STATUTORY INSTRUMENTS

1963 No. 1311

PENSIONS

The Increase of Pensions (Modification) (No. 4) Regulations 1963

Made - - - -	*26th July* 1963
Laid before Parliament	*2nd August* 1963
Coming into Operation	*15th August* 1963

In exercise of the powers conferred on me by section 3(2) and (4) of the Pensions (Increase) Act 1959(a), as applied and modified by section 8(2) of the Pensions (Increase) Act 1962(b) and Part II of Schedule 1 thereto, I hereby, with the consent of the Treasury, make the following Regulations:—

Police, Special Constabulary and Fire Service pensions

1.—(1) This Regulation shall apply to a pension payable—

(*a*) under the Police Pensions Act 1948(c);

(*b*) under the Special Constables Act 1914(d) or the Police (Scotland) Act 1956(e); or

(*c*) in accordance with any scheme in force under section 26 of the Fire Services Act 1947(f),

being a pension which is reduced in amount or is not payable on account of the payment of some additional benefit.

(2) In relation to a pension to which this Regulation applies the definition of the expression "adjusted rate" in section 10(1) of the principal Act shall have effect, subject to paragraph (4) of this Regulation, as if it were provided therein that the aggregate annual rate of the pension should be calculated as if no additional benefit were payable.

(3) Where the permitted reduction in the amount of a pension to which this Regulation applies exceeds the adjusted rate of that pension, within the meaning of the principal Act as modified by these Regulations, section 1 of the principal Act shall have effect, subject to paragraph (4) of this Regulation, as if it were provided therein that the increase payable thereunder should be reduced by that excess.

(4) If the modifications of the principal Act contained in paragraphs (2) and (3) of this Regulation would result in the increase of a pension under section 1 of that Act being less than it would have been but for those modifications, neither of the said modifications shall apply for the purpose of the calculation of the said increase.

(5) In this Regulation the expression "additional benefit" means—

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

(a) 7 & 8 Eliz. 2. c. 50.
(b) 11 & 12 Eliz. 2. c. 2.
(c) 11 & 12 Geo. 6. c. 24.
(d) 4 & 5 Geo. 5. c. 61.
(e) 4 & 5 Eliz. 2. c. 26.
(f) 10 & 11 Geo. 6. c. 41.
(g) 9 & 10 Geo. 6. c. 62 and 67.

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

(*c*) any family allowances payable under the Family Allowances Act 1945(a); or

(*d*) any payment of whatever nature, other than a pension payable as mentioned in paragraph (1) of this Regulation, which is made to the pensioner by a fire authority, by any other local authority or by a Minister of the Crown,

and the expression "permitted reduction" means the amount (expressed as an annual rate) by which a pension would fall to be reduced on account of the payment of additional benefit if the reduction were not limited by the size of the pension.

Police pensions

2.—(1) This Regulation shall apply where a pensioner is entitled to both a supplemental pension and some other pension under the Police Pensions Act 1948.

(2) In the circumstances mentioned in the preceding paragraph—

(*a*) notwithstanding anything in the Police Pensions Regulations, the relevant provisions of the principal Act and the provisions of Regulation 1 of these Regulations shall have effect as though the pensions mentioned in that paragraph constituted separate awards; and

(*b*) without prejudice to Regulation 1(2) of these Regulations, the definition of "adjusted rate" in section 10(1) of the principal Act shall have effect in relation to those pensions as if any relevant increase within the meaning of the Pensions (Increase) Act 1959 in the combined pensions were apportioned between those pensions as follows, that is to say, for the purpose of the said definition, so much of the combined increase as would have been payable had the pensioner not been entitled to a supplemental pension shall be treated as an increase in the other pension and the balance of the combined increase shall be treated as an increase in the supplemental pension.

(3) In this Regulation the expression "the Police Pensions Regulations" means the regulations for the time being in force under the Police Pensions Act 1948 and the expression "supplemental pension" has the same meaning as in those Regulations.

Fire service pensions

3.—(1) This Regulation shall apply to a pension calculated otherwise than by reference to a rate or average rate of emoluments received by the person in respect of whose service it is payable.

(2) In relation to a pension to which this Regulation applies payable—

(*a*) in accordance with the Firemen's Pension Scheme 1952(b) in respect of whole-time or part-time service; or

(*b*) in accordance with the Firemen's Pension Scheme 1956(c) in respect of whole-time service, where that Scheme is subject to the modifications set out either in Schedule 8 thereto or in section 27(3) of the Fire Services Act 1947,

being a pension which began for the purposes of the principal Act after 1st April 1956, the relevant provisions of that Act shall apply as if the pension so began before that date.

(a) 8 & 9 Geo. 6. c. 41. (b) *See* S.I. 1952/944 (1952 I, p. 1003).
(c) *See* S.I. 1956/1022 (1956 I, p. 953).

(3) In relation to a pension to which this Regulation applies payable in accordance with the Firemen's Pension Scheme 1956 in respect of whole-time service, where that scheme is not subject to such modifications as are mentioned in the preceding paragraph, being a pension which began for the purposes of the principal Act either not later than 1st April 1956 or after 1st April 1957, the relevant provisions of the principal Act shall apply as if the pension so began after 1st April 1956 but not later than 1st April 1957.

(4) In relation to a pension to which this Regulation applies payable in respect of part-time service in accordance with the Firemen's Pension Scheme 1956—

(*a*) which began for the purposes of the principal Act after 1st April 1956, section 1(1) of that Act shall apply as if the pension so began before that date;

(*b*) which began for the purposes of the principal Act either not later than 1st April 1956 or after 1st April 1957, section 2(1) of that Act and Schedule 2 thereto shall apply as if the pension so began after 1st April 1956 but not later than 1st April 1957.

Interpretation

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

(2) In these Regulations—

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

(*b*) the expression "principal Act" means the Pensions (Increase) Act 1962, and any reference to the relevant provisions of that Act is a reference to the provisions of sections 1 and 2 thereof and of Schedule 2 thereto.

Operation and citation

5.—(1) These Regulations shall come into operation on 15th August 1963 and the increases authorised thereby shall take effect as from 1st January 1963.

(2) These Regulations may be cited as the Increase of Pensions (Modification) (No. 4) Regulations 1963.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

25th July 1963.

We consent,

John Peel,
M. A. Hamilton,
Two of the Lords Commissioners of Her Majesty's Treasury.

26th July 1963.

EXPLANATORY NOTE

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

These Regulations, which are made under section 3(2) and (4) of the Pensions (Increase) Act 1959 as extended with modifications by section 8(2) of the Pensions (Increase) Act 1962, provide that specified provisions of the 1962 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 an increase under the 1962 Act is determined) no account shall be taken of reductions in the pension made on account of the payment of certain additional benefits but that, in certain cases, the increase is to be abated on account of such payment. Regulation 2 provides that where a police award comprises a supplemental and some other pension, those pensions are to be increased separately under the 1962 Act. Regulation 3 provides that certain flat rate fire 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 1962 Act to have begun.

Regulation 5(1) provides that the Regulations shall take effect as from 1st January 1963, the appointed day for the purposes of the 1962 Act.