



Pensions (Increase) Act 1971

1971 CHAPTER 56

U.K.

An Act to replace the Pensions (Increase) Acts 1920 to 1969 and make further provision for increases and supplements to be paid on certain pensions and related benefits. [27th July 1971]

Extent Information

E1 Act extends to E.W.S. with the exceptions, as regards N.I., as are mentioned at s. 19(2)

Modifications etc. (not altering text)

- C1** Power to amend Act conferred by [Superannuation Act 1972 \(c. 11\), s. 7\(3\)](#)
- C2** Act extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\), s. 30, Sch. 3 para. 7\(1\)–\(4\)](#)
- C3** Act excluded by Parliamentary and other [Pensions Act 1987 \(c. 45, SIF 89\), s. 6, Sch. 3 para. 3\(5\)](#)
- C4** Act applied with modifications by [S.R. 1988/374, reg. E9](#)
- C5** Act applied by [S.I. 1989/1139, reg. 8\(4\)](#)
- C6** Certain functions under the Act transferred by [S.I. 1989/814, art. 4\(3\)](#); 1989/1359, art. 5(3)
- C7** Certain functions under the Act transferred (1.4.1992) by [S.I. 1992/331, art. 2\(1\)\(h\)\(4\)](#).
Act extended by the Pensions Increase (Civil Service Early Retirement Pension Scheme 1992) Regulations 1993, 1993/806, regs. 3,4 (which Regulations come into force on 12.4.1993 but by reg. 4 it is provided that any increase of pension payable by virtue of those Regulations shall have effect in respect of any pension beginning on or after 1.4.1992)
Act applied (31.3.1995) by [1993 c. 8, s. 7\(4\)\(b\)](#), (with s. 1); [S. I. 1995/631, art. 2](#)
Act extended (31.3.1995) by [1993 c. 8, s. 22\(2\)](#), [S. I. 1995/631, art. 2](#)
Act applied (with modifications) (9.11.1993) by [1993/2783, reg. 2\(1\)](#).
Act modified (19.7.95 but with effect on or after 15.12.1994) by [1995 c. 26, ss. 170\(4\)\(6\)\(7\), 180\(2\)\(c\)](#)
Act modified (25.7.1995) by [S.I. 1995/1680, reg. 3](#)
Act modified (25.7.1995) by [S.I. 1995/1681, reg. 3](#)
Act modified (25.7.1995) by [S.I. 1995/1682, reg. 3](#)
Act modified (25.7.1995) by [S.I. 1995/1683, reg. 3](#)
Act applied (1.4.1998) by [S.I. 1997/1612, reg. 91](#)
Act applied (with modifications) (30.3.2000) by [S.I. 2000/671, art. 3](#)

Status: Point in time view as at 01/04/2001.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Pensions (Increase) Act 1971. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

PART I **E+W+S**

GENERAL PROVISIONS

Modifications etc. (not altering text)

C8 Pt. I extended by [Social Security Pensions Act 1975 \(c. 60\), s. 59\(7\)](#)

1 Present increases. **E+W+S**

(1) Subject to the provisions of this Act, the annual rate of an official pension may, if any qualifying condition is satisfied, [^{F1}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;
- (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) In the case of a pension beginning before the year 1969 the increase authorised by subsection (1)(a) above shall take the place of those authorised by the Pensions (Increase) Acts 1920 to 1969, but in the cases provided for by section 6 below shall be of the larger amount there specified by reference to increases that might have been made under those Acts.

Textual Amendments

F1 Words inserted with saving by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(3\)\(a\)](#)

Modifications etc. (not altering text)

C9 [S. 1](#) is set out in the Schedule to [SI 1978/1211](#) for the purpose mentioned in art. 3(2) thereof

[S. 1](#) excluded (1.3.1995) by [S.I. 1995/238, reg.10](#)

C10 [S. 1\(1\)\(a\)](#) modified (1.3.1995) by [S.I. 1995/238, reg.11\(b\)](#)

2 Future reviews and increases. **E+W+S**

F2

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Textual Amendments

- F2** S. 2 repealed by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 5](#) with saving for existing orders under s. 2

3 Qualifying conditions. **E+W+S**

- (1) A pension shall not be increased under this Part of this Act unless one of the conditions laid down by this section (in this Act referred to as “qualifying conditions”) is satisfied^{F3} or the pension is [^{F4}a 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) [^{F7}subject to subsections (9) to (11) below,]. . . has at least one dependant; or the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.
- ^{F8F9}(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.]
 - ^{F10}(3)
 - ^{F11}(4)
- (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.
- (6) Subject to subsection (7) below, “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 [^{F12}seventeen] years or is receiving full-time instruction at an educational establishment or is undergoing training [^{F13}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 is then payable at a rate increased under the Pensions (Increase) Acts 1920 to 1969 by reason only that she is, and has 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) above; 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 continues wholly or mainly to support that person and, if this subsection applies only by virtue of paragraph (d), that person 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.

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In this subsection “child” includes a step-child and an illegitimate child,
F14 . . .

- (8) The Minister for the Civil Service may by order made by statutory instrument provide for reducing (or further reducing) the age sixty in subsection (2)(a) [F15above] to any age not less than fifty-five, and this section shall have effect subject to any such order for the time being in force; but a statutory instrument under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [F8(9) On and after 1st January 1993 paragraph (c) of subsection (2) above shall have effect only to the extent provided by subsections (10) and (11) below.
- (10) Where, immediately before 1st January 1993, a [F16person is in receipt of a pension the whole or any part of] which has been increased under this Part of this Act by virtue of paragraph (c) of subsection (2) above, that paragraph shall continue to have effect in relation to that [F17person and that pension or part] until such time as the pension falls to be increased under this Part of this Act in consequence of any other provision of that subsection.
- (11) In any case where—
- (a) a [F18person’s] pension commences on or after 1st January 1993, and
 - (b) on the day on which the pension commences [F19he] has not attained the age of 55,
- paragraph (c) of subsection (2) above shall have effect in relation to that [F20person] 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 of this Act in consequence of any other provision of that subsection.]

Textual Amendments

- F3** Words inserted with saving by Pensions (Increase) Act 1974 (c. 9), s. 3(3)(a)
- F4** Words substituted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 1(1)
- F5** Words inserted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 1(2)(a)
- F6** Words substituted by virtue of S.I. 1972/1299, art. 3
- F7** Words inserted (1.1.1993) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 1(2)(b)(8)
- F8** S. 3(9)(10)(11) added (1.1.1993) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 1(4)(8)
- F9** S. 3(2A) inserted (1.12.2000) by 1999 c. 30, s. 39(2); S.I. 2000/1047, art. 2(2)(d), Sch. Pt. IV
- F10** S. 3(3) repealed by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 1(3)(a)
- F11** S. 3(4) repealed with saving by Pensions (Increase) Act 1974 (c. 9), s. 3(3)
- F12** Word substituted by Pensions (Increase) Act 1974 (c. 9) s. 3(2)
- F13** Words substituted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 1(3)(b)
- F14** Words repealed by Children Act 1975 (c. 72), Sch. 4 Pt. I
- F15** Words substituted by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 1(3)(c)
- F16** Words in s. 3(10) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, ss. 171(3)(a)(5), 180(2)(c)
- F17** Words in s. 3(10) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, ss. 171(3)(b)(5), 180(2)(c)

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- F18** Words in s. 3(11) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, ss. 171(4)(a)(5), 180(2)(c)
- F19** Words in s. 3(11) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, ss. 171(4)(b)(5), 180(2)(c)
- F20** Words in s. 3(11) substituted (19.7.1995 but with effect in relation to pensions commencing after 17.5.1990, and in relation to so much of any such pension as is referable to service on or after that date) by 1995 c. 26, ss. 171(4)(b)(5), 180(2)(c)

Modifications etc. (not altering text)

- C11** S. 3(8) has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: S.I. 1981/1670, arts. 2(1)(c), 3(5)

4 Effect of re-employment. E+W+S

- (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 of this Act 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—
- the further service had not been rendered; and
 - where the pension is one of those specified in subsection (4) below 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 [^{F21}(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) above shall apply as it would apply if he had been in receipt of the pension before rendering the further service.
- [^{F22}(2A) In subsection (2) above “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 pension.]
- (3) Where the basic rate of a derivative pension, not being a substituted pension, falls to be calculated
- [^{F23}(a)] by reference to that of a principal pension which is authorised to be increased under subsection (1) or (2) above (or which would have been, if the further service had been terminated by retirement), [^{F23}or
 - (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) above 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.

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- (4) Subsection (1)(b) above shall apply to pensions specified in paragraphs 4, 18 to [F2420A] and 50 of Schedule 2 to this Act, and also to those specified in paragraphs 22(b) [F24to 23A] if computed under the Superannuation Acts 1834 to 1949, 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.

Textual Amendments

- F21** Words inserted (*retrosp.*) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7 SIF 101A:3), s. 2(1) (2)
- F22** S. 4(2A) inserted (*retrosp.*) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 2(1)(3)
- F23** Words inserted (*retrosp.*) by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), s. 2(1) (4)
- F24** Words substituted by Superannuation Act 1972 (c. 11), Sch. 6 para. 84

Modifications etc. (not altering text)

- C12** S. 4 excluded (1.3.1995) by S.I. 1995/238, reg. 7(3)(a)

5 Scope of Act, and general powers to extend and adapt increases. **E+W+S**

- (1) For purposes of this Act “official pension” means, subject to subsection (2) below, 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, except as otherwise provided by section 9(7) [F25or (7A)] below, to increase the pension in accordance with this Act.
- (2) The Minister for the Civil Service 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 Minister 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 Minister for the Civil Service, if satisfied in the case of any official pension that it is proper so to do, may by regulations direct (either generally or [F26for 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 Minister for the Civil Service may be exercised also, with his consent, by the Lord Chancellor, [F27the Secretary of State . . . F28.]

- (4) Any regulations under this section may provide for increases to take effect from a date before the making of the regulations.

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Textual Amendments

- F25** Words inserted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 85](#)
F26 Words substituted by [Social Security Pensions Act 1975 \(c. 60\)](#), [Sch. 4 Pt. I para. 18](#)
F27 Words substituted by [S.I. 1974/1264](#), [art. 5\(3\)](#)
F28 Words repealed (21.11.1979) by [S.I. 1979/1451](#), [Sch. 3](#)

Modifications etc. (not altering text)

- C13** [S.5](#) extended by Parliamentary and other [Pensions Act 1972 \(c. 48\)](#), [s. 31\(3\)](#)
C14 [S. 5](#) has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: [SI 1981/1670](#), arts 2(1)(c), 3(5)
C15 [S. 5\(2\)](#) extended by [Pensions \(Increase\) Act 1974 \(c. 9\)](#), [s. 4\(2\)](#)
C16 [S. 5\(3\)](#) amended by Parliamentary and other [Pensions Act 1987 \(c. 45, SIF 89\)](#), [s. 6](#), [sch. 3 para 3\(1\)](#)

6 Preservation for certain purposes of benefit of previous Acts. **E+W+S**

- (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 (5) below, then the increase that may be made in the pension under section 1(1)(a) above shall be of the amount necessary to bring the annual rate up to 118 per cent. of the 1971 rate or, if subsection (5) below 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 ^{M1}Pensions (Increase) Act 1920, the 1971 rate shall be taken to be the annual rate at which it is being paid on 31st August 1971 (or, if payment is then suspended, was last paid before that date).
- (3) Where an official pension not falling within subsection (2) above is being paid on 31st August 1971 at a rate which includes any relevant increases, then the annual rate at which it is then being paid shall be taken as the 1971 rate, unless it is shown that the rate should have been revised or there is a change of circumstances that would affect the 1971 rate if ascertained under subsection (4) below.
- (4) Subject to the provisions of this section, the Minister for the Civil Service shall by order prescribe tables and rules for ascertaining, for any pension to which subsection (1) above may apply (other than a pension falling within subsection (2) above), the annual rate at which it would be payable if paid with any relevant increases; and the rate so ascertained shall be taken to be the 1971 rate, unless subsection (3) above applies.
- (5) Where a pension beginning on or before 1st April 1961 is one that (but for this Act) might have been increased under section 1 of the ^{M2}Pensions (Increase) Act 1962, and any of the qualifying conditions other than those specified in section 3(3)(b), (c) and (d) above is satisfied, [^{F29}or the pension is a widow's pension] then there shall for purposes of this section be made to the 1971 rate as ascertained under sub-section (4) above an addition of the amount prescribed by order of the Minister for the Civil Service as corresponding to that of the increase provided for by section 2 of that Act (additional increase for pensioners over 70); and where subsection (3) above applies, the like addition shall be made to the 1971 rate given by that subsection, unless the pensioner had attained the age of 70 on or before 31st August 1971.
- (6) The annual rate of official pensions beginning after the year 1968 may, if any qualifying condition is satisfied [^{F29}or the pension is a widow's pension,] be increased

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by the pension authority in respect of any period beginning on or after 1st September 1971 by such amounts as may be prescribed by order of the Minister for the Civil Service as corresponding to those of any increases that might (but for this Act) have been made in the case of those pensions under the ^{M3}Pensions (Increase) Acts 1944 ^{M4} and 1947 or the ^{M5}Pensions (Increase) Act 1956, and where the rate of a pension may be increased under this subsection, any increase under section 1 or 2 above shall be calculated by reference to the rate as so increased as if it were the basic rate.

