

1990 No. 86

PENSIONS

Pensions Increase (Review) Order (Northern Ireland) 1990

Made 7th March 1990

Coming into operation 9th April 1990

Whereas by virtue of Article 64 of the Social Security (Northern Ireland) Order 1986(a) a direction(b) has been given by the Department of Health and Social Services that the sums which are the additional pensions in the rate of long-term benefits are to be increased by a specified percentage;

Now, therefore, the Department of Finance and Personnel, in exercise of the powers conferred by Article 69(1), (2) and (5) of the Social Security Pensions (Northern Ireland) Order 1975(c) (which has effect as if it were contained in Part I of the Pensions (Increase) Act (Northern Ireland) 1971(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) 1990 and shall come into operation on 9th April 1990.

Interpretation

2.—(1) In this Order—

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

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

“existing Orders” means the Orders referred to in the Schedule;

“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;

(a) S.I. 1986/1888 (N.I. 18)

(b) Contained in S.R. 1990 No. 70 Art. 4(3)

(c) 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) Arts. 10(2), 16 and Sch. 3. Article 69A was amended by S.I. 1986/1888 (N.I. 8) Art. 11(9), S.I. 1985/1209 (N.I. 16) Art. 25(2) and Sch. 6 and S.I. 1986/1888 (N.I. 18) Arts. 11(8), 19(1)(b), 83(1) and Sch. 9, para. 58

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

(e) By S.R. 1976 No. 281 Art. 3 and Sch. 1 and S.I. 1982/338 (N.I. 6) Art. 4

(f) As amended by S.I. 1974/1267 (N.I. 2) Art. 3(3)

“qualifying condition” means one of the conditions laid down in section 3(a) of the Act of 1971;

“widow’s pension” has the meaning given by section 15(1)(b) 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 9th April 1990.

(2) A pension beginning before 10th April 1989 may be increased by 7·6 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 10th April 1989 and before 9th April 1990 may be increased by 7·6 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 8th April 1990 and B is 12.

Increases in certain lump sums

4. In respect of any lump sum which became payable before 9th April 1990 but after 9th April 1989 there may be paid an increase of 7·6 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 10th April 1989) 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 9th April 1990; and

(a) As amended by S.R. & O. (N.I.) 1972 No. 264, S.I. 1974/1267 (N.I. 2) Art. 5(2) and (3) and S.I. 1987/2203 (N.I. 22) Art. 72(3) and Sch. 5 Part I

(b) As amended by S.I. 1974/1267 (N.I. 2) Art. 5(3)(b)

- (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) 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 Finance and Personnel shall, in accordance with the provisions of Article 69A(a) of the Order of 1975, otherwise direct.

Sealed with the Official Seal of the Department of Finance and Personnel
on 7th March 1990.

(L.S.)

F. P. Smyth

Assistant Secretary

Existing Orders

- The Pensions Increase (Annual Review) Order (Northern Ireland) 1972(a).
The Pensions Increase (Annual Review) Order (Northern Ireland) 1973(b).
The Pensions Increase (Annual Review) Order (Northern Ireland) 1974(c).
The Pensions Increase (Annual Review) Order (Northern Ireland) 1975(d).
The Pensions Increase (Annual Review) Order (Northern Ireland) 1976(e).
The Pensions Increase (Annual Review) Order (Northern Ireland) 1977(f).
The Pensions Increase (Annual Review) Order (Northern Ireland) 1978(g).
The Pensions Increase (Review) Order (Northern Ireland) 1979(h).
The Pensions Increase (Review) Order (Northern Ireland) 1980(i).
The Pensions Increase (Review) Order (Northern Ireland) 1981(j).
The Pensions Increase (Review) Order (Northern Ireland) 1982(k).
The Pensions Increase (Review) Order (Northern Ireland) 1983(l).
The Pensions Increase (Review) Order (Northern Ireland) 1984(m).
The Pensions Increase (Review) Order (Northern Ireland) 1985(n).
The Pensions Increase (Review) Order (Northern Ireland) 1986(o).
The Pensions Increase (Review) Order (Northern Ireland) 1987(p).
The Pensions Increase (Review) Order (Northern Ireland) 1988(q).
The Pensions Increase (Review) Order (Northern Ireland) 1989(r).

