CHAPTER 39

An Act to provide for increases in certain pensions; and to amend the Pensions (Increase) Acts, 1920 and 1924, the Pensions (Increase) Acts, 1944 and 1947, the Pensions (Increase) Act, 1952, and the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955.

[17th May, 1956.]

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:—

Increase of pensions specified in First Schedule

1.—(1) Subject to the provisions of this Act, any pension specified in the First Schedule to this Act may be increased by the pension authority to the extent authorised by the Second Schedule to this Act:

Provided that a pension shall not be increased under this section—

(*a*) in the case of a pension computed by reference to average emoluments (not being a pension computed under paragraph (*b*) of subsection (2) of section thirty-six of the Superannuation Act, 1949), if the averaging period began later than twelve months less one day before the relevant date;

(*b*) in any other case, if the pension began after the relevant date.

In this subsection the expression " the relevant date " means—

(i) in the case of a pension computed by reference to final or average emoluments of fifteen hundred pounds or more, the thirty-first day of December, nineteen hundred and forty-seven;

(ii) in any other case, the thirty-first day of March, nineteen hundred and fifty-two.

(2) Subsections (2), (3), (4) and (6) of section one of the Act of 1944 (which define the circumstances in which a pension may be increased under that section) shall apply for the purposes of this section as if any reference in those subsections to the said section one included a reference to subsection (1) of this section; and, subject to the next following subsection, in the application of those subsections for the said purposes, the expression "dependant", in relation to a pensioner, shall be construed as meaning a person who the pension authority are satisfied is wholly or mainly supported by the pensioner and who either has not attained the age of sixteen years or, having attained that age, is either receiving full-time instruction at an educational establishment or undergoing training for a trade, profession or vocation in such circumstances that he is required to devote the whole of his time to that training for a period of not less than two years.

(3) Where, immediately before the appointed day, an increase under the Acts of 1944 and 1947 or the Act of 1952 was payable in the case of a pension by reason only that some person was a dependant of the pensioner by virtue of subsection (5) of section one of the Act of 1944, then, so long as the pension authority are satisfied that that person continues to be wholly or mainly supported by the pensioner, that person shall be deemed to be a dependant of the pensioner for the purposes of the application of subsections (2), (3) and (4) of section one of the Act of 1944 to increases under subsection (1) of this section:

Provided that—

(*a*) this subsection shall only apply to a person by virtue of paragraph (*a*) of the said subsection (5) so long as that person would continue to be a dependant of the pensioner under the last foregoing subsection if the words from "in such" onwards were omitted therefrom;

(*b*) where this subsection applies to any person by virtue of paragraph (*b*), (*c*) or (*d*) of the said subsection (5) and an increase under subsection (1) of this section is payable in the case of a pension by reason only that that person is deemed under this subsection to be a dependant of the pensioner, the annual rate of that increase shall be reduced in respect of any period by the amount, if any, by which the pension authority are satisfied that the annual rate of the total income in that period of that person from any other source exceeds one hundred and fifty-six pounds a year.

Extension of increases under Pensions (Increase) Acts, 1920 and 1924.

2.—(1) For the purposes of an increase under the Acts of 1920 and 1924 in any pension payable out of moneys provided by Parliament, or out of the Education (Scotland) Fund, or by police, local or other public authorities in Great Britain—

(*a*) any restriction on the making of such an increase, or on the amount of the increase, imposed by those Acts by reference to the means of the pensioner shall cease to have effect;

(*b*) the amount of the increase shall be that applicable if the pensioner were a married person, whether or not he is in fact a married person;

(*c*) the upper limit of the amount of a pension which may be increased by thirty per cent. shall cease to have effect, so, however, that no pension shall be increased by virtue of this paragraph by an amount greater than sixty pounds a year.

(2) In relation to any instalment of a pension payable as aforesaid, the Schedule to the Act of 1920 shall have effect subject to the amendment specified in the Third Schedule to this Act, being an amendment consequential on the provisions of this section and of section one of the Act of 1924.

(3) This section shall be construed as one with the Acts of 1920 and 1924.

Extension of increases under Pensions (Increase) Acts, 1944 and 1947.

3.—(1) For the purposes of an increase under section one of the Act of 1944 in any pension—

(*a*) any restriction on the making of such an increase, or on the amount of the increase, imposed by the Acts of 1944 and 1947 by reference to the income of the pensioner shall cease to have effect;

(*b*) the amount of the increase shall be that applicable if the pensioner were married, whether or not he is in fact married;

(*c*) subject to subsection (3) of this section, the upper limit of the amount of a pension which may be increased by sixty pounds a year shall cease to have effect.

(2) The Acts of 1944 and 1947 shall have effect as if the pensions specified in Part I of the Fourth Schedule to this Act were included among the pensions specified in Part I of the First Schedule to the Act of 1944 and as if the pensions specified in Part III of the said Fourth Schedule were included among the pensions specified in Part II of the said First Schedule.

