

Status: Point in time view as at 03/07/2000. This version of this part contains provisions that are not valid for this point in time.

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

SCHEDULES

SCHEDULE 2

OFFICIAL PENSIONS

PART II

PENSIONS OUT OF LOCAL FUNDS

[^{F1} Scottish Parliament and Scottish Executive

Textual Amendments

- F1** Sch. 2 Pt. II para. 38AB and cross heading inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 13**; S.I. 1998/3178, art. 2(2), **Sch. 3**

^{F2}38AB A pension payable under a scheme established by virtue of section 81(4)(b) of, or paragraph 3(4)(b) of Schedule 2 to, the Scotland Act 1998.]

Textual Amendments

- F2** Sch. 2 Pt. II para. 38AB and cross heading inserted (6.5.1999) by 1998 c. 46, s. 125, **Sch. 8 para. 13** (with s. 126(3)-(11)); S. I. 1998/3178, art. 2(2), **Sch. 3**

[^{F3} National Assembly for Wales]

Textual Amendments

- F3** Sch. 2 Pt. II para. 38B and crossheading inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 10** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

[^{F4}38B A pension payable under a scheme established under section 18(2)(b) of the Government of Wales Act 1998.]

Textual Amendments

- F4** Sch. 2 Pt. II para. 38B and crossheading inserted (1.4.1999) by 1998 c. 38, s. 125, **Sch. 12 para. 10** (with ss. 139(2), 143(2)); S.I. 1999/782, **art. 2**

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Local government service

- 39 A pension payable by a local authority in respect of service ending with local government service, other than a pension within paragraph 44, 45 or 52 of this Schedule or within the exception from paragraph 44.

Administration of justice

- 40 A pension payable under section 33 of the Justices of the ^{M1}Peace Act 1949 (stipendiary magistrates).

Marginal Citations

M1 1949 c. 101.

- 41 A pension payable by a local authority under Part I of the ^{M2}Administration of Justice (Pensions) Act 1950 (widows and children of stipendiary magistrates and of chairmen and deputy chairmen of London Sessions).

Marginal Citations

M2 1950 c. 11 (14 & 15 Geo. 6).

- 42 A pension payable under section 22 of the Administration of Justice (Pensions) Act 1950 (chairmen and deputy chairmen of London Sessions).

Police and firemen

- 43 A pension payable (otherwise than as mentioned in paragraph 14 or 15 above) under any of the following;—
- (a) [^{F5}the ^{M3}Police Pensions Act 1976, or any enactment repealed by the ^{M4}Police Pensions Act 1948] or by the ^{M5}Police Pensions Act 1921;
 - [^{F6}(b) section 51 or 52 of the Police Act 1996;]
 - (c) section 26 or 27 of the ^{M6}Police (Scotland) Act 1967.

This paragraph does not include a derivative pension other than a substituted pension, nor a substituted pension if the original pension was a derivative pension.

Textual Amendments

F5 Words substituted by [Police Pensions Act 1976 \(c. 35\), Sch. 2 para. 8\(b\)](#)

F6 [Sch. 2 para. 43\(b\)](#) substituted (22.8.1996) by 1996 c. 16, ss. 103, 104(1), [Sch. 7, Pt. II para. 18\(3\)](#)

Marginal Citations

M3 1976 c. 35.

M4 1948 c. 24.

M5 1921 c. 31.

M6 1967 c. 77.

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- 44 A pension payable by a local authority, in respect of service as a member of a fire brigade, in accordance with a scheme in force under section 26 of the ^{M7}Fire Services Act 1947.

This paragraph does not apply to a flat-rate pension, except where the rate depends on section 27(3) of that Act.

Marginal Citations

M7 1947 c. 41.

- 45 A pension payable by a local authority, otherwise than as mentioned in paragraph 44 above, in respect of—
- (a) service as a professional fireman (as defined by the ^{M8}Fire Brigade Pensions Act 1925); or
 - (b) service which, by or under any enactment, is treated as approved service in a fire brigade.

Marginal Citations

M8 1925 c. 47.

- 46 A derivative pension payable under the ^{M9}Police Pensions Act 1921 in respect of a person to whom the ^{M10}National Fire Service (Preservation of Pensions) (Police Firemen) Regulations 1941 applied at the time of that person's death or retirement.

Marginal Citations

M9 1921 c. 31.

M10 S.R. & O. 1941/1271.

Court and police staffs

- 47 A pension payable by a local authority in England or Wales under any enactment other than section 15(1) to (7) of the ^{M11}Superannuation (Miscellaneous Provisions) Act 1967 in respect of—
- (a) service as a justices' clerk or as the employee of a justices' clerk; or
 - (b) service as a person employed by a magistrates' courts committee to assist a justices' clerk [^{F7}or as staff of such a committee; or
 - (c) service as a justices' chief executive.]

