EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

Article 14 of the Treaty of Peace with Japan gave the United Kingdom, as one of the Allied Powers, the right to seize all property, rights and interests, with certain exceptions, of—

(*a*) Japan and Japanese nationals,

(*b*) persons acting for or on behalf of Japan or Japanese nationals, and

(*c*) entities owned or controlled by Japan or Japanese nationals

which on the coming into force of the Treaty (28th April, 1952) were subject to its jurisdiction. The present Order in Council provides for the collection and realisation of the property, rights and interests in question and for the appointment by the Board of Trade of an Administrator of Japanese Property who will have certain powers and duties for those purposes, and will deal with the proceeds as the Treasury shall direct. The Order in Council also gives effect, as far as this is possible, to certain other Articles of the Treaty and of the Protocol thereto.

PENSION

INCREASE OF PENSIONS

1952 No. 1535

The Increase of Pensions (Calculation of Income) Regulations, 1952

Made - - - -	20*th August*, 1952
Laid before Parliament	21*st August*, 1952
Coming into Operation	25*th August*, 1952

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred on Them by subsection (1) of section 3 of the Pensions (Increase) Act, 1944(**a**), and by that subsection as applied to the Pensions (Increase) Act, 1952(**b**), by subsection (4) of section 4 thereof, and of all other powers enabling Them in that behalf, hereby make the following Regulations:—

1.—(1) These Regulations may be cited as the Increase of Pensions (Calculation of Income) Regulations, 1952.

(2) The Interpretation Act, 1889(**c**), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(3) These Regulations shall come into operation on the twenty-fifth day of August, 1952.

(a) 7 & 8 Geo. 6. c. 21. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
(c) 52 & 53 Vict. c. 63.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"the Act of 1944" means the Pensions (Increase) Act, 1944, as amended by the Pensions (Increase) Act, 1947(**a**);

"the Act of 1952" means the Pensions (Increase) Act, 1952;

"foreign currency" means the currency of any country outside the scheduled territories;

"the scheduled territories" has the meaning assigned to it by section 1 of the Exchange Control Act, 1947(**b**).

(2) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended or re-enacted by or under any subsequent enactment.

3.—(1) The income of a pensioner shall, for the purposes of section 1 of the Act of 1944 and the Second Schedule thereto, and for the purposes of section 1 of the Act of 1952 and the Second Schedule thereto, include—

(*a*) the pension in respect of which the increase is claimed;

(*b*) any other pension, grant, allowance or annuity (including benefits payable under the National Insurance Acts, 1946 to 1952, and the National Insurance (Industrial Injuries) Acts, 1946 to 1952, non-contributory old age pensions and payments made by the National Assistance Board) received by the pensioner;

(*c*) in the case of land or house property or other buildings owned by the pensioner and occupied by him in whole or in part, the net annual value (ascertained in accordance with Regulation 4 of these Regulations) of the land or house property or other buildings;

(*d*) in the case of land or house property or other buildings owned by the pensioner and not occupied by him at all, but let in whole or in part unfurnished to a tenant or tenants, the net annual value (ascertained as aforesaid) of the land or house property or other buildings or the rent per annum receivable by the pensioner in respect of all such lettings, whichever is the less, (plus the excess rent (if any) to be included under sub-paragraph (*g*) of this paragraph);

(*e*) interest or dividends on stocks, shares, mortgages or other securities or on moneys on deposit;

(*f*) profits or wages of any trade, business (including farming or husbandry), profession, office, employment or vocation, including overtime pay and bonus (if any) and the value of board, lodging, fuel, light or other benefits (if any) whether receivable in cash or in kind;

(*g*) the annual value of any net receipts by way of income from other sources (including profits of letting furnished houses or other premises and excess rents from letting unfurnished houses or other premises in respect of which the pensioner is chargeable under sections 175 and 176 of the Income Tax Act, 1952(**c**)).

(2) The income of a married pensioner shall for the purposes aforesaid be deemed to include the income (calculated in accordance with these Regulations) of the husband or wife of the pensioner, but, save as aforesaid, the income of a pensioner shall not be deemed to include the income of any other person.

(a) 10 & 11 Geo. 6. c. 7. (b) 10 & 11 Geo. 6. c. 14.
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.

(3) For the purposes of section 1 of the Act of 1944 and the Second Schedule thereto the first fifty-two pounds a year accruing to the pensioner otherwise than in respect of a pension specified in the First Schedule to that Act or a service pension as defined in the Second Schedule to that Act shall be disregarded.

(4) For the purposes of section 1 of the Act of 1952 and the Second Schedule thereto the first one hundred and four pounds a year accruing to the pensioner otherwise than in respect of a pension specified in the First Schedule to that Act or a service pension as defined in the Second Schedule to the Act of 1944 shall be disregarded.

