

Pensioners' Payments Act 1974

1974 CHAPTER 54

An Act to make provision for lump sum payments to pensioners and for purposes connected therewith.

[14th November 1974]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Lump sum payments to pensioners.

1.—(1) Any person who—

(*a*) is present or ordinarily resident in the United Kingdom or any other member state of the Communities at any time during the relevant week; and

(*b*) is entitled to a payment of a qualifying benefit in respect of a period which includes a day in that week or is to be treated as entitled to a payment of a qualifying benefit, other than a supplementary pension, in respect of such a period,

shall, subject to subsection (3) of this section and sections 2 and 3 of this Act, be entitled to payment by the Secretary of State of a sum of £10.

(2) Subject as aforesaid, any person entitled to a payment under the preceding subsection shall, if he and his spouse have attained pensionable age not later than the end of the relevant

week and his spouse satisfies the condition mentioned in paragraph (*a*) of that subsection and if—

(*a*) he is entitled in respect of his spouse to an increase in the payment of qualifying benefit mentioned in paragraph (*b*) of that subsection ; or

(*b*) he is to be treated as so entitled and the relevant qualifying benefit is not a supplementary pension ; or

(*c*) his and his spouse's requirements and resources fall to be aggregated under paragraph 3(1) of Schedule 2 to either the Supplementary Benefit Act 1966 or the Supplementary Benefits &c. Act (Northern Ireland) 1966,

1966 c. 20.
1966 c. 28 (N.I.).

be entitled to payment by the Secretary of State of a further sum of £10.

(3) Only one sum shall be payable under this section in respect of any person.

(4) A sum payable under this section shall not be treated as benefit for the purposes of any Act or instrument under which entitlement to the relevant qualifying benefit arises or is to be treated as arising.

(5) A payment and the right to receive a payment—

(*a*) under this section ; or

(*b*) under regulations relating to widows which are, within the period of two months beginning with the date of the passing of this Act, made by the Secretary of State under any enactment relating to police and contain a statement that the regulations provide for payments corresponding to payments under this section,

shall be disregarded for all purposes of income tax and for the purposes of any enactment or instrument under which regard is had to a person's means.

Interpretation.

2.—(1) In this Act " qualifying benefit " means—

(*a*) any of the following benefits under the National Insurance Acts 1965 to 1974 or the National Insurance Measures (Northern Ireland) 1966 to 1974, namely—

(i) a retirement pension ;

(ii) an invalidity pension ;

(iii) a widow's allowance, widowed mother's allowance, widow's pension or widow's basic pension ;

(*b*) an attendance allowance ;

(*c*) an unemployability supplement or allowance;

(*d*) a war disablement pension;

(*e*) a war widow's pension;

(*f*) a widow's pension under the National Insurance (Industrial Injuries) Acts 1965 to 1974 or the National Insurance (Industrial Injuries) Measures (Northern Ireland) 1966 to 1974;

(*g*) a widower's pension under those Acts or Measures;

(*h*) a supplementary pension.

(2) In this Act—

"attendance allowance" has the meaning assigned to it by any regulations in force on the passing of this Act under the Family Income Supplements Act 1970 or the Family Income Supplements Act (Northern Ireland) 1971; 1970 c. 55. 1971 c. 8 (N.I.).

"pensionable age" means—

(*a*) in the case of a man, the age of 65;

(*b*) in the case of a woman, the age of 60;

"relevant week" means the week beginning with 18th November 1974;

"retirement pension" includes graduated retirement benefit, if paid periodically;

"supplementary pension" means a supplementary pension under section 4(1)(*a*) of the Supplementary Benefit Act 1966 or section 3(1)(*a*) of the Supplementary Benefits &c. Act (Northern Ireland) 1966; 1966 c. 20. 1966 c. 28 (N.I.).

"unemployability supplement or allowance" has the meaning assigned to it by section 1(3) of the National Insurance Act 1972; 1972 c. 57.

