

## **EXPLANATORY MEMORANDUM**

**2004 No. 1711**

### **PENSIONS**

The Pensions Increase (Civil Service Injury Benefits Scheme) Regulations  
2004

This explanatory memorandum is laid before Parliament by Command of  
Her Majesty

This memorandum contains information for the Joint Committee on  
Statutory Instruments

**Department responsible: HM Treasury**

#### **Description**

1. These Regulations will come into force on 27th July 2004 and make provision for the annual indexation of pensions payable under the Civil Service Injury Benefits Scheme (“CSIBS”).

#### **Matters of special interest to the Joint Committee on Statutory Instruments**

2. Any increase of pension payable by virtue of these Regulations shall take effect in respect of any pension beginning on or after 1 October 2002. Section 5(4) of the Pensions (Increase) Act 1971 (“the Act”) enables increases to take effect from a date before the making of these Regulations.

#### **Legislative Background**

3. The Treasury is responsible for making the annual order for the indexation of official pensions included in Schedule 2 of the Act. Section 5(2) of the Act provides that the Minister for the Civil Service may by regulations provide that the Act shall have effect in relation to pensions not included in Schedule 2. This enabling power was transferred to the Treasury by virtue of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (SI 1981/1670).

#### **Extent**

4. These Regulations apply in Great Britain and to persons who are eligible for pensions under the CSIBS. That is, those employed in the civil service or employed in the UK in a civil capacity for the purposes of Her Majesty’s Government, members of the diplomatic service, Government Ministers and

those who are eligible to become members of the Principal Civil Service Pension Scheme (“PCSPS”) under Schedule 1 of the Superannuation Act 1972. There are separate arrangements in respect of civil servants in Northern Ireland.

### **European Convention on Human Rights**

5. These Regulations are compatible with the European Convention on Human Rights

### **Policy Background**

6. The CSIBS and the PCSPS are schemes under section 1 of the Superannuation Act 1972. To satisfy Inland Revenue requirements, the CSIBS was separated from the PCSPS in 2002. As a consequence of that separation, it is necessary to ensure the Pensions (Increase) Act 1971 has effect in relation to any pensions payable under CSIBS as if they were pensions specified in Part I of Schedule 2 to the Act. That part of the Act lists the schemes to which the provisions of the Act apply. It currently includes the PCSPS but not the CSIBS. The intention of these Regulations is therefore to provide for indexation of payments made under the CSIBS in the same way as provision is made for indexation of other public service pension payments.

### **Impact**

7. No Regulatory Impact Assessment has been prepared in relation to these Regulations because no impact on the private or voluntary sector is foreseen as a result of their introduction. There will be no impact on public expenditure because the Regulations maintain the existing position.

### **Contact**

8. Queries on the proposed Regulations should be addressed to:

Gerry Foley

Public Service Pensions Team  
HM Treasury  
1 Horse Guards Road  
London SW1A 2HQ

Email : [gerard.foley@hm-treasury.gsi.gov.uk](mailto:gerard.foley@hm-treasury.gsi.gov.uk)

Telephone : 0207 270 4525