(3) In relation to a pension which falls to be increased by virtue of paragraph (*c*) of subsection (1) of this section and which as so increased exceeds, or would but for this subsection exceed, four hundred and fifty pounds, subsection (2) of section three of the Act of 1944 (which provides for the reduction or exclusion of an increase under that Act where the amount of a pension has been increased by reason of an addition by way of war bonus or similar allowance to the emoluments of any office or employment in respect of which, or on retirement from which, the pension is payable) shall have effect as if the references therein to such an addition included any excess of the said emoluments over what they were on the third day of September, nineteen hundred and thirty-nine, or, as the case may be, over what in the opinion of the pension authority they would have been on that day had the office or employment then existed:

Provided that no pension shall by virtue of this subsection be less than it would have been if the said paragraph (*c*) and this subsection had not been passed.

Extension of increases under Pensions (Increase) Act, 1952.

4.—(1) For the purposes of an increase under the Act of 1952 in any pension—

(*a*) any restriction on the making of such an increase, or on the amount of the increase, imposed by that Act by reference to the income of the pensioner shall cease to have effect;

(*b*) the amount of the increase shall be that applicable if the pensioner were married, whether or not he is in fact married.

(2) The Act of 1952 shall have effect as if the pensions specified in Parts I and II of the Fourth Schedule to this Act were included among the pensions specified in Part I of the First Schedule to that Act and as if the pensions specified in Part III of the said Fourth Schedule were included among the pensions specified in Part II of the said First Schedule.

Other amendments of Act of 1944 and Act of 1952.

5.—(1) Subsection (5) of section one of the Act of 1944 (which defines the expression "dependant" for the purposes of that section and the Second Schedule to that Act) shall cease to have effect, and for the purposes of the said section one and of section one of the Act of 1952 the expression "dependant" shall have the meaning assigned by subsections (2) and (3) of section one of this Act, with the substitution in the said subsection (3) for any reference to an increase under subsection (1) of section one of this Act of a reference to an increase under section one of the Act of 1944 or, as the case may be, of the Act of 1952.

(2) The Act of 1944 and the Act of 1952 shall each have effect and be deemed always to have had effect—

(*a*) as if after paragraph 1 of Part II of the First Schedule to each respectively of those Acts there were inserted the following new paragraph—

"1A. A pension payable by any local authority under paragraph (*b*) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925"; and

(*b*) as if the reference in subsection (2) of section five of each respectively of those Acts to the said paragraph 1 included a reference to the said paragraph 1A:

Provided that no adjustment shall be made between any pension authorities by reason of this subsection in respect of any payment made before the passing of this Act.

(3) The Act of 1944 shall have effect, and be deemed always to have had effect, as if for paragraph 7 of the Second Schedule to that Act there were substituted the following paragraph—

"7. Where a person in receipt of a pension specified in the First Schedule to this Act is also in receipt of another pension so specified or a service pension, then, for the purposes of this Schedule, both or all those pensions shall be aggregated and the amount which would have been the authorised increase of a single pension equal to that aggregate if that single pension had been a pension specified in the said First Schedule shall be apportioned between the pensions in the proportions which they bear to one another, and the amount so apportioned to any pension specified in the said First Schedule shall be the authorised increase of that pension."

(4) Subsection (1) of section four of the Act of 1952 shall have effect, and be deemed always to have had effect, as if in paragraph (*a*) thereof (which provides that a pension granted in consideration of the surrender of part of another pension shall be deemed to begin on the day from which the surrender takes effect) after the word "effect" there were added the words "or the day on which that other pension began, whichever is the earlier".

Increase of certain pensions affected by further service.

6.—(1) Where a person has, after being in receipt of a pension specified in the First Schedule to this Act, rendered further service by virtue of which the basic rate of that pension has fallen (or if that further service had been terminated by retirement would have fallen) to be reassessed, the next following subsection shall apply to that pension and to any other pension the basic rate of which was computed by reference to (or to what in the circumstances aforesaid would have been) the basic rate of

the first-mentioned pension, not being such an other pension granted in consideration of the surrender of part of the first-mentioned pension.

(2) If the aggregate of the basic rate of the pension in question and any increase of that pension under, or by reference to increases under, the Acts of 1920 and 1924, the Acts of 1944 and 1947, the Act of 1952, the Act of 1954, or section one of this Act falls short of what that aggregate would have been if the further service aforesaid had not been rendered, the pension in question may be further increased by the pension authority by the amount of the difference.

Additional provisions as to police and fire service pensions.

7.—(1) Any regulations made within one year after the passing of this Act—

(*a*) under section one of the Police Pensions Act, 1948, or section eleven of the Police (Scotland) Act, 1956, or by Order in Council under the Special Constables Act, 1914, with respect to pensions payable to widows or children of the persons in respect of whom those pensions are granted, being pensions granted otherwise than in consideration of the surrender of part of another pension; or

(*b*) by order under the Metropolitan Police Staff (Superannuation) Acts, 1875 to 1931, as originally enacted or as applied or extended by any subsequent enactment,

for granting increases in any pensions to which those regulations apply may be made so as to take effect from such date, whether before or after the making of the regulations, as may be specified therein, not being earlier than the appointed day.

