
EXPLANATORY NOTE

These Regulations modify the provisions of the Pensions (Increase) Act 1971 in their application to certain pensions payable in respect of service in judicial and other similar offices and calculated by reference to actual salary at retirement rather than by reference to salary averaged over the last 3 or 5 years of service. The increase payable under the Regulations on any pension calculated by reference to a particular rate of salary is in general equivalent to the increase which would be payable under section 1 or section 6 of the Act, as the case may be, on a pension which began on the day after that rate of salary first became applicable to the judicial office concerned.

The Regulations provide for pensions to be increased by the application of a multiplier given in tables in the Schedule. In cases where the appropriate increase is, subject to modification, that provided for in section 1(1) of the 1971 Act, the Regulations provide for the multiplier to be applied to the basic rate of the pension. In cases where the 1969 standard (provided for in section 1(1)(a) of the 1971 Act) of a pension beginning before 1969 is less than the 1971 rate of the pension (i.e. the basic rate plus increases payable under previous Pensions (Increase) Acts), and consequently the appropriate increase is, subject to modification, that provided for in section 6(1) of the 1971 Act, the Regulations provide for the multiplier to be applied to the 1971 rate of the pension with the addition of any supplement payable under section 6(5) of the 1971 Act (which represents the special increase payable to persons over 70 under section 2 of the Pensions (Increase) Act 1962).

Where the multiplier has to be applied to the 1971 rate of the pension, and that rate has to be ascertained by reference to the Pensions (Preservation of Increases) Order 1971 (because the pension in question was not actually in payment on 31st August 1971), the Regulations provide for the date given in column 1 of the appropriate table in the Schedule to be taken, for the purposes of the Order, as the date on which the pension began.

In some cases these Regulations restrict the amount of increase that would normally be payable under the provisions of the Act so as to secure that the rate of pension in payment will not exceed the pension that would be currently awarded for a similar record of service.

In accordance with the power conferred by section 5(4) of the 1971 Act, the Regulations provide for the increases to take effect from 1st September 1971.