

1974 No. 1742

**PENSIONS**
**The Pensions Increase (Northern Ireland  
Judicial Pensions) Regulations 1974**

<i>Made - - - -</i>	<i>23rd October 1974</i>
<i>Laid before Parliament</i>	<i>1st November 1974</i>
<i>Coming into Operation</i>	<i>6th November 1974</i>

The Minister for the Civil Service, in exercise of the powers conferred on him by sections 1(1), (2) and (4) and 4(1) and (3)(a) of the Pensions (Increase) Act 1974<sup>(a)</sup> and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Pensions Increase (Northern Ireland Judicial Pensions) Regulations 1974, and shall come into operation on 6th November 1974.

2.—(1) In these Regulations—

“the 1974 Act” means the Pensions (Increase) Act 1974;

“judicial pension” means any of the pensions specified in Regulation 3.

(2) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under, and includes a reference to that enactment as extended or applied by, any other enactment; and in this paragraph “enactment” includes an enactment of the Parliament of Northern Ireland.

(3) The Interpretation Act 1889<sup>(b)</sup> shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. The following pensions are hereby prescribed for the purposes of section 1(1) of the 1974 Act, namely—

(1) a pension payable under Part XIII of the County Courts Act (Northern Ireland) 1959<sup>(c)</sup> (county court judges; Clerks of the Crown and Peace and registrars; other officials in the county court service); and

(2) a pension payable under the Resident Magistrates’ Pensions Act (Northern Ireland) 1960<sup>(d)</sup> (resident magistrates).

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(a) 1974 c. 9.  
(c) 1959 c. 25 (N.I.).

(b) 1889 c. 63.  
(d) 1960 c. 2 (N.I.).

4. The pensions specified in the preceding Regulation are pensions as respects which, in the opinion of the Minister for the Civil Service, increases in the emoluments relevant for the purpose of calculating the pensions were deferred during the period beginning with 6th November 1972 and ending with 31st March 1973 in consequence of provisions of the Counter-Inflation (Temporary Provisions) Act 1972(a), and accordingly paragraph (a) of section 1(2) of the 1974 Act applies to those pensions.

5. The date on which, in the opinion of the Minister for the Civil Service, the emoluments relevant for the purpose of calculating a judicial pension were, or are expected to be, increased by the principal pay increase made or expected to be made, during the year ending with 6th November 1974, in accordance with the code in force under section 2 of the Counter-Inflation Act 1973(b) at the time of the increase, is 1st January 1974, and accordingly that date shall be the relevant date for a judicial pension.

6. The Schedule to the 1974 Act shall have effect in relation to a judicial pension, other than a pension payable under section 118 of the County Courts Act (Northern Ireland) 1959 (officials other than judges, Clerks of the Crown and Peace and registrars in the county court service) as if—

(a) in paragraph 5 thereof, for the words “1st April 1974” there were substituted the words “1st January 1974”, and

(b) paragraphs 6 and 7 thereof were omitted.

7. Any increase of pension payable by virtue of these Regulations shall have effect in respect of any period beginning on or after 1st January 1974.

Given under the official seal of the Minister for the Civil Service on 23rd October 1974.

(L.S.)

*C. R. Morris,*  
Minister of State,  
Civil Service Department.

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(a) 1972 c. 74.

(b) 1973 c. 9.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations apply the Pensions (Increase) Act 1974 to the Northern Ireland judicial pensions described in Regulation 3.

The Regulations:—

(1) specify, in Regulation 4, all the pensions to which the Regulations apply as being based on a salary an increase of which was deferred during the period 6th November 1972 to 31st March 1973; pensions of these classes which begin after 1st January 1973 will consequently be increased in accordance with Part I of the Schedule to the 1974 Act;

(2) specify 1st January 1974 as the “relevant date”—the date of the principal pay increase made or expected to be made during the year ending 6th November 1974—for the pensions to which the Regulations apply;

(3) modify the provisions of the 1974 Act in relation to these pensions (except those payable to officials in the county court service other than judges, Clerks of the Crown and Peace and registrars) which are calculated by reference to the annual rate of salary in force on the last day of service rather than on the salary paid over a period of 12 months. The effect of the modification is that no increase is payable on pensions which begin after the specified relevant date.

Under the powers in section 4(3) of the 1974 Act the Regulations provide for increases payable by virtue of the Regulations to take effect from 1st January 1974.

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