1959 No. 1831

The Increase of Pensions (Modification) (No. 2) Regulations, 1959

Made - - - -	28*th October*, 1959
Laid before Parliament	3*rd November*, 1959
Coming into Operation	9*th November*, 1959

In exercise of the powers conferred on me by subsections (2) and (4) of section three of the Pensions (Increase) Act, 1959(**a**), I hereby with the consent of the Treasury, make the following Regulations:—

Police, Special Constabulary and Fire Service pensions

1. In relation to a pension payable—

(*a*) under the Police Pensions Act, 1948(**b**);

(*b*) under the Special Constables Act, 1914(**c**); or

(*c*) in accordance with any scheme in force under section twenty-six of the Fire Services Act, 1947(**d**),

subsection (1) of section one of the principal Act shall have effect as if at the end thereof there were added the following words:—

"and in determining for the purposes of this subsection the adjusted rate of a pension which is reduced in amount or is not payable on account of the payment of some additional benefit being—

(*a*) any benefit payable under the National Insurance Acts, 1946;

(*b*) any armed forces pension payable in pursuance of any Royal Warrant or other instrument;

(*c*) any family allowance payable under the Family Allowances Act, 1945(**e**); or

(*d*) any payment of whatever nature which is made to the pensioner by a fire authority, by any other local authority or by a Minister of the Crown,

the said aggregate annual rate of the pension shall be calculated as if no such additional benefit were payable.".

Fire Service pensions

2.—(1) In relation to a pension payable in accordance with—

(*a*) the Firemen's Pension Scheme, 1948(**f**);

(*b*) the Firemen's Pension Scheme, 1952(**g**); or

(*c*) the Firemen's Pension Scheme, 1956(**h**), where in relation to the pension that Scheme is subject to the modifications set out either in subsection (3) of section twenty-seven of the Fire Services Act, 1947, or in the Eighth Schedule to the said Scheme,

being a pension, calculated otherwise than by reference to a rate or an average rate of emoluments, which began, for the purposes of the principal Act, after the first day of April, 1952, subsection (1) of section one of the principal Act shall apply as it applies to a pension which so began before that date.

(**a**) 7 & 8 Eliz. 2. c. 50. (**b**) 11 & 12 Geo. 6. c. 24. (**c**) 4 & 5 Geo. 5. c. 61.
(**d**) 10 & 11 Geo. 6. c. 41. (**e**) 8 & 9 Geo. 6. c. 41.
(**f**) *See* S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091).
(**g**) *See* S.I. 1952/944 (1952 I, p. 1003).
(**h**) *See* S.I. 1956/1022 (1956 I, p. 953).

(2) In relation to a pension payable in accordance with the Firemen's Pension Scheme, 1956, to which the preceding paragraph does not apply, being a pension, calculated otherwise than by reference to a rate or an average rate of emoluments, which began, for the purposes of the principal Act, on or before the first day of April, 1956, or after the first day of April, 1957, subsection (1) of section one of the principal Act shall apply as it applies to a pension which so began between those dates.

Interpretation

3.—(1) Any reference in these Regulations to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

(2) In these Regulations—

(*a*) the expression "pension" includes an allowance; and

(*b*) the expression "principal Act" means the Pensions (Increase) Act, 1959.

Operation and citation

4.—(1) These Regulations shall come into operation on the ninth day of November, 1959, and shall take effect as from the first day of August, 1959.

(2) These Regulations may be cited as the Increase of Pensions (Modification) (No. 2) Regulations, 1959.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

27th October, 1959.

We consent,

R. Brooman-White,
P. E. O. Bryan,
Two of the Lords Commissioners of Her Majesty's Treasury.

28th October, 1959.

EXPLANATORY NOTE

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

These Regulations, which are made under subsections (2) and (4) of section 3 of the Pensions (Increase) Act, 1959, provide that section 1 (1) of that Act shall apply in relation to certain Police, Special Constabulary and Fire Service pensions subject to modifications and adaptations. Regulation 1 provides that in calculating the aggregate annual rate of a pension (by reference to which the amount of the increase under the 1959 Act is determined) no account shall be taken of reductions in the pension made on account of the payment of certain additional benefits. Regulation 2 provides that certain flat rate pensions shall be treated, for the purpose of determining entitlement to, and the amount of, increases, as having begun at times other than those at which they are deemed under the 1959 Act to have begun.

Regulation 4 (1) provides that the Regulations shall take effect as from 1st August, 1959, the appointed day for the purposes of the 1959 Act.