1952 No. 1536

The Increase of Pensions (General) 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 (5) 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 (General) 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.

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(d);

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

" the Acts " means the Act of 1944 and the Act of 1952;

" dependant " has, for the purposes of an increase of pension under section 1 of the Act of 1944, the meaning assigned to it by subsection (5) of that section, and, for the purposes of an increase of pension under section 1 of the Act of 1952, the meaning assigned to it by subsection (5) of section 1 of the Act of 1944 as applied to the Act of 1952 by subsections (4) and (5) of section 4 thereof;

" income " in relation to any person means the income of that person calculated in accordance with the Increase of Pensions (Calculation of Income) Regulations, 1952(e);

" the prescribed conditions " means, for the purposes of an increase of pension under section 1 of the Act of 1944, the conditions prescribed in that section and in the Second Schedule to that Act, and, for the purposes of an increase of pension under section 1 of the Act of 1952, the conditions prescribed in subsections (2) and (3) of that section and in the Second Schedule to that Act and in subsections (2) to (4) of section 1 of the Act of 1944 as applied to the Act of 1952 by subsection (4) of section 4 thereof.

(2) In these Regulations references to an increase of pension under section 1 of the Act of 1944 include references to an increase under that section of any pensions specified in an Order in Council made under section 4 of that Act.

(a) 7 & 8 Geo. 6. c. 21. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
(c) 52 & 53 Vict. c. 63. (d) 10 & 11 Geo. 6. c. 7. (e) S.I. 1952/1535, p. 2336 above.

(3) In these Regulations references to an increase of pension under section 1 of the Act of 1952 include references to an increase under that section of any pensions specified in an Order in Council made under section 4 of the Act of 1944, as applied to the Act of 1952 by subsection (4) of section 4 thereof.

(4) In these Regulations references to a pensioner who is unmarried include references to a pensioner who in accordance with these Regulations is to be treated as unmarried for the purposes of the Acts.

(5) Any reference in these Regulations to the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment or regulations.

3.—(1) The first application for a grant of an increase of pension under section 1 of the Act of 1944 or section 1 of the Act of 1952 shall be made by the pensioner to the pension authority not more than three months before, or as soon as may be after, the prescribed conditions are fulfilled in his case:

Provided that where the pensioner is receiving an increase of pension under Section 1 of the Act of 1944, the pension authority may at its discretion dispense with the requirements of an application to be made by him for an increase of pension under section 1 of the Act of 1952.

(2) An application for the continuation and re-assessment of any such increase of pension as aforesaid shall be made by the pensioner to the pension authority not more than three months before, or as soon as may be after, the expiration of the current grant of increase.

(3) An application by a pensioner under the age of seventeen years shall be made on his behalf by the person who appears to the pension authority to have control over the pensioner.

4.—(1) Every such application as aforesaid shall, unless this requirement is dispensed with under Regulation 6 of these Regulations, be accompanied by a declaration of income made by the pensioner in a form acceptable to the pension authority.

(2) Every application by a pensioner who is unmarried but claims to have a dependant shall also be accompanied by a declaration of income made by the person claimed as a dependant in a form acceptable to the pension authority.

5.—(1) Where a pensioner who has fulfilled the prescribed conditions dies, and at the time of his death a grant or renewal of the increase of pension for which he was eligible under the Acts or either of them had not been made to him, or an adjustment of an increase already granted or renewed was outstanding, the pension authority shall, for the purposes of the grant or renewal of an increase or an adjustment thereof up to the time of his death, accept, in place of the application, declaration and evidence which was, or might have been, required from the deceased pensioner under these Regulations, an application or declaration made or evidence produced on the deceased pensioner's behalf by his personal representative or by any person from whom the pension authority may obtain a discharge for payment of the increase.

(2) Where any person who is, or is claimed to be, a dependant of a pensioner dies without having made the declaration or produced the evidence required of him under these Regulations, the pension authority shall, for the purposes of the grant of an increase to the pensioner or an adjustment thereof, accept, in place of such declaration or evidence, a declaration made or

evidence produced by that person's personal representative or by any other person who appears to the pension authority to be a proper person to represent the deceased.

