STATUTORY INSTRUMENTS

# 1972 No. 1905

# PENSIONS

# The Increase of Pensions (Teachers' Family Benefits) Regulations 1972

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| *Made - - -* | *5th December* 1972 |
| *Laid before Parliament* | *15th December* 1972 |
| *Coming into Operation* | *6th January* 1973 |

The Secretary of State for Education and Science, with the consent of the Minister for the Civil Service, in exercise of the power conferred on her by section 5(3) of the Pensions (Increase) Act 1971(**a**) hereby makes the following regulations:—

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Increase of Pensions (Teachers' Family Benefits) Regulations 1972.

(2) These regulations shall come into operation on 6th January 1973 and shall have effect as from 1st December 1972.

(3) In these regulations, unless the context otherwise requires—

"the Act" means the Pensions (Increase) Act 1971, as amended(**b**);

"the regulations" means the Teachers' Superannuation (Family Benefits) Regulations 1970(**c**) as amended(**d**) and any reference to a regulation shall be construed accordingly.

(4) The Interpretation Act 1889(**e**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

*Modifications of Act*

**2.**—(1) Subject to the provisions of these regulations the annual rate of any pension payable under the regulations which began before 2nd July 1972 may be increased in accordance with the provisions of these regulations and not in accordance with the provisions of the Act.

(2) For the purposes of any order made under section 2 of the Act after the commencement of these regulations, section 17(1) of the Act shall, in its

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(**a**) 1971 c. 56. (**b**) 1972 c. 11. (**c**) S.I. 1970/862 (1970 II, p. 2736).
(**d**) S.I. 1971/679, 1972/360 (1971 I, p. 1787; 1972 I, p. 1425).
(**e**) 1889 c. 63.

application to any pension to which these regulations apply, have effect as if the expression "basic rate" were defined as meaning the rate which, if it were increased in accordance with the Act and the Pensions Increase (Annual Review) Order 1972(a) would produce the amount of that pension as determined in accordance with these regulations.

*Widow's pension*

**3.**—(1) Subject to paragraph (2) and regulation 6 below, the increase in the annual amount of a widow's pension specified in regulation 47 shall be such as will make that amount £161·56.

(2) Paragraph (1) above shall not apply in relation to any widow's pension if the annual amount, as determined under paragraph (4) or (5) of regulation 47 and increased in accordance with the provisions of the Act, will exceed £161·56.

*Short Service Widow's Pension*

**4.** Subject to regulation 6 below, the increase in the annual amount of a short service widow's pension payable in a case specified in regulation 50 shall be such as will make it the amount which is specified in column (2) of the following table against the entry in column (1) which specifies the number of years of service counting for benefit of her husband.

| (1) Years of Service | (2) Annual Amount |
|---|---|
| 3 | £82·36 |
| 4 | £95·04 |
| 5 | £104·54 |
| 6 | £117·22 |
| 7 | £129·89 |
| 8 | £139·39 |
| 9 | £152·06 |

*Children's pensions*

**5.** Subject to regulation 6 below, the increase in the annual amount of a children's pension payable in a case to which regulation 53(1) applies shall be such as will make it the amount specified in whichever of column (2) or (3) of the following table is for the time being appropriate against the entry in column (1) which specifies the number of eligible children to or in respect of whom the pension is for the time being payable.

(a) S.I. 1972/1298 (1972 II, p. 3910).

| (1)<br><br>Number of Eligible Children | (2)<br>Annual Amount where there is a Surviving Widow of the Contributor or Deceased Teacher | (3)<br>Annual Amount where there is not a Surviving Widow of the Contributor or Deceased Teacher |
|---|---|---|
| 1 | £88·70 | £126·72 |
| 2 | £158·40 | £237·60 |
| 3 | £231·26 | £348·48 |
| 4 or more | £300·96 | £472·03 |

*Increase in respect of Contributors under External Schemes*

**6.**—(1) As regards any pension to which regulation 55 applies, paragraph (1) of that regulation shall, subject to paragraph (2) below, apply with the necessary adaptations for the modification of any increase payable by virtue of these regulations.

(2) Paragraph (1) above shall not apply in relation to any widow's pension if the annual amount, as determined under paragraph (4) or (5) of regulation 47 and regulation 55 and increased in accordance with the provisions of the Act, will exceed the annual amount as determined under paragraph (1) above.

Given under the Official Seal of the Secretary of State for Education and Science on 4th December 1972.

(L.S.)

*Margaret H. Thatcher,*
Secretary of State for Education and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 5th December 1972.

(L.S.)

*K. H. McNeill,*
Authorised by the Minister for the Civil Service.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations modify the Pensions (Increase) Act 1971 in its application to a widow's pension, a short service widow's pension and a children's pension payable under the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1972. The regulations provide for any such pension which began before 2nd July 1972 to be of the amount specified in the regulations instead of being increased in accordance with the Act and as to the amount which is to be treated as the basic rate for the purposes of any further increase under the Act.

The regulations have retrospective effect by virtue of section 5(4) of the Pensions (Increase) Act 1971.

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