"war disablement pension" means—

(*a*) any retired pay, pension or allowance granted in respect of disablement under powers conferred by or under the Ministry of Pensions Act 1916, the Air Force (Constitution) Act 1917, the Personal Injuries (Emergency Provisions) Act 1939, the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939, the Polish Resettlement Act 1947, the Home Guard Act 1951 or the Ulster Defence Regiment Act 1969; 1916 c. 65. 1917 c. 51. 1939 c. 82. 1939 c. 83. 1947 c. 19. 1951 c. 8. 1969 c. 65.

(*b*) without prejudice to paragraph (*a*) of this definition, any retired pay or pension to which section 365(1) of the Income and Corporation Taxes Act 1970 applies; 1970 c. 10.

"war widow's pension" means any widow's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (*a*) of the preceding definition or a pension or allowance for a widow granted under any scheme mentioned in subsection (2)(*e*) of the said section 365;

and each of the following expressions, namely, "attendance allowance", "unemployability supplement or allowance", "war disablement pension" and "war widow's pension", includes any payment which the Secretary of State accepts as being analogous to it.

(3) For the purposes of the preceding section the Channel Islands, the Isle of Man and Gibraltar shall be treated as part of the United Kingdom.

(4) A person shall be treated for the purposes of subsection (1)(*b*) of the preceding section as entitled to a payment of qualifying benefit if he would be so entitled—

(*a*) but for the fact that he is entitled to receive some other payment out of public funds;

1965 c. 51. 1966 c. 6 (N.I.).

(*b*) but for the operation of section 30(7) of the National Insurance Act 1965 or section 29(7) of the National Insurance Act (Northern Ireland) 1966;

1973 c. 42.

(*c*) but for the terms of any arrangement to which section 4 of the National Insurance and Supplementary Benefit Act 1973 applies and by which he is bound; or

(*d*) but for the fact that he has not made a claim for the payment.

(5) A person shall be treated for the purposes of subsection (2)(*b*) of the preceding section as entitled in respect of his spouse to an increase in a payment of qualifying benefit if he would be so entitled—

(*a*) but for the fact that he or his spouse is entitled to receive some other payment out of public funds;

(*b*) but for the operation of any provision of—

1965 c. 52.

(i) section 30(7) or 43A(1) or (2) of the said Act of 1965 or section 18(3A) of the National Insurance (Industrial Injuries) Act 1965 or any regulations made under section 18(3) of the latter Act, or

1966 c. 9 (N.I.).

(ii) section 29(7) or 42A(1) or (2) of the National Insurance Act (Northern Ireland) 1966 or section 18(3A) of the National Insurance (Industrial Injuries)

Act (Northern Ireland) 1966 or any regulations made under section 18(3) of the latter Act,

whereby entitlement to benefit is affected by the amount of a person's earnings in a given period; or

(*c*) but for such terms as are mentioned in paragraph (*c*) of the preceding subsection; or

(*d*) but for the fact that he has not made a claim for the increase.

(6) For the purposes of the preceding section a person shall be deemed not to be entitled to a payment of a war disablement pension unless not later than the end of the relevant week—

(*a*) he has attained the age of 70 in the case of a man or 65 in the case of a woman; or

(*b*) he is treated under section 30(2) of the National Insurance Act 1965 or section 29(2) of the National Insurance Act (Northern Ireland) 1966 as having retired from regular employment. 1965 c. 51. 1966 c. 6 (N.I.).

(7) Two persons who are cohabiting as man and wife shall be treated as spouses for the purposes of the preceding section if—

(*a*) the qualifying benefit to which the man is entitled is a supplementary pension; and

(*b*) their requirements and resources fall to be aggregated under paragraph 3(1) of Schedule 2 to either the Supplementary Benefit Act 1966 or the Supplementary Benefits &c. Act (Northern Ireland) 1966. 1966 c. 20. 1966 c. 28 (N.I.).

Administration.

3.—(1) A determination by the competent authority that a person is entitled or not entitled to payment of a qualifying benefit in respect of a period which includes a day in the relevant week shall be conclusive for the purposes of section 1 of this Act; and in this subsection " competent authority " means, in relation to a payment of any description of qualifying benefit, an authority who ordinarily determines whether a person is entitled to such a payment.