- (7) Orders made for the purposes of this section shall include such provision as may be necessary to enable the pensions to which subsections (1), (5) and (6) relate to be identified without reference to the ^{M6}Pensions (Increase) Acts 1920 to 1969, except that pensions which qualified for an increase under the Pensions (Increase) Act 1920 need not be otherwise identified.
- (8) This section shall have effect subject to any provision made in the exercise of the powers conferred by section 5(3) above; and accordingly an order under this section may disregard any provision made in the exercise of corresponding powers conferred by the Pensions (Increase) Acts 1920 to 1969 or of powers conferred by section 17 of the ^{M7}Ministerial Salaries and Members' Pensions Act 1965 (past Prime Ministers), and may also disregard section 7(1) of the ^{M8}Judicial Pensions Act 1959.
- (9) An order under this section shall take no account of any provision of the Pensions (Increase) Acts 1920 to 1969 whereby a fraction of a pound was to be treated as a whole pound and may make such other departures from the effect of those Acts as in the opinion of the Minister will, without materially reducing the rate of any pension, simplify the tables or rules or make for ease of calculation.
- (10) For purposes of this section, “relevant increase” means, in relation to any pension, any increase that might (but for this Act) have been made in the annual rate of the pension under section 1 of any of the following Acts, that is to say the ^{M9}Pensions (Increase) Act 1944, the ^{M10}Pensions (Increase) Act 1952, the Pensions (Increase) Act 1956, the ^{M11}Pensions (Increase) Act 1959, the ^{M12}Pensions (Increase) Act 1962, the ^{M13}Pensions (Increase) Act 1965 and the ^{M14}Pensions (Increase) Act 1969; but an order under this section may for purposes of subsection (4) treat as a relevant increase any increase authorised by or under any enactment by reference to a relevant increase, and may repeal or amend the provision authorising it accordingly.
- (11) An order made (or purporting to be made) under this section shall have effect notwithstanding any error or omission in reproducing the effect of any Act or instrument, but may be amended by a further order for the purpose of correcting any such error or omission; and any such amendment may be made so as to have effect from such date as may be specified in the further order (including a date before the making of that order), and with such savings and transitional provisions as the Minister thinks proper.
- (12) An order under this section shall be made by statutory instrument; and if an order made by virtue of subsection (11) above has the effect of reducing the rate of any pension, the statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F29 Words inserted with saving by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(3\)\(a\)](#)

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Modifications etc. (not altering text)

- C17** Ss. 6, 7 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: S.I. 1981/1670 arts. 2(1), 3(5)
S. 6 excluded (1.3.1995) by S.I. 1995/238, **regs. 12, 15**
S. 6 restricted (1.3.1995) by S.I. 1995/238, **reg. 13(2)(b)**
S. 6 modified (1.3.1995) by S.I. 1995/238, **regs. 13(2)(c), 13(4)**
- C18** S. 6(2) excluded (1.3.1995) by S.I. 1995/238, **reg. 13(2)(a)**
S. 6(2)-(5) excluded (1.3.1995) by S.I. 1995/238, **reg. 16**
- C19** S. 6(3) applied (with modifications) (1.3.1995) by S.I. 1995/238, **reg. 13(5)**
- C20** S. 6(4) modified (1.3.1995) by S.I. 1995/238, **reg. 13(3)**
- C21** s. 6(5) applied (with modifications) (1.3.1995) by S.I. 1995/238, **reg. 13(1)**
- C22** Ss. 6, 7 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: S.I. 1981/1670, **arts. 2(1)(c), 3(5)**

Marginal Citations

- M1** 1920 c. 36.
M2 1962 c. 2 (11 & 12 Eliz. 2).
M3 1944 c. 21.
M4 1947 c. 7.
M5 1956 c. 39.
M6 1920 c. 36.
M7 1965 c. 11.
M8 1959 c. 9 (8 & 9 Eliz. 2).
M9 1944 c. 21.
M10 1952 c. 45.
M11 1959 c. 50.
M12 1962 c. 2 (11 & 12 Eliz. 2).
M13 1965 c. 78.
M14 1969 c. 7.

7 Administrative provisions. E+W+S

- (1) In this Act “pension authority” means, except as otherwise provided in Part III of Schedule 2 to this Act, the authority by whom the pension is payable; but the Minister for the Civil Service or, with his approval, the Secretary of State may by regulations provide that, in relation to any class of pensions specified in the regulations, all or any of the functions of the pension authority under this Act shall be performed on behalf of the pension authority by such other authority as may be so specified.
- (2) The provisions of Schedule 3 to this Act shall have effect with regard to the manner in which the cost of increases under this Act is to be borne in the cases there mentioned and with regard to other incidental and consequential matters.
- (3) Subject to the provisions of this Act, any provision made by or under any enactment shall, in so far as it relates to the apportionment of the cost of a pension between two or more authorities or funds, or to the manner in which a pension is to be paid or borne, or to the proof of title to sums payable on account of a pension, or in so far as it prohibits or restricts the assignment or charging of a pension or its application towards the payment of debts, have effect in relation to any increase of the pension under this Act as it has effect in relation to the pension:

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Provided that this subsection, in so far as it relates to the apportionment of the cost of an increase under this Act, shall have effect subject to any agreement between the authorities concerned.

- (4) Except as provided by subsection (3) above or by Schedule 3 to this Act, an increase of a pension under this Act shall not be treated as part of the pension for the purposes of any provision made by or under any enactment; and in calculating the rate of a derivative pension, any increase under this Act of the principal pension shall be disregarded.

Modifications etc. (not altering text)

- C23** Ss. 6, 7 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670 arts. 2(1)(c), 3(5)
- C24** S. 7(2)(3) extended by [Pensions \(Increase\) Act 1974 \(c.9\), s. 2\(2\)](#)
- C25** S. 7(2)(3) extended by [Pensions \(Increase\) Act 1974 \(c.9\), s. 2\(2\)](#)

8 Meaning of “pension”, and other supplementary provisions. **E+W+S**

- (1) For purposes of this Act “pension” includes (subject to section 9 below)—
- (a) any allowance or other benefit payable^{F30} . . . by virtue of any superannuation scheme, whether contained in an enactment or otherwise, including a superannuation scheme providing benefits in the case of injury or death; and
 - (b) any compensation payable in respect of retirement from an office or employment in pursuance of the provisions of an enactment, any compensation payable in respect of the loss, abolition or relinquishment of an office or employment occasioned by an alteration in the organisation of a department or service or by a transfer or other reorganisation of the functions of local authorities, and any compensation payable in respect of a diminution in the emoluments of an office or employment which has been occasioned as aforesaid^{F31} and
 - (c) without prejudice to the generality of paragraph (b) above, any compensation payable in pursuance of the provisions of a scheme under section 1 of the^{M15} Superannuation Act 1972 made by virtue of section 2(2) of that Act or of regulations made under section 24 thereof^{F32} but does not include any money purchase benefits.]
- (2) A pension^{F33} which is not attributable to a pension credit] shall be deemed for purposes of this Act to begin on the day following the last day of the service in respect of which the pension is payable (whenever the pension accrues or becomes payable), except that—
- (a) an earnings-related pension based, directly or indirectly, on emoluments received for a period not ending with the last day of that service, other than a substituted pension, is to be deemed to begin on the day following the last day of that period; . . .^{F34}
 - (b) a substituted pension is to be deemed to begin on the same day as the original pension, or, if earlier, on the day from which the surrender of the original pension takes effect;^{F35} and

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- (c) a relevant injury pension payable by virtue of the acceptance of less favourable terms and conditions of employment is to be deemed to begin on the day on which the employment on less favourable terms and conditions begins.]

[^{F36}(2A) A pension which is attributable to a pension credit shall be deemed for purposes of this Act to begin on the day on which the order or provision on which the credit depends takes effect.]

- (3) Where an earnings-related pension beginning before the year 1969 may be payable either at a rate fixed, directly or indirectly, by reference to emoluments or at a flat rate, the 1969 standard and, if relevant, the 1971 rate of the pension according to either of its rates shall be determined without regard to the other.

Textual Amendments

- F30** Words in s. 8(1)(a) repealed (1.12.2000) by 1999 c. 30, ss. 39(3), 88, **Sch. 13 Pt. III**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F31** S. 8(1)(c) inserted by Superannuation Act 1972 (c. 11), **Sch. 6 para. 86**
- F32** Words added by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 7(1)**
- F33** Words in s. 8(2) inserted (1.12.2000) by 1999 c. 30, **s. 39(4)**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**
- F34** Word repealed by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(5)**
- F35** S. 8(2)(c) and preceding word added by Pensions (Miscellaneous Provisions) Act 1990 (c. 7, SIF 101A:3), **s. 1(5)**
- F36** S. 8(2A) inserted (1.12.2000) by 1999 c. 30, **s. 39(4)**; S.I. 2000/1047, art. 2(2)(d), **Sch. Pt. IV**

Modifications etc. (not altering text)

- C26** S. 8(1)(b): certain functions transferred (1.4.1992) by S.I. 1992/331, **art. 2(1)(b)(4)**.
S. 8(1) modified (1.3.1995) by S.I. 1995/238, **reg. 7(3)(b)**
- C27** S. 8(2) modified by S.I. 1982/1302, **reg. 6(2)**
S. 8(2) excluded (1.3.1995) by S.I. 1995/238, **reg. 7(3)(b)**
- C28** S. 8(3) excluded (1.3.1995) by S.I. 1995/238, **reg. 7(3)(b)**

Marginal Citations

- M15** 1972 c. 11.

9 Gratuities and lump sums. **E+W+S**

- (1) References in this Act to a pension shall not apply to any payment made by way only of a return of contributions, with or without interest [^{F37}(or any money purchase benefits)]; but, subject to that, this Act shall apply in relation to any allowance, benefit or compensation whether it takes the form of periodical payments or of a gratuity or other lump sum.
- (2) In relation to a lump sum—
- references to the time when a pension begins shall apply in accordance with section 8(2) above as in the case of a pension taking the form of periodical payments; and
 - references to increasing a pension in respect of a period beginning at any time shall have effect as references to increasing any sum becoming payable at or after that time on account of the lump sum or any instalment of it; and
 - references to the rate of a pension shall have effect as references to the amount of the lump sum or an instalment of it, as the case may require.

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(3)(4)(4A) . . . ^{F38}

- (5) For purposes of section 4 above any addition to a lump sum which would have resulted from treating the length of the previous service as being increased by the length of the further service in accordance with section 4(1)(b) shall be supposed not to have become payable until the day following that on which the further service in fact terminated.
- (6) Nothing in section 6 above shall apply to any lump sum.
- (7) The provisions of this section relating to lump sums shall not apply to the gratuities specified in subsection (8) below, and in relation to those gratuities section 6 above shall have effect as if they had all been included in section 6(1) of the ^{M16}Pensions (Increase) Act 1962 (and not only those payable in respect of local government service); but section 5(1) above shall not require a local authority to increase any such gratuity.
- [^{F39}(7A) Section 5(1) above shall not require a local authority to increase any gratuity granted by way of periodical payments or by way of an annuity in accordance with regulations made under section 7 of the ^{M17}Superannuation Act 1972; and the provisions of this section relating to lump sums shall not apply to any such gratuity.]
- (8) The gratuities to which subsection (7) above applies are—
- (a) any gratuity granted by way of periodical payments under any of the following enactments:—
 - (i) section 23 of the ^{M18}Local Government and other Officers' Superannuation Act 1922;
 - (ii) paragraph 4 of Part I of Schedule 1 to the ^{M19}Local Government (Clerks) Act 1931;
 - (iii) section 11 of the ^{M20}Local Government Superannuation Act 1937 or of the ^{M21}Local Government Superannuation (Scotland) Act 1937;
 - (b) any gratuity granted by way of periodical payments or by way of an annuity under section 18 of the ^{M22}Local Government Superannuation Act 1953;
 - (c) any gratuity granted by way of periodical payments or by way of an annuity under any local Act (or provisional order confirmed by Parliament) corresponding to any of the enactments mentioned in paragraphs (a) and (b) above.

Any question whether a local Act or provisional order corresponds to any of the enactments mentioned in paragraphs (a) and (b) above shall be determined, in the event of dispute, by the Secretary of State.

[^{F40}(9) In any case where—

- (a) a lump sum beginning after the coming into force of this subsection, or an instalment of such a lump sum, is paid, but
- (b) the amount of that lump sum or instalment is subsequently recalculated, and
- (c) in consequence of the recalculation, an additional amount becomes payable by way of lump sum,

the additional amount shall not be increased under this Part of this Act in respect of the whole or any part of the period beginning with the day on which the lump sum or instalment became payable and ending with the day on which the additional amount is paid.]

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Textual Amendments

- F37** Words inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\), s. 7\(2\)](#)
F38 [S. 9\(3\)\(4\)\(4A\)](#) repealed by [Social Security Pensions Act 1975 \(c. 60\), Sch. 5](#)
F39 [S. 9\(7A\)](#) inserted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 87](#)
F40 [S. 9\(9\)](#) added by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\), s. 3](#)

Modifications etc. (not altering text)

- C29** [S. 9\(1\)](#) modified (1.3.1995) by [S.I. 1995/238, reg. 7\(3\)\(c\)](#)
C30 [S. 9\(2\)\(a\)](#) excluded (1.3.1995) by [S.I. 1995/238, reg. 7\(3\)\(c\)](#)

Marginal Citations

- M16** [1962 c. 2 \(11 & 12 Eliz. 2\).](#)
M17 [1972 c. 11.](#)
M18 [1922 c. 59.](#)
M19 [1931 c. 45.](#)
M20 [1937 c. 68.](#)
M21 [1937 c. 69.](#)
M22 [1953 c. 25.](#)

PART II **E+W+S**

SPECIAL EXTENSIONS

10 Overseas government pensions (India, Pakistan and Burma). **E+W+S**

The Secretary of State, with the approval of the Minister for the Civil Service, may by regulations direct that, in relation to any of the following pensions, that is to say,—

- (a) any of the pensions specified in Schedule 4 to this Act; and
- (b) any pension of which the cost is to be reimbursed in whole or in part by Her Majesty's Government in the United Kingdom to the Government of India, Pakistan or Burma under arrangements made in pursuance of section 1 of the ^{M23}Overseas Aid Act 1966, or in respect of which the Secretary of State determines, with the consent of the Minister, that Her Majesty's Government would be prepared to enter into arrangements for the cost to be so reimbursed;

the provisions of Part I of this Act shall, with such modifications, adaptations and exceptions as may be specified in the regulations, apply as if the pension were an official pension specified in Part I of Schedule 2.

