1959 No. 1542

The Increase of Pensions (India, Pakistan and Burma) Regulations, 1959

Made - - - -	31*st August*, 1959
Laid before Parliament	3*rd September*, 1959
Coming into Operation	4*th September*, 1959

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred upon them by paragraph (*c*) of subsection (3), and subsection (4), of section 3 of the Pensions (Increase) Act, 1959(**a**), and of all other powers enabling them in that behalf, hereby make the following Regulations :—

1.—(1) The Act of 1959 shall apply in relation to any pension specified in Part I of the First Schedule to these Regulations as if it were specified in Part I of the Schedule to the Act of 1959.

(2) The Act of 1959 shall, subject to the modifications and adaptations specified in Part I of the Second Schedule to these Regulations, apply in relation to any pension specified in Part II of the First Schedule to these Regulations as if it were specified in Part I of the Schedule to the Act of 1959.

(3) Subject to the provisions of Regulation 2 of these Regulations, the Acts of 1920(**b**) and 1924(**c**) shall, subject to the modification and adaptation specified in Part II of the Second Schedule to these Regulations, apply in relation to any pension specified in Part III of the First Schedule to these Regulations as if it had been granted under one of the enactments specified in subsection (2) of section 1 of the Act of 1920.

(4) Subject to the provisions of Regulation 2 of these Regulations, the Acts of 1944(**d**), and 1947(**e**) shall, subject to the modifications and adaptations specified in Part III of the Second Schedule to these Regulations, apply in relation to any pension specified in Part II of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955(**f**), as if it were specified in Part I of the First Schedule to the Act of 1944.

2. Where a person is, by virtue of any order of the Secretary of State in Council in India, the Secretary of State, or the Government of India, Pakistan or Burma, eligible for an increase of any pension specified in Part III of the First Schedule to these Regulations or Part II of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955, and that increase corresponds to the increase under the Acts of 1920 and 1924 or the Acts of 1944 and 1947, the increase authorised by these Regulations shall be reduced by the amount of the first-mentioned increase.

3. Any increase authorised by these Regulations may take effect as from the first day of August, nineteen hundred and fifty-nine.

4.—(1) In these Regulations, the expression "the Act of" any specified year means the Pensions (Increase) Act of that year.

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

(**a**) 7 & 8 Eliz. 2. c. 50.
(**b**) 10 & 11 Geo. 5. c. 36.
(**c**) 14 & 15 Geo. 5. c. 32.
(**d**) 7 & 8 Geo. 6. c. 21.
(**e**) 10 & 11 Geo. 6. c. 7.
(**f**) 3 & 4 Eliz. 2. c. 22.

(3) The Interpretation Act, 1889(a), shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

5. These Regulations may be cited as the Increase of Pensions (India, Pakistan and Burma) Regulations, 1959, and shall come into operation on the fourth day of September nineteen hundred and fifty-nine.

Dated this 31st day of August, nineteen hundred and fifty-nine.

Martin Redmayne,
P. E. O. Bryan,
Two of the Lords Commissioners
of Her Majesty's Treasury.

FIRST SCHEDULE

PART I

Pensions to which the Act of 1959 *is applied*

1. Any pension specified in paragraph 1 of Part I of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955, which is a pension payable in respect of service as a member of either—

(*a*) the establishment of the Secretary of State in Council of India, or

(*b*) the staff of the High Commissioner for India, or

(*c*) the staff of the High Commissioner for Pakistan, or

(*d*) the staff of the Auditor of the Accounts of the Secretary of State for India in Council, or

(*e*) the staff of the Auditor of Indian Home Accounts.

2. Any pension specified in paragraph 2 or 3 of Part I of the said Second Schedule.

PART II

Pensions to which the Act of 1959 *is applied subject to modifications*

1. Any pension specified in paragraph 1 of Part I of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955, which is not either—

(*a*) such a pension as is specified in Part I of this Schedule, or

(*b*) a pension payable under the Superior Services (India) Family Pension Fund (Untransferred) Rules, 1939, or the rules of the Indian Civil Service Family Pension (Untransferred) Fund, the Indian Military Services Family Pension (Untransferred) Fund, the Indian Military Widows' and Orphans' (Untransferred) Fund or the Bengal and Madras Service Family Pension Fund.

2. Any pension specified in paragraph 4 of Part I, or in Part II, of the said Second Schedule.

PART III

Pensions to which the Acts of 1920 *and* 1924 *are applied subject to modifications*

1. Any pension specified in sub-paragraph (*a*) of paragraph 1 of Part I of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955, which is a pension payable under the rules of the India Office Provident Fund, the Regular Widows' Fund, the Elder Widows' Fund, the Bengal Civil Fund, the Bombay Civil Fund or the Madras Civil Fund.

2. Any pension specified in sub-paragraph (*b*) of paragraph 1 of Part I of the said Second Schedule.

(a) 52 & 53 Vict. c. 63.

SECOND SCHEDULE

PART I

Modifications and adaptations of the Act of 1959

In its application to any pension specified in Part II of the First Schedule to these Regulations, the Act of 1959 shall have effect as if—

(*a*) in section 1, in subsection (1), the words "which began not later than the first day of April, nineteen hundred and fifty-seven," were deleted, and for the words from "the following percentage" to the end of paragraph (*f*) there were substituted the words "twelve per cent. of the adjusted rate of that pension.";

(*b*) in section 7, in subsection (1), there were added at the end of the subsection the words "unless the commutation was made after the thirty-first day of July, nineteen hundred and fifty-nine, in which case those provisions shall have effect as if the commutation had not been made.";

(*c*) in section 7, in the definition of "pension authority" in subsection (2), for the reference to the authority by whom the pension is payable there were substituted a reference to the Secretary of State;

(*d*) in section 7, the definition of "relevant increase" in subsection (2), there were added at the end of the definition the words "and any increase corresponding to any such increase;".

PART II

Modification and adaptation of the Act of 1920

In its application to any pension specified in Part III of the First Schedule to these Regulations, the Act of 1920 shall have effect as if for Part I of the Schedule thereto there were substituted the following provision:—

"The existing pension may be increased by 25 per cent., so, however, that no pension shall be increased by an amount greater than forty pounds a year."

PART III

Modifications and adaptations of the Acts of 1944 *and* 1947

In its application to any pension specified in Part II of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955,—

(1) the Act of 1944 shall have effect as if—

(*a*) in section 8, in subsection (1), there were added at the end of the proviso the words "unless the commutation was made after the thirty-first day of December, nineteen hundred and forty-three, in which case those provisions shall have effect as if the commutation had not been made.";

(*b*) in section 8, in the definition of "Pension authority" in subsection (3), for the reference to the authority by whom the pension is payable there were substituted a reference to the Secretary of State;

(2) the Act of 1947 shall have effect as if, in section 3, subsections (2) and (3) were deleted.

EXPLANATORY NOTE

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

These Regulations authorise the Secretary of State to increase certain pensions, specified in the Regulations, arising from former India and Burma service. The increases are in certain cases those provided under the Pensions (Increase) Act, 1959, without modification or adaptation, and in other groups of cases those provided under the Pensions (Increase) Acts of 1920 and 1924, 1944 and 1947, and 1959 subject to the modifications and adaptations specified in the Second Schedule to the Regulations.