together with any supplement thereto payable under the said section 2;

(*c*) any armed forces pension payable in pursuance of any Royal Warrant or other instrument; or

(*d*) any family allowances payable under the Family Allowances Act (Northern Ireland) 1966(**h**),

(**b**) 1956. c. 7.
(**c**) 1959. c. 10.
(**d**) 1966. c. 6 (N.I.).
(**e**) 1966. c. 16 (N.I.).
(**f**) S.R. & O. (N.I.) 1971, No. 224.
(**g**) 1966. c. 9 (N.I.).
(**h**) 1966. c. 8 (N.I.).