(5) For the purposes of sub-paragraphs (*c*) and (*d*) of paragraph (1) of this Regulation land or house property or other buildings held by a pensioner on lease shall be deemed to be owned by him if, and only if, the lease is a ground lease, that is to say, a lease at a rent (or, where the rent varies, at a maximum rent) which does not substantially exceed the rent which a tenant might reasonably have been expected, at the commencement of the term created by the lease, to pay for the land comprised in the lease, excluding any buildings, for a term equal to the term created by the lease.

4. For the purpose of determining the income of a pensioner and of the wife or husband of a married pensioner:—

(*a*) the net annual value of any land or house property or other buildings situate in Great Britain or Northern Ireland shall be taken to be the annual value as assessed for the purposes of income tax under Schedule A, less—

(i) any sum by which the assessment is reduced for the purposes of collection in respect of the cost of repairs;

(ii) any further sum on which income tax could be reclaimed by the pensioner, or the wife or husband of the pensioner, under the provisions of section 101 of the Income Tax Act, 1952, on the ground that the cost to him or her, on the average of the five preceding years, of the maintenance, repairs, insurance and management of the property has exceeded the amount of the reduction under the last preceding sub-paragraph;

(iii) any sums allowable in respect of empty property, land tax, drainage rates, lost rents, tithe redemption annuity and other allowances of a like nature, and (in Scotland) owner's rates, and (in Northern Ireland) landlord's rates and certain annuities;

(*b*) the net annual value of any land or house property or other buildings situate elsewhere shall be calculated on a basis as near as practicable to that specified in the last preceding paragraph.

5. From the income of the pensioner and the pensioner's wife or husband, other than a service pension or a pension specified in the First Schedule to the Act of 1944 or the First Schedule to the Act of 1952, a deduction shall be allowed in respect of the amount of interest, ground rent, or (in Scotland) feu duty or ground annual, or other annual charges payable out of, or secured on, his or her property or income:

Provided that no deduction shall be allowed in respect of—

(*a*) rates or taxes or any premium on a policy of insurance, except in so far as provided by the last preceding Regulation, or

(*b*) any instalment of the repayment of the principal of a loan, or

(*c*) any charge which may also be allowed as a deduction in calculating the income under the last preceding Regulation, or

(*d*) any bank interest which has already been allowed as a deduction in calculating profits, or

(*e*) payments made towards the maintenance of the pensioner's wife or former wife or other dependants.

6. Where a pensioner is resident in any place outside the scheduled territories, and any part of the income of the pensioner or the pensioner's wife or husband accrues to him or her in a foreign currency, the value of that part of his or her income shall be calculated, for the purposes of section 1 of the Act of 1944 and the Second Schedule thereto, and for the purposes of section 1 of the Act of 1952 and the Second Schedule thereto, at such rate of exchange between sterling and the foreign currency in which it accrued as the Treasury may from time to time direct.

7. The Increase of Pensions (Calculation of Income) Regulations, 1944(**a**), the Increase of Pensions (Calculation of Income) (Amendment) Regulations, 1947(**b**), and the Increase of Pensions (Calculation of Income) (Supplemental) Regulations, 1950(**c**), are hereby revoked.

Dated this 20th day of August, 1952.

T. G. D. Galbraith,
Hendrie D. Oakshott,

Two of the Lords Commissioners
of Her Majesty's Treasury.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations are made under subsection (1) of Section 3 of the Pensions (Increase) Act, 1944, and under that subsection as applied to the Pensions (Increase) Act, 1952. They prescribe the way in which income is to be calculated for the purpose of granting increases of pension under the above Acts. With minor amendments they consolidate the existing Regulations, which are revoked. (S.R. & O. 1944 No. 695; S.R. & O. 1947 No. 1929; S.I. 1950 No. 34.)

1952 No. 1827

The Increase of Pensions (Extension) Regulations, 1952

Made - - - -	13*th October*, 1952
Laid before Parliament	17*th October*, 1952
Coming into Operation	20*th October*, 1952

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred on them by section 5 of the Pensions (Increase) Act, 1947(**d**), as applied by section 3 of the Pensions (Increase) Act, 1952(**e**),

(a) S.R. & O. 1944/695; Rev. XVII, p. 622; 1944 I, p. 649.
(b) S.R. & O. 1947/1929; Rev. XVII, p. 622; 1947 I, p. 1556.
(c) S.I. 1950/34; 1950 II, p. 215.
(d) 10 & 11 Geo. 6. c. 7. (e) 15 & 16 Geo. 6 and 1 Eliz. 2. c. 45.