STATUTORY INSTRUMENTS

1966 No. 446

PENSIONS

The Increase of Pensions (India, Pakistan and Burma) Regulations 1966

Made - - - -	20*th April* 1966
Laid before Parliament	27*th April* 1966
Coming into Operation	28*th April* 1966

The Treasury, in exercise of the powers conferred upon them by section 3(3)(c) and (4) of the Pensions (Increase) Act 1959(a) as applied by section 5(2) of the Pensions (Increase) Act 1965(b) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. The Act of 1965 shall apply in relation to any pension specified in Part I of Schedule 1 hereto as if it were specified in Part I of Schedule 1 to the Act of 1965.

2. The Act of 1965 shall, subject to Regulations 3 and 4 hereof and to the modifications and adaptations specified in Schedule 2 hereto, apply to any pension specified in Part II of Schedule 1 hereto as if it were specified in Part I of Schedule 1 to the Act of 1965.

3. In relation to a pension deriving from any of the Transferred Funds specified in Part I of Schedule 3 hereto:—

(a) for the purpose of calculating the adjusted rate of such a pension in accordance with section 1(3) of the Act of 1965, the annual rate of the pension before any relevant increase thereof shall be taken to be whichever is the less of the following amounts:—

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

(ii) the amount which would have been payable if the pension had been paid under the Rules of the corresponding Untransferred Fund specified in Part II of Schedule 3 hereto;

(b) where an increase of such a pension payable to any person by virtue of the Increase of Pensions (India, Pakistan and Burma) Regulations 1963(c) falls to be reduced by the amount specified in Regulation 5(*b*) of those Regulations, and that amount is greater than the increase so payable, the increase payable to that person by virtue of these Regulations shall be reduced by the excess.

4. 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 of these Regulations, and any amount by which the annual

(a) 1959 c. 50. (b) 1965 c. 78. (c) S.I. 1963/881 (1963 II, p. 1429).

amount of a pension, determined in accordance with the provisions of Regulation 3(*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.

5. Any increase authorised by these Regulations may take effect as from 1st January 1966.

6.—(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 the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as a reference to those provisions as re-enacted or amended by any subsequent enactment or regulations.

(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.

7. These Regulations may be cited as the Increase of Pensions (India, Pakistan and Burma) Regulations 1966, and shall come into operation on 28th April 1966.

William Whitlock,

Joseph Harper,

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

20th April 1966.

SCHEDULE 1

PART I

Pensions to which the Act of 1965 *is applied*

1. Any pension specified in paragraph 1 of the Second Schedule to the Pensions (India, Pakistan and Burma) Act 1955(**b**) 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 or

(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 1965 *is applied subject to modifications and adaptations*

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(**c**), 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.

(**a**) 1889 c. 63. (**b**) 3 & 4 Eliz. 2. c. 22. (**c**) 1962 c. 2.

SCHEDULE 2

Modifications and adaptations of the Act of 1965

In its application to any pension specified in Part II of Schedule 1 hereto the Act of 1965 shall have effect as if:—

(*a*) in section 1(1) the words "which began not later than 1st April 1964" were omitted and for the words from "the following percentage" to the end of the subsection there were substituted the words "sixteen per cent. of the adjusted rate of that pension";

(b) the definition of "pension" in section 7(1) of the Act of 1959 as applied by section 7(1) of the Act of 1965 were modified by adding at the end of section 7(1) of the Act of 1959 the words "unless the commutation was made after 31st December 1965, in which case those provisions shall have effect as if the commutation had not been made";

(c) in section 7(1), in the definition of "pension authority", for the reference to the authority by whom the pension is payable there were substituted a reference to the Minister of Overseas Development;

(d) in section 7(1), in the definition of "relevant increase", there were added at the end of the definition the words "and any increase corresponding to any such increase".

SCHEDULE 3

PART I

Transferred Funds

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 II

Untransferred Funds

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)

EXPLANATORY NOTE

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

These Regulations authorise the Minister of Overseas Development to increase certain pensions, specified in the Regulations, arising from former India, Pakistan and Burma service. The increases are those authorised by the Pensions (Increase) Act 1965, in some cases with modifications.

In accordance with section 3(4) of the Pensions (Increase) Act 1959, the increases take effect from 1st January 1966.