Modifications etc. (not altering text)

- C31** [S. 10](#) has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury SI 1981/1670, art. 2(1)(c), 3(5)

Marginal Citations

- M23** [1966 c. 21.](#)

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11 Other overseas government pensions. **E+W+S**

- (1) The Secretary of State may, with the approval of the Minister for the Civil Service, make regulations authorising the payment by the Secretary of State, in respect of pensions to which this section applies or any class of such pensions, of supplements of such amount as may be specified in the regulations in accordance with this section.
- (2) This section applies—
- (a) to any pension described in Schedule 5 to this Act and falling within subsection (3) below; and
 - (b)^{F41}
 - (c) to any pension of which the cost is to be reimbursed in whole or in part by Her Majesty's Government in the United Kingdom to the government of an overseas territory (other than the government of India, Pakistan or Burma) under arrangements made in pursuance of section 1 of the^{M24}Overseas Aid Act 1966, or in respect of which the Secretary of State determines, with the consent of the Minister for the Civil Service, that Her Majesty's Government would be prepared to enter into arrangements for the cost to be so reimbursed; except that it does not apply to compensation which is payable either by way of lump sum or by instalments over a fixed period and which appears to the Secretary of State to be payable in consequence of constitutional changes or circumstances arising from such changes in any territory or territories.
- (3) This section shall apply to a pension by virtue of subsection (2)(a) above if the pension—
- (a) is payable to or in respect of a person who is certified by the Secretary of State, with the consent of the Minister for the Civil Service (or has been certified by any Minister under section 3 of the^{M25}Pensions (Increase) Act 1962) as having been an overseas officer in relation to any territory in or for which any services giving rise to the pension were rendered; and
 - (b) in the case of a derivative pension, is payable either by the government of an overseas territory or in accordance with an enactment, scheme or other instrument specified in the regulations as being approved by the Secretary of State for the purposes of this section.
- [^{F42}(4) The supplements which may be authorised by regulations under this section in the case of pensions of any class are supplements, in respect of a period beginning on or after 1st September 1971, of amounts which, when account is taken of—
- (a) any increase or supplement payable in respect of the pensions apart from this section;
 - (b) any other additions to the value of those pensions; and
 - (c) the amount of such other pensions as may be specified by the regulations (being pensions payable to the recipients of the first-mentioned pensions wholly or partly in respect of service in respect of which the first-mentioned pensions are payable);
- appear to the Secretary of State to correspond as nearly as may be with the increases payable under Part I of this Act on official pensions.]
- (5) Regulations under this section may make different provision in relation to different classes of pension, and—

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- (a) may prescribe the manner in which applications for supplements under this section are to be made and the evidence required in connection with such applications; and
 - (b) contain such other incidental provisions as the Secretary thinks fit.
- (6) The consent of the Minister for the Civil Service under subsection (3) above may be given generally in respect of persons of such descriptions as may be specified in the consent and subject to such limitations (if any) as may be so specified.
- (7) For the purposes of this section “overseas territory” means any territory or country outside the United Kingdom, and “government of an overseas territory” includes a government constituted for two or more overseas territories and any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more overseas territories. ^{F43}

Textual Amendments

F41 S. 11(2)(b) repealed by [Overseas Pensions Act 1973 \(c. 21\)](#), [Sch. 2](#)

F42 S. 11(4) substituted by [Overseas Pensions Act 1973 \(c. 21\)](#), [s. 4\(2\)](#)

F43 S. 11A inserted by [Overseas Pensions Act 1973 \(c. 21\)](#), [s. 4\(1\)](#)

Modifications etc. (not altering text)

C32 [Ss. 11, 11A, 12, 13, 15](#) have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: [SI 1981/1670](#), arts 2(1)(c), 3(5)

Marginal Citations

M24 [1966 c. 21](#).

M25 [1962 c. 2 \(11 & 12 Eliz. 2\)](#).

11A

E+W+S

- (1) The Secretary of State, with the approval of the Minister for the Civil Service, may by regulations made as respects any pension to which this section applies—
- (a) direct that the provisions of Part I of this Act shall, with such modifications, adaptations and exceptions as may be specified in the regulations, apply as if the pension were an official pension specified in Part I of Schedule 2, or
 - (b) authorise the payment by the Secretary of State of supplements to the pension of such amount as may be specified in the regulations.
- (2) This section applies to—
- (a) any pension payable under section 1 of the ^{M26}Overseas Pensions Act 1973, and
 - (b) any pension payable under a scheme made under section 2 of that Act, other than a pension within paragraph 27A of Schedule 2 to this Act.
- (3) This section also applies to any derivative pension payable either by the government of an overseas territory or in accordance with an enactment, scheme or other instrument specified in the regulations as being approved by the Secretary of State for the purpose of this section, where related principal pensions—
- (a) are payable under section 1 of the ^{M27}Overseas Pensions Act 1973, or under a scheme made under section 2 of that Act, or
 - (b) fall within section 10(b) or section 11(2)(c) above.

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- (4) The provisions of subsections (4) to (7) of section 11 of this Act (so far as applicable) shall have effect in relation to this section as they have effect in relation to that section.
- (5) For the purposes of this section principal pensions are related to a derivative pension if they are payable wholly or partly in respect of the same kind of service as the derivative pension.

Modifications etc. (not altering text)

C33 Ss. 11, 11A, 12, 13, 15 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts. 2(1)(c), 3(5)

Marginal Citations

M26 1973 c. 21.

M27 1973 c. 21.

12 Other overseas pensions. E+W+S

- (1) Where it appears to the Secretary of State just so to do having regard to things done by, or to the responsibilities of, the government of any overseas territory at a time when Her Majesty exercised jurisdiction there through Her Majesty's Government in the United Kingdom, the Secretary of State, may, with the approval of the Minister for the Civil Service, make regulations authorising the payment by the Secretary of State, in respect of pensions to which this section applies or any class of such pensions, of supplements of such amounts as may be specified in the regulations in accordance with this section.
- (2) This section applies to pensions payable wholly or partly in respect of service in the overseas territory, being service rendered to any authority or institution in the overseas territory other than the government of the overseas territory, and rendered by a person who is certified by the Secretary of State, with the consent of the Minister for the Civil Service, as having been an overseas officer in relation to that territory:

Provided that this section does not apply to a derivative pension unless it is payable either by the government of the overseas territory or in accordance with an enactment, scheme or other instrument specified in the regulations as being approved by the Secretary of State for the purposes of this section.
- (3) The consent of the Minister for the Civil Service under subsection (2) above may be given generally in respect of persons of such descriptions as may be specified in the consent and subject to such limitations (if any) as may be so specified.
- (4) Subsections (4), (5) and (7) of section 11 of this Act shall apply in relation to this section as they apply in relation to that.

Modifications etc. (not altering text)

C34 Ss. 11, 11A, 12, 13, 15 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts 2(1)(c), 3(5)

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13 Pensions under approved pension schemes. **E+W+S**

- (1) The Minister for the Civil Service may make regulations for conferring on persons who—
- (a) are or have been employed in the civil service of the State; and
 - (b) were recruited and are or were so employed in a territory outside the United Kingdom; and
 - (c) are or were subject to a superannuation scheme approved by the Minister for purposes of this section;

such benefits (enjoyable after the termination of the employment) as appear to the Minister to be appropriate having regard to the benefits provided by Part I of this Act for persons whose superannuation benefits are regulated under [F44 the principal civil service pension scheme within the meaning of section 2 of the M28 Superannuation Act 1972] and to the circumstances of that territory.

- (2) The Minister for the Civil Service may make regulations for conferring on persons who—
- (a) are or have been employed in the civil service of the State or in any capacity listed in Schedule 6 to this Act; and
 - (b) are or were subject to a superannuation scheme operated under the Federated Superannuation System for Universities, to the Federated Superannuation Scheme for Nurses and Hospital Officers or to any other scheme approved by the Minister for the purposes of this section;

such benefits (enjoyable after the termination of the employment) as appear to the Minister to be appropriate having regard to the benefits provided by Part I of this Act for persons whose superannuation benefits are regulated under [F44 the principal civil service pension scheme within the meaning of section 2 of the M29 Superannuation Act 1972.]

- (3) The Minister for the Civil Service may also make regulations for empowering or requiring a local authority to provide such benefits as aforesaid for persons who are or have been employed by the authority or, in connection with functions afterwards transferred to the authority, have been employed by another local authority, and who are or were subject to any such superannuation scheme as is mentioned in subsection (2)(b) above.

[F45 In this subsection the reference to another local authority shall include a reference to any county council, town council or district council and any other authority to whom section 270 of the M30 Local Government (Scotland) Act 1947 applied.]

- (4) Any power to make regulations conferred by this section on the Minister for the Civil Service shall be exercisable also, with his approval, by the Secretary of State . . . F46
- (5) Regulations under this section may make different provision for different classes of person, and may provide for benefits to take effect from a date before the making of the regulations.

Textual Amendments

- F44** Words substituted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 88](#)
F45 Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(4\)\(a\)](#)
F46 Words repealed (21.11.1979) by [S.I. 1979/1451, Sch. 3](#)

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Modifications etc. (not altering text)

C35 Ss. 11, 11A, 12, 13, 15 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts. 2(1)(c), 3(5)

Marginal Citations

- M28** 1972 c. 11.
- M29** 1972 c. 11.
- M30** 1947 c. 43.

PART III U.K.

SUPPLEMENTARY

14 ^{F47} **E+W+S**

Textual Amendments

F47 Ss. 14, 15(1)–(3), (6) repealed by Superannuation Act 1972 (c. 11), s. 29(4), **Sch. 8**

15 **Adjustment of fire service pensions.** **E+W+S**

- (1) ^{F48}
- (4) Where a pension payable under the Firemen’s Pension Scheme is or has been granted at the higher of a flat rate and a rate fixed by reference to emoluments, then—
 - (a) no increase shall be made by virtue of [^{F49}section 1 above or section 59 of the ^{M31}Social Security Pensions Act 1975] in the flat rate or in any substituted pension computed by reference to the flat rate; . . . ^{F50}
 - (b) ^{F50}
- (5) Where a pension payable under the Firemen’s Pension Scheme, or any such pension as is mentioned in paragraph 45 or 46 of Schedule 2 to this Act, is or has been granted at the higher of a flat rate and a rate fixed by reference to emoluments, the grant shall have effect, in relation to any period beginning on or after 1st September 1971, as a grant at whichever rate is for the time being the higher after account is taken of the operation of this Act.
- (6) ^{F48}
- (7) The order to be made under section 6 above may omit any special provision which, apart from this subsection, would be required for pensions payable under the Firemen’s Pension Scheme or for pensions mentioned in paragraph 45 or 46 of Schedule 2 to this Act, if it appears to the Minister for the Civil Service, having regard in particular to any changes or proposed changes in the Scheme, that the provision is more appropriately or conveniently made by regulations under section 5(3) above.
- (8) In this section “the Firemen’s Pension Scheme” means a scheme in force under section 26 of the ^{M32}Fire Services Act 1947; but nothing in this section shall authorise any alteration of provisions of the Scheme having effect by virtue of section 27(3) of that Act (which provides for certain features of previous arrangements to be

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incorporated in the Scheme where a person has so elected under the section), and subsection (4)(a) above shall not prevent an increase being made under this Act in the rate of a pension where the rate depends on section 27(3).

Textual Amendments

- F48** Ss. 14, 15(1)–(3), (6) repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), **Sch. 8**
F49 Words substituted by [Social Security Pensions Act 1975 \(c. 60\)](#), **Sch. 4 Pt. I para. 19**
F50 Word and s. 15(4)(b) repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), **Sch. 8**

Modifications etc. (not altering text)

- C36** Ss. 11, 11A, 12, 13, 15 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts 2(1)(c), 3(5)

Marginal Citations

- M31** 1975 c. 60.
M32 1947 c. 41.

16 Expenses. **E+W+S**

There shall be defrayed out of moneys provided by Parliament—

- (a) any expenditure incurred by a government department under or by virtue of this Act; and
- (b) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.

