(2) Increases of pension payable by virtue of these regulations shall have effect from the 1st day of April, 1956.

*Kilmuir, C.*

Dated the 3rd day of August, 1956.

We consent

*Gerald Wills,*
*Peter Legh,*
Two of the Lords Commissioners of Her Majesty's Treasury.

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EXPLANATORY NOTE

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

These Regulations modify section 1 (1) of the Pensions (Increase) Act, 1956, so that the pension of a county court judge or a stipendiary magistrate may be increased, in accordance with the provisions of the Act, if he retired before 1st July, 1951 (instead of the date prescribed in the Act).

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## 1956 No. 1239

## The Increase of Pensions (Modification) (No. 3) Regulations, 1956

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| *Made* - - - - | 3*rd August*, 1956 |
| *Laid before Parliament* | 13*th August*, 1956 |
| *Coming into Operation* | 20*th August*, 1956 |

In exercise of the powers conferred on me by paragraph 7 of the Second Schedule to the Pensions (Increase) Act, 1956(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),

the Second Schedule to the principal Act shall have effect as if at the end of that Schedule there were added the following paragraph:—

"8.—(1) Where a relevant pension is reduced in amount or is not payable on account of the payment of some additional benefit, the basic rate of that pension shall be calculated for the purposes of this Schedule as if no such additional benefit were payable.

(2) In this paragraph "additional benefit" means—

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

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(a) 4 & 5 Eliz. 2. c. 39. (b) 11 & 12 Geo. 6. c. 24. (c) 4 & 5 Geo. 5. c. 61.
(d) 10 & 11 Geo. 6. c. 41 (e) 9 & 10 Geo. 6. c. 62 and 9 & 10 Geo. 6. c. 67.

(*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(**a**); 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.".

*Police pensions*

**2.** In relation to a pension payable—

(*a*) under the Police Pensions Act, 1921(**b**);

(*b*) under the Police and Firemen (War Service) Act, 1939(**c**), in respect of service which is treated as approved service in a police force; or

(*c*) under the Police Pensions Act, 1948, otherwise than in respect of overseas service within the meaning of the Police (Overseas Service) Act, 1945(**d**),

subsection (1) of section one of the principal Act and paragraph 2 of the Second Schedule thereto shall have effect as if for any reference therein to the thirty-first day of December, 1947, there were substituted a reference to the first day of July, 1949.

*Fire Service pensions*

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

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

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

(*c*) the Firemen's Pension Scheme, 1956(**g**), 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, subsection (1) of section one of the principal Act shall have effect as if the proviso thereto were omitted.

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

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

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

being a pension calculated otherwise than by reference to a rate, or an average rate, of emoluments and of such amount as together with any increase therein under the Pensions (Increase) Acts, 1944 and 1947(**h**), yields a pension at a rate prescribed by the said Scheme of 1948 or, as the case may be, of 1952, the Second Schedule to the principal Act shall have effect as if at the end thereof there were added the following paragraph:—

"9. Where the amount of a relevant pension, apart from any increase granted under the Pensions (Increase) Acts, 1944 and 1947, is reduced on account of an increase so granted, the basic rate of that pension shall be calculated for the purposes of this Schedule as if no such increase had been granted.".

(**a**) 8 & 9 Geo. 6. c. 41. (**b**) 11 & 12 Geo. 5. c. 31. (**c**) 2 & 3 Geo. 6. c. 103.
(**d**) 9 & 10 Geo. 6. c. 17. (**e**) *See* S.I. 1948/604 (Rev. VII, p. 776: 1948 I, p. 1091).
(**f**) *See* S.I. 1952/944 (1952 I, p. 1003). (**g**) *See* S.I. 1956/1022 (1956 I, p. 953).
(**h**) 7 & 8 Geo. 6. c. 21 and 10 & 11 Geo. 6. c. 7.

*Interpretation*

**4.**—(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, 1956.

*Operation and citation*

**5.**—(1) These Regulations shall come into operation on the twentieth day of August, 1956, and shall take effect as from the first day of April, 1956.

(2) These Regulations may be cited as the Increase of Pensions (Modification) (No. 3) Regulations, 1956.

*G. Lloyd-George,*
One of Her Majesty's Principal Secretaries of State.

2nd August, 1956.

We consent,

*Gerald Wills,*

*Peter Legh,*

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

3rd August, 1956.

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## EXPLANATORY NOTE

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

These Regulations, which are made under paragraph 7 of the Second Schedule to the Pensions (Increase) Act, 1956, provide that section 1 (1) of that Act and the Second Schedule thereto shall apply in relation to certain Police, Special Constabulary and Fire Service pensions subject to modifications, adaptations and exceptions specified in the Regulations. Regulations 1 and 3 (2) provide that in calculating the basic rate of a pension (by reference to which the amount of the increase under the 1956 Act is determined) no account shall be taken of reductions in the pension made on account of the payment of certain additional benefits or on account of the pension qualifying for an increase under the Pensions (Increase) Acts, 1944 and 1947; Regulations 2 and 3 (1) vary the conditions as to the date by which a pension must have begun in order to qualify for an increase.

Regulation 5 (1) provides that the Regulations shall take effect as from 1st April, 1956, the appointed day for the purposes of the Pensions (Increase) Act, 1956.