1957 No. 223

The Increase of Pensions (India, Pakistan and Burma) Rules, 1957

Made - - - -	14*th February*, 1957
Laid before Parliament	15*th February*, 1957
Coming into Operation	16*th February*, 1957

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred upon them by subsection (1) of section 3 of the Pensions (India, Pakistan and Burma) Act, 1955(a), and by that subsection as applied by subsection (1) of section 8 of the Pensions (Increase) Act, 1956(b), and of all other powers enabling them in that behalf, hereby make the following Rules :—

1. These Rules may be cited as the Increase of Pensions (India, Pakistan and Burma) Rules, 1957, and shall come into operation on the sixteenth day of February, nineteen hundred and fifty-seven.

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

(2) The Interpretation Act, 1889(c), shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

3.—(1) Subject to the provisions of Rule 4 of these Rules, the Acts of 1944(d) and 1947(e), the Act of 1952(f), the Act of 1954(g) and the Act of 1956 shall apply in relation to any of the pensions specified in Part I of the First Schedule to these Rules as if that pension were a pension specified in Part I of the First Schedule to the Act of 1944, Part I of the First Schedule to the Act of 1952 and Part I of the First Schedule to the Act of 1956, and were also such a pension as is specified in section 2 of the Act of 1944.

(2) Subject to the provisions of Rule 4 of these Rules, the Acts of 1944 and 1947, the Act of 1952 and the Act of 1956 shall, subject to the adaptations and modifications specified in Parts I and II of the Second Schedule to these Rules, apply in relation to any of the pensions specified in Part II of the First Schedule to these Rules as if that pension were a pension specified in Part I of the First Schedule to the Act of 1944, Part I of the First Schedule to the Act of 1952 and Part I of the First Schedule to the Act of 1956.

(3) The Act of 1952 and the Act of 1956 shall, subject to the adaptations and modifications specified in Part II of the Second Schedule to these Rules, apply in relation to any of the pensions specified in Part III of the First Schedule to these Rules as if that pension were a pension specified in Part I of the First Schedule to the Act of 1952 and Part I of the First Schedule to the Act of 1956.

(a) 3 & 4 Eliz. 2. c. 22. (b) 4 & 5 Eliz. 2. c. 39. (c) 52 & 53 Vict. c. 63.
(d) 7 & 8 Geo. 6. c. 21. (e) 10 & 11 Geo. 6. c. 7.
(f) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 45. (g) 2 & 3 Eliz. 2. c. 25.

4. Where a person is, by virtue of any order of the Secretary of State in Council of India, the Secretary of State, or the Government of India, Pakistan or Burma, eligible for an increase of any pension specified in the First Schedule to these Rules, and that increase corresponds to the increase under the Act of 1944 or the Acts of 1944 and 1947, the increase authorised by these Rules shall be reduced by the amount of the first-mentioned increase.

Dated this 14th day of February, nineteen hundred and fifty-seven.

Martin Redmayne,
Edward Wakefield,
Two of the Lords Commissioners
of Her Majesty's Treasury.

FIRST SCHEDULE

PART I

Pensions to which the Acts of 1944 *and* 1947, *the Act of* 1952, *the Act of* 1954 *and the Act of* 1956 *are applied*

1. 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, as amended by subsection (2) of section 8 of the Act of 1956, and which is 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 of the pensions specified in paragraphs 2 and 3 of Part I of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955.

PART II

Pensions to which the Acts of 1944 *and* 1947, *the Act of* 1952 *and the Act of* 1956 *are applied subject to modifications*

1. 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, as amended by subsection (2) of section 8 of the Act of 1956, and 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 of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955.

PART III

Pensions to which the Act of 1952 *and the Act of* 1956 *are applied subject to modifications*

Any of the pensions specified in Part II of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955, as amended by subsection (2) of section 8 of the Act of 1956.

SECOND SCHEDULE

PART I

Adaptations and modifications of the Acts of 1944 *and* 1947

In its application to any of the pensions specified in Part II of the First Schedule to this Order—

(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.