17 Interpretation. **E+W+S**

(1) For purposes of this Act, unless the context otherwise requires,—

“basic rate” means the annual rate of a pension apart from any increase under or by reference to this Act or any enactment repealed by this Act, or any corresponding increase made otherwise than under or by reference to this Act or an enactment repealed by it ^{F51}but including any increase in the said annual rate in consequence of the ^{M33}Pensions (Increase) Act 1974 ;]

[^{F52}“derivative pension” means a pension which—

- (a) is not payable in respect of the pensioner’s own services, and
- (b) is not attributable to the pensioner having become entitled to a pension credit;]

“earnings-related pension” means a pension computed by reference to a rate of emoluments (whether actual emoluments or not and whether final or average emoluments), or payable at alternative rates one of which is so computed, and includes a derivative pension computed by reference to the rate of an earnings-related pension;

“flat rate” means a rate fixed otherwise than by reference to a rate of emoluments or to the rate of another pension, and “flat-rate pension” means a pension payable at a flat rate only, but includes a derivative pension computed by reference to the rate of a flat-rate pension;

“local authority” and “local government service” have the meanings given by Schedule 3 to this Act;

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[^{F53}“money purchase benefits” has the meaning given by [^{F54}section 181(1) of the Pension Schemes Act 1993];]

“pension” has the meaning given by section 8 above, “official pension” that given by section 5(1), and “pension authority” that given by section 7(1), and the time when a pension “begins” is that stated in section 8(2);

[^{F55}“pension credit” means a credit under section 29(1)(b) of the Welfare Reform and Pensions Act 1999 or under corresponding Northern Ireland legislation;

“principal pension” means a pension which—

- (a) is payable in respect of the pensioner’s own services, or
- (b) is attributable to the pensioner having become entitled to a pension credit;]

“qualifying condition” means one of the conditions laid down by section 3 above;

[^{F56}“relevant injury pension” means—

- (a) a pension paid to a person in respect of his absence from work by reason only of an injury sustained, or disease contracted, by him in the course of the employment by virtue of which his entitlement to the pension arises; or
- (b) a pension paid to a person in respect of his having accepted less favourable terms and conditions of employment by reason of ill-health suffered by him in consequence of an injury so sustained or a disease so contracted;

but does not include any pension the rate of which is periodically recalculated by reference to the rate of the salary which the pensioner could reasonably be expected to have received had he not sustained the injury or contracted the disease in question;]

“substituted pension” means a pension granted in consideration of the surrender of the whole or part of another pension (“the original pension”);

[^{F52}“widow’s pension” means a pension payable—

- (a) in respect of the services of the pensioner’s deceased husband, or
- (b) by virtue of the pensioner’s deceased husband having become entitled to a pension credit.]

(2) References in this Act to an enactment include an enactment in a local Act and a provisional order confirmed by Parliament.

(3) Any power to make regulations which is conferred by this Act is a power exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

F51 Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 1\(3\)](#)

F52 Definitions in s. 17(1) substituted (1.12.2000) by 1999 c. 30, [s. 39\(5\)\(a\)\(c\)](#); S.I. 2000/1047, art. 2(2) (d), [Sch. Pt. IV](#)

F53 Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\), s. 7\(3\)](#)

F54 Words in s. 17(1) substituted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 8 para. 5](#) (with ss. 6(8), 164); S.I. 1994/86, [art. 2](#).

F55 Definitions in s. 17(1) inserted (1.12.2000) by 1999 c. 30, [s. 39\(5\)\(b\)](#); S.I. 2000/1047, art. 2(2)(d), [Sch. Pt. IV](#)

F56 Definition inserted by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7, SIF 101A:3\), s. 1\(6\)](#)

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Marginal Citations

M33 1974 c. 9.

18 Repeal, and transitional provisions. **U.K.**

- (1) The enactments mentioned in Schedule 7 to this Act are hereby repealed to the extent specified in column 3 of the Schedule, but without prejudice to the operation of the repealed provisions as respects any period ending on or before 31st August 1971.
- (2) Where at 31st August 1971 authority to increase or supplement any pensions is given by regulations under any enactment repealed by subsection (1) above, being an enactment corresponding to any provision of Part II of this Act, then in respect of any period between that date and the coming into force of regulations under that provision there may be paid on those pensions the like increase or supplement, and the cost shall be defrayed in the same way, as if this Act had not been passed; and the first regulations made with respect to any pensions under any provision of Part II may take effect from 1st September 1971, notwithstanding that they are made after that date (but not so as to reduce any increase or supplement payable by virtue of this subsection in respect of a period before they come into force).
- (3) Where at 31st August 1971 there are in force with respect to any official pensions (other than pensions to which section 14(3) or 15(6) above applies) regulations under any enactment repealed by subsection (1) above, being an enactment corresponding to section 5(3) above, then unless or until regulations come into force under section 5(3) with respect to those pensions, or the Minister for the Civil Service by order made by statutory instrument directs that this subsection shall not apply to them, those pensions shall not be increased in accordance with this Act, but the like increases may be paid as if this Act had not been passed.
- (4) Except as otherwise provided by or under this Act, the repeal by this Act of the Pensions (Increase) Acts 1920 to 1969 shall not affect the operation of any provision made otherwise than by or under those Acts and authorising increases in pensions by reference to increases under those Acts or any of them.
- (5) The enactments mentioned in Schedule 8 to this Act are hereby repealed to the extent specified in column 3 of the Schedule, but subject to the saving in Part II of the Schedule.

Modifications etc. (not altering text)

C37 S.18 has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts 2(1)(c), 3(5)

19 Short title and extent. **E+W+S**

- (1) This Act may be cited as the Pensions (Increase) Act 1971.
- (2) This Act extends to Great Britain only, except that—
 - (a) it extends to Northern Ireland in relation to pensions payable under Schedule 8 to the ^{M34}Government of Ireland Act 1920 (former Irish civil servants) or payable to or in respect of an existing Irish officer within the meaning of that Act under the Superannuation Acts 1834 to 1965, or payable under or by

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virtue of any other Act extending to Northern Ireland out of the Consolidated Fund of the United Kingdom or out of moneys provided by the Parliament of the United Kingdom [^{F57} or out of the Parliamentary Contributory Pension Fund [^{F58} or payable under Part I or section 19 of the Judicial Pensions and Retirement Act 1993 (otherwise than under or by virtue of section 10 of that Act)];] and

- (b) ^{F59}
- (c) section 18(5) and Part II of Schedule 8 extend to Northern Ireland.

Textual Amendments

F57 Words inserted by Parliamentary and other Pensions Act 1972 (c. 48), s. 34(1). By virtue of Parliamentary and other Pensions Act 1987 (c. 45, SIF 89), s. 6, Sch. 3 para. 3(2) this amendment continues to have effect after the coming into force of the repeal by the said 1987 Act of the said s. 34(1)

F58 Words in s. 19(2)(a) inserted (31.3.1995) by 1993 c. 8, s. 22(2); S. I. 1995/631, art. 2

F59 S. 19(2)(b) repealed by Trustee Savings Banks Act 1976 (c. 4), Sch. 6 except in relation to any pension beginning before 21.11.1976

Marginal Citations

M34 1920 c. 67.

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SCHEDULES

SCHEDULE 1 **E+W+S**

Section 1.

TABLE FOR CONVERSION OF BASIC RATE TO 1969 STANDARD

[Note:—The year to be taken is that in which the pension is, under section 8(2), to be treated as beginning.]

<i>Year Multiplier</i>	<i>Year Multiplier</i>	<i>Year Multiplier</i>
Any year	1951 . . . 1.886	1960 . . . 1.383
up to	1952 . . . 1.728	1961 . . . 1.338
1944 . . . 3.052	1953 . . . 1.675	1962 . . . 1.282
1945 . . . 2.583	1954 . . . 1.645	1963 . . . 1.258
1946 . . . 2.348	1955 . . . 1.574	1964 . . . 1.218
1947 . . . 2.327	1956 . . . 1.501	1965 . . . 1.162
1948 . . . 2.179	1957 . . . 1.448	1966 . . . 1.118
1949 . . . 2.119	1958 . . . 1.404	1967 . . . 1.091
1950 . . . 2.059	1959 . . . 1.397	1968 . . . 1.042

SCHEDULE 2 **U.K.**

Sections 4, 5, 7 and 15.

OFFICIAL PENSIONS

PART I **U.K.**

STATE PENSIONS

Modifications etc. (not altering text)

- C38** Sch. 2 Pt. I extended by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 30, [Sch. 3 para. 7\(1\)–\(4\)](#)
[Sch. 2 Pt. I](#) extended by the Pensions Increase (Civil Service Early Retirement Pension Scheme 1992) Regulations 1993, 1993/806, regs. 3,4 (which Regulations come into force 12.4.1993 but by reg. 4 it is provided that any increase of pensions payable by virtue of those Regulations shall have effect in respect of any pension beginning on or after 1.4.1992).
[Sch. 2 Pt. I](#) modified (25.7.1995) by [S.I. 1995/1680](#), [reg. 3](#)
[Sch. 2 Pt. I](#) modified (25.7.1995) by [S.I. 1995/1681](#), [reg. 3](#)
[Sch. 2 Pt. I](#) modified (25.7.1995) by [S.I. 1995/1682](#), [reg. 3](#)
[Sch. 2 Pt. I](#) modified (25.7.1995) by [S.I. 1995/1683](#), [reg. 3](#)

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Ministerial and parliamentary

- 1 A pension payable under section 3 of the ^{M35}Ministerial Salaries Consolidation Act 1965 (Prime Ministers) [^{F60}or under section 26 or section 27 of the ^{M36}Parliamentary and other Pensions Act 1972 (Pensions of the Prime Minister and Speaker and their dependants).]

Textual Amendments

F60 Words inserted by Parliamentary and other [Pensions Act 1972 \(c. 48\), s. 31\(2\)\(a\)](#)

Marginal Citations

M35 1965 c. 58.

M36 1972 c. 48.

- 2 A pension payable under the ^{M37}Lord Chancellor's Pension Act 1832 [^{F61}as amended by section 28 of the ^{M38}Parliamentary and other Pensions Act 1972.]

Textual Amendments

F61 Words inserted by Parliamentary and other [Pensions Act 1972 \(c. 48\), s. 31\(2\)\(b\)](#)

Marginal Citations

M37 1832 c. 111.

M38 1972 c. 48.

- 3 A pension payable under . . . ^{F62} the ^{M39}Hon. Lady Hylton-Foster's Annuity Act 1965 [^{F63}^{M40}or (except in respect of any period ending before 1st April 1972) under Mr Speaker King's Retirement Act 1971.]

Textual Amendments

F62 Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\), s. 1\(1\), Sch. 1 Pt. III](#)

F63 Words inserted by Parliamentary and other [Pensions Act 1972 \(c. 48\), s. 31\(2\)\(c\)](#)

Marginal Citations

M39 1965 c. 70.

M40 1971 c. 13.

- [^{F64}3A A pension which under the Parliamentary pension scheme (within the meaning of the Parliamentary and other Pensions Act 1987) is payable out of the Parliamentary Contributory Pension Fund.]

Textual Amendments

F64 [Sch. 2 Pt. 1 para. 3A](#) substituted by Parliamentary and other [Pensions Act 1987 \(c. 45, SIF 89\), s. 6, Sch. 3 para. 3\(3\)](#)

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[^{F65} European Assembly

Textual Amendments

F65 Para. 3B inserted by [European Assembly \(Pay and Pensions\) Act 1979 \(c. 50\), s. 4\(7\)](#)

3B A pension payable under an order made under section 4 of the ^{M41}European Assembly (Pay and Pensions) Act 1979.]

Marginal Citations

M41 1979 c. 50.

Civil Service

4 A pension payable under the ^{M42}Superannuation Acts 1965 ^{M43} and 1967 [^{F66}or under a scheme made under section 1 of the ^{M44}Superannuation Act 1972, being the principal civil service pension scheme within the meaning of section 2 of that Act.]

Textual Amendments

F66 Words inserted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 89\(a\)](#)

Marginal Citations

M42 1965 c. 74.

M43 1967 c. 28.

M44 1972 c. 11.

[^{F67}4A A pension payable under Part I or section 19 of the Judicial Pensions and Retirement Act 1993, other than a pension payable under or by virtue of section 10 of that Act.]

Textual Amendments

F67 [Sch. 2 para. 4A](#) inserted (31.3.1995) by [1993 c. 8, ss. 22\(1\), 31\(2\)](#); [S. I. 1995/631, art. 2](#)

Administration of justice

5—6. ^{F68}

Textual Amendments

F68 [Sch. 2 Pt. 1 paras. 5, 6, 9, 12, 26](#) repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\), s. 30, Sch. 4](#)

7 A pension payable under section 9 of the ^{M45}County Courts Act 1934 (county court judges).

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Marginal Citations

M45 1934 c. 53.

- 8 A pension payable under section 20 of the ^{M46}Sheriff Courts (Scotland) Act 1907 or section 1 of the ^{M47}Sheriffs' Pensions (Scotland) Act 1961 (sheriffs and salaried sheriffs-substitute).

Marginal Citations

M46 1907 c. 51.

M47 1961 c. 42.

- 9 **F69**

Textual Amendments

F69 Sch. 2 Pt. 1 paras. 5, 6, 9, 12, 26 repealed by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 30, **Sch. 4**

- 10 A pension payable under section 4(5) of the ^{M48}Criminal Justice Administration Act 1956 (Recorder of Manchester or Liverpool).

Marginal Citations

M48 1956 c. 34.

- 11 A pension payable under the Superannuation (President of the ^{M49}Industrial Court) Act 1954.

Marginal Citations

M49 1954 c. 37.

- 12 **F70**

Textual Amendments

F70 Sch. 2 Pt. 1 paras. 5, 6, 9, 12, 26 repealed by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 30, **Sch. 4**

- 13 A pension payable under the ^{M50}Police Magistrates (Superannuation) Acts 1915 ^{M51} and 1929 [^{F71}or under Part I of Schedule 1 to the ^{M52}Administration of Justice Act 1973.]

Textual Amendments

F71 Words added by Administration of Justice Act 1973 (c. 15), **Sch. 1 para. 11(2)**

Marginal Citations

M50 1915 c. 74.

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M51 1929 c. 37.

M52 1973 c. 15.

Police and firemen

- 14 A pension payable by a Secretary of State under the ^{M53}Police (Overseas Service) Act 1945 to a person who at the time of his retirement was engaged as mentioned in section 1(1) of the Act.