(2) Any question arising under section 1 or 2 of this Act, other than one determined or falling to be determined under the preceding subsection, shall be determined by the Secretary of State whose decision shall, except as provided by the following subsection, be final.

(3) The Secretary of State may reverse a decision under the preceding subsection on new facts being brought to his notice or if he is satisfied that the decision was given in ignorance of, or was based on a mistake as to, some material fact.

(4) The Secretary of State may—

(*a*) require any person to make a claim in writing for a payment under section 1 of this Act;

(*b*) require such information and evidence to be furnished by a person who has applied for a payment under that section as may in the opinion of the Secretary of State be necessary for the purpose of determining whether that person is or was entitled to such a payment.

(5) The Secretary of State may make any payment under section 1 of this Act at any time and in any manner that he thinks appropriate and, in particular, may make such a payment to someone other than the person entitled to it, but on that person's behalf, if in the circumstances of the case he considers it appropriate so to do.

(6) The right of any person to payment of any sum under section 1 of this Act shall be extinguished if payment is not obtained within twelve months, or such longer period as the Secretary of State may in any particular case allow, from the date which the Secretary of State determines to be the date on which that person became entitled to that payment.

Financial provisions.

4.—(1) The following provisions shall have effect with respect to the payment of sums under section 1 of this Act, that is to say—

(*a*) if a person is or is treated as entitled to payment of the relevant qualifying benefit out of the National Insurance Fund or the Industrial Injuries Fund, any sum paid to him under that section shall also be paid out of the Fund in question;

(*b*) if a person is or is treated as entitled to payment of the relevant qualifying benefit out of money provided by Parliament, any sum paid to him under that section shall be paid out of money so provided;

(*c*) if a person is or is treated as entitled to payment of the relevant qualifying benefit out of the Northern Ireland National Insurance Fund or the Northern Ireland Industrial Injuries Fund, any sum paid to him under that section shall also be paid out of the Fund in question;

(*d*) if a person is or is treated as entitled to payment of the relevant qualifying benefit out of money appropriated from the Consolidated Fund of Northern Ireland, any sum paid to him under that section shall be paid out of money so appropriated.

(2) All administrative costs incurred in Great Britain by any Minister of the Crown or any Government department under the preceding provisions of this Act shall be defrayed out of money provided by Parliament, but so much of any such costs as relates to sums payable out of the National Insurance Fund or the Industrial Injuries Fund shall be repaid into the Consolidated Fund out of the National Insurance Fund or the Industrial Injuries Fund, as the case may be.

(3) All administrative costs incurred in Northern Ireland by any Government department (including a Northern Ireland department) under the preceding provisions of this Act shall be paid out of money appropriated from the Consolidated Fund of Northern Ireland, but so much of any such costs as relates to sums payable out of the Northern Ireland National Insurance Fund or the Northern Ireland Industrial Injuries Fund shall be repaid into the Consolidated Fund of Northern Ireland out of the Northern Ireland National Insurance Fund or the Northern Ireland Industrial Injuries Fund, as the case may be.

(4) Where in consequence of the operation of any of the preceding provisions of this section any payments fall to be made by way of adjustments into or out of any funds mentioned in those provisions, those payments shall be taken to be such, and payments on account of them shall be made at such times and in such manner, as may be determined by the Secretary of State subject to any directions given by the Treasury.

Short title and supplementary provisions.

5.—(1) This Act may be cited as the Pensioners' Payments Act 1974.

(2) This Act shall have effect, in relation to a person who is or is treated as entitled to such a payment as is mentioned in subsection (1)(*c*) or (*d*) of the preceding section, as if for any reference to the Secretary of State (except in section 1(5)(*b*)) or to the Treasury there were substituted respectively a reference to the Department of Health and Social Services for Northern Ireland and the Department of Finance for Northern Ireland.

(3) In this Act "enactment" includes an enactment of the Parliament of Northern Ireland and an enactment of the Northern Ireland Assembly; and references in this Act to any enactment are, except where the context otherwise requires, references to that enactment as amended by or under any other enactment.

(4) This Act extends to Northern Ireland.