STATUTORY INSTRUMENTS

1963 No. 677

PENSIONS

The Increase of Pensions (Modification) (No. 1) Regulations 1963

Made - - - -	*28th March* 1963
Laid before Parliament	*3rd April* 1963
Coming into Operation	*8th April* 1963

The Lords Commissioners of Her Majesty's Treasury, in exercise of the powers conferred on them by paragraph 7 of the Second Schedule of the Pensions (Increase) Act 1956(a), section 3 (2) and (4) of the Pensions (Increase) Act 1959(b), section 8 (2) of the Pensions (Increase) Act 1962(c) (applying section 3 (2) and (4) of the Pensions (Increase) Act 1959 with modifications), and of all other powers enabling them in that behalf, hereby make the following Regulations:—

1. In relation to any pension payable under the Injury Warrant 1952(d), as amended(e), the Second Schedule to the 1956 Act shall, in respect of any period beginning on or after the 1st January 1963, have effect as if at the end of that Schedule there were added the following paragraph:—

"8. Where a relevant pension is reduced in amount or is not payable on account of the payment of some other benefits, being any benefits payable under the Family Allowances Act 1945 or the National Insurance Acts 1946, the basic rate of that pension shall be calculated for the purposes of this Schedule as if no such other benefits were payable."

2. In relation to any pension payable under the Injury Warrant 1952, as amended, section 1 (1) of the 1959 Act shall, in respect of any period beginning on or after the 1st January 1963, have effect as if at the end thereof there were added the following words:—

"and in determining the adjusted rate of a pension which is reduced in amount or is not payable on account of the payment of some other benefits, being any benefits payable under the Family Allowances Act 1945 or the National Insurance Acts 1946, the said aggregate annual rate of the pension shall be calculated as if no such other benefits were payable, and in determining the adjusted rate of any pension which qualifies for an increase under the Pensions (Increase) Act 1952 or would have qualified for an increase under that Act if that Act had contained provisions for disregarding the said other benefits similar to those contained in this subsection the adjusted rate of that pension shall be deemed for the purposes of this subsection to be the adjusted rate which that pension would have had if that Act had contained similar provisions."

3. In relation to any pension payable under the Injury Warrant 1952, as amended, the 1962 Act shall, in respect of any period beginning on or

(a) 4 & 5 Eliz. 2. c. 39. (b) 7 & 8 Eliz. 2. c. 50. (c) 11 & 12 Eliz. 2. c. 2.
(d) S.I. 1952/60 (1952 II, p. 2400). (e) S.I. 1957/1354 (1957 II, p. 1758).

after the 1st January 1963, have effect as if at the end of the definition of " adjusted rate" in section 10 (1) thereof there were added the following words:—

" and in determining the adjusted rate of a pension which is reduced in amount or is not payable on account of the payment of some other benefits, being any benefits payable under the Family Allowances Act 1945 or the National Insurance Acts 1946, the said aggregate annual rate of the pension shall be calculated as if no such other benefits were payable, and in determining the adjusted rate of any pension which qualifies for an increase under the Pensions (Increase) Act 1952 or would have qualified for an increase under that Act if that Act had contained provisions for disregarding the said other benefits similar to those contained in this Act the adjusted rate of that pension shall be deemed for the purposes of this Act to be the adjusted rate which that pension would have had if that Act had contained similar provisions."

4. Notwithstanding Regulations 1, 2 and 3 hereof, the aggregate of any increases which may be paid in respect of any pension payable under the Injury Warrant 1952, as amended, under the 1956, 1959 and 1962 Acts as modified by Regulations 1, 2 and 3 hereof shall not exceed the amount if any by which the adjusted rate of that pension for the purposes of the 1962 Act as modified by Regulation 3 hereof plus any increases authorised by the 1962 Act as so modified exceed the aggregate of any benefits payable under the Family Allowances Act 1945(a) and the National Insurance Acts 1946(b) on account of which the pension is reduced in amount or is not payable.

5.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" the 1956 Act " means the Pensions (Increase) Act 1956.

" the 1959 Act " means the Pensions (Increase) Act 1959.

" the 1962 Act " means the Pensions (Increase) Act 1962.

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

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

6. These Regulations may be cited as the Increase of Pensions (Modification) (No. 1) Regulations 1963, shall come into operation on 8th April 1963, and shall take effect as from 1st January 1963.

28th March 1963.

Francis F. Pearson,
G. T. C. Campbell,
Two of the Lords Commissioners of
Her Majesty's Treasury.

(a) 8 & 9 Geo. 6. c. 41. (b) 9 & 10 Geo. 6. c. 62 and 67. (c) 52 & 53 Vict. c. 63.

EXPLANATORY NOTE

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

Under the Injury Warrant 1952, allowances are paid to Civil Servants injured on duty, or to the dependants of those who have died as a result of such injury, but the amounts are reduced by the value of rights accruing in respect of Industrial Injury benefit, Industrial Disablement benefit, Sickness benefit and Industrial Death benefit. Allowances in respect of children take Family Allowances into account. Under the Pensions (Increase) Acts applicable to awards under the 1952 Warrant, pensions increase has hitherto had to be calculated on the reduced amount actually in payment from time to time. The effect of the Regulations is to provide that pensions increase under the 1956, 1959 and 1962 Acts shall be calculated on the gross amount of such allowances before such reductions, the amount payable from time to time being equal to the difference between the gross award and pensions increase thereon on the one hand, and the value from time to time of the rights referred to above on the other hand.