This paragraph includes a substituted pension not so payable if the original pension is so payable.

Marginal Citations

M53 1945 c. 17 (9 & 10 Geo. 6).

- 15 A pension payable by a Secretary of State under the [^{F72}^{M54}Police Pensions Act 1976] to a person who at the time of his retirement—

(a) was engaged as mentioned in section 1(1) of the Police (Overseas Service) Act 1945; or

[^{F73}(b) was engaged on service pursuant to an appointment under section 10 of the ^{M55}Overseas Development and Co-operation Act 1980, being service in respect of which [^{F74}section 97 of the Police Act 1996] or, as the case may be, section 38A of the ^{M56}Police (Scotland) Act 1967 had effect; or

(ba) was engaged on temporary service in accordance with [^{F75}section 26(2) of the Police Act 1996] or section 12A(2) of the ^{M57}Police (Scotland) Act 1967; or]

(c) was serving as an inspector or assistant inspector of constabulary under [^{F76}the Police Act 1996] or the ^{M58}Police (Scotland) Act 1967; or

[^{F77}(d) was engaged—

(i) on relevant service within paragraph (b), (c) or (d) of section 97(1) of the Police Act 1996, or

(ii) on central service pursuant to section 38 of the Police (Scotland) Act 1967.]

This paragraph includes a substituted pension not so payable if the original pension is so payable.

Textual Amendments

F72 Words substituted by [Police Pensions Act 1976 \(c. 35\)](#), [Sch. 2 para. 8\(a\)](#)

F73 [Sch. 2 para. 15\(b\)\(ba\)](#) substituted for para. 15(b) (21.7.1994 for purposes specified in s. 94(3)(c)(d) of the substituting Act and 1.4.1995 for all remaining purposes) by [1994 c. 29, ss. 44, 94\(3\)\(c\)\(d\)](#), [Sch. 5 Pt. II para. 17](#); S.I. 1994/3262, art. 4(1), [Sch.](#) (with transitional provision in art. 5)

F74 Words in [Sch. 2 para. 15\(b\)](#) substituted (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 7 Pt. II, para. 18\(2\)\(a\)](#)

F75 Words in [Sch. 2 para. 15\(ba\)](#) substituted (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 7 Pt. II, para. 18\(2\)\(b\)](#)

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F76 Words in Sch. 2 para. 15(c) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 7 Pt. II, para. 18(2)(c)

F77 Sch. 2 para. 15(d) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 7, Pt. II, para. 18(2)(d)

Marginal Citations

M54 1976 c. 35.

M55 1980 c. 63

M56 1967 c. 77.

M57 1967 c. 77.

M58 1967 c. 77.

[^{F78}15A A pension payable by a Secretary of State under regulations made under section 24 of the ^{M59}Superannuation Act 1972 (compensation for loss of employment, etc.) to or in respect of such a person as is referred to in paragraph 15 above.]

Textual Amendments

F78 Sch. 2 para. 15A inserted by Superannuation Act 1972 (c. 11), Sch. 6 para. 89(b)

Marginal Citations

M59 1972 c. 11.

16 A pension payable by a Secretary of State in accordance with a scheme in force under section 26 of the ^{M60}Fire Services Act 1947.

This paragraph does not apply to a flat-rate pension, except where the rate depends on section 27(3) of that Act.

Marginal Citations

M60 1947 c. 41

[^{F79}16A A pension payable by a Secretary of State to or in respect of a person in relation to whom a scheme may be made under the said section 26, being a pension payable under regulations made under section 24 of the ^{M61}Superannuation Act 1972.]

Textual Amendments

F79 Para. 16A inserted by Superannuation Act 1972 (c. 11), Sch. 6 para. 89(c)

Marginal Citations

M61 1972 c. 11.

Teachers

17 A pension payable under the Elementary School Teachers (Superannuation) Acts 1898 to 1912.

18 A pension payable under the Teachers (Superannuation) Acts 1918 to 1956.

This paragraph does not include—

(a) a pension specified in paragraph 56 of this Schedule; or

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(b) so much of any pension payable under the ^{M62}said Acts of 1918 to 1956 as would not have been payable apart from an election under section 10(1) of the Teachers (Superannuation) Act 1956.

Marginal Citations

M62 1956 c. 53.

19 A pension payable under the Education (Scotland) Acts 1939 to 1967.

This paragraph does not include a pension granted under Regulation 45 of the ^{M63}Teachers (Superannuation) (Scotland) Regulations 1957.

Marginal Citations

M63 S.I. 1957/356.

20 A pension payable under regulations made under [^{F80}section 9 of the ^{M64}Superannuation Act 1972]

Textual Amendments

F80 Words substituted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 89\(d\)](#)

Marginal Citations

M64 1972 c. 11

[^{F81}20A A pension payable to or in respect of a teacher under regulations made under section 24 of the ^{M65}Superannuation Act 1972 (compensation for loss of employment, etc.).]

Textual Amendments

F81 [Para. 20A](#) inserted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 89\(e\)](#)

Marginal Citations

M65 1972 c. 11.

21 **F82**

Textual Amendments

F82 [Sch. 2 Pt. I para. 21](#) repealed by [Superannuation Act 1972 \(c. 11\)](#), s. 29(4), [Sch. 8](#)

National health service

22 A pension payable by a Secretary of State under or by virtue of any of the following:

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- (a) section 6 of the ^{M66}National Health Service Act 1946 or of the ^{M67}National Health Service (Scotland) Act 1947 (former officers of voluntary hospitals);
- (b) section . . . ^{F83} 68 of the National Health Service Act 1946 or section . . . ^{F83} 67 of the National Health Service (Scotland) Act 1947 (former officers of hospital authorities and others engaged in health services);
- [^{F84}(c) regulations made under section 10 of the ^{M68}Superannuation Act 1972;]
- [^{F85}(d) section 44 of the ^{M69}National Health Service Reorganisation Act 1973 or section 34A of the ^{M70}National Health Service (Scotland) Act 1972.]

Textual Amendments

F83 Words repealed by [Superannuation Act 1972 \(c. 11\), s. 29\(4\), Sch. 8](#)

F84 Para. 22(c) inserted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 89\(h\)](#)

F85 Para. 22(d) inserted by [National Health Service Reorganisation Act 1973 \(c. 32\), Sch. 4 para. 133](#)

Marginal Citations

M66 1946 c. 81.

M67 1947 c. 27.

M68 1972 c. 11.

M69 1973 c. 32.

M70 1972 c. 58.

- 23 A pension payable by a Secretary of State in consequence of any change affecting the National Health Service and payable—
- (a) in pursuance of an order under section 11(9) of the National Health Service Act 1946; or
 - (b) under regulations made under section 60(2) of the ^{M71}Local Government Act 1958, section 85(4) of the ^{M72}London Government Act 1963 . . . ^{F86}

Textual Amendments

F86 Words repealed by [Superannuation Act 1972 \(c. 11\), s. 29\(4\), Sch. 8](#)

Marginal Citations

M71 1958 c. 55.

M72 1963 c. 33.

- [^{F87}23A A pension payable to or in respect of a person in relation to whom regulations may be made under the said section 10, being a pension payable under regulations made under section 24 of the said Act of 1972 (compensation for loss of employment, etc.).]

Textual Amendments

F87 Para. 23A inserted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 89\(i\)](#)

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National insurance

- 24 A pension payable by a Secretary of State in pursuance of regulations made under section 67 of the ^{M73}National Insurance Act 1946 (loss of employment or diminution of emoluments attributable to passing of that Act of former employees of approved societies etc.).

Marginal Citations

M73 1946 c. 67.

- 25 A pension payable in pursuance of rules made under section 3 of the ^{M74}Superannuation (Miscellaneous Provisions) Act 1948 (former employees of approved societies etc.).

This paragraph does not include a pension payable under the [^{F88}principal civil service pension scheme within the meaning of section 2 of the ^{M75}Superannuation Act 1972.]

Textual Amendments

F88 Words substituted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 89\(j\)](#)

Marginal Citations

M74 1948 c. 33.

M75 1972 c. 11.

- 26 **F89**

Textual Amendments

F89 [Sch. 2 Pt. 1 paras. 5, 6, 9, 12, 26](#) repealed by [Judicial Pensions Act 1981 \(c. 20, SIF 71:2\)](#), s. 30, [Sch. 4](#)

Diplomatic, colonial and overseas service

- 27 A pension payable under the ^{M76}Governors Pensions Acts 1957 and 1967.

Marginal Citations

M76 1957 c. 62

- [^{F90}27A A pension payable under any scheme or part of a scheme made under section 2 of the Overseas Pensions Act 1973 which incorporates, replaces or amends the provisions of the ^{M77}Governors' Pensions Acts 1957 and 1967 or of the ^{M78}Superannuation Act 1965 so far as it continued to have effect by virtue of section 23(2) of the ^{M79}Superannuation Act 1972.]

Textual Amendments

F90 [Para. 27A](#) inserted by [Overseas Pensions Act 1973 \(c. 21\)](#), [s. 4\(3\)](#)

Status: Point in time view as at 01/04/2001.

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Marginal Citations

M77 1957 c. 62

M78 1965 c. 74.

M79 1972 c. 11.

28 A pension payable under the ^{M80}Judges Pensions (India and Burma) Act 1948.

Marginal Citations

M80 1948 c. 4 (12, 13 & 14 Geo. 6).

29 A pension payable under the ^{M81}Diplomatic Salaries &c. Act 1869.

Marginal Citations

M81 1869 c. 43.

Service in Ireland

30 A pension payable under Schedule 8 to the ^{M82}Government of Ireland Act 1920 (former Irish civil servants).

Marginal Citations

M82 1920 c. 67.

31 A pension payable to or in respect of an existing Irish officer within the meaning of the Government of Ireland Act 1920, under the Superannuation Acts 1834 to 1965.

32 A pension payable under the enactments relating to pensions of the Royal Irish Constabulary.

This paragraph does not include a pension payable under regulations made under section 1 of the ^{M83}Royal Irish Constabulary (Widows' Pensions) Act 1954.

Marginal Citations

M83 1954 c. 17.

Miscellaneous

33 A pension payable by a Secretary of State in respect of service as officer of a local valuation panel, under regulations made under section 85(4) of the ^{M84}London Government Act 1963.

Marginal Citations

M84 1963 c. 33.

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- 34 A pension payable under section 29 of the ^{M85}Finance Act 1932, section 60 of the ^{M86}Finance (No. 2) Act 1945 or section 62 of the ^{M87}Finance Act 1946 (compensation to tax collectors and assessors for loss of employment).

Marginal Citations

- M85** 1932 c. 25.
M86 1945 c. 13 (9 & 10 Geo. 6).
M87 1946 c. 64.

- 35 A pension payable by way of residual compensation under Part IV of the ^{M88}Gas (Staff Compensation) Regulations 1949 as amended by the ^{M89}Gas (Staff Compensation) (Amendment) Regulations 1951 (gas meter examiners and others employed by local authorities before nationalisation).

Marginal Citations

- M88** S.I. 1949/2289.
M89 S.I. 1951/1327.

- 36 A widow's pension payable by a Secretary of State in accordance with a scheme framed by the then Army Council under the ^{M90}Injuries in War (Compensation) Act 1914 (Session 2) for established civil servants employed abroad within the sphere of military operations.

Marginal Citations

- M90** 1914 c. 18 (5 & 6 Geo. 5).

- 37 A pension payable by a Secretary of State under regulations made under [^{F91}section 129 of the ^{M91}Reserve Forces Act 1980] (civilian employees of Territorial and Auxiliary Forces Associations).

Textual Amendments

- F91** Words substituted by [Reserve Forces Act 1980 \(c. 9, SIF 7:2\)](#), s. 157, [Sch. 9 para. 11](#)

Marginal Citations

- M91** 1980 c. 9

- 38 A pension payable by a Secretary of State in respect of service with the St. Andrew's Ambulance Association, by reference to regulations made under section 4 of the ^{M92}Public Expenditure and Receipts Act 1968.

Marginal Citations

- M92** 1968 c. 14.

- [^{F92}38A A pension payable by virtue of paragraph [^{F93}10 of Schedule 1][^{F93}15(2) of Schedule 1 to the Enterprise and New Towns (Scotland) Act 1990 (as read with

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paragraph 7 of Schedule 3 to that Act)] or of regulations made under paragraph 3 of Schedule 3 to the^{M93} Scottish Development Agency Act 1975.]

Textual Amendments

- F92** Para. 38A inserted by Scottish Development Agency Act 1975 (c. 69), **Sch. 4 para. 2**
F93 Words substituted (E.W.S.) by Enterprise and New Towns (Scotland) Act 1990 (c. 35, SIF 64), s. 38(1), **Sch. 4 para. 4**

Marginal Citations

- M93** 1975 c. 69.

PART II **E+W+S**

PENSIONS OUT OF LOCAL FUNDS

[^{F94} Scottish Parliament and Scottish Executive

Textual Amendments

- F94** Sch. 2 Pt. II para. 38AB and cross heading inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 13**; S.I. 1998/3178, art. 2(2), **Sch. 3**

^{F95}38AB A pension payable under a scheme established by virtue of section 81(4)(b) of, or paragraph 3(4)(b) of Schedule 2 to, the Scotland Act 1998.]

Textual Amendments

- F95** Sch. 2 Pt. II para. 38AB and cross heading inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 13** (with s. 126(3)-(11)); S. I. 1998/3178, art. 2(2), **Sch. 3**

[^{F96} National Assembly for Wales]

Textual Amendments

- F96** Sch. 2 Pt. II para. 38B and crossheading inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 10** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

^{F97}38B A pension payable under a scheme established under section 18(2)(b) of the Government of Wales Act 1998.]

