STATUTORY INSTRUMENTS

1978 No. 1257

PENSIONS

The Pensions Commutation (Amendment) Regulations 1978

Made - - - -	*22nd August* 1978
Coming into Operation	*1st September* 1978

The Minister for the Civil Service, in exercise of the powers conferred by sections 4 and 7 of the Pensions Commutation Act 1871(**a**) and section 3 of the Pensions Commutation Act 1882(**b**), and now vested in him(**c**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Pensions Commutation (Amendment) Regulations 1978, and shall come into operation on 1978.

2. The Interpretation Act 1889(**d**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. For the purposes of these Regulations the term "officer" shall have the meaning assigned to it by section 2 of the Pensions Commutation Act 1871.

4. The Pensions Commutation Regulations 1968(**e**) as amended(**f**), shall be further amended—

(*a*) by substituting for Regulation 2 thereof (which relates to applications for commutation) the following Regulation:—

"**2.**—(1) Subject to the provisions of the following paragraph, any person who desires to commute a pension, or a portion of a pension, shall address an application in writing to the appropriate Department, and such application shall be deemed to be made on the date on which it is received by the Department during the hours of public business.

(2) Notwithstanding the foregoing paragraph, an officer who has not yet retired or been discharged as the case may be but who desires to commute the pension, or a portion of the pension, which would otherwise be payable to him from the date of his retirement or the day following the date of his discharge, may address an application in writing to the appropriate Department at any time during the period of twenty eight days ending on the day before the date of his retirement or ending on the date of his discharge, and such an application shall be deemed to have been made on the day of his retirement or the day following the date of his discharge (whether or not in either case it be a day of public business). For the purposes of this paragraph, "the appropriate Department" means the Ministry of Defence."

(**a**) 1871 c. 36.
(**b**) 1882 c. 44.
(**c**) S.I. 1968/1656
(**d**) 1889 c. 63.
(**e**) S.I. 1968/1163
(**f**) S.I. 1974/734, 1441, 1977/108.

(*b*) by substituting, for the Tables set out in the Schedule thereto, the Tables set out in the Schedule to these Regulations.

5. The Pensions Commutation (Amendment) (No. 2) Regulations 1974(**a**) are hereby revoked.

Given under the official seal of the Minister for the Civil Service on 22nd August 1978.

(L.S.)

C. R. Morris
Minister of State,
Civil Service Department.

(**a**) S.I. 1974/1441

SCHEDULE

PART I

TABLE FOR DETERMINING THE COMMUTATION RATE FOR PENSIONS WHICH WILL BECOME QUALIFIED FOR PENSIONS INCREASE ON THE PENSION-HOLDER'S ATTAINING THE AGE OF 55

Column 1 Age next birthday	Column 2 Rate for unimpaired lives	Column 3 Rates for impaired lives according to the number of years added to the age of the pension-holder									
		1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
20	12·24	12·15	12·05	11·95	11·84	11·73	11·62	11·51	11·39	11·27	11·15
21	12·35	12·25	12·15	12·05	11·94	11·82	11·70	11·58	11·46	11·33	11·20
22	12·47	12·36	12·26	12·15	12·04	11·91	11·79	11·66	11·53	11·39	11·25
23	12·58	12·47	12·36	12·25	12·13	12·00	11·87	11·74	11·60	11·46	11·31
24	12·70	12·58	12·47	12·35	12·22	12·09	11·96	11·82	11·67	11·53	11·38
25	12·82	12·70	12·58	12·45	12·32	12·18	12·04	11·90	11·75	11·60	11·44
26	12·94	12·82	12·69	12·55	12·41	12·27	12·13	11·98	11·82	11·66	11·50
27	13·07	12·94	12·80	12·66	12·51	12·36	12·21	12·06	11·90	11·73	11·56
28	13·19	13·06	12·92	12·77	12·62	12·46	12·30	12·14	11·97	11·80	11·62
29	13·32	13·18	13·03	12·88	12·72	12·56	12·39	12·22	12·05	11·87	11·68
30	13·45	13·30	13·15	12·99	12·83	12·66	12·49	12·31	12·13	11·94	11·74
31	13·58	13·43	13·27	13·11	12·94	12·76	12·58	12·39	12·20	12·00	11·80
32	13·72	13·56	13·40	13·23	13·05	12·86	12·67	12·47	12·27	12·06	11·85
33	13·85	13·69	13·52	13·34	13·15	12·95	12·75	12·54	12·33	12·12	11·90
34	13·98	13·81	13·63	13·44	13·24	13·04	12·83	12·61	12·39	12·17	11·94
35	14·11	13·93	13·74	13·54	13·33	13·12	12·90	12·68	12·45	12·22	11·98
36	14·24	14·05	13·85	13·64	13·42	13·20	12·97	12·74	12·50	12·26	12·01
37	14·36	14·16	13·95	13·73	13·50	13·27	13·03	12·79	12·54	12·29	12·03
38	14·48	14·27	14·05	13·82	13·58	13·34	13·09	12·84	12·58	12·32	12·05
39	14·59	14·37	14·15	13·91	13·66	13·41	13·15	12·89	12·62	12·35	12·07
40	14·70	14·47	14·24	13·99	13·74	13·48	13·21	12·94	12·66	12·37	12·08
41	14·80	14·56	14·32	14·07	13·81	13·54	13·26	12·98	12·69	12·39	12·09
42	14·89	14·64	14·39	14·13	13·86	13·58	13·29	13·00	12·70	12·40	12·09
43	14·96	14·70	14·44	14·17	13·89	13·60	13·31	13·01	12·70	12·39	12·07

