STATUTORY INSTRUMENTS

1963 No. 881

PENSIONS

The Increase of Pensions (India, Pakistan and Burma) Regulations 1963

Made - - - -	*1st May* 1963
Laid before Parliament	*6th May* 1963
Coming into Operation	*7th May* 1963

The Treasury, in exercise of the powers conferred upon them by section 3(1) of the Pensions (India, Pakistan and Burma) Act 1955(a), by that subsection as applied by section 8(1) of the Pensions (Increase) Act 1956(b), by section 3(3)(*c*) and (4) of the Pensions (Increase) Act 1959(c), and by section 8(2) of the Pensions (Increase) Act 1962(d) (applying section 3(3)(*c*) and (4) of the Pensions (Increase) Act 1959 with modifications), and of all other powers enabling them in that behalf, hereby make the following Rules and Regulations:—

1. The Act of 1962 shall apply in relation to any pension specified in Part I of Schedule 1 hereto as if it were specified in Part I of the Schedule to the Act of 1959.

2. The Act of 1962 shall, subject to paragraphs 5 and 6 hereof and to the modifications and adaptations specified in Schedule 2 hereto, apply in relation to any pensions specified in Part II of Schedule 1 hereto as if such pension were specified in Part I of the Schedule to the Act of 1959.

3. In paragraph 1 of Part II of the First Schedule to the Increase of Pensions (India, Pakistan and Burma) Rules 1957(e), sub-paragraph (*b*) shall be omitted and in paragraph 1 of Part II of the First Schedule to the Increase of Pensions (India, Pakistan and Burma) Regulations 1959(f), sub-paragraph (*b*) shall be omitted.

4. Subject to the provisions of paragraphs 5 and 6 hereof the Acts of 1944(g), 1947(h), 1952(i), 1956 and 1959 shall apply in relation to any pension specified in Part III of Schedule 1 hereto as they apply in relation to a pension specified in paragraph 1 of Part II of the First Schedule to the Increase of Pensions (India, Pakistan and Burma) Rules 1957 and in paragraph 1 of Part II of the First Schedule to the Increase of Pensions (India, Pakistan and Burma) Regulations 1959 and accordingly any reference in the said Rules and Regulations to paragraph 1 of Part I of the Second Schedule of the Pensions (India, Pakistan and Burma) Act 1955 shall be construed as including a reference to that paragraph as amended by section 4(1) of the Pensions (Increase) Act 1962.

5. In relation to a pension deriving from a Fund specified in Part III of Schedule 1 hereto

(*a*) the basic rate of pension as defined in section 11(1) of the Act of 1956 shall be taken to be either:—

(a) 3 & 4 Eliz. 2. c. 22. (b) 4 & 5 Eliz. 2. c. 39. (c) 7 & 8 Eliz. 2. c. 50. (d) 11 & 12 Eliz. 2. c. 2.
(e) S.I. 1957/223 (1957 II, p. 1821). (f) S.I. 1959/1542 (1959 II, p. 2060). (g) 7 & 8 Geo. 6. c. 21.
(h) 10 & 11 Geo. 6. c. 7. (i) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.

(i) the amount of the pension from time to time payable in accordance with the Rules of that Fund or

(ii) the amount of the pension in the similar class payable in accordance with the Rules of the Untransferred Fund specified in Part IV of the said First Schedule as has a similar title to the Transferred Fund in accordance with the rules of which the pension is payable,

whichever is less.

(*b*) the total amount of the increases which might otherwise be granted in accordance with the provisions hereof shall be reduced by any amount by which the pension payable from time to time in accordance with the Rules of the Fund may exceed the amount of a pension then payable in a comparable class in accordance with the Rules of the Untransferred Fund specified in Part IV of the said Schedule 1 as has a similar title to the Transferred Fund in accordance with the rules of which the pension is payable.

6. Any pension which is described as a Supplementary pension in the Rules of the Indian Civil Service Family Pension Fund (Transferred) the Indian Military Widows' and Orphans' Fund (Transferred) and the Indian Military Service Family Pension Fund (Transferred) shall be disregarded for the purposes of the provisions hereof and any amount by which the basic rate of pension as defined in Regulation 5(*a*) hereof exceeds the amount of a pension which would have resulted from subscription to the compulsory section of the Superior Services (India) Family Pension Fund (Transferred) and the Superior Services (India) Family Pension Fund (Untransferred) shall be similarly disregarded.

7. Any increase authorised by these Regulations may take effect as from 1st January 1963.

8.—(1) These Regulations may be cited as the Increase of Pensions (India, Pakistan and Burma) Regulations 1963 and shall come into operation on 7th May 1963.

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

(3) In these Regulations the expression " the Act of " any specified year means the Pensions (Increase) Act of that year.

(4) 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.

1st May 1963.

Francis F. Pearson,
M. A. Hamilton,
Two of the Lords Commissioners of
Her Majesty's Treasury.

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

SCHEDULE 1

PART I

Pensions to which the Act of 1962 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

(*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

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

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

PART II

Pensions to which the Act of 1962 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, as amended by section 4(1) of the Act of 1962, which is not such a pension as is specified in Part I of this Schedule.

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 1944, 1947, 1952, 1956 and 1959 are applied subject to adaptations and modifications

Any pension which is such a pension as is specified in paragraph 1 of Part I of the Second Schedule to the Pensions (India, Pakistan and Burma) Act 1955 and is also a pension payable in accordance with the rules of the following Funds—

The Indian Civil Service Family Pension Fund (Transferred)

The Superior Services (India) Family Pension Fund (Transferred)

The Indian Military Widows' and Orphans' Fund (Transferred)

The Indian Military Service Family Pension Fund (Transferred).

PART IV

Untransferred Funds referred to in paragraph 5(a)(ii) of these Regulations

The Indian Civil Service Family Pension Fund (Untransferred)

The Superior Services (India) Family Pension Fund (Untransferred)

The Indian Military Widows' and Orphans' Fund (Untransferred)

The Indian Military Service Family Pension Fund (Untransferred).

SCHEDULE 2

Modifications and adaptations of the Act of 1962

In its application to any pension specified in Part II of Schedule 1 hereto the Act of 1962 shall have effect as if—

(*a*) In section 1(1) the words "being a pension which began not later than 1st April 1961" were omitted and for the words from "the following percentage" to the end of the subsection there were substituted the words "twelve per cent of the adjusted rate of that pension."

(*b*) in section 2(1) for the words from " by the following annual amount " to the end of the subsection there were substituted the words " by the annual amount of twenty pounds."

(*c*) in section 10 at the end of the definition of " pension " and " pension authority " there were added the words " as modified and adapted by Part I of the Second Schedule of the Increase of Pensions (India, Pakistan and Burma) Regulations 1959 but modified further by the substitution of '31st December 1962' for '31st July 1959' ".

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. In general, the increases are those authorised by the Pensions (Increase) Act 1962 and in most cases are subject to modifications of that Act: for pensions payable from the various Indian Family Pensions or Widows' and Orphans' Funds within the provisions of section 4 of the Pensions (Increase) Act 1962, which have not hitherto been increased, increases are provided under the Pensions (Increase) Acts of 1944, 1947, 1952, 1956, 1959 and 1962 as modified or adapted by previous Rules and Regulations and by these Regulations.

The increases may take effect as from 1st January 1963.