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- (a) S.R. & O. (N.I.) 1972 No. 263
(b) S.R. & O. (N.I.) 1973 No. 364
(c) S.R. 1974 No. 296
(d) S.R. 1975 No. 269
(e) S.R. 1976 No. 276
(f) S.R. 1977 No. 277
(g) S.R. 1978 No. 269
(h) S.R. 1979 No. 338
(i) S.R. 1980 No. 364
(j) S.R. 1981 No. 307
(k) S.R. 1982 No. 303
(l) S.R. 1983 No. 289
(m) S.R. 1984 No. 340
(n) S.R. 1985 No. 268
(o) S.R. 1986 No. 213
(p) S.R. 1987 No. 70
(q) S.R. 1988 No. 61
(r) S.R. 1989 No. 72

EXPLANATORY NOTE

(This note is not part of the Order.)

The Department of Finance and Personnel is required to provide by Order for increases in the rates of public service pensions.

This obligation arises under Article 69 of the Social Security Pensions (Northern Ireland) Order 1975 (as amended by Articles 10 and 16 of and Schedule 3 to the Social Security (Northern Ireland) Order 1979, Article 25(2) of and Schedule 6 to the Social Security (Northern Ireland) Order 1985, Articles 11(8), 19(1)(b) and 83(1) of and Schedule 9 to the Social Security (Northern Ireland) Order 1986 and as modified in effect by Article 69A of the Order of 1975 (introduced by Article 10(3) of the Order of 1979) and amended by Article 11(9) of the Order of 1986).

The increase to be made in the rates of such pensions is the percentage (or in some circumstances a fraction of the percentage) by which the Department of Health and Social Services has, by virtue of the provisions of Article 64 of the Social Security (Northern Ireland) Order 1986, increased the sums which are the additional pensions in long term benefits, namely the additional pension entitlements accruing to employees in respect of their earnings after 5th April 1978.

For pensions which began before 10th April 1989 the increase is 7.6%

For pensions which began on or after 10th April 1989 the increases are computed under the formula set out in Article 69(1)(b) of the Order of 1975 and are as follows:

<i>Pensions Beginning</i>	<i>Percentage Increase</i>	<i>Pensions Beginning</i>	<i>Percentage Increase</i>
10th April 1989 to 24th April 1989	7.6%	25th October 1989 to 24th November 1989	3.17%
25th April 1989 to 24th May 1989	6.97%	25th November 1989 to 24th December 1989	2.53%
25th May 1989 to 24th June 1989	6.33%	25th December 1989 to 24th January 1990	1.90%
25th June 1989 to 24th July 1989	5.70%	25th January 1990 to 24th February 1990	1.27%
25th July 1989 to 24th August 1989	5.07%	25th February 1990 to 24th March 1990	0.63%
25th August 1989 to 24th September 1989	4.43%	25th March 1990 onwards	Nil
25th September 1989 to 24th October 1989	3.80%		

A deferred lump sum which begins on or before 24th March 1990 and which becomes payable after 8th April 1990 receives the same percentage increase as a pension which begins on the same date.

Article 4 of the Order provides for increases on certain deferred lump sums which became payable after 9th April 1989 and before 9th April 1990.

The Order also provides that the amount by reference to which any increase in the rate of an official pension is to be calculated shall be reduced by an amount equal to the rate of the guaranteed minimum pension entitlement deriving from the employment which gives rise to the official pension. This is required by Article 69(5) of the Social Security Pensions (Northern Ireland) Order 1975 but Article 69A of that Order empowers the Department of Finance and Personnel to direct that in respect of specified cases or classes of case either no such reduction shall be made or the reduction shall be less than the rate of the guaranteed minimum pension.