1965. No. 60 **[C]**

PENSIONS

Increase of Pensions

REGULATIONS, DATED 26TH MARCH, 1965, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 3 OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1959 AS APPLIED AND MODIFIED BY SECTION 4 OF THE PENSIONS (INCREASE) ACT (NORTHERN IRELAND) 1963.

The Ministry of Home Affairs, in exercise of the powers conferred on it by section 3(1) and (3) of the Pensions (Increase) Act (Northern Ireland) 1959(**a**), as applied and modified by section 4(2) of the Pensions (Increase) Act (Northern Ireland) 1963(**b**), and with the consent of the Ministry of Finance, hereby makes the following regulations:—

Citation and Operation

1.—(1) These Regulations may be cited as the Increase of Pensions (Modification) Regulations (Northern Ireland) 1965.

(2) These Regulations shall come into operation on 30th March, 1965, and the increases authorised thereby shall take effect as from 1st January, 1963.

Interpretation

2. In these Regulations—

(*a*) the expression "the Act" means the Pensions (Increase) Act (Northern Ireland) 1963 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;

(*b*) the expression "the 1959 Act" means the Pensions (Increase) Act (Northern Ireland) 1959 as modified by the Act;

(*c*) the expression "police pension" means such a pension as is referred to in paragraph 3 of Part I of the Schedule to the 1959 Act;

(*d*) the expression "fire service pension" means such a pension as is referred to in paragraph 4 of Part II of the Schedule to the 1959 Act; and

(*e*) the expression "pension" includes an allowance.

Police and fire service pensions

3.—(1) This Regulation shall apply to a police pension or a fire service pension.

(2) In relation to a pension to which this Regulation applies the definition of "adjusted rate" in section 6(1) of the Act shall have effect, subject to paragraph (4), 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 Act as modified by these Regulations, section 1 of the Act shall have effect, subject to paragraph (4), as if it were provided therein that the increase payable thereunder should be reduced by that excess.

(**a**) 1959. c. 10. (**b**) 1963. c. 3.

(4) If the modifications of the Act contained in paragraphs (2) and (3) would result in an increase of a pension under section 1 of the 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 any benefit payable under the National Insurance Acts (Northern Ireland) 1946(**a**) or any family allowances payable under the Family Allowances Act (Northern Ireland) 1945(**b**) 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

4.—(1) This Regulation shall apply where a pensioner is entitled to both a police supplemental pension and some other police pension.

(2) In the circumstances described in paragraph (1)—

(*a*) notwithstanding anything in the Royal Ulster Constabulary Pensions Orders or in the Ulster Special Constabulary Pensions Regulations, the relevant provisions of the Act and the provisions of Regulation 3 shall have effect as though the pensions mentioned therein constituted separate awards; and

(*b*) without prejudice to Regulation 3(2), the definition of "adjusted rate" in section 6(1) of the Act shall have effect in relation to those pensions as if any relevant increase within the meaning of the 1959 Act 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 "Royal Ulster Constabulary Pensions Orders" means such Orders for the time being in force under the Constabulary Acts (Northern Ireland) 1922 to 1949, the expression "Ulster Special Constabulary Pensions Regulations" means such Regulations for the time being in force under the said Acts, and the expression "supplemental pension" has the same meaning as in those Orders and Regulations.

Fire service pensions

5. In relation to a fire service pension calculated otherwise than by reference to pensionable pay or average pensionable pay which began for the purposes of the Act after 1st April, 1956, the relevant provisions of the Act shall apply as if the pension so began before that date.

Sealed with the Official Seal of the Ministry of Home Affairs this 26th day of March, nineteen hundred and sixty-five, in the presence of

(L.S.) *J. G. Hill,*
Assistant Secretary.

(**a**) 1946. c. 21 and 1946. c. 23. (**b**) 1945. c. 19.

The Ministry of Finance hereby consents to the making of the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance this 29th day of March, nineteen hundred and sixty-five, in the presence of

(L.S.) *W. W. Arthur,*
Assistant Secretary.

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(1) and (3) of the Pensions (Increase) Act (Northern Ireland) 1959 as extended with modifications by section 4(2) of the Pensions (Increase) Act (Northern Ireland) 1963, provide that specified provisions of the 1963 Act shall apply in relation to certain police and fire service pensions subject to modifications and adaptations. Regulation 3 provides that in calculating the aggregate annual rate of a pension (by reference to which the amount of an increase under the 1963 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 4 provides that, where a police award comprises a supplemental and some other pension, those pensions are to be increased separately under the 1963 Act. Regulation 5 provides that certain flat-rate fire service 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 1963 Act to have begun.

Regulation 1(2) provides that the increases authorised by the Regulations shall take effect from 1st January, 1963, the appointed day for the purposes of the 1963 Act.

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These Orders have been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary of each Order is given in the List of Statutory Rules and Orders of a Local Character under the heading ROADS.