6. The pension authority may in its discretion dispense with the requirement of a declaration under Regulation 4 of these Regulations in the case of any application for the increase of an annual allowance awarded by the Treasury under an Injury Warrant framed under section 1 of the Superannuation Act, 1887(**a**) (as amended by section 11 of the Superannuation Act, 1935(**b**)) and under section 5 of the Superannuation Act, 1909(**c**), or under section 41 of the Superannuation Act, 1949(**d**), if—

(*a*) the amount of the allowance does not exceed £40, and

(*b*) the person in respect of whose injury the allowance has been granted was recruited outside the United Kingdom, and

(*c*) the pension authority is satisfied that on account of the illiteracy of the pensioner or other sufficient cause it is impracticable to obtain a declaration from him.

7.—(1) Where—

(*a*) a pensioner and his wife, or her husband, are living apart, and

(*b*) it appears to the pension authority that the separation has continued for not less than three months and is likely to be permanent, and

(*c*) the pensioner gives notice in writing to the pension authority not less than three months after the date of the separation electing that he and his wife, or she and her husband, shall be treated as unmarried for the purposes of the Acts, and

(*d*) it appears to the pension authority that the pensioner's wife or husband either is not in receipt of a pension which may be increased under the Act of 1944 or the Act of 1952 or, if in receipt of such pension, is willing as regards the increase of her or his pension to be treated in accordance with this Regulation as unmarried for the purposes of the Acts,

the pensioner and his wife, or her husband, shall, subject to the provisions of these Regulations, be treated as unmarried persons for the purposes of the Acts from the date of their separation or from such later date as may be specified in the pensioner's notice of election.

(2) A pensioner may give notice of election under this Regulation notwithstanding that he has been granted an increase under the Act of 1944 or the Act of 1952 as a married person.

(3) A pensioner who gives notice of election under this Regulation shall—

(*a*) inform the pension authority whether, to the best of his knowledge and belief, his wife or her husband is in receipt of a pension which may be increased under either of the Acts, and, if so, give the name of the pension authority by whom the wife's or husband's pension is payable, and

(*b*) furnish to the pension authority such evidence as it may require as to the matters mentioned in sub-paragraphs (*b*) and (*d*) of paragraph (1) of this Regulation.

(4) Any information furnished under paragraph (3) of this Regulation shall, if the pension authority so requires, be in the form of a declaration.

(a) 50 & 51 Vict. c. 67.
(b) 25 & 26 Geo. 5. c. 23.
(c) 9 Edw. 7. c. 10.
(d) 12, 13 & 14 Geo. 6. c. 44.

8.—(1) The amount of any increase of pension shall be determined by reference to the income during the basic period, but the pension authority shall take into consideration, as from the appropriate date, any reduction or increase in the annual rate of income during or subsequent to the basic period.

(2) The basic period shall be—

(*a*) in the case of the first application by a pensioner, the period of twelve months preceding the date of the application or the date on which the prescribed conditions are fulfilled in his case, whichever is the earlier. and

(*b*) in the case of the second and any subsequent application, the period of twelve months preceding the date of the application.

(3) The grant of an increase of pension shall remain in force for a period not exceeding twenty-four months:

Provided that—

(*a*) the pension authority shall have discretion to extend the grant for a further period not exceeding twelve months ; and

(*b*) as from the appropriate date the increase shall cease or shall be subject to such adjustment, if any, as the case may require, if in the meantime—

(i) the pensioner dies, or

(ii) there occurs any such event as is mentioned in paragraph (1) of Regulation 9 of these Regulations, or

(iii) in the case of an increase of a pension on the basis that the pensioner and his wife or her husband are treated as unmarried persons for the purposes of the Acts, it appears to the pension authority that any of the conditions mentioned in sub-paragraphs (*b*) and (*d*) of paragraph (1) of Regulation 7 of these Regulations have ceased to be fulfilled, or

(iv) the pensioner ceases for any other reason to fulfil the prescribed conditions.

