

1971 No. 1614**PENSIONS**
**The Increase of Pensions (Teachers' Family Benefits)
Regulations 1971**

<i>Made</i>	- - -	30th September 1971
<i>Laid before Parliament</i>		7th October 1971
<i>Coming into Operation</i>		8th October 1971

The Secretary of State for Education and Science, with the consent of the Minister for the Civil Service, in exercise of the power conferred on her by section 5(3) of the Pensions (Increase) Act 1971(a), hereby makes the following Regulations :—

Citation and Commencement

1. These Regulations may be cited as the Increase of Pensions (Teachers' Family Benefits) Regulations 1971 and shall come into operation on 8th October 1971.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the Pensions (Increase) Act 1971 ;

“the Regulations” means the Teachers' Superannuation (Family Benefits) Regulations 1970(b) as amended by the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1971(c).

(2) A pension shall be deemed for the purposes of these Regulations to begin on the day following the last day of the service in respect of which the pension is payable.

(3) A reference in these Regulations to a regulation or to a Part shall, unless the context otherwise requires, be construed as a reference to a regulation or to a Part of the Regulations, as the case may be.

(4) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Modification of Act

3. In relation to pensions payable under the Regulations the provisions of the Act are hereby modified so that the annual rate thereof may, instead of being increased in accordance with those provisions, be increased as in these Regulations provided.

(a) 1971 c. 56.

(c) S.I. 1971/679 (1971 I, p. 1787).

(b) S.I. 1970/862 (1970 II, p. 2736).

(d) 1889 c. 63.

Widow's Pension

4.—(1) Except as in paragraph (2) and in regulation 7 of these Regulations provided, the increase in the minimum annual amount of a widow's pension specified in either sub-paragraph (a) or sub-paragraph (b) of regulation 47(2) shall, if the pension began on or before 1st April 1971, be such as will make that amount £132 in respect of any period beginning on or after 1st September 1971.

(2) Paragraph (1) shall not apply in relation to any widow's pension if the annual amount thereof, as determined under paragraph (4) or paragraph (5) of regulation 47 and increased in accordance with the provisions of the Act, would exceed £132.

Short Service Widow's Pension

5. Except as in regulation 7 of these Regulations provided, the increase in the annual amount of a short service widow's pension which began on or before 1st April 1971 and is payable in a case specified in either paragraph (a) or paragraph (b) of regulation 50 shall, in respect of any period beginning on or after 1st September 1971, be the amount which, opposite to the number of years of service counting for benefit of her husband specified in column (1) of the following Table, is specified—

- (a) in column (2) thereof in a case specified in the said paragraph (a);
and
(b) in column (3) thereof in a case specified in the said paragraph (b):—

TABLE

(1) Years of Service	(2) Increase (Regulation 50 (a))	(3) Increase (Regulation 50 (b))
3	£ 8	£3
4	£ 9	£4
5	£10	£4
6	£12	£5
7	£13	£5
8	£15	£6
9	£16	£6

Children's Pension

6. Except as in regulation 7 of these Regulations provided, the increase in the annual amount of a children's pension which began on or before 1st April 1971 and is payable in a case to which either sub-paragraph (a) or sub-paragraph (b) of regulation 53(1) applies shall, in respect of any period beginning on or after 1st September 1971, be the amount which, opposite to the number of eligible children to or in respect of whom it is for the time being payable specified in column (1) of the following Table, is specified in column (2) or column (3) thereof, whichever column shall for the time be appropriate—

- (a) under letter A, in a case to which the said sub-paragraph (a) applies;
and
(b) under letter B, in a case to which the said sub-paragraph (b) applies:—

TABLE

(1) Number of Eligible Children	(2) Increase where there is a Surviving Widow of the Contributor or Deceased Teacher		(3) Increase where there is not a Surviving Widow of the Contributor or Deceased Teacher	
	A	B	A	B
1	£ 8	£ 3	£15	£ 5
2	£17	£ 7	£25	£10
3	£25	£10	£35	£15
4 or more	£33	£13	£51	£21

Increases in respect of Contributors under External Schemes

7.—(1) Except as in paragraph (2) provided, in a case to which regulation 55 applies the increase in—

- (a) the minimum annual amount of a widow's pension specified in either sub-paragraph (a) or sub-paragraph (b) of regulation 47(2);
- (b) the annual amount of a short service widow's pension payable in a case specified in either paragraph (a) or paragraph (b) of regulation 50; and
- (c) the annual amount of a children's pension payable in a case to which either sub-paragraph (a) or sub-paragraph (b) of regulation 53(1) applies

being a pension which began on or before 1st April 1971, shall, in respect of any period beginning on or after 1st September 1971, be the amount which bears to the amount of the increase of such a pension under regulation 4, 5 or 6, as the case may be, of these Regulations the same proportion as that specified in regulation 55 for the purpose of calculating the annual amount thereof.

(2) Paragraph (1) shall not apply in relation to any widow's pension if the annual amount thereof, as determined under paragraph (4) or paragraph (5) of regulation 47 and regulation 55 and increased in accordance with the provisions of the Act, would exceed the annual amount thereof as increased under paragraph (1).

Dependant's Pension

8. The increase in the annual amount of a pension payable to a dependant under Part V which began to accrue on or before 1st April 1971 shall, in respect of any period beginning on or after 1st September 1971, be an amount equal to six per cent. thereof less, if the last mentioned amount is not a whole number of pounds, any fraction of a pound included therein.

Given under the Official Seal of the Secretary of State for Education and Science on 27th September 1971.

(L.S.)

W. R. van Straubenzee,
Under Secretary of State for Education
and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 30th September 1971.

(L.S.)

A. W. Wyatt,
Authorised by the Minister for
the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations apply to a widow's pension, a short service widow's pension and a children's pension payable under the Teachers' Superannuation (Family Benefits) Regulations 1970 where the service of the deceased teacher in respect of which such a pension is payable ended on or before 1st April 1971. Instead of being increased in accordance with the Pensions (Increase) Act 1971, from 1st September 1971 the minimum annual amount of the widow's pension is raised to £132 and the annual amounts of the other pensions by the amounts specified.

Where the deceased teacher also had service in Scotland, Northern Ireland, the Isle of Man or the Channel Islands the increase is limited to the amount which bears the same proportion to the total increase otherwise authorised as his contributions in respect of his service in England and Wales bear to his total contributions.

In addition a dependant's pension which became payable before 1st April 1971 is increased by 6 per cent. from 1st September 1971.

The Regulations have retrospective effect by virtue of section 5(4) of the Pensions (Increase) Act 1971.

SI 1971/1614
ISBN 0-11-011614-3



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