



# Pensions (Increase) Act (Northern Ireland) 1971

## 1971 CHAPTER 35

### PART I <sup>F1</sup>

#### GENERAL PROVISIONS

#### **6 Preservation for certain purposes of benefit of previous Acts.**

- (1) If in the case of an official pension beginning before the year 1969 the 1969 standard is less than the 1971 rate of the pension with the addition, if any, to be made to that rate under subsection (6), then the increase that may be made in the pension under section 1(1)( a) shall be of the amount necessary to bring the annual rate up to 118 per cent. of the 1971 rate or, if subsection (6) applies, to 118 per cent. of the 1971 rate with the addition under that subsection.
- (2) For any pension that qualified for an increase under the Pensions (Increase) Act 1920 , the 1971 rate shall be taken to be the annual rate at which it was being paid on 31st August 1971 (or, if payment was then suspended, was last paid before that date).
- (3) In the case of a pension payable under the Belfast Corporation Act (Northern Ireland) 1943 , the 1971 rate shall, if the pension was payable on 31st August 1971, be taken to be the annual rate at which it was payable on that date and, if it became or becomes payable after 31st August 1971 , shall be taken to be the annual rate at which it would have been payable on 31st August 1971, if the conditions for payment of the pension had been satisfied before 31st August 1971 and the service in respect of which the pension became or becomes payable had been rendered over a period immediately preceding 31st August 1971.
- (4) Where an official pension not falling within subsection (2) or (3) was being paid on 31st August 1971 at a rate which included any relevant increases, then the annual rate at which it was then being paid shall be taken as the 1971 rate, unless it is shown that the rate should have been revised or there is a change of circumstances that would affect the 1971 rate if ascertained under subsection (5).

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**Changes to legislation:** There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971, Section 6. (See end of Document for details)

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- (5) Subject to the provisions of this section, the Ministry shall by order prescribe tables and rules for ascertaining, for any pension to which subsection (1) may apply (other than a pension falling within subsection (2) or (3)), the annual rate at which it would have been payable if paid with any relevant increases; and the rate so ascertained shall be taken to be the 1971 rate, unless subsection (4) applies.
- (6) Where a pension beginning on or before 1st April 1961 is one that (but for this Act) might have been increased under section 1 of the Pensions (Increase) Act (Northern Ireland) 1963, and any of the qualifying conditions other than those specified in section 3(3)(b), (c) and (d) is satisfied [<sup>F1</sup> or the pension is a widow's pension], then there shall for purposes of this section be made to the 1971 rate as ascertained under subsection (5) an addition of the amount prescribed by order of the Ministry as corresponding to that of the increase provided for by section 2 of that Act (additional increase for pensioners over 70); and where subsection (3) or (4) applies, the like addition shall be made to the 1971 rate given by that subsection, unless the pensioner had attained the age of 70 on or before 31st August 1971.
- (7) Orders made for the purposes of this section shall include such provision as may be necessary to enable the pensions to which subsections (1) and (6) relate to be identified without reference to the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969, except that pensions which qualified for an increase under the Pensions (Increase) Act 1920 need not be otherwise identified.
- (8) This section shall have effect subject to any provision made in the exercise of the powers conferred by section 5(3); and accordingly an order under this section may disregard any provision made in the exercise of corresponding powers conferred by the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969.
- (9) An order under this section shall take no account of any provision of the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969 whereby a fraction of a pound was to be treated as a whole pound and may make such other departures from the effect of those Acts as in the opinion of the Ministry will, without materially reducing the rate of any pension, simplify the tables or rules or make for ease of calculation.
- (10) For purposes of this section, “relevant increase” means, in relation to any pension, any increase that might (but for this Act) have been made in the annual rate of the pension under section 1 of any of the following Acts, that is to say the Pensions (Increase) Act (Northern Ireland) 1944, the Pensions (Increase) Act (Northern Ireland) 1952, the Pensions (Increase) Act (Northern Ireland) 1956, the Pensions (Increase) Act (Northern Ireland) 1959, the Pensions (Increase) Act (Northern Ireland) 1963, the Pensions (Increase) Act (Northern Ireland) 1966 and the Pensions (Increase) Act (Northern Ireland) 1969; but an order under this section may for purposes of subsection (5) treat as a relevant increase any increase authorised by or under any enactment by reference to a relevant increase, and may repeal or amend the provision authorising it accordingly.
- (11) An order made (or purporting to be made) under this section shall have effect notwithstanding any error or omission in reproducing the effect of any Act or instrument, but may be amended by a further order for the purpose of correcting any such error or omission; and any such amendment may be made so as to have effect from such date as may be specified in the further order (including a date before the making of that order), and with such savings and transitional provisions as the Ministry thinks proper.

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**Changes to legislation:** *There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971, Section 6. (See end of Document for details)*

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(12) If an order made by virtue of subsection (11) has the effect of reducing the rate of any pension, the order shall be subject to negative resolution.

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**Changes to legislation:**

There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971, Section 6.