(2) For the purposes—

(*a*) of any regulations made before the passing of this Act under any of the enactments mentioned in paragraphs (*a*) and (*b*) of the foregoing subsection or under subsection (3) of section two of the Act of 1952; or

(*b*) of any scheme brought into operation before the passing of this Act under section twenty-six of the Fire Services Act, 1947,

providing for increases in pensions to be ascertained by reference to increases under the Acts of 1944 and 1947 or the Act of 1952, any question as to whether any, and if so what, increase falls to be made in any pension shall be determined as if the increases provided for by the regulations or scheme fell to be ascertained by reference to increases under those Acts as amended by this Act and to increases under section six of this Act.

(3) Where—

(*a*) a pension under any scheme brought into operation before the passing of this Act under section twenty-six of the Fire Services Act, 1947; or

(*b*) a pension such as is mentioned in subsection (3) of section two of the Act of 1952,

has been granted at the higher of two different rates, the pensioner shall be entitled to a pension at the higher of those rates after taking into account the increase, if any, conferred in relation to each of those rates by virtue of the Acts of 1944 and 1947, by virtue of this Act, or by reference to increases under the Act of 1952.

(4) Where, in relation to a pension payable under a scheme brought into operation by an order under section twenty-six of the Fire Services Act, 1947, to the widow or a child of the person in respect of whom the pension is payable, that scheme is subject to the modifications set out in subsection (3) of section twenty-seven of that Act, the Schedule to the Fire Services (Pensions Increase) Regulations, 1952, shall apply in relation to that pension as if those regulations provided for the pension to be increased in accordance with paragraph 1, or, where the amount of the pension is calculated otherwise than by reference to the remuneration of the person aforesaid, in accordance with paragraphs 1 and 2, of that Schedule; and article 8A of the Firemen's Pension Scheme, 1948, article 8A of the Firemen's Pension Scheme, 1952, and articles 5 and 24 of the Firemen's Pension Scheme (No. 3) Order, 1952, are hereby revoked.

(5) Where, after the passing of this Act, a pension of an amount determined otherwise than by reference to a rate, or an average rate, of emoluments, not being a pension to which the last foregoing subsection applies, is granted under any scheme brought into operation by an order under section twenty-six of the Fire Services Act, 1947, no increase thereof shall be made under the Acts of 1944 and 1947 by reason of the fact that the amount of the pension was not determined as mentioned in subsection (2) of section three of the Act of 1947.

Powers to increase other pensions.

8.—(1) The provisions of the following enactments shall apply in relation to increases under this Act as they apply in relation to increases under the Acts therein mentioned, and accordingly shall have effect subject to the modifications hereinafter respectively specified, that is to say—

(*a*) section four of the Act of 1944 (which empowers Her Majesty by Order in Council to direct that the Act of 1944 shall have effect in relation to certain pensions payable by local authorities but not specified in Part II of the First Schedule to that Act as if those pensions

were so specified) as if the references therein to the Act of 1944 and to Part II of the First Schedule to that Act included references to this Act and to Part II of the First Schedule to this Act;

(*b*) subsection (3) of section five of the Superannuation Act, 1946 (which enables the Treasury to confer on civil servants who are subject to any superannuation scheme mentioned in that section benefits corresponding to the increases provided by the Act of 1944) as if the reference to sections one and two of the Act of 1944 included a reference to sections one and six of this Act;

(*c*) section five of the Act of 1947 (which enables the Treasury to authorise the payment, in the case of pensions under schemes not falling within the Act of 1944, of the like increases as would be payable if they were specified in the First Schedule to the Act of 1944) as if the reference to the First Schedule to the Act of 1944 included a reference to the First Schedule to this Act and as if for the reference to the passing of the Act of 1947 there were substituted a reference to the appointed day;

(*d*) subsection (1) of section three of the Pensions (India, Pakistan and Burma) Act, 1955 (which enables the Treasury to direct that the Acts of 1944 and 1947 and the Act of 1952, among other Acts, shall apply with adaptations and modifications in relation to certain pensions as if they were pensions specified in Part I of the First Schedule to the Act of 1944 or, as the case may be, to the Act of 1952) as if any reference to the Acts of 1944 and 1947 or to the Act of 1952 included a reference to any provision of this Act amending those Acts respectively and as if the references to the Act of 1952 and to Part I of the First Schedule to that Act included references respectively to this Act and to Part I of the First Schedule to this Act.