Textual Amendments

F7 Sch. 2 para. 47(c), and preceding words in para. 47(b) added (1.4.1995) by 1994 c. 29, s. 91, Sch. 8 Pt. II para. 26; S.I. 1995/685, arts. 4(I), 7(2)(b)

Marginal Citations

M11 1967 c. 28.

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- 48 A pension payable by ^{F8}the [^{F9}London Residuary Body][^{F9}London Pensions Fund Authority]in respect of service ending with employment by the committee of magistrates for the inner London area.

Textual Amendments

- F8** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 61\(1\)](#)
F9 Words “London Pensions Fund Authority” substituted for “London Residuary Body” by [S.I. 1989/1815](#), [art. 7\(5\)](#)

- 49 A pension payable by [^{F10}the][^{F11}London Residuary Body][^{F11}London Pensions Fund Authority]under any enactment in respect of service in the employment of the standing joint committee for the county of London as clerk of the peace or deputy clerk of the peace or in any other capacity.

Textual Amendments

- F10** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 61\(1\)](#)
F11 Words “London Pensions Fund Authority” substituted for “London Residuary Body” by [S.I. 1989/1815](#), [art. 7\(5\)](#)

- 50 A pension payable under section 15(1) to (7) of the Superannuation (Miscellaneous Provisions) Act 1967 (metropolitan civil staffs).
- 51 A pension payable by a local authority, or by a police authority in England and Wales ^{F12}. . . , under any enactment other than section 15 of the ^{M12}Superannuation (Miscellaneous Provisions) Act 1967 in respect of service ending with—
- (a) service as a civilian employed under [^{F13}section 15 of the Police Act 1996] by such a police authority; or
 - (b) service as a traffic warden employed by such a police authority under section 2 of the ^{M13}Road Traffic and Roads Improvement Act 1960 or section 81(9) of the ^{M14}Road Traffic Regulation Act 1967 [^{F14}section 95(1) of the Road Traffic Regulation Act 1984.]

Textual Amendments

- F12** Words in Sch. 2 para. 51 repealed (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 9 Pt. I](#)
F13 Words in Sch. 2 para. 51(a) substituted (22.8.1996) by [1996 c. 16, ss. 103, 104\(1\)](#), [Sch. 7 Pt. II](#), [para. 18\(4\)](#)
F14 Words inserted by [Road Traffic Regulation Act 1984 \(c. 27,SIF 107:1\)](#), [s. 146](#), [Sch. 13 para. 12](#)

Marginal Citations

- M12** [1967 c. 28](#).
M13 [1960 c. 63](#).
M14 [1967 c. 76](#).

- 52 A pension payable by a police authority under regulations made under section 60(2) of the ^{M15}Local Government Act 1958, section 85(4) of the ^{M16}London Government Act 1963 or section 4 of the ^{M17}Public Expenditure and Receipts Act 1968 (compensation for loss of employment or emoluments due to reorganisation of local government etc). [^{F15}or under regulations made under section 24

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of the ^{M18}Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.).

This paragraph does not apply to a pension payable as mentioned in paragraph 15A above.]

Textual Amendments

F15 Words inserted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para. 89(k)**

Marginal Citations

M15 1958 c. 55.

M16 1963 c. 33.

M17 1968 c. 14.

M18 1972 c. 11.

Probation and after-care service

53 A pension payable in accordance with regulations under Schedule 4 to the ^{M19}Local Government Superannuation Act 1953 [^{F16}or section 7 of the ^{M20}Superannuation Act 1972] in respect of service as a probation officer or as a person appointed to assist a probation officer in the performance of his duties by a probation and after-care committee, by the Secretary of State or, before 1st July 1944, by a probation officer.

Textual Amendments

F16 Words inserted by [Superannuation Act 1972 \(c. 11\)](#), **Sch. 6 para. 89(l)**

Marginal Citations

M19 1953 c. 25.

M20 1972 c. 11.

VALID FROM 01/04/2001

[^{F17}53A A pension payable in accordance with regulations under section 7 of the ^{M21}Superannuation Act 1972 in respect of service as chairman, chief officer, member or member of the staff of a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000.]

Textual Amendments

F17 [Sch. 2 para. 53A](#) inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 45**; S.I. 2001/919, **art. 2(f)(ii)**

Marginal Citations

M21 1972 c. 11.

54 A pension payable by a local authority in England and Wales in respect of service as a member of the staff of an approved probation home or an approved probation hostel.

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- 55 A pension payable by a probation and after-care committee under regulations made under section 60(2) of the ^{M22}Local Government Act 1958 or section 85(4) of the ^{M23}London Government Act 1963 (compensation for loss of employment or emoluments due to reorganisation of local government) [^{F18}or under regulations made under section 24 of the ^{M24}Superannuation Act 1972 (further provisions requiring payment of compensation for loss of employment, etc.).]