Textual Amendments

- F97** Sch. 2 Pt. II para. 38B and crossheading inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 10** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

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Local government service

- 39 A pension payable by a local authority in respect of service ending with local government service, other than a pension within paragraph 44, 45 or 52 of this Schedule or within the exception from paragraph 44.

Administration of justice

- 40 A pension payable under section 33 of the Justices of the ^{M94}Peace Act 1949 (stipendiary magistrates).

Marginal Citations

M94 1949 c. 101.

- 41 A pension payable by a local authority under Part I of the ^{M95}Administration of Justice (Pensions) Act 1950 (widows and children of stipendiary magistrates and of chairmen and deputy chairmen of London Sessions).

Marginal Citations

M95 1950 c. 11 (14 & 15 Geo. 6).

- 42 A pension payable under section 22 of the Administration of Justice (Pensions) Act 1950 (chairmen and deputy chairmen of London Sessions).

Police and firemen

- 43 A pension payable (otherwise than as mentioned in paragraph 14 or 15 above) under any of the following;—
- (a) [^{F98}the ^{M96}Police Pensions Act 1976, or any enactment repealed by the ^{M97}Police Pensions Act 1948] or by the ^{M98}Police Pensions Act 1921;
 - [^{F99}(b) section 51 or 52 of the Police Act 1996;]
 - (c) section 26 or 27 of the ^{M99}Police (Scotland) Act 1967.

This paragraph does not include a derivative pension other than a substituted pension, nor a substituted pension if the original pension was a derivative pension.

Textual Amendments

F98 Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 8\(b\)](#)

F99 [Sch. 2 para. 43\(b\)](#) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), [Sch. 7, Pt. II para. 18\(3\)](#)

Marginal Citations

M96 1976 c. 35.

M97 1948 c. 24.

M98 1921 c. 31.

M99 1967 c. 77.

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- 44 A pension payable by a local authority, in respect of service as a member of a fire brigade, in accordance with a scheme in force under section 26 of the ^{M100}Fire Services Act 1947.

This paragraph does not apply to a flat-rate pension, except where the rate depends on section 27(3) of that Act.

Marginal Citations

M100 1947 c. 41.

- 45 A pension payable by a local authority, otherwise than as mentioned in paragraph 44 above, in respect of—
- (a) service as a professional fireman (as defined by the ^{M101}Fire Brigade Pensions Act 1925); or
 - (b) service which, by or under any enactment, is treated as approved service in a fire brigade.

Marginal Citations

M101 1925 c. 47.

- 46 A derivative pension payable under the ^{M102}Police Pensions Act 1921 in respect of a person to whom the ^{M103}National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 applied at the time of that person's death or retirement.

Marginal Citations

M102 1921 c. 31.

M103 S.R. & O. 1941/1271.

Court and police staffs

- 47 A pension payable by a local authority in England or Wales under any enactment other than section 15(1) to (7) of the ^{M104}Superannuation (Miscellaneous Provisions) Act 1967 in respect of—
- (a) service as a justices' clerk or as the employee of a justices' clerk; or
 - (b) service as a person employed by a magistrates' courts committee to assist a justices' clerk [^{F100}or as staff of such a committee; or.
 - (c) service as a justices' chief executive.]

Textual Amendments

F100 Sch. 2 para. 47(c), and preceding words in para. 47(b) added (1.4.1995) by 1994 c. 29, s. 91, Sch. 8 Pt. II para. 26; S.I. 1995/685, arts. 4(I), 7(2)(b)

Marginal Citations

M104 1967 c. 28.

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- 48 A pension payable by ^{F101}the [^{F102}London Residuary Body][^{F102}London Pensions Fund Authority]in respect of service ending with employment by the committee of magistrates for the inner London area.

Textual Amendments

F101 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 61\(1\)](#)

F102 Words “London Pensions Fund Authority” substituted for “London Residuary Body” by [S.I. 1989/1815](#), [art. 7\(5\)](#)

- 49 A pension payable by [^{F103}the][^{F104}London Residuary Body][^{F104}London Pensions Fund Authority]under any enactment in respect of service in the employment of the standing joint committee for the county of London as clerk of the peace or deputy clerk of the peace or in any other capacity.

Textual Amendments

F103 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 61\(1\)](#)

F104 Words “London Pensions Fund Authority” substituted for “London Residuary Body” by [S.I. 1989/1815](#), [art. 7\(5\)](#)

- 50 A pension payable under section 15(1) to (7) of the Superannuation (Miscellaneous Provisions) Act 1967 (metropolitan civil staffs).
- 51 A pension payable by a local authority, or by a police authority in England and Wales ^{F105}. . . , under any enactment other than section 15 of the ^{M105}Superannuation (Miscellaneous Provisions) Act 1967 in respect of service ending with—
- (a) service as a civilian employed under [^{F106}section 15 of the Police Act 1996] by such a police authority; or
 - (b) service as a traffic warden employed by such a police authority under section 2 of the ^{M106}Road Traffic and Roads Improvement Act 1960 or section 81(9) of the ^{M107}Road Traffic Regulation Act 1967 [^{F107}section 95(1) of the Road Traffic Regulation Act 1984.]

Textual Amendments

F105 Words in Sch. 2 para. 51 repealed (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 9 Pt. I](#)

F106 Words in Sch. 2 para. 51(a) substituted (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 7 Pt. II](#), [para. 18\(4\)](#)

F107 Words inserted by [Road Traffic Regulation Act 1984 \(c. 27,SIF 107:1\)](#), [s. 146](#), [Sch. 13 para. 12](#)

Marginal Citations

M105 [1967 c. 28](#).

M106 [1960 c. 63](#).

M107 [1967 c. 76](#).

- 52 A pension payable by a police authority under regulations made under section 60(2) of the ^{M108}Local Government Act 1958, section 85(4) of the ^{M109}London Government Act 1963 or section 4 of the ^{M110}Public Expenditure and Receipts Act 1968 (compensation for loss of employment or emoluments due to reorganisation of local government etc). [^{F108}or under regulations made under section 24

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of the ^{M111}Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.).

This paragraph does not apply to a pension payable as mentioned in paragraph 15A above.]

Textual Amendments

F108 Words inserted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para. 89(k)**

Marginal Citations

M108 1958 c. 55.

M109 1963 c. 33.

M110 1968 c. 14.

M111 1972 c. 11.

Probation and after-care service

- 53 A pension payable in accordance with regulations under Schedule 4 to the ^{M112}Local Government Superannuation Act 1953 [^{F109}or section 7 of the ^{M113}Superannuation Act 1972] in respect of service as a probation officer or as a person appointed to assist a probation officer in the performance of his duties by a probation and after-care committee, by the Secretary of State or, before 1st July 1944, by a probation officer.

Textual Amendments

F109 Words inserted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para. 89(l)**

Marginal Citations

M112 1953 c. 25.

M113 1972 c. 11.

- [^{F110}53A A pension payable in accordance with regulations under section 7 of the ^{M114}Superannuation Act 1972 in respect of service as chairman, chief officer, member or member of the staff of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000.]

Textual Amendments

F110 [Sch. 2 para. 53A](#) inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 45**; S.I. 2001/919, **art. 2(f)(ii)**

Marginal Citations

M114 1972 c. 11.

- 54 A pension payable by a local authority in England and Wales in respect of service as a member of the staff of an approved probation home or an approved probation hostel.
- 55 A pension payable by a probation and after-care committee under regulations made under section 60(2) of the ^{M115}Local Government Act 1958 or section 85(4) of

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the ^{M116}London Government Act 1963 (compensation for loss of employment or emoluments due to reorganisation of local government) [^{F111}or under regulations made under section 24 of the ^{M117}Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.).]

Textual Amendments

F111 Words inserted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para 89\(m\)](#)

Marginal Citations

M115 1958 c. 55

M116 1963 c. 33.

M117 1972 c. 11.

Teachers and school staff

- 56 A pension payable by a local authority under section 14(3)(b) of the ^{M118}Teachers (Superannuation) Act 1925.

Marginal Citations

M118 1925 c. 59.

- 57 A pension payable by a local authority in England or Wales under any enactment in respect of service as an employee of the managers of a non-provided school within the meaning of the ^{M119}Education Act 1921 or a voluntary school within the meaning of [^{F112}the Education Act 1996.].

Textual Amendments

F112 Words in [Sch. 2 Pt. II](#) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(3\)](#), [Sch. 37 Pt. I](#), para. 20 (with [ss. 1\(4\), 582\(3\)](#), [Sch. 39](#))

Marginal Citations

M119 1921 c. 51.

- 58 A pension payable by a local authority in England or Wales under any enactment in respect of service as an employee of the governing body of any school or educational institution (other than a public elementary school or a county or voluntary school) if the whole cost of maintaining the school or educational institution after deducting such part of the cost (if any) as is met by the governing body fell or falls to be met by the local authority.
- 59 A pension payable by a local authority in respect of service as a member of the staff of an approved school.

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Miscellaneous

- 60 A pension payable by a local authority under any enactment in respect of service as a registration officer as defined in [^{F113}regulations made under section 7 of the ^{M120}Superannuation Act 1972.]

Textual Amendments

F113 Words substituted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 89\(n\)](#)

Marginal Citations

M120 [1972 c. 11.](#)

- 61 A pension payable under [^{F114}section 6 of the ^{M121}Coroners (Amendment) Act 1926 (county and borough coroners)] [^{F114}paragraph 2 of Schedule 1 to the Coroners Act 1988.]

Textual Amendments

F114 Words substituted (E.W.) by [Coroners Act 1988 \(c. 13, SIF 33\)](#), s. 36(1), Sch. 3 para. 15

Marginal Citations

M121 [1926 c. 59.](#)

- 62 A pension payable by a local authority in respect of service as a clerk, officer or servant employed under section 47 of the ^{M122}Local Government Act 1948 or section 92 of the ^{M123}General Rate Act 1967 by a local valuation panel.

Marginal Citations

M122 [1948 c. 26.](#)

M123 [1967 c. 9.](#)

- 63 A pension payable by a local authority in respect of service ending with service as a rent officer or deputy rent officer under section 22 or 24 of the ^{M124}Rent Act 1965 or section 40 of the ^{M125}Rent Act 1968 [^{F115}or section 63 of the ^{M126}Rent Act 1977.]

Textual Amendments

F115 Words added by [Rent Act 1977 \(c. 42\), s. 155\(2\), Sch. 23 para. 51](#)

Marginal Citations

M124 [1965 c. 75.](#)

M125 [1968 c. 23.](#)

M126 [1977 c. 42.](#)

- 64 A pension payable by a local authority by way of such compensation as is mentioned in section 8(1)(b) [^{F116}or (c)] of this Act.

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Textual Amendments

F116 Words substituted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 89\(o\)](#)

[^{F117}64A A pension payable by a residuary body established by the Local Government Act 1985 in respect of service ending with service with that body.]

Textual Amendments

F117 [Sch. 2 Pt. 1 paras. 64A, 64B](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 61\(2\)](#)

Modifications etc. (not altering text)

C39 [Sch. 2 para. 64A](#) extended (5.7.1994) by [1994 c. 19, ss. 39, 66\(2\)](#), [Sch. 13 para. 27](#) (with [ss. 54\(7\), 66\(7\)](#)), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

[^{F118}64B A pension payable by such a residuary body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the authorities abolished by the Act.]

Textual Amendments

F118 [Sch. 2 Pt. I paras 64A, 64B](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s.61\(2\)](#)

[^{F119}64C A pension payable by the London Residuary Body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the Inner London Education Authority.]

Textual Amendments

F119 [Sch. 2 Pt. 1 para. 64C](#) inserted (29.7.1988) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [s. 179\(3\)](#)

[^{F120F121}64DA pension payable by the London Pensions Fund Authority.]

Textual Amendments

F120 [Sch. 2 Pt. II para. 64D](#) inserted (E.W.) (30.10.1989) at the end of Part II by [SI 1989/1815](#), [art. 7\(6\)](#)

F121 Para. renumbered 64D by [S.I. 1990/198](#), [art.3](#)

PART III **E+W+S**

OTHER PENSIONS

[^{F122F123}65 A pension payable by the trustees of a trustee saving bank or by the Inspection Committee of trustees saving banks]

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Textual Amendments

- F122** Sch. 2 Pt. III para. 65 repealed by [Trustee Savings Banks Acts 1976 \(c.4\)](#) Sch. 6 except in relation to any pension beginning before 21.11.1976; the text is retained for this reason.
- F123** The text of Sch 2 Pt. III para. 65, Sch. 3 para. 4, 5, Sch. 7, Sch. 8 Pt. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

66 A pension payable in respect of service with, or as compensation for loss of employment on the winding up of, the Raw Cotton Commission.

In relation to a pension within this paragraph the Minister for the Civil Service shall be taken to be the pension authority.

67 ^{F124}

Textual Amendments

- F124** Sch. 2 pt. III para. 67 repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, [Sch. 17](#)

68 A pension payable by the council of the London borough of Southwark in respect of employment in the borough market, Southwark.

[^{F125}68A A pension payable by virtue of regulations made under section 3(2) of the ^{M127}New Towns (Scotland) Act 1977.]

Textual Amendments

- F125** Para. 68A inserted by [New Towns \(Scotland\) Act 1977 \(c. 16\)](#), s. 3(7)

Marginal Citations

- M127** 1977 c. 16.

SCHEDULE 3 E+W+S

Sections 7 and 17.