(2) The following provisions of the Second Schedule to the Pensions (India, Pakistan and Burma) Act, 1955 (which specify certain pensions payable to persons resident in certain areas in respect of certain service as pensions which may be increased by virtue of rules under the said Act of 1955) shall be amended as follows, that is to say—

(*a*) in paragraph 1 of Part I, for the words " in the United Kingdom or, where the pension is expressed in sterling, in any other place outside India and Pakistan " there shall be substituted the words " outside India, Pakistan, Burma and Aden ", and after the figures " 1947 " there shall be inserted the words " or which was rendered

by a person who, in the opinion of the Secretary of State, was at the date when the service began, being a date before the said fifteenth day of August, domiciled outside Asia "; and

(*b*) in paragraph 1 of Part II, for the words "in the United Kingdom or, where the pension is expressed in sterling, in any other place outside Burma, India and Pakistan" there shall be substituted the words "outside Burma, India, Pakistan and Aden", and after the figures "1947" there shall be added the words "or which was rendered by a person who, in the opinion of the Secretary of State, was at the date when the service began, being a date before the said fourth day of January, domiciled outside Asia".

Supplementary provisions.

9.—(1) For the purposes of section one of this Act, a pension shall be deemed to begin—

(*a*) where the pension is granted under any enactment in consideration of the surrender of part of another pension, on the day from which the surrender takes effect or the day on which that other pension began, whichever is the earlier;

(*b*) where the amount of the pension (not being a pension computed under paragraph (*b*) of subsection (2) of section thirty-six of the Superannuation Act, 1949) is computed by reference to emoluments received during any period of service, or would be so computed apart from any provision specifying a fixed sum as the minimum rate of the pension, on the day following the last day of that service;

(*c*) in any other case, on the day following the last day of the service in respect of which the pension is payable,

whether or not the pension accrues from that day.

(2) Where any pension specified in Part II of the First Schedule to this Act may be increased under the provisions of section one or section six of this Act, it shall be the duty of the pension authority to increase the pension in accordance with those provisions:

Provided that nothing in this subsection shall prevent a pension authority making such reduction in the amount of any increase payable under the said provisions to a pensioner as may be necessary to secure, where the pensioner is in receipt of a non-contributory pension under the Old Age Pensions Act, 1936, that he shall receive the greatest possible amount in respect of the increase and the non-contributory pension taken together.

(3) In calculating the amount of any pension for the purposes of the Acts of 1920 and 1924, the Acts of 1944 and 1947, the

Act of 1952, or the Act of 1954, any increase for which provision is made by section one or section six of this Act shall be disregarded; and no account shall be taken of any such increase in ascertaining the rate of the superannuation allowance of any person for the purposes of any pension granted under Part I or Part II of the Superannuation Act, 1949.

(4) Where a pension granted under Part I or Part II of the Superannuation Act, 1949, enures for the benefit of more than one child or dependant, the pension shall be treated for the purposes of sections one and six of this Act as a number of separate pensions equal to the number of those children or dependants; and the amount of each such pension shall be deemed for those purposes to be a sum ascertained—

(*a*) where the whole of the pension is paid to the same person, by dividing the amount of the pension by the number of children or dependants;

(*b*) where different parts of the pension are paid to different persons, by dividing each part by the number of children or dependants for whose benefit that part is so paid.

(5) Where any pension falls to be increased under section one or section six of this Act, the pension authority may require the pensioner to inform them whether or not any other pension so falling to be increased or such as is mentioned in sub-paragraph (2) of paragraph 4 of the Second Schedule to this Act is payable to him, and may withhold payment of the increase until that information has been given.

(6) The Treasury may by regulations made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, provide that, in relation to any class of pensions specified in the regulations, all or any of the functions of the pension authority under this Act shall be performed on behalf of the pension authority by such other authority as may be so specified.

(7) Subject to the provisions of this Act and of any Order in Council made by virtue thereof, any provision made by or under any enactment shall, in so far as it relates to the apportionment of the cost of a pension between two or more authorities, or to the manner in which a pension is to be paid, or to the proof of title to sums payable on account of a pension, or in so far as it prohibits or restricts the assignment or charging of a pension or its application towards the payment of debts, have effect in relation to any increase payable under section one or section six of this Act as it has effect in relation to the pension in respect of which the increase is payable; but save as aforesaid any such increase shall not be treated as part of the pension for the purposes of any such provision as aforesaid.

10.—(1) There shall be defrayed out of moneys provided by Parliament— Financial provisions.

(*a*) any expenditure incurred in respect of the increase under section one or six of this Act of any pension specified in Part I of the First Schedule to this Act;

(*b*) any increase attributable to any provision of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Where any pension specified in paragraph 1, 2, 4 or 7 of Part II of the First Schedule to this Act is increased under this Act, the cost of the increase shall be defrayed by the pension authority; but where the pension authority are not the last employing authority, the last employing authority shall reimburse the cost of the increase to the pension authority.

(3) For the purposes of the last foregoing subsection the expression "the last employing authority" has the meaning assigned by subsection (3) of section five of the Act of 1944, and any question who are the last employing authority shall be determined in accordance with subsection (4) of that section.