Textual Amendments

F18 Words inserted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para 89\(m\)](#)

Marginal Citations

M22 1958 c. 55

M23 1963 c. 33.

M24 1972 c. 11.

Teachers and school staff

- 56 A pension payable by a local authority under section 14(3)(b) of the ^{M25}Teachers (Superannuation) Act 1925.

Marginal Citations

M25 1925 c. 59.

- 57 A pension payable by a local authority in England or Wales under any enactment in respect of service as an employee of the managers of a non-provided school within the meaning of the ^{M26}Education Act 1921 or a voluntary school within the meaning of [^{F19}the Education Act 1996.].

Textual Amendments

F19 Words in [Sch. 2 Pt. II](#) substituted (1.11.1996) by [1996 c. 56](#), ss. 582(1), 583(3), [Sch. 37 Pt. I](#), para. 20 (with ss. 1(4), 582(3), [Sch. 39](#))

Marginal Citations

M26 1921 c. 51.

- 58 A pension payable by a local authority in England or Wales under any enactment in respect of service as an employee of the governing body of any school or educational institution (other than a public elementary school or a county or voluntary school) if the whole cost of maintaining the school or educational institution after deducting such part of the cost (if any) as is met by the governing body fell or falls to be met by the local authority.
- 59 A pension payable by a local authority in respect of service as a member of the staff of an approved school.

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Miscellaneous

- 60 A pension payable by a local authority under any enactment in respect of service as a registration officer as defined in [F20 regulations made under section 7 of the M27 Superannuation Act 1972.]

Textual Amendments

F20 Words substituted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 89\(n\)](#)

Marginal Citations

M27 [1972 c. 11.](#)

- 61 A pension payable under [F21 section 6 of the M28 Coroners (Amendment) Act 1926 (county and borough coroners)] [F21 paragraph 2 of Schedule 1 to the Coroners Act 1988.]

Textual Amendments

F21 Words substituted (E.W.) by [Coroners Act 1988 \(c. 13, SIF 33\), s. 36\(1\), Sch. 3 para. 15](#)

Marginal Citations

M28 [1926 c. 59.](#)

- 62 A pension payable by a local authority in respect of service as a clerk, officer or servant employed under section 47 of the M29 Local Government Act 1948 or section 92 of the M30 General Rate Act 1967 by a local valuation panel.

Marginal Citations

M29 [1948 c. 26.](#)

M30 [1967 c. 9.](#)

- 63 A pension payable by a local authority in respect of service ending with service as a rent officer or deputy rent officer under section 22 or 24 of the M31 Rent Act 1965 or section 40 of the M32 Rent Act 1968 [F22 or section 63 of the M33 Rent Act 1977.]

Textual Amendments

F22 Words added by [Rent Act 1977 \(c. 42\), s. 155\(2\), Sch. 23 para. 51](#)

Marginal Citations

M31 [1965 c. 75.](#)

M32 [1968 c. 23.](#)

M33 [1977 c. 42.](#)

- 64 A pension payable by a local authority by way of such compensation as is mentioned in section 8(1)(b) [F23 or (c)] of this Act.

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Textual Amendments

F23 Words substituted by [Superannuation Act 1972 \(c. 11\)](#), [Sch. 6 para. 89\(o\)](#)

[^{F24}64A A pension payable by a residuary body established by the Local Government Act 1985 in respect of service ending with service with that body.]

Textual Amendments

F24 [Sch. 2 Pt. 1 paras. 64A, 64B](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s. 61\(2\)](#)

Modifications etc. (not altering text)

C1 [Sch. 2 para. 64A](#) extended (5.7.1994) by [1994 c. 19, ss. 39, 66\(2\)](#), [Sch. 13 para. 27](#) (with [ss. 54\(7\), 66\(7\)](#), [Sch. 17 paras. 22\(1\), 23\(2\)](#))

[^{F25}64B A pension payable by such a residuary body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the authorities abolished by the Act.]

Textual Amendments

F25 [Sch. 2 Pt. I paras 64A, 64B](#) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), [s.61\(2\)](#)

[^{F26}64C A pension payable by the London Residuary Body, being a pension which would fall within any of the foregoing paragraphs of this Part of this Schedule if references to a local authority had continued to include references to the Inner London Education Authority.]

Textual Amendments

F26 [Sch. 2 Pt. 1 para. 64C](#) inserted (29.7.1988) by [Education Reform Act 1988 \(c. 40, SIF 41:1\)](#), [s. 179\(3\)](#)

[^{F27F28}64D A pension payable by the London Pensions Fund Authority.]

Textual Amendments

F27 [Sch. 2 Pt. II para. 64D](#) inserted (E.W.) (30.10.1989) at the end of Part II by [SI 1989/1815](#), [art. 7\(6\)](#)

F28 Para. renumbered 64D by [S.I. 1990/198](#), [art.3](#)

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