

EXPLANATORY MEMORANDUM TO
THE PENSIONS INCREASE (REVIEW) ORDER

2008 No. 711

1. This explanatory memorandum has been prepared by HM Treasury and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order will come into force on 7 April 2008 and makes provision for the annual increase of official pensions (as defined in the Pensions (Increase) Act 1971). The Order provides for an increase of 3.9 per cent from 7 April 2008 for all official pensions, except for those which have been in payment for less than a year, which will receive a pro-rata increase.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Sections 59 and 59A of the Social Security Act 1975 provide that the Minister for the Civil Service shall, by order, provide that the annual rate of an official pension may be increased by the same percentage as that specified in the annual direction given by the Secretary of State for Work and Pensions pursuant to section 151 of the Social Security Administration Act 1992. This enabling power was transferred to HM Treasury by virtue of the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).
5. **Extent**
 - 5.1 This Order applies to the United Kingdom.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- 7.1 Public service pensions in payment, preserved pensions and preserved lump sums are increased annually to take account of increases in the cost of living so that they maintain their purchasing power. This is done either under the statutory provisions, including the annual order, or under separate analogous arrangements.
- 7.2 The level of increase is equal to the percentage specified by the Secretary of State for Work and Pensions for the increase of state pensions (State Earnings Related Pensions and State Second Pensions) and social security benefits in the annual direction made under section 151 of the Social Security Administration Act 1992. This increase is equal to the percentage rise in the Retail Price Index (RPI) in the twelve months to the preceding September. Since 1987 the increase of official pensions has taken effect from the first Monday of the tax year.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument, as it has no impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is an increase in cash payments to pensioners across public service pension schemes. Public service pension schemes use forecast September RPI assumptions to factor in the uprating of public service pensions provided by the Pensions Increase (Review) Order and the cost impact of price increases is taken into account in forecasts of departmental spending used for the Budget, and in Central Government Supply Estimates.

9. Contact

James Aitken at HM Treasury Tel: 020 7270 4525 or James.Aitken@hm-treasury.gov.uk can answer any queries regarding the instrument.