(4) Nothing in this section shall affect the operation, in relation to any increase under this Act, of the provisions of section fourteen of the Police Act, 1890, and section ten of the Police Pensions Act, 1921, as to the payment of pensions partly out of the Police Fund and partly out of moneys provided by Parliament.

11.—(1) In this Act, the following expressions have the following meanings respectively, that is to say— Interpretation.

"the Act of" any specified year means the Pensions (Increase) Act of that year;

"the appointed day" means the first day of April, nineteen hundred and fifty-six;

"average emoluments", in relation to any pension, means the average annual rate of the relevant emoluments over a period of service in an office or employment of the person in respect of whose service in that office or employment the pension is payable;

"averaging period", in relation to any pension computed by reference to average emoluments, means the period of service by reference to which the average emoluments fall to be determined;

"basic rate", in relation to any pension, means the annual rate of that pension apart from any increase granted under, or by reference to increases under, the Acts of 1920 and 1924, the Acts of 1944 and 1947, the Act of 1952, the Act of 1954, or this Act;

"final emoluments", in relation to any pension, means the annual rate of the relevant emoluments in an office

or employment received immediately before the pension began by the person in respect of whose service in that office or employment the pension is payable;

and, except in section two of this Act, and unless the context otherwise requires, "enactment", "local authority", "pension authority" and "pension" have the same meanings respectively as in the Act of 1944.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

Application to Scotland.

12.—(1) The provisions of this section shall have effect for the purposes of the application of this Act to Scotland.

(2) Any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Education (Scotland) Acts, 1939 to 1953, shall be defrayed out of the Education (Scotland) Fund; and for the purpose of ascertaining the sum to be paid into that fund under paragraph (*d*) of subsection (2) of section sixty-nine of the Education (Scotland) Act, 1946, any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912 (so far as they relate to England and Wales) and the Teachers (Superannuation) Acts, 1918 to 1946, shall be treated as included in the sums estimated to be expended and the sums actually expended from the vote for education in England and Wales on the superannuation of teachers.

(3) Any expenditure incurred by any local authority by reason of any increase under this Act in any pension payable in respect of the services of any person shall be defrayed out of the funds, rates or revenues upon which the emoluments of that person were charged.

Short title, repeals, extent and commencement.

13.—(1) This Act may be cited as the Pensions (Increase) Act, 1956.

(2) The enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) Except for the purpose of the increase of pensions payable under the Superannuation Acts, 1834 to 1950, under the Eighth Schedule to the Government of Ireland Act, 1920, under the enactments relating to the pensions of the Royal Irish Constabulary or under section twenty-nine of the Finance Act, 1932, this Act shall not extend to Northern Ireland.

(4) This Act shall be deemed to have come into force on the first day of April, nineteen hundred and fifty-six.

SCHEDULES

FIRST SCHEDULE

Sections 1, 6, 8, 9, 10 & 2nd Sch.

PENSIONS WHICH MAY BE INCREASED UNDER SECTION ONE OF THIS ACT

PART I

Pensions payable by government departments

1. A pension payable under the Superannuation Acts, 1834 to 1950.

2. A pension payable under the Eighth Schedule to the Government of Ireland Act, 1920.

3. A pension payable under the Elementary School Teachers (Superannuation) Acts, 1898 to 1912.

4. A pension payable under the Teachers (Superannuation) Acts, 1918 to 1946, or the Education (Scotland) Acts, 1939 to 1953, not being a pension payable under paragraph (*b*) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925.

5. A pension payable under the enactments relating to the pensions of the Royal Irish Constabulary, not being a pension payable under regulations made under section one of the Royal Irish Constabulary (Widows' Pensions) Act, 1954.

6. A pension payable by a Secretary of State under the Police (Overseas Service) Act, 1945, or the Police Pensions Act, 1948, to a person who at the time of his retirement was engaged as mentioned in subsection (1) of section one of the said Act of 1945, or granted in consideration of the surrender of part of such a pension.

7. A pension payable by a Secretary of State in accordance with any scheme in force under section twenty-six of the Fire Services Act, 1947.

8. A pension payable under section twenty-nine of the Finance Act, 1932, section sixty of the Finance (No. 2) Act, 1945, or section sixty-two of the Finance Act, 1946.

9. A pension payable by the Minister of Health under section six of the National Health Service Act, 1946, or in pursuance of regulations made under section sixty-seven or section sixty-eight of that Act.

10. A pension payable by the Secretary of State under section six of the National Health Service (Scotland) Act, 1947, or in pursuance of regulations made under section sixty-six or section sixty-seven of that Act.

11. A pension payable by the Minister of Pensions and National Insurance in pursuance of regulations made under section sixty-seven of the National Insurance Act, 1946, or of rules made under section three of the Superannuation (Miscellaneous Provisions) Act, 1948, not being a pension specified in paragraph 1 of this Part of this Schedule.

