Pensions (Increase) Act (Northern Ireland) 1971

1971 CHAPTER 35

PART III

SUPPLEMENTARY

11 Police pensions.

(1) Where it appears to the Ministry of Home Affairs[F1] expedient to postpone the operation of this Act with respect to any police pensions pending the making with respect to them of provision under section 5(3) or the making with respect to them under the Constabulary Act (Northern Ireland) 1922 and the Constabulary (Pensions) Act (Northern Ireland) 1949 or under the Police Act (Northern Ireland) 1970 of any provision which may be necessary or expedient in connection with the passing of this Act (or pending the consideration of the question of making such provision), that Ministry may by order or regulations under those Acts provide that, so long as the order or regulations remain in force, the provisions of this Act other than this section shall not affect those pensions.

(2) In this section "police pension" means a pension payable as mentioned in sub-paragraphs (*a*) and (*b*) of paragraph 4 of Schedule 2.

F1 SI 1973/2163

12 Fire service pensions.

(1) Where a pension payable under the Firemen's Pension Scheme or under a scheme made under**[**[F2] paragraph 6(2) of Schedule 1 to the Fire and Rescue Services (Northern Ireland) Order 2006 or payable by virtue of Article 60 of that Order**]** under a scheme made under section 13 of the Fire Services (Amendment) Act (Northern Ireland) 1950 is or has been granted at the higher of a flat rate and a rate fixed by reference to emoluments, the grant shall have effect, in relation to any period beginning on or after

1st September 1971, as a grant at whichever rate is for the time being the higher after account is taken of the operation of this Act.

(2) Where it appears to the Ministry of Home Affairs[F3] expedient to postpone the operation of this Act with respect to any pensions specified in paragraph 16 of Schedule 2 pending the making with respect to them of provision under section 5(3) or the making with respect to them under **[**[F4]the Fire and Rescue Services (Northern Ireland) Order 2006**]** of any provision which may be necessary or expedient in connection with the passing of this Act (or pending the consideration of the question of making such provision), that Ministry may by order subject to negative resolution provide that, so long as the order remains in force, the provisions of this Act other than this section shall not affect those pensions.

(3) The order to be made under section 6 may omit any special provision which, apart from this subsection, would be required for any pensions specified in paragraph 16 of Schedule 2 if it appears to the Ministry that the provision is more appropriately or conveniently made by regulations under section 5(3).

(4) In this section "the Firemen's Pension Scheme" means any scheme in force under**[**[F5] paragraph 6(2) of Schedule 1 to the Fire and Rescue Services (Northern Ireland) Order 2006**]** and any order or scheme made under section 10 of the Fire Services (Amendment) Act (Northern Ireland) 1950 under which a pension is payable by virtue of**[**[F6] Article 60 of the said Order of 2006**]**.

F2 Words in s. 12(1) substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 7(a)**; S.R.2006/257, **art 2(d)**

F3 SRO (NI) 1973/504

F4 Words in s. 12(2) substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 7(b)**; S.R.2006/257, **art 2(d)**

F5 Words in s. 12(4) substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 7(c)(i)**; S.R.2006/257, **art 2(d)**

F6 Words in s. 12(4) substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 7(c)(ii)**; S.R.2006/257, **art 2(d)**

13 Expenses.

(1) There may be defrayed out of money provided by Parliament—

(a) any expenditure incurred by a government department under this Act; and

(b) any increase attributable to any provision of this Act in the sums payable out of money so provided under any other enactment.

(2) There shall be charged on and paid out of the Consolidated Fund any increase attributable to any provision of this Act in sums so charged or paid under any other enactment.

14 Regulations.

Regulations made under this Act shall be subject to negative resolution.

15 Interpretation.

(1) For the purposes of this Act—

"basic rate" means the annual rate of a pension apart from any increase under or by reference to this Act or any enactment repealed by this Act, or any corresponding increase made otherwise than under or by reference to this Act or an enactment repealed by it [[F7] but including any increase in the said annual rate in consequence of the Pensions (Increase) (Northern Ireland) Order 1974];

[[F8]"derivative pension" means a pension which—

(a) is not payable in respect of the pensioner's own services, and

(b) is not attributable to the pensioner having become entitled to a pension credit;**]**

"designated body" has the meaning given by section 8 of the Local Government (Superannuation) Act (Northern Ireland) 1950 ;