(4) Where an increase of pension is to cease or to be adjusted by reason of the occurrence of any event or by reason that certain conditions have ceased to be fulfilled, the appropriate date shall be the date on which the event occurred or, as the case may be, the date which appears to the pension authority to be the date on which the conditions ceased to be fulfilled:

Provided that the appropriate date shall be the date on which the pension authority first knew that the event had occurred or, as the case may be, that the conditions had ceased to be fulfilled, if—

(*a*) the pensioner has not been responsible for any unreasonable delay in notifying the pension authority that the event had occurred or, as the case may be, that the conditions had ceased to be fulfilled, and

(*b*) that date is more favourable to the pensioner.

(5) Where an increase of pension is to cease or be adjusted by reason that certain conditions have never been fulfilled, the appropriate date shall be the beginning of the period in respect of which that increase was granted.

9.—(1) Any pensioner to whom an increase of pension has been granted shall notify the pension authority immediately on the occurrence of any of the following events, quoting the number, if any, of his pension form:—

(*a*) where an increase of pension has been granted under section 1 of the Act of 1944, any increase in the income of the pensioner or the pensioner's wife or husband from any source by which—

(i) if the pensioner is married, the total income of both husband and wife is increased to a rate above £450 a year, or

(ii) if the pensioner is unmarried and has no dependant, his total income is increased to a rate above £350 a year, or

(iii) if the pensioner is unmarried and has a dependant, his total income is increased to a rate above £450 a year;

the total income in any of such cases to be reckoned as including any increase of pension granted under the Act of 1944 and otherwise in accordance with the Increase of Pensions (Calculation of Income) Regulations, 1952;

(*b*) where an increase of pension has been granted under section 1 of the Act of 1952, any increase in the income of the pensioner or the pensioner's wife or husband from any source by which—

(i) if the pensioner is married, the total income of both husband and wife is increased to a rate above £550 a year, or

(ii) if the pensioner is unmarried and has no dependant, his total income is increased to a rate above £425 a year, or

(iii) if the pensioner is unmarried and has a dependant, his total income is increased to a rate above £550 a year;

the total income in any such cases to be reckoned as including any increase of pension granted under the Act of 1944 and under the Act of 1952 and otherwise in accordance with the Increase of Pensions (Calculation of Income) Regulations, 1952;

(*c*) any decrease in the income of the pensioner or of the pensioner's wife or husband;

(*d*) the marriage, divorce or re-marriage of the pensioner, or the death of his wife or her husband;

(*e*) if the pensioner and his wife or her husband have been treated as unmarried persons for the purposes of the Acts, their resumption of cohabitation, or the receipt by the wife or husband of a pension which may be increased under the Act of 1944 or the Act of 1952;

(*f*) if the pensioner is unmarried—

(i) the death of any dependant,

(ii) the attainment of the age of sixteen years by any dependant, not being related to the pensioner,

(iii) a dependant's ceasing to hold the qualifications necessary to remain a dependant of the pensioner,

(iv) where an increase of pension has been granted under section 1 of the Act of 1944, any increase in the income of any dependant of his from any source (excluding income received from him or, in the case of a dependant who is under the age of sixteen years or, if over that age, is receiving full-time instruction in any educational establishment or undergoing training for any trade, profession or vocation, from a scholarship or other educational endowment) by which the total income of the dependant (excluding as aforesaid) is increased to a rate above £52 a year, and

(v) where an increase of pension has been granted under section 1 of the Act of 1952, any increase in the income of any dependant of his from any source (excluding as aforesaid) by which the total income of the dependant (excluding as aforesaid) is increased to a rate above £104 a year.

(2) A pensioner shall submit to the pension authority with any declaration of income required to be made by him under these Regulations particulars of any such event as is mentioned in the last preceding paragraph which has occurred between the end of the basic period and the date of his declaration.

10. The pensioner and any person who is, or is claimed to be, a dependant of his shall, if required by the pension authority, produce:—

(*a*) any medical evidence or any birth, death or marriage certificate or any other evidence relative to the fulfilment of the prescribed conditions which the pension authority may consider necessary.

