1970 No. 355

PENSIONS

The Pensions Increase (Former Wheat Commission Staff) Regulations 1970

Made - - -	*5th March* 1970
Laid before Parliament	*19th March* 1970
Coming into Operation	*20th March* 1970

The Minister for the Civil Service, in exercise of the powers conferred upon him by section 3(2)(*a*)(i) and (iii) and (4) of the Pensions (Increase) Act 1965(**a**) (as amended by section 2(5) of the Pensions (Increase) Act 1969(**b**), and extended by section 1(4) of, and paragraph 10 of Schedule 2 to, that Act), and by article 2(1)(*c*) of the Minister for the Civil Service Order 1968(**c**), and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Pensions Increase (Former Wheat Commission Staff) Regulations 1970, and shall come into operation on 20th March 1970.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

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

"average remuneration", in relation to any person, means the average annual amount of the salary and emoluments of his office during the last 3 years of his reckonable service;

"the pension scheme" means the pension scheme established by the Wheat Commission for members of its staff;

"qualifying service", in relation to any person, means service for a continuous period of ten years, either in the Wheat Commission as a participant in the pension scheme during the period beginning on 5th May 1940 and ending on 31st October 1957, or partly in the Wheat Commission as aforesaid and partly in the civil service of the State;

"reckonable service", in relation to any person, means service reckonable under the pension scheme during the period beginning on 5th May 1940 and ending on 31st October 1957;

(**a**) 1965 c. 78.
(**b**) 1969 c. 7.
(**c**) S.I. 1968/1656 (1968 III, p. 4485).

"the statutory pension increases" means the benefits conferred by—

(i) sections 1 and 2 of the Act of 1944(**a**) ;

(ii) section 1 of the Act of 1952(**b**) ;

(iii) section 1 of the Act of 1956(**c**) ;

(iv) section 1 of the Act of 1959(**d**) ;

(v) sections 1 and 2 of the Act of 1962(**e**) ;

(vi) section 1 of the Act of 1965 ; and

(vii) section 1 of the Act of 1969,

on persons whose superannuation benefits are regulated under the Superannuation Act 1965(**f**).

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

(3) Any reference in these Regulations to the provisions of any enactment shall be construed, unless the context otherwise requires, as a reference to those provisions as amended or re-enacted by any subsequent enactment.

Effect of the Regulations

3. These Regulations shall apply for the payment to persons described in Regulation 4 hereof of the allowances described in Regulation 6, being allowances which appear to the Minister for the Civil Service to be appropriate having regard to the statutory pension increases.

Persons to whom the Regulations apply

4.—(1) These Regulations apply to any person who—

(*a*) has completed qualifying service ;

(*b*) has received or become entitled to receive payment of any retirement benefit under the pension scheme in respect of his own and the Wheat Commission's contributions ; and either

(*c*) in the case of such a person who, after leaving the service of the Wheat Commission, entered the civil service of the State, either—

(i) has retired from the civil service of the State after attaining the age of 60 years ; or

(ii) having retired from the civil service of the State not earlier than 14th July 1949 after attaining the age of 50 years, either attains the age of 60 years, or satisfies the Minister for the Civil Service that he has become disabled by physical or mental infirmity or permanently incapacitated by such infirmity from engaging in any regular full-time employment ; or

(iii) has retired from the civil service of the State on account of physical or mental infirmity ; or

(iv) having been transferred from the civil service of the State to employment which is approved employment within the meaning of section 40 of the Superannuation Act 1965, has attained the age of 60 years or retired from the approved employment on account of physical or mental infirmity ; or

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(**a**) 1944 c. 21.
(**b**) 1952 c. 45.
(**c**) 1956 c. 39.
(**d**) 1959 c. 50.
(**e**) 1962 c. 2 (11 & 12 Eliz. 2).
(**f**) 1965 c. 74.
(**g**) 1889 c. 63.

(*d*) in any other case, has retired from the service of the Wheat Commission after attaining the age of 60 years or on account of physical or mental infirmity.

(2) For the purposes of paragraph (1), a person who was entitled to receive, and received, payment of any retirement benefit under the pension scheme within 12 months of attaining the age of 60 years shall be deemed to have attained that age.

Notional pension

5.—(1) There shall be ascribed to each person to whom these Regulations apply a notional pension calculated by multiplying one eightieth of his average remuneration by the number of completed years of reckonable service.

(2) In calculating a notional pension any fraction of a pound shall be treated as a whole pound.

Payments of benefits equivalent to statutory pension increases

6. The Minister for the Civil Service may, in respect of any period beginning on or after 1st April 1969, pay to any person to whom these Regulations apply an allowance equal to the statutory pension increases which would have been payable to him if he had been eligible under the Superannuation Act 1965 for a pension, beginning on the day after the last day of his reckonable service, of the same amount as his notional pension.

Given under the official seal of the Minister for the Civil Service on 5th March 1970.

(L.S.)

J. E. Herbecq,
Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

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

These Regulations provide for the payment of allowances to certain pensioners of the former Wheat Commission, corresponding to the increases provided by the Pensions (Increase) Acts 1944, 1952, 1956, 1959, 1962, 1965 and 1969.

The allowances will be calculated on a "notional" pension (defined in regulation 5) corresponding broadly to the pension a person would have received if he had been subject to the Superannuation Act 1965 and entitled to reckon under the Act his service during which he was subject to the Wheat Commission scheme.

Under the power in section 3(4) of the Pensions (Increase) Act 1965 the Regulations provide for allowances payable under the Regulations to take effect from 1st April 1969.

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