FURTHER ADMINISTRATIVE, INCIDENTAL AND CONSEQUENTIAL PROVISIONS

Modifications etc. (not altering text)

- C40** Sch. 3 excluded by [S.I. 1990/503](#), [reg. 3\(2\)\(b\)\(c\)](#)
- C41** Sch. 3 continued by [S.I. 1990/503](#), [reg. 3\(2\)\(c\)](#)
- C42** Sch. 3 applied (with modifications) (8.1.1993) by [S.I. 1992/3229](#), [reg. 2\(1\)](#)
 Sch. 3 modified (29.3.1994) by [S. I. 1994/948](#), [reg. 2\(1\)\(2\)](#)
 Sch. 3 modified (retrospective effect to 1.4.1990) by [S.I. 1994/3026](#), [regs. 1\(c\)](#), 10(2)
 Sch. 3 restricted (2.5.1995) by [S.I. 1995/1019](#), [reg. L19\(1\)\(b\)](#)
 Sch. 3 restricted (30.6.1997) by [S.I. 1997/1612](#), [reg. 91](#)
 Sch. 3 restricted (1.4.1998) by [S.I. 1998/366](#), [reg. 90](#)

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Liability for cost of increase of certain local authority, police and fire service pensions

- 1
- (1) Where a pension to which this paragraph applies is increased under this Act, the cost of the increase shall be defrayed by the pension authority; but where the pension authority are not the last employing authority, the last employing authority shall reimburse to the pension authority that cost or so much of it as is not required by paragraph 2 below to be reimbursed by some other authority or to be borne by the pension authority.
 - (2) For the purposes of this paragraph, “the last employing authority” means, in relation to a pension, the authority to whom the latest services in respect of which the pension is payable were rendered, unless the functions in connection with which they were rendered have been transferred to another authority; and where they have been so transferred, “the last employing authority” means the authority by whom those functions are for the time being exercisable.
 - (3) Any question who are the last employing authority for the purposes of this paragraph shall, in default of agreement, be determined by the Secretary of State.
 - (4) Nothing in this paragraph shall affect the operation in relation to increases under this Act of the provisions of section 14 of the ^{M128}Police Act 1890 and section 10 of the ^{M129}Police Pensions Act 1921 as to the payment of pensions partly out of the police fund and partly out of moneys provided by Parliament.
 - (5) This paragraph applies to the pensions specified in the following paragraphs of Schedule 2 to this Act, that is to say, paragraphs 39, 44, 45, 47, 48, 49, 51, 53, 54, 56 to 60, 62 [^{F126}, 63, 64A and, so far as relating to any pension falling within any of the foregoing paragraphs, 64B][^{F127} and 64C.]

Textual Amendments

F126 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), **s. 61(3)**

F127 Words inserted by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), **s. 179(4)**

Modifications etc. (not altering text)

C43 [Sch. 3 para. 1](#) (except 1(4)) extended by [Pensions \(Increase\) Act 1974 \(c. 9\)](#), **s. 2(2)**

C44 [Sch. 3 para. 1\(1\)](#); so much of sub-paragraph (1) as follows the first reference in that sub-paragraph to the pension authority excluded by [S.I. 1986/399](#), art. 9(7)(a)

C45 [Sch. 3 para. 1\(1\)](#) amended by [S.I. 1989/1815](#), **art. 7(7)**

C46 [Sch. 3 para 1\(2\)](#) excluded (E.W.) by [Prosecution of Offences Act 1985 \(c. 23, SIF 39:1\)](#), **s. 15(6)** and excluded by [SI 1986/399](#), art 9(7)(b)

C47 [Sch. 3 para 1\(2\)](#) modified (13.2.1992) by [Severn Bridges Act 1992 \(c. 3\)](#), **s. 18(4)(5)**.

C48 [Sch. 3 Para 1\(3\)](#) excluded by [SI 1986/399](#), art. 9(7)(b)

Marginal Citations

M128 1890 c. 45.

M129 1921 c. 31.

- 2
- (1) Where a pension to which this paragraph applies is increased under this Act, and by virtue of section 7(3) any part of the cost of the increase would, but for paragraph 1 above, be apportioned to a fund not administered by the pension authority, that part of the cost shall be reimbursed to the pension authority; and the cost of reimbursement shall be defrayed and borne as if it were the cost of an increase under this Act on a

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separate pension payable out of that fund in respect of the employment giving rise to the apportionment to that fund.

- (2) Where a pension to which this paragraph applies is increased under this Act, and—
- (a) the pension is payable partly in respect of service in respect of which another such pension was payable (“the previous service”) and partly in respect of further service rendered after the termination of the previous service; and
 - (b) different authorities are the last employing authority in relation to the two pensions, but the cost of the final pension does not fall to be apportioned;
- then so much of the cost of the increase as is referable to the previous service on an apportionment made according to the length of that service as compared with that of the further service shall be reimbursed to the pension authority by the authority who are the last employing authority in relation to the earlier pension (or, if the pension authority are that authority, shall be borne by the pension authority and shall not be reimbursed in accordance with paragraph 1 above by the last employing authority).
- (3) Paragraphs 1(2) and (3) above shall apply for purposes of this paragraph as they apply for purposes of paragraph 1.
- (4) This paragraph applies to the same pensions as paragraph 1 above, except that it does not apply to pensions specified in paragraphs 44, 45 and 56 of Schedule 2.

Modifications etc. (not altering text)

C49 Para 2 Extended by the [Pensions \(Increase\) Act 1974 \(c. 9\), s. 2\(2\)](#)

Pensions of former civil servants payable by Post Office

- 3 It shall be the duty of [^{F128}the Post Office company] to increase in accordance with this Act any pension which is payable under the [^{F129}principal civil service pension scheme within the meaning of section 2 of the ^{M130}Superannuation Act 1972] but in relation to which [^{F130}the Post Office company is] the pension authority by virtue of [^{F131}paragraph 2 of Schedule 3 to the Postal Services Act 2000 as it has effect by reference to]section 44 of the ^{M131}Post Office Act 1969; and where under [^{F132}the Post Office Act 1969 or any enactment reproducing its effect] part of a pension so payable is to be paid by [^{F128}the Post Office company] and part is not, this Act shall apply as if the two parts were separate pensions.

Textual Amendments

- F128** Words in [Sch. 3 para. 3](#) substituted (26.3.2001) by 2000 c. 26, s. 127(4), [Sch. 8 Pt. II para. 12\(a\)\(e\)](#); [S.I. 2001/1148, art. 2\(2\)](#), [Sch.](#)
- F129** Words substituted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 90\(a\)](#)
- F130** Words in [Sch. 3 para. 3](#) substituted (26.3.2001) by 2000 c. 26, s. 127(4), [Sch. 8 Pt. II para. 12\(b\)](#); [S.I. 2001/1148, art. 2\(2\)](#), [Sch.](#)
- F131** Words in [Sch. 3 para. 3](#) inserted (26.3.2001) by 2000 c. 26, s. 127(4), [Sch. 8 Pt. II para. 12\(c\)](#); [S.I. 2001/1148, art. 2\(2\)](#), [Sch.](#)
- F132** Words in [Sch. 3 para. 3](#) substituted (26.3.2001) by 2000 c. 26, s. 127(4), [Sch. 8 Pt. II para. 12\(d\)](#); [S.I. 2001/1148, art. 2\(2\)](#), [Sch.](#)

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Modifications etc. (not altering text)

C50 Para. 3 extended by Pensions (Increase) Act 1974 (c. 9), s. 2 (2)

Marginal Citations

M130 1972 c. 11.

M131 1969 c. 48.

(^{F133}3A) In paragraph 3 above “the Post Office company” has the same meaning as in Part IV of the Postal Services Act 2000.]

Textual Amendments

F133 Sch. 3 para. 3A inserted (26.3.2001) by 2001/1149, arts. 3(1), Sch. 1 para. 29

Re-employed teachers

Modifications etc. (not altering text)

C51 The text of Sch 2 Pt. III para. 65, Sch. 3 para. 4, 5, Sch. 7, Sch. 8 Pt. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

4 Any reference to the Pensions (Increase) Acts 1920 to 1969 (or any of them) which is contained—

(a) in regulation 50 of the ^{M132}Teachers’ Superannuation Regulations 1967, as inserted by regulation 13 of the ^{M133}Teachers’ Superannuation (Amendment) Regulations 1970 ; or

(b) in regulation 50 of the ^{M134}Teachers’ Superannuation (Scotland) Regulations 1969 ;

shall have effect, in relation to any period after 31st August 1971, as a reference to Part I of this Act and, in relation to any period after 30th November 1973, as a reference to the said Part I and the Pensions (Increase) Act 1974 (but without prejudice to the power to vary or revoke those regulations).

Marginal Citations

M132 S.I. 1967/489.

M133 S.I. 1970/10.

M134 S.I. 1969/77.

Retired staff of former approved schools etc.

Modifications etc. (not altering text)

C52 The text of Sch 2 Pt. III para. 65, Sch. 3 para. 4, 5, Sch. 7, Sch. 8 Pt. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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- 5 In Schedule 3 to the ^{M135}Children and Young Persons Act 1969 (which relates to the arrangements to take effect on an institution ceasing under section 46 to be an approved school, remand home, approved probation hostel or approved probation home), for paragraph 1(3) there shall be substituted—

“(3) In respect of any such superannuation or other benefits as are referred to in sub-paragraph (2)(b) of this paragraph, being benefits to which a person became entitled before the specified date and to which the Pensions (Increase) Act 1971 does not apply, the section 46 order may contain such provisions for securing the payment of additional amounts (calculated by reference to increases under that Act or under any enactment repealed by it) as the Secretary of State considers appropriate having regard to any arrangements obtaining with respect to those benefits before the specified date.”

Marginal Citations

M135 1969 c. 54.

Meaning of “local authority” and “local government service”

- 6 (1) For the purposes of this Act “local authority” means—
- ^{F134}(a) in England and Wales—
 - [a billing authority or a precepting authority, as defined in section 69 ^{F135}[of the Local Government Finance Act 1992;
 - ^{F136}(i)
 - (ia) [^{F137}a combined police authority or] a combined fire authority, as defined in section 144 of the Local Government Finance Act 1988;]
 - [the London Fire and Emergency Planning Authority;]
 - ^{F138}(ib)
 - (ii) a levying body within the meaning of section 74 of that Act; and
 - (iii) a body as regards which section 75 of that Act applies; and]]
 - ^{F139}(b) in Scotland any regional, islands or district council.]
- (2) References in this Act to a local authority shall apply also
- (a) to any joint board or joint committee established under or by virtue of any Act if all the constituent authorities are local authorities; and
 - (b) to any other joint committee established by a combination scheme under section 5(1) and (2) of the ^{M136}Local Government and other Officers’ Superannuation Act 1922 or under section 2 of the ^{M137}Local Government Superannuation Act 1937 or the ^{M138}Local Government Superannuation (Scotland) Act 1937 [^{F140}or in accordance with regulations made under section 7 of the ^{M139}Superannuation Act 1972]; and
 - (c) in relation to cases where they are the employing authority for purposes of the Local Government Superannuation Act 1937 or the Local Government Superannuation (Scotland) Act 1937 [^{F141}or for the purposes of regulations made under section 7 of the ^{M140}Superannuation Act 1972], any passenger transport executive [^{F142}for the purposes of Part II of the ^{M141}Transport Act 1968]]^{F143}and

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- (d) in Scotland to any water development board within the meaning of the ^{M142}Water (Scotland) Act 1967 and to any river purification board established under the ^{M143}Local Government (Scotland) Act 1973.]

Textual Amendments

- F134** Para. 6(1)(a) substituted by [S.I. 1974/595](#) , [art. 3\(16\)](#)
- F135** Sch. 3 paras. 6(1)(a)(i)-(iii) substituted for words (E.W.) by [S.I. 1990/776](#) , [arts. 2\(2\)](#) , [8](#) , [Sch. 3 para. 14](#)
- F136** Sch. 3 para. 6(1)(a)(i)(ia) substituted for para. 6(1)(a)(i) (2.11.1992) by [Local Government Finance Act 1992 \(c. 14\)](#) , [s. 117\(1\)](#) , [Sch 13](#) , [para. 30](#) ; [S.I. 1992/2454](#) , [art. 2](#) .
- F137** Words in [Sch. 3 para. 6\(1\)\(a\)\(ia\)](#) repealed (1.4.1995 so far as applying in E.W.) by [1994 c. 29](#) , [s. 93](#) , [Sch. 9 Pt. I](#) ; [S.I. 1994/3262](#) , [art. 4](#) , [Sch.](#)
- F138** Sch. 3 para. 6(1)(a)(ib) inserted (3.7.2000) by [1999 c. 29](#) , [s. 328](#) , [Sch. 29 Pt. I para. 13](#) (with [Sch. 12 para. 9\(1\)](#)) ; [S.I. 2000/1094](#) , [art. 4\(a\)\(h\)](#)
- F139** Para. 6(1)(b) substituted by [Pensions \(Increase\) Act 1974 \(c. 9\)](#) , [s. 3\(4\)\(b\)](#)
- F140** Words inserted by [Superannuation Act 1972 \(c. 11\)](#) , [Sch. 6 para. 90\(b\)](#)
- F141** Words inserted by [Superannuation Act 1972 \(c. 11\)](#) , [Sch. 6 para. 90\(c\)](#)
- F142** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#) , [s. 57\(6\)](#) , [Sch. 3 para. 23](#)
- F143** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\)](#) , [s. 3\(4\)\(c\)](#)

Marginal Citations

- M136** [1922 c. 59](#) .
- M137** [1937 c. 68](#) .
- M138** [1937 c. 69](#) .
- M139** [1972 c. 11](#) .
- M140** [1972 c. 11](#) .
- M141** [1968 c.73 \(126 \)](#) .
- M142** [1967 c. 78](#) .
- M143** [1973 c. 65](#) .

