STATUTORY INSTRUMENTS

1969 No. 732

PENSIONS

The Increase of Pensions (India, Pakistan and Burma) Regulations 1969

Made - - -	22*nd May* 1969
Laid before Parliament	30*th May* 1969
Coming into Operation	31*st May* 1969

The Minister for the Civil Service, in exercise of the powers conferred upon him by section 1(4) of the Pensions (Increase) Act 1969(**a**) and paragraphs 13 and 14 of Schedule 2 to that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations :—

1. These Regulations may be cited as the Increase of Pensions (India, Pakistan and Burma) Regulations 1969, and shall come into operation on 31st May 1969.

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

(2) In these Regulations the expressions "the Regulations of" or "the Rules of" any specified year mean the Increase of Pensions (India, Pakistan and Burma) Regulations or Rules (as the case may be) of that year.

(3) 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.

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

3. The Act of 1969 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 1969.

4. The Act of 1969 shall, subject to Regulations 5 and 6 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 1969.

5. 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 paragraph 2 of Schedule 2 to the Act of 1969, 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

(**a**) 1969 c. 7. (**b**) 1889 c. 63.

(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 Regulations of 1963(**a**) and 1966(**b**) falls to be reduced by the amount specified in Regulation 5(*b*) of the Regulations of 1963, 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.

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 of these Regulations, and any amount by which the annual amount of a pension, determined in accordance with the provisions of 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. Whenever for the purpose of ascertaining any increase payable under these Regulations or the Regulations or Rules of 1957(**c**), 1959(**d**), 1963 or 1966 it is necessary to convert into sterling a basic pension initially payable in a currency other than sterling, the rate of exchange to be taken for the purpose of any such conversion shall be the rate of exchange between that currency and sterling in force on 6th May 1955:

Provided that where a basic pension is converted by the paying authority into sterling at a privileged rate of exchange, then the rate of exchange to be taken shall be the said privileged rate.

8. Any increase authorised by these Regulations may take effect as from 1st April 1969.

(L.S.)

J. E. Herbecq,
Authorised by the Minister
for the Civil Service.

22nd May 1969.

(**a**) S.I. 1963/881 (1963 II, p. 1429).
(**b**) S.I. 1966/446 (1966 I, p. 957).
(**c**) S.I. 1957/223 (1957 II, p. 1821).
(**d**) S.I. 1959/1542 (1959 II, p. 2060).

SCHEDULE 1

PART I

PENSIONS TO WHICH THE ACT OF 1969 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(a) 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 paragraphs 2 or 3 of Part I of the said Second Schedule.

PART II

PENSIONS TO WHICH THE ACT OF 1969 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(b), 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.

SCHEDULE 2

MODIFICATIONS AND ADAPTATIONS OF THE ACT OF 1969

In its application to any pension specified in Part II of Schedule 1 hereto the Act of 1969 shall have effect as if:—

(*a*) in section 1(1) the words "which began not later than 1st July 1967" were omitted and for the words from "an amount" to the end of the subsection there were substituted the words "eighteen per cent of the adjusted rate of that pension";

(*b*) sub-section 1(2) were deleted;

(*c*) the definition of "pension" in section 7(1) of the Act of 1959(c) as applied by section 4(1) of the Act of 1969 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 March 1969, in which case those provisions shall have effect as if the commutation had not been made";

(*d*) in section 4(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;

(*e*) in section 4(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".

(a) 1955 c. 22. (b) 1962 c. 2. (c) 1959 c. 50.

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 1969, in some cases with modifications, and in accordance with the provisions of paragraph 14 of Schedule 2 to that Act they take effect retrospectively from 1st April 1969.