12. A pension payable under rule 7 or rule 10 of the National Insurance and Civil Service (Superannuation) Rules, 1948.

1ST SCH. —*cont.*

13. A pension payable under the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947.

14. A pension payable under Part I of the Administration of Justice (Pensions) Act, 1950, out of the Consolidated Fund of the United Kingdom or moneys provided by Parliament.

15. A pension payable under section nine of the County Courts Act, 1934.

16. A pension payable under section twenty of the Sheriff Courts (Scotland) Act, 1907.

17. A pension payable under the Police Magistrates (Superannuation) Acts, 1915 and 1929.

18. A pension payable under the Judges Pensions (India and Burma) Act, 1948.

19. A pension payable under subsection (3) of section one of the Scottish Land Court Act, 1938.

20. A pension payable under the Diplomatic Salaries, &c. Act, 1869.

PART II

Pensions payable by local authorities, etc.

1. A pension payable by any local authority solely in respect of local government service as defined for the purposes of paragraph 1 of Part II of the First Schedule to the Act of 1944, not being a pension specified in paragraph 4 of this Part of this Schedule.

2. A pension payable by any local authority under paragraph (*b*) of subsection (3) of section fourteen of the Teachers (Superannuation) Act, 1925.

3. A pension payable under the Police Pensions Act, 1948, the Special Constables Act, 1914, or any enactment repealed by the said Act of 1948 or by the Police Pensions Act, 1921, not being a pension specified in paragraph 6 of Part I of this Schedule or a pension (other than a pension granted in consideration of the surrender of part of another pension) payable to the widow or a child of the person in respect of whom it is granted.

4. A pension payable in respect of service as a whole-time member of a fire brigade in accordance with any scheme in force under section twenty-six of the Fire Services Act, 1947, or otherwise payable by a local authority in respect of service as a professional fireman as defined by the Fire Brigade Pensions Act, 1925, or in respect of any service which, by or under any enactment, is treated as approved service in a fire brigade, not being a pension specified in paragraph 7 of Part I of this Schedule.

5. A pension payable under the Police Pensions Act, 1921, to the widow or a child of a person to whom the National Fire Service (Preservation of Pensions) (Police Firemen) Regulations, 1941, applied at the time of that person's death or retirement.

6. Any such pension as is specified in paragraph (*b*) of subsection (1) of section eight of the Act of 1944 (which relates to compensation for loss of office), being a pension payable by a local authority.

1ST SCH. —*cont.*

7. Any pension in relation to which the Act of 1944 or the Act of 1952 has effect by virtue of any Order in Council in force at the passing of this Act under section four of the Act of 1944, or under that section as applied by section four of the Act of 1952, as if it were a pension specified in Part II of the First Schedule to the Act of 1944 or, as the case may be, in Part II of the First Schedule to the Act of 1952.

8. A pension payable under section six of the Coroners (Amendment) Act, 1926.

SECOND SCHEDULE

Sections 1, 9.

RATE OF INCREASE OF PENSION UNDER SECTION ONE OF THIS ACT

1. Subject to the provisions of this Schedule, the increase under section one of this Act (in this Schedule referred to as the "authorised increase") in the case of a pension in respect of which such an increase is authorised or required to be made (in this Schedule referred to as a "relevant pension") shall be ten per cent. of the basic rate of the pension or one hundred pounds a year, whichever is the less.

2. In the case of a relevant pension computed by reference to final or average emoluments of less than fifteen hundred pounds which began after the thirty-first day of December, nineteen hundred and forty-seven, the authorised increase shall not exceed such amount as, when aggregated with the basic rate of the pension, equals what would have been the aggregate of that basic rate and the authorised increase, if any, if the pension had been computed by reference to final or, as the case may be, average emoluments of fifteen hundred pounds.

3. If the basic rate of a relevant pension was computed by reference to average emoluments, and the averaging period began before, but the pension began after, the relevant date within the meaning of subsection (1) of section one of this Act, the authorised increase, as ascertained apart from this paragraph, shall be reduced in respect of each half-year of the averaging period which falls wholly or partly after that date by a sum ascertained by dividing the amount of that increase by the total number of half-years in the averaging period.

4.—(1) Where a pensioner is in receipt of two or more relevant pensions in respect of services rendered by the same person, the authorised increases of those pensions shall not in the aggregate exceed the amount which would represent the authorised increase if those pensions were a single relevant pension at a basic rate equal to the aggregate of the basic rates of those pensions; and where the said increases, as ascertained apart from this paragraph, would exceed that amount, the increase in the case of each of the pensions shall be calculated by dividing that amount between them in proportion to the said increases as ascertained as aforesaid.

(2) Where a person who is in receipt of a relevant pension is also in receipt of another pension, in respect of services rendered by the same person, in the case of which an increase is payable under any scheme (wherever in force and whether or not authorised by or under any enactment) determined by the Treasury for the purposes of this

2ND SCH. —*cont.*

paragraph to be similar to the provisions of section one of this Act, then, for the purpose of ascertaining the authorised increase of the relevant pension, the foregoing sub-paragraph shall have effect as if that other pension and the increase thereof under that scheme were respectively a relevant pension and the authorised increase thereof.