- 7 (1) For the purposes of this Act “local government service” means service under any local authority [^{F144}, any county council, town council or district council and any other authority to whom section 270 of the ^{M144}Local Government (Scotland) Act 1947 applied] but includes service which by virtue of any enactment mentioned in sub-paragraph (2) below is, for superannuation purposes, treated as service under a local authority.
- (2) The enactments referred to in sub-paragraph (1) above are—
- (a) the following enactments (which relate to war service), that is to say,—
- (i) sections 2 and 3 of the ^{M145}Local Government (Emergency Provisions) Act 1916;
- (ii) section 12(3) of the Local Government Superannuation Act 1937 or of the Local Government Superannuation (Scotland) Act 1937;
- (iii) section 3 of the ^{M146}Local Government Staffs (War Service) Act 1939; and
- (b) section 51(4) (firemen employed in training institutions) of the ^{M147}London County Council (General Powers) Act 1949.

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Textual Amendments

F144 Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(4\)\(d\)](#)

Marginal Citations

M144 1947 c. 43.

M145 1916 c. 12.

M146 1939 c. 94.

M147 1949 c. 1v.

SCHEDULE 4 **E+W+S**

Section 10.

OVERSEAS GOVERNMENT PENSIONS (INDIA, PAKISTAN AND BURMA)

1 **F145**

Textual Amendments

F145 [Sch. 4 paras. 1, 3](#) repealed by [Overseas Pensions Act 1973 \(c. 21\), Sch. 2](#)

- 2 A pension payable out of the revenues of India or Pakistan to a person resident outside India, Pakistan, Burma and Aden in respect of any relevant services to the Crown, being either—
- (a) service which ended before 15th August 1947; or
 - (b) service of which the termination was attributable to the passing of the ^{M148}Indian Independence Act 1947; or
 - (c) service which began at a time earlier than 15th August 1947 and was rendered by a person who in the opinion of the Secretary of State was at that time domiciled outside Asia.

The service relevant to this paragraph is service by virtue of which the pensioner has pension rights in relation to any of the funds listed below and any other service in a civil capacity; it is immaterial whether the service was rendered by the pensioner or by another pension, and “pension rights” includes, in relation to any person, all forms of right to, or eligibility for, the present or future payment of a pension to or in respect of that person.

Marginal Citations

M148 1947 c. 30.

List of funds

- (i) The Bengal Military Fund and Orphans’ Society;
- (ii) The Bombay Military Fund;
- (iii) The Madras Military Fund;
- (iv) The Madras Medical Fund;
- (v) The Indian Navy Fund;

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- (vi) The Indian Civil Service Family Pension Fund (Untransferred);
- (vii) The Superior Services (India) Family Pension Fund (Untransferred);
- (viii) The Indian Military Widows' and Orphans' Fund (Untransferred);
- (ix) The Indian Military Services Family Pension Fund (Untransferred);
- (x) The Bengal and Madras Service Family Pension Fund.

3 F146

Textual Amendments

F146 Sch. 4 paras. 1, 3 repealed by Overseas Pensions Act 1973 (c. 21), Sch. 2

- 4 A pension payable from the revenues of Burma to a person resident outside Burma, India, Pakistan and Aden and payable in respect of service in a civil capacity in Burma, being either—
- (a) service which ended before 4th January 1948; or
 - (b) service of which the termination was attributable to the passing of the ^{M149}Burma Independence Act 1947; or
 - (c) service which began at a time earlier than 4th January 1948 and was rendered by a person who in the opinion of the Secretary of State was at that time domiciled outside Asia.

Marginal Citations

M149 1947 c. 3 (11 & 12 Geo. 6).

- 5 A pension payable to or in respect of a member of the staff of the High Commissioner for India or the High Commissioner for Pakistan who at some time before he was transferred to the staff of the High Commissioner had been an officer or servant on the permanent establishment of the Secretary of State in Council of India.
- 6 A pension payable to or in respect of a person who was appointed to the staff of the Auditor of the Accounts of the Secretary of State for India in Council before the 1st April 1937.
- 7 A pension payable to or in respect of a European officer or European warrant officer of the Royal Indian Marine.

SCHEDULE 5 **E+W+S**

Section 11.

OTHER OVERSEAS GOVERNMENT PENSIONS

Modifications etc. (not altering text)

C53 Sch. 5 applied (1.3.1995) by S.I. 1995/238, reg. 16

- 1 A pension in respect of service under the government of an overseas territory by a person who—

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- (a) was at any time selected for initial appointment to service under the government of an overseas territory by a Minister of the Crown in the United Kingdom, or was recruited by the Crown Agents for Overseas Governments and Administrations; or
 - (b) was at any time recruited to a post for which, in the opinion of the Secretary of State, a normal channel of recruitment would have been either the Colonial Office or the Crown Agents for Oversea Governments and Administrations; or
 - (c) was at any time a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary; or
 - (d) was at any time a designated officer under an Overseas Service Aid Scheme Agreement.
- 2 A pension in respect of service under the Sudan Government by a person who, in the opinion of the Secretary of State, entered the service of that Government in a pensionable capacity before 17th July 1954.
- 3 A pension in respect of service under the Egyptian Government by a person who, in the opinion of the Secretary of State, entered the service of that Government in a pensionable capacity before 15th March 1922, and who was a British subject when he entered such service.
- 4 A pension for the payment of which the Crown assumed responsibility under the Instrument of Cession of Sarawak dated 21st May 1946 or the North Borneo Transfer Agreement dated 26th June 1946.
- 5 A pension in respect of service in any of the armed forces of the Crown raised in an overseas territory, not being a pension payable under any warrant or other instrument made by virtue of Her Majesty's prerogative in respect of such forces.
- 6 A pension in respect of service in an auxiliary or special police force raised in an overseas territory, not being a pension payable to or in respect of a person who at the time of his retirement either—
- (a) was engaged as mentioned in section 1(1) of the ^{M150}Police (Overseas Service) Act 1945; or
 - (b) was engaged in service in respect of which the provisions of section 5 of the ^{M151}Overseas Service Act 1958 had effect;
- nor a pension payable under any warrant or other instrument made by virtue of Her Majesty's prerogative in respect of such forces.

Marginal Citations

M150 1945 c. 17 (9 & 10 Geo. 6).

M151 1958 c. 14.

Status: Point in time view as at 01/04/2001.

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SCHEDULE 6 **E+W+S**

Section 13.

EMPLOYMENTS RELEVANT TO SECTION 13(2)

Modifications etc. (not altering text)

- C54** Sch. 6 has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: S.I. 1981/1670, arts. 2(1)(c), 3(5)
Sch. 6 applied (1.3.1995) by S.I. 1995/238, reg. 17

The following employments shall be included in section 13(2)(a) of this Act, namely,—

- (a) employment in the College of Domestic Arts of South Wales and Monmouthshire;
- (b) employment by the Wheat Commission;
- (c) employment (otherwise than as a constable) under the Commissioner of Police of the Metropolis or the ^{F147}Metropolitan Police Authority], being employment remunerated out of the Metropolitan Police Fund;
- ^{F148}(d)
- (e) employment as an officer of a Regional Hospital Board, Board of Governors of a teaching hospital (or, in Scotland, Board of Management), Executive Council or other body constituted under the ^{M152}National Health Service Act 1946 or the ^{M153}National Health Service (Scotland) Act 1947 and any other employment as an officer engaged in health services provided under either of those Acts or otherwise (but not including health services provided by a local health authority or other local authority);
- (f) practices as a medical practitioner providing general medical services or as a dental practitioner providing general dental services (within the meaning of the National Health Service Act 1946 or the National Health Service (Scotland) Act 1947);
- (g) employment to which the Overseas Superannuation Scheme applied;
- (h) any other employment specified for this purpose by regulations of the Minister for Civil Service.

Textual Amendments

- F147** Words in Sch. 6 para.(c) substituted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 24(2) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.
F148 Sch. 6 para.(d) repealed (1.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)(i) (with Sch. 2 para. 2)

Marginal Citations

- M152** 1946 c. 81.
M153 1947 c. 27.

Textual Amendments

- F147** Words in Sch. 6 para.(c) substituted (3.7.2000) by 1999 c. 29, s. 325, Sch. 27 para. 24(2) (with Sch. 12 para. 9(1)); S.I. 2000/1648, art. 2, Sch.
F148 Sch. 6 para.(d) repealed (1.4.2001) by 1999 c. 22, s. 106, Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)(i) (with Sch. 2 para. 2)

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Marginal Citations

M152 1946 c. 81.

M153 1947 c. 27.

SCHEDULE 7 **E+W+S**

Section 18.

CONSEQUENTIAL REPEALS

Modifications etc. (not altering text)

C55 The text of Sch 2 Pt. III para. 65, Sch. 3 para. 4, 5, Sch. 7, Sch. 8 Pt. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 5. c. 36.	The Pensions (Increase) Act 1920.	The whole Act
14 & 15 Geo. 5. c. 32.	The Pensions (Increase) Act 1924.	The whole Act.
7 & 8 Geo. 6. c. 21.	The Pensions (Increase) Act 1944.	The whole Act.
10 & 11 Geo. 6. c. 7.	The Pensions (Increase) Act 1947.	The whole Act
11 & 12 Geo. 6. c. 24.	The Police Pensions Act 1948.	In Schedule 1, paragraphs 15 to 20.
12, 13 & 14 Geo. 6. c. 44.	The Superannuation Act 1949.	Section 48(1) to (4). Section 62(3).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.	The Pensions (Increase) Act 1952.	The whole Act
1 & 2 Eliz. 2. c. 25.	The Local Government Superannuation Act 1953.	In Schedule 4, paragraph 4.
2 & 3 Eliz. 2. c. 25.	The Pensions (Increase) Act 1954.	The whole Act.
3 & 4 Eliz. 2. c. 22.	The Pensions (India, Pakistan and Burma) Act 1955.	Section 3(1), except the words preceding paragraph (a) and except paragraph (c). In Schedule 2, Parts I and II.
4 & 5 Eliz. 2. c. 39.	The Pensions (Increase) Act 1956.	The whole Act.
6 & 7 Eliz. 2. c. 64.	The Local Government and Miscellaneous Financial	In Schedule 4, paragraphs 5 and 19.

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	Provisions (Scotland) Act 1958.	
7 & 8 Eliz. 2. c. 50.	The Pensions (Increase) Act 1959.	The whole Act
8 & 9 Eliz. 2. c. 9.	The Judicial Pensions Act 1959.	Section 7(1) and (2).
10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	Section 26(2).
11 & 12 Eliz. 2. c. 2.	The Pensions (Increase) Act 1962.	The whole Act.
1965 c. 11.	The Ministerial Salaries and Members' Pensions Act 1965.	Section 17.
1965 c. 58.	The Ministerial Salaries Consolidation Act 1965.	Section 3(3) from "but" onwards.
1965 c. 78.	The Pensions (Increase) Act 1965.	The whole Act.
1969 c. 7.	The Pensions (Increase) Act 1969.	The whole Act.

SCHEDULE 8 **U.K.**

Section 18.

REPEALS OF SPENT PROVISIONS

PART I E+W+S

OUTRIGHT REPEALS

Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 6. c. 31.	The Scottish Land Court Act 1938.	Section 1(3)
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	In section 140, in subsection (1), the words "the Central Valuation Committee, the Railway Assessment Authority", and subsection (3)(f) with the preceding "and".
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Provisions) Act 1948.	Section 13, so far as unrepealed.
8 & 9 Eliz. 2. c. 9.	The Judicial Pensions Act 1959.	Section 3(2).

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		Section 7(3).
		Section 9(3).
1967 c. 73.	The National Insurance Act 1967.	In Schedule 7, paragraph 7.
1969 c. 44.	The National Insurance Act 1969.	Section 10(2).
1969 c. 63.	The Police Act 1969.	Section 5.
1970 c. 51.	The National Insurance (Old persons' and widows' pensions and attendance allowance) Act 1970.	Section 8(6).

Modifications etc. (not altering text)

C56 The text of Sch 2 Pt. III para. 65, Sch. 3 para. 4, 5, Sch. 7, Sch. 8 Pt. I, II is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART II U.K.

REPEALS WITH SAVING FOR EXISTING PENSIONS

Chapter	Short Title	Extent of Repeal
8 Edw. 7. c. 38.	The Irish Universities Act 1908.	Section 16(8).
9 & 10 Geo. 5. c. 19.	The Local Government (Ireland) Act 1919.	Section 8.
10 & 11 Geo. 5. c. 67.	The Government of Ireland Act 1920.	Section 9(4). Sections 54 and 55. Sections 57 to 59. In section 68, subsection (1) from the words “or any Act” onwards and subsection (2). Schedule 8.
13 Geo. 5. Sess. 2. c. 2.	The Irish Free State (Consequential Provisions) Act 1922 (Session 2).	In Schedule 1, paragraph 7(2).
25 & 26 Geo. 5. c. 23.	The Superannuation Act 1935.	Section 18(2).
12, 13 & 14 Geo. 6. c. 44.	The Superannuation Act 1949.	Section 56.

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10 & 11 Eliz. 2. c. 30.	The Northern Ireland Act 1962.	Section 26(1) and (3).
1965 c. 74.	The Superannuation Act 1965.	Section 101.

No repeal included in this Part of this Schedule shall affect the operation of any enactment (including an enactment of the Parliament of Northern Ireland) in relation to pensions for service ending before the passing of this Act.

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