Column 1 Age next birthday	Column 2 Rate for unimpaired lives	Column 3 Rates for impaired lives according to the number of years added to the age of the pension-holder									
		1 year	2 years	3 years	4 years	5 years	6 years	7 years	8 years	9 years	10 years
44	15·02	14·75	14·48	14·20	13·91	13·61	13·31	13·00	12·69	12·37	12·04
45	15·06	14·79	14·50	14·21	13·91	13·60	13·29	12·97	12·65	12·32	11·98
46	15·09	14·80	14·50	14·20	13·89	13·58	13·26	12·93	12·60	12·26	11·91
47	15·10	14·80	14·49	14·18	13·86	13·54	13·21	12·87	12·53	12·18	11·83
48	15·08	14·78	14·47	14·15	13·82	13·49	13·15	12·80	12·45	12·09	11·73
49	15·04	14·73	14·41	14·09	13·76	13·42	13·07	12·71	12·35	11·99	11·62
50	14·96	14·65	14·32	13·99	13·65	13·30	12·95	12·59	12·23	11·87	11·50
51	14·86	14·53	14·20	13·85	13·50	13·15	12·80	12·44	12·08	11·72	11·36
52	14·70	14·37	14·03	13·68	13·32	12·96	12·60	12·24	11·89	11·54	11·19
53	14·50	14·16	13·81	13·46	13·10	12·74	12·38	12·02	11·67	11·32	10·97
54	14·25	13·90	13·54	13·18	12·82	12·47	12·12	11·77	11·42	11·07	10·72
55	13·93	13·57	13·22	12·86	12·50	12·14	11·79	11·44	11·10	10·76	10·42

PART II

TABLE FOR DETERMINING THE COMMUTATION RATE IN CASES OTHER THAN THOSE COVERED BY PART I

Age next birthday	Rate	Age next birthday	Rate
20	21·45	55	13·93
21	21·35	56	13·57
22	21·25	57	13·22
23	21·14	58	12·86
24	21·02	59	12·50
25	20·90	60	12·14
26	20·78	61	11·79
27	20·65	62	11·44
28	20·51	63	11·10
29	20·37	64	10·76
30	20·23	65	10·42
31	20·07	66	10·10
32	19·91	67	9·77
33	19·74	68	9·45
34	19·57	69	9·14
35	19·39	70	8·82
36	19·20	71	8·52
37	19·00	72	8·22
38	18·79	73	7·92
39	18·58	74	7·64
40	18·35	75	7·36
41	18·12	76	7·10
42	17·88	77	6·84
43	17·62	78	6·58
44	17·35	79	6·34
45	17·08	80	6·10
46	16·80	81	5·88
47	16·51	82	5·66
48	16·21	83	5·44
49	15·91	84	5·23
50	15·60	85	5·03
51	15·28	86	4·84
52	14·96	87	4·65
53	14·62	88	4·47
54	14·28	89	4·29
		90	4·11

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Pensions Commutation Regulations 1968 by making provision for officers of the Armed Forces to make application for the commutation of their pensions during the period of 28 days ending on their last day of service, to become effective on the day following that date. The Regulations also substitute new tables which give the rates for the calculation of the capital sum obtained in commutation and which take account of the effect of increases payable either under the Pensions (Increase) Act 1971 (c.56) or under a Prerogative Instrument relating to the Armed Forces.

In the calculations of the amount payable in respect of pensions, interest has been reckoned at the rate of 11 per cent per annum and an appropriate allowance has been made for pensions increases.

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