
STATUTORY INSTRUMENTS

1986 No. 940

PENSIONS

The Pensions (Miscellaneous Offices) (Preservation of Benefits) (Amendment No. 2) Order 1986

<i>Made</i>	- - - -	<i>3rd June 1986</i>
<i>Laid before Parliament</i>		<i>5th June 1986</i>
<i>Coming into Operation</i>		<i>1st July 1986</i>

The Treasury, in exercise of the powers conferred on them by section 65 of the Social Security Act 1973 and article 61(1) of the Social Security Pensions (Northern Ireland) Order 1975, as the appropriate authority designated for that purpose by the Treasury⁽¹⁾ in accordance with the said provisions, hereby make the following Order:—

Citation and Commencement

1. This Order may be cited as the Pensions (Miscellaneous Offices) (Preservation of Benefits) (Amendment No. 2) Order 1986 and shall come into operation on 1st July 1986.

Interpretation

2. In this Order—

- (a) “the principal Order” means the Pensions (Miscellaneous Offices) (Preservation of Benefits) Order 1977; and
- (b) except where the context otherwise requires, expressions used in the principal Order shall have the same meaning as they have for the purposes of that Order.

Definition of “full rate”

3. In article 2(1) of the principal Order, for the definition of “full rate” there shall be substituted the following—

“full rate” means the rate at which a pension might have been granted to an office holder if his service had continued to normal pension age, but calculated by reference to the annual salary attaching, at the date he ceased to hold office, to—

- (a) his last office; or

(1) See the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670, article 2(1)(c)).

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- (b) an earlier office of his where the amount of that pension would have been based on that salary, but if that office had ceased to exist before the date on which he ceased to hold his last office, the annual salary shall be taken to be such as the Lord Chancellor or the Secretary of State with the concurrence of the Treasury may determine it would have been had the earlier office continued to exist.

Transitional provision

4. Unless he elects otherwise, this Order shall not apply in relation to any office holder who ceases to hold office for the purposes of the principal Order before the commencement of this Order.

Revocation

5. The Pensions (Miscellaneous Offices) (Preservation of Benefits) (Amendment) Order 1986 is hereby revoked.

T. Garell-Jones
Donald Thompson
Two of the Lords Commissioners of Her
Majesty's Treasury

Dated 3rd June 1986

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EXPLANATORY NOTE

This Order amends the Pensions (Miscellaneous Offices) (Preservation of Benefits) Order 1977; it supersedes and revokes the Pensions (Miscellaneous Offices) (Preservation of Benefits) (Amendment) Order 1986. It makes it clear that the preserved pension of a holder of an office listed in the Schedule to that Order is to be calculated by reference to his salary immediately before retirement (subject to any increases made pursuant to the Pensions Increase legislation) rather than by reference to the salary he would have been earning had he retired at the time when the pension became due for payment.