(*b*) a certificate of an Inspector of Taxes as to the assessment for the purposes of income tax under Schedule A of any property owned by him or under Schedule B of any land occupied by him,

(*c*) a certificate of an Inspector of Taxes in support of any claim to a deduction from the assessment for income tax purposes under Schedule A of any property owned by him,

(*d*) documentary evidence in support of any claim for deduction from the income of the pensioner or his wife or her husband in respect of interest, ground rent, or (in Scotland) feu duty or ground annual, or other annual charges,

(*e*) any other documentary evidence relating to the income of the pensioner or his wife or her husband or any person who is, or is claimed to be, a dependant of the pensioner which the pension authority may consider necessary.

11. Where the pension authority is satisfied by an Order of Court or by the certificate of a duly qualified medical practitioner that a pensioner or a person claimed to be a dependant is of unsound mind or, not being under the age of seventeen years, is otherwise incapable of making a declaration, it may accept a declaration made on his behalf by any other person who appears to the pension authority a proper person to represent him.

12. Any question which may arise in connection with the fulfilment by a pensioner who is in receipt of a pension specified in Part I of the First Schedule to the Act of 1944 or part I of the First Schedule to the Act of 1952 of the prescribed conditions, or any of them, shall be determined by the pension authority, whose decision shall be final.

13. Where part of a pension has been surrendered by a pensioner for the purpose of enabling the pension authority to grant a pension to the wife or husband of the pensioner under any arrangement whereby a pension is payable to the wife or husband of the pensioner during the pensioner's lifetime, then, for the purpose of determining the percentage by reference to which the authorised increase of each of those pensions is to be calculated under the Second Schedule to the Act of 1944 and the percentage by reference to which the increase of each of those pensions is to be calculated under section 2 of the Act of 1944, each of the pensions shall be deemed to be of an amount equal to the aggregate of the two pensions.

14.—(1) In relation to any pension granted under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912, all the functions of the Treasury as the pension authority shall be performed by the Minister of Education on behalf of the Treasury, and accordingly, in relation to such a pension, references to the pension authority in these Regulations shall be construed as references to the Minister of Education.

(2) Where, in relation to any such pension as is specified in paragraph 1 of Part II of the First Schedule to the Act of 1944, the pension authority is not the last employing authority, the functions of the pension authority as to determining whether the pensioner fulfils, or has fulfilled, the prescribed conditions and, if so, the amount of the increase of the pension under the Act of 1944 or the Act of 1952 shall be performed on behalf of the pension authority by the last employing authority, unless the pension authority and the last employing authority agree that the said functions shall be performed by the pension authority.

15. The Increase of Pensions (General) Regulations, 1947(**a**), the Increase of Pensions (General) (No. 2) Regulations, 1947(**b**), and the Increase of Pensions (General) Regulations, 1948(**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 (5) of Section 3 of the Pensions (Increase) Act, 1944, and under that subsection as applied to the Pensions (Increase) Act, 1952. Their main purpose is to prescribe the way in which claims for increase under the Acts of 1944 and 1952 are to be made by the pensioner and assessed by the pension authority. The present Regulations also consolidate the existing Regulations under the 1944 Act (S.R. & O. 1947/547, 2599; S.I. 1948/2701) which are revoked. Some amendments have been made, the chief being—

(*a*) The Declarations of Income to be made by the pensioner and his dependant are no longer set out in the Regulations, but the Declarations must be in a form acceptable to the pension authority.

(*b*) The Declarations no longer require to be attested.

(*c*) Where husband and wife have been separated for a period of at least three months, the pensioner may, on certain conditions, elect that they should be treated as unmarried. They may then be treated as unmarried with effect from the date of separation. (Regulation 7.) Under the previous Regulations the interval was twelve months and they could be treated as unmarried only from the date on which the period of twelve months ended.

(*d*) Where a pensioner is already receiving an increase under Section 1 of the Act of 1944, the pension authority may grant an increase under the Act of 1952 without requiring a fresh application and declaration of income by the pensioner.

(a) S.R. & O. 1947/547; Rev. XVII, p. 605; 1947 I, p. 1539.
(b) S.R. & O. 1947/2599; Rev. XVII, p. 605; 1947 I, p. 1554.
(c) S.I. 1948/2701; Rev. XVII, p. 620; 1948 I, p. 3263.