"earnings-related pension" means a pension computed by reference to a rate of emoluments (whether actual emoluments or not and whether final or average emoluments), or payable at alternative rates one of which is so computed, and includes a derivative pension computed by reference to the rate of an earnings-related pension;

"flat rate" means a rate fixed otherwise than by reference to a rate of emoluments or to the rate of another pension, and "flat-rate pension" means a pension payable at a flat rate only, but includes a derivative pension computed by reference to the rate of a flat-rate pension;

"local authority" has the meaning given by section 8 of the Local Government (Superannuation) Act (Northern Ireland) 1950;

"local government service" means service under any local authority and any service which, by virtue of the Local Government Staffs (War Service) Act (Northern Ireland) 1939 , is for superannuation purposes treated as service under a local authority; and includes any such service notwithstanding that the local authority concerned have ceased to exist;

[[F9]"money purchase benefits" has the meaning given by**[**[F10] section 176(1) of the Pension Schemes (Northern Ireland) Act 1993**]**;**]**

"pension" has the meaning given by section 8, "official pension" that given by section 5(1), and "pension authority" that given by section 7(1), and the time when a pension "begins" is that stated in section 8(2);

[[F8]"pension credit" means a credit under Article 26(1)(b) of the Welfare Reform and Pensions (Northern Ireland) Order 1999 or under section 29(1)(b) of the Welfare Reform and Pensions Act 1999;

"principal pension" means a pension which—

(a) is payable in respect of the pensioner's own services; or

(b) is attributable to the pensioner having become entitled to a pension credit;**]**

"qualifying condition" means one of the conditions laid down by section 3;

[[F9]"relevant injury pension" means—

(a) a pension paid to a person in respect of his absence from work by reason only of an injury sustained, or disease contracted, by him in the course of the employment by virtue of which his entitlement to the pension arises; or

(b) a pension paid to a person in respect of his having accepted less favourable terms and conditions of employment by reason of ill-health suffered by him in consequence of an injury so sustained or a disease so contracted;

but does not include any pension the rate of which is periodically recalculated by reference to the rate of the salary which the pensioner could reasonably be

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

expected to have received had he not sustained the injury or contracted the disease in question;**]**

"substituted pension" means a pension granted in consideration of the surrender of the whole or part of another pension ("the original pension");

[[F8]"widow's pension" means a pension payable—

(a) in respect of the services of the pensioner's deceased husband, or

(b) by virtue of the pensioner's deceased husband having become entitled to a pension credit.**]**

(2) References in this Act to an enactment include an enactment in an Act (whether public general or local) of the Parliament of Northern Ireland or the Parliament of the United Kingdom and a provisional order confirmed by such an Act.

F7 1974 NI 2
F8 1999 NI 11
F9 1990 NI 13
F10 1993 c.49

16 Repeal, and transitional provisions.

Subs.(1), with Schedule 3, effects repeals

(2) Where at 31st August 1971 authority to increase any pensions was given by regulations under any enactment repealed by subsection (1), being an enactment corresponding to any provision of Part II, then in respect of any period between that date and the coming into force of regulations under that provision there may be paid on those pensions the like increase, and the cost shall be defrayed in the same way, as if this Act had not been passed; and the first regulations made with respect to any pensions under any provision of Part II may take effect from 1st September 1971, notwithstanding that that date occurred before the passing of this Act, (but not so as to reduce any increase payable by virtue of this subsection in respect of a period before they come into force).

(3) Where at 31st August 1971 there were in force with respect to any official pensions (other than pensions to which section 11 or 12(2) applies) regulations under any enactment repealed by subsection (1), being an enactment corresponding to section 5(3), then unless or until regulations come into force under section 5(3) with respect to those pensions, or the Ministry by order directs that this subsection shall not apply to them, those pensions shall not be increased in accordance with this Act, but the like increases may be paid as if this Act had not been passed.

(4) Except as otherwise provided by or under this Act, the repeal by this Act of the Pensions (Increase) Acts (Northern Ireland) 1920 to 1969 shall not affect the operation of any provision made otherwise than by or under those Acts and authorising increases in pensions by reference to increases under those Acts or any of them.

17 Short title

This Act may be cited as the Pensions (Increase) Act (Northern Ireland) 1971.

Changes to legislation:
There are currently no known outstanding effects for the Pensions (Increase) Act (Northern Ireland) 1971, PART III.