(3) For the purposes of this paragraph, a person for whose benefit a pension is payable shall be deemed to be in receipt of the pension notwithstanding that it is payable to some other person.

5. Where two or more relevant pensions payable in respect of the same service of the same deceased person are paid to one recipient for the benefit of two or more persons, the authorised increases of those pensions shall not in the aggregate exceed the amount which would represent the authorised increase if those pensions were a single relevant pension at a basic rate equal to the aggregate of the basic rates of those pensions; and where the said increases, as ascertained apart from this paragraph, would exceed that amount, the authorised increase in the case of each of the pensions shall be calculated by dividing that amount between them in proportion to the said increases as ascertained as aforesaid.

6. Where a pension specified in the First Schedule to this Act has been granted by the pension authority in consideration of the surrender of part of another pension under any arrangement providing for such surrender and grant, that pension shall be deemed for the purposes of section one of this Act and this Schedule to have been computed by reference to the emoluments by reference to which that other pension was computed; and the authorised increases, if any, of that other pension and any pension granted in consideration of such a surrender of part thereof shall not in the aggregate exceed the amount which would represent the authorised increase of that other pension if no part thereof had been surrendered, and where the said increases, as ascertained apart from this paragraph, would exceed that amount, the authorised increase in the case of each of the pensions shall be calculated by dividing that amount between them in proportion to the said increases as ascertained as aforesaid.

7.—(1) Where, in the case of any pension specified in the First Schedule to this Act, the appropriate authority is satisfied that it is proper so to do, that authority, or, where that authority is not the Treasury, that authority with the consent of the Treasury, may by regulations provide that subsection (1) of section one of this Act and this Schedule shall apply in relation to any such pension subject to such modifications, adaptations and exceptions as may be specified in the regulations.

(2) In the foregoing sub-paragraph, the expression "the appropriate authority" means the Treasury, the Lord Chancellor, a Secretary of State, the Minister of Housing and Local Government, the Minister of Education, the Minister of Pensions and National Insurance, or the Minister of Health.

(3) Where any pension which is not specified in the First Schedule to this Act falls by virtue of subsection (1) of section eight of this Act to be treated as if it were so specified, the foregoing provisions of this paragraph shall apply thereto as if it were so specified.

(4) Any regulations under sub-paragraph (1) of this paragraph shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and may be made so as to take effect from such date, whether before or after the making of the regulations, as may be specified therein, not being earlier than the appointed day. 2ND SCH. —*cont.*

THIRD SCHEDULE

Section 2.

AMENDMENT OF ACT OF 1920

For paragraph 1 of the Schedule to the Act of 1920 there shall be substituted the following paragraph, that is to say—

"1.—(1) Subject to the provisions of this Schedule, an existing pension may be increased—

(*a*) where it does not exceed twenty-five pounds a year, by seventy per cent.;

(*b*) where it exceeds twenty-five but does not exceed fifty pounds a year, by sixty-five per cent.;

(*c*) where it exceeds fifty but does not exceed one hundred pounds a year, by fifty per cent.;

(*d*) where it exceeds one hundred but does not exceed one hundred and thirty pounds a year, by forty per cent.;

(*e*) where it exceeds one hundred and thirty pounds a year, by thirty per cent. or sixty pounds a year, whichever is the less.

(2) If the amount to which a pension may be increased under the foregoing sub-paragraph is less than the amount to which a smaller pension might be increased, it may be increased to the latter amount.

(3) Subject to the last foregoing sub-paragraph, where the service, or branch of the service, from which the pensioner retired is a service or branch of the service in which additional remuneration by way of bonus was paid on the first day of July, nineteen hundred and twenty-three, and was reckoned for the purposes of pension, either in whole or in part, in the case of persons retiring from the said service or branch on that date, his pension shall not be increased—

(*a*) by virtue of paragraph (*a*) or (*b*) of sub-paragraph (1) of this paragraph, by more than fifty per cent.; or

(*b*) by virtue of paragraph (*c*) of that sub-paragraph, by more than forty per cent.,

except to such extent as may be sufficient to increase his pension to the pension of which he would have been in receipt on the second day of July, nineteen hundred and twenty-three, had that bonus been included amongst the salary and emoluments on which his pension was awarded and been reckoned for the purposes of pension to the extent to which it would have been reckoned if he had retired on the said first day of July."

Sections 3, 4.

FOURTH SCHEDULE

ADDITIONAL PENSIONS WHICH MAY BE INCREASED UNDER ACTS OF 1944 AND 1947 OR ACT OF 1952

PART I

Pensions to be included in Part I of First Schedule to Act of 1944 *and to Act of* 1952

1. A pension payable under the Eighth Schedule to the Government of Ireland Act, 1920.

2. A pension payable under the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1947 (so, however, that no such pension shall be increased under the Acts of 1944 and 1947 unless it began before the eighteenth day of December, nineteen hundred and forty-seven).