PART II

Adaptations and modifications of the Act of 1952 *and the Act of* 1956

In its application to any of the pensions specified in Parts II and III of the First Schedule to this Order—

(1) the Act of 1952 shall have effect as if—

(*a*) in section 1, subsection (3) were deleted ;

(*b*) in the Second Schedule, for paragraph 1 there were substituted the following paragraph :—

" 1. Subject to the provisions of this Schedule, the increase which may be made under section one of this Act (in this Schedule referred to as the authorised increase) shall be at the annual rate of twenty-six pounds." ;

(*c*) in the Second Schedule, there were added at the end of paragraph 2 the words " or any increase corresponding to any such increase " ;

(2) the Act of 1956 shall have effect as if—

(*a*) in section 1, in subsection (1), the words from " Provided that " to the end of the subsection were deleted ;

(*b*) in section 1, in subsection (3) there were inserted after the words " an increase under the Acts of 1944 and 1947 or the Act of 1952 " the words " or an increase corresponding to such an increase ", and for the words " by virtue of subsection (5) of section one of the Act of 1944 " there were substituted the words " as defined in subsection (5) of section one of the Act of 1944 " ;

(*c*) in section 3, subsection (3) were deleted ;

(*d*) in section 11, in subsection (1), there were added at the end of the definition of " basic rate " the words " or any increase corresponding to any such increase " ;

(*e*) in section 11, in subsection (1), the reference to the Act of 1944 were, in relation to the meaning of the expression " pension authority ", a reference to that Act as modified by Part I of this Schedule ;

(*f*) in section 11, in subsection (1), the reference to the Act of 1944 were, in relation to the meaning of the expression " pension ", a reference to subsection (1) of section 8 of that Act modified by the addition at the end of the proviso thereto of the words " unless the commutation was made after the thirty-first day of March, nineteen hundred and fifty-six, in which case those provisions shall have effect as if the commutation had not been made " ;

(*g*) in the Second Schedule, paragraphs 2 and 3 were deleted.

EXPLANATORY NOTE

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

These Rules are made under Section 3 of the Pensions (India, Pakistan and Burma) Act, 1955 as applied by Section 8 of the Pensions (Increase) Act, 1956. The Rules authorize the Secretary of State to increase certain categories of pensions, which are specified in the first Schedule of the Rules, arising from former India and Burma civil service, according to the provisions of the Pensions (Increase) Acts, 1944, 1947, 1952, 1954 and 1956, subject to the adaptations and modifications of those Acts, for the purpose of these increases, specified in the second Schedule of the Rules.

OLD AGE PENSIONS

1957 No. 2075

The Non-Contributory Old Age Pensions Amendment Regulations, 1957

Made - - - -	*28th November,* 1957
Laid before Parliament	*6th December,* 1957
Coming into Operation	*27th January,* 1958

The National Assistance Board hereby make, and the Minister of Pensions and National Insurance hereby confirms, in exercise of the powers conferred on them by section 12 of the Old Age Pensions Act, 1936(**a**), as amended by section 46 of the National Assistance Act, 1948(**b**), and of all other powers enabling them in that behalf, the following regulations:—

Citation, interpretation and commencement

1. These regulations, which may be cited as the Non-Contributory Old Age Pensions Amendment Regulations, 1957, shall be read as one with the Non-Contributory Old Age Pensions Regulations, 1948(**c**), as amended(**d**) (hereinafter referred to as "the principal regulations") and shall come into operation on the 27th January, 1958.

Amendment of regulation 12 *of the principal regulations*

2.—(1) Paragraph (2) of regulation 12 of the principal regulations (which provides that where a person is undergoing free of charge medical or other treatment as an in-patient in a hospital or similar institution and would but for that regulation be in receipt of a pension at a weekly rate exceeding seven shillings and sixpence, that pension shall be adjusted, subject to certain exceptions, so that the weekly rate thereof shall be seven shillings and sixpence) shall be amended in accordance with the next following paragraph.

(a) 26 Geo. 5 & 1 Edw. 8. c. 31. (b) 11 & 12 Geo. 6. c. 29.
(c) S.I. 1948/1564 (Rev. XVII, p. 638: 1948 I, p. 3322).
(d) S.I. 1952/1383, 1955/199 (1952 II, p. 2394; 1955 II, p. 1836).