



Pensions (Increase) Act (Northern Ireland) 1971

1971 CHAPTER 35

PART I ^{F1}

GENERAL PROVISIONS

3 Qualifying conditions.

- (1) A pension shall not be increased under this Part unless one of the conditions laid down by this section (in this Act referred to as “qualifying conditions”) is satisfied [^{F1} or the pension is a^{F2} derivative or substituted pension or a relevant injury pension]].
- (2) A pension payable in respect of the pensioner's own services^{F2}, other than a relevant injury pension,] shall not be increased unless the pensioner—
- (a) has attained the age of [^{F3} fifty-five years]; or
 - (b) has retired on account of physical or mental infirmity from the office or employment in respect of which, or on retirement from which, the pension is payable; or
 - (c) [^{F2}subject to subsections (9) to (11),]^{F4} . . . has at least one dependant;
- or the pension authority are satisfied that the pensioner is disabled by physical or mental infirmity.
- [^{F5}(2A) A pension attributable to the pensioner having become entitled to a pension credit shall not be increased unless the pensioner has attained the age of fifty-five years.]
- Subs. (3) rep. by 1990 NI 13*
- Subs.(4) rep. by 1974 NI 2*
- (5) For the purposes of this section, a pensioner shall be deemed to be disabled by physical or mental infirmity if he is permanently incapacitated by such infirmity from engaging in any regular full-time employment.
- (6) Subject to subsection (7), “dependant” in this section means, in relation to a pensioner, a person who the pension authority are satisfied is wholly or mainly supported by the

Changes to legislation: There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971, Section 3. (See end of Document for details)

pensioner and who either has not attained the age of [^{F6} seventeen] years or is receiving full-time instruction at an educational establishment or is undergoing training [^{F7} for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years].

- (7) Where a pension payable to a woman at 31st August 1971 was then payable at a rate increased under the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969 by reason only that she was, and had since 1st April 1956 been, wholly or mainly supporting another person, being either—

- (a) her, or her deceased husband's, father, mother, brother, sister, child, uncle or aunt; or
- (b) the child of any such person as is mentioned in paragraph (a); or
- (c) her step-father or step-mother; or
- (d) a person undergoing training for any trade, profession or vocation;

then so long as the pension authority are satisfied that she continued and continues wholly or mainly to support that person and, if this subsection applies only by virtue of paragraph (d), that person continued and continues to undergo training for a trade, profession or vocation, that person shall be deemed for purposes of this section to be the woman's dependant.

In this subsection “child” includes a step-child and an illegitimate child,^{F8} . . .

Subs. (8) spent

- [^{F9}(9) On and after 1st January 1993 paragraph (c) of subsection (2) shall have effect only to the extent provided by subsections (10) and (11).

- (10) Where, immediately before 1st January 1993, a person is in receipt of a pension the whole or any part of] which has been increased under this Part by virtue of paragraph (c) of subsection (2), that paragraph shall continue to have effect in relation to that [^{F10} person and that pension or part] until such time as the pension falls to be increased under this Part in consequence of any other provision of that subsection.

- (11) In any case where—

- (a) a [^{F11} person's] pension commences on or after 1st January 1993, and
- (b) on the day on which the pension commences [^{F12} he] has not attained the age of 55,

paragraph (c) of subsection (2) shall have effect in relation to that [^{F13} person] and so much of the pension as is referable to service rendered before 1st January 1993 until such time as the pension falls to be increased under this Part in consequence of any other provision of that subsection.

F1	1974 NI 2
F2	1990 NI 13
F3	SRO (NI) 1972/264
F4	1995 NI 22
F5	1999 NI 11
F6	1974 NI 2
F7	1990 NI 13
F8	1987 NI 22
F9	1990 NI 13
F10	1995 NI 22
F11	1995 NI 22
F12	1995 NI 22

Changes to legislation: *There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971, Section 3. (See end of Document for details)*

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