3. A pension payable under section nine of the County Courts Act, 1934.

4. A pension payable under section twenty of the Sheriff Courts (Scotland) Act, 1907.

5. A pension payable under the Police Magistrates (Superannuation) Acts, 1915 and 1929.

6. A pension payable under the Judges Pensions (India and Burma) Act, 1948.

7. A pension payable under subsection (3) of section one of the Scotttish Land Court Act, 1938.

8. A pension payable under the Diplomatic Salaries, &c. Act, 1869.

PART II

Pensions to be included in Part I of First Schedule to Act of 1952

A pension payable under rule 7 or rule 10 of the National Insurance and Civil Service (Superannuation) Rules, 1948.

PART III

Pensions to be included in Part II of First Schedule to Act of 1944 *and to Act of* 1952

A pension payable under section six of the Coroners (Amendment) Act, 1926.

FIFTH SCHEDULE

Section 13.

ENACTMENTS REPEALED

Session and Chapter	Short title	Extent of Repeal
10 & 11 Geo. 5. c. 36.	The Pensions (Increase) Act, 1920.	Paragraph (3) of section two; paragraph (*c*) of section four; and in subsection (1) of section seven the definition of "means".
14 & 15 Geo. 5. c. 32.	The Pensions (Increase) Act, 1924.	Section one.
7 & 8 Geo. 6. c. 21.	The Pensions (Increase) Act, 1944.	In section one, the proviso to subsection (1), and subsection (5); in section three, subsection (1), in subsection (4) the words "the means of any pensioner or", and paragraph (*d*) of subsection (5); subsection (2) of section eight; and in the Second Schedule, paragraphs 4, 5 and 6.
10 & 11 Geo. 6. c. 7.	The Pensions (Increase) Act, 1947.	Subsection (1) of section one; in subsection (2) of section one, in the substituted paragraph 2, the words "Where a pensioner is married or has at least one dependant, then", the words "but does not exceed three hundred and ninety pounds a year", the word "and" at the end of sub-paragraph (*d*), and sub-paragraph (*e*), and the substituted paragraph 3; subsection (2) of section two; and section four.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 45.	The Pensions (Increase) Act, 1952.	Subsection (2) of section one; in section four, in subsection (2) the words "the means of any pensioner or" and subsection (5); in the Second Schedule, in paragraph 1 the words "(*a*) where the pensioner is married or has at least one dependant", sub-paragraph (*b*), in the heading to the second column of the Table the words "where pensioner is married or has at least one dependant," and the third column of the Table, paragraph 3, sub-paragraph (*b*) of paragraph 5, in paragraph 7 the words from "and payable" to "income", and in paragraph 8 the words from "payable to" to "income"; and in the Third Schedule the entries relating to subsection (5) of section one, subsection (1) of section three and subsection (2) of section eight of the Act of 1944.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Diplomatic Salaries, &c. Act, 1869	32 & 33 Vict. c. 43.
Police Act, 1890	53 & 54 Vict. c. 45.
Sheriff Courts (Scotland) Act, 1907	7 Edw. 7. c. 51.
Special Constables Act, 1914	4 & 5 Geo. 5. c. 61.
Pensions (Increase) Act, 1920	10 & 11 Geo. 5. c. 36.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Police Pensions Act, 1921	11 & 12 Geo. 5. c. 31.
Pensions (Increase) Act, 1924	14 & 15 Geo. 5. c. 32.
Fire Brigade Pensions Act, 1925	15 & 16 Geo. 5. c. 47.
Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
Coroners (Amendment) Act, 1926	16 & 17 Geo. 5. c. 59.
Finance Act, 1932	22 & 23 Geo. 5. c. 25.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Old Age Pensions Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 31.
Scottish Land Court Act, 1938	1 & 2 Geo. 6. c. 31.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Finance (No. 2) Act, 1945	9 & 10 Geo. 6. c. 13.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Superannuation Act, 1946	9 & 10 Geo. 6. c. 60.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Pensions (Increase) Act, 1947	10 & 11 Geo. 6. c. 7.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
Superannuation (Miscellaneous Provisions) Act, 1948.	11 & 12 Geo. 6. c. 33.
Judges Pensions (India and Burma) Act, 1948 ...	12, 13 & 14 Geo. 6. c. 4.
Superannuation Act, 1949	12, 13 & 14 Geo. 6. c. 44.
Administration of Justice (Pensions) Act, 1950 ...	14 & 15 Geo. 6. c. 11.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
Royal Irish Constabulary (Widows' Pensions) Act, 1954.	2 & 3 Eliz. 2. c. 17.
Pensions (India, Pakistan and Burma) Act, 1955 ...	3 & 4 Eliz. 2. c. 22.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.

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