STATUTORY INSTRUMENTS

1974 No. 1811

PENSIONS

The Pensions Increase (Northern Ireland Police) (No. 2) Regulations 1974

Made - - -	*1st November* 1974
Laid before Parliament	*5th November* 1974
Coming into Operation	*1st December* 1974

In exercise of the powers conferred on me by section 5(3) and (4) of the Pensions (Increase) Act 1971(**a**), read with Regulations 3 and 4 of the Pensions Increase (Northern Ireland Reserved Services) Regulations 1974(**b**) and the Schedule thereto, I hereby, with the consent of the Minister for the Civil Service, make the following Regulations:—

Citation and operation

1.—(1) These Regulations may be cited as the Pensions Increase (Northern Ireland Police) (No. 2) Regulations 1974.

(2) These Regulations shall come into operation on 1st December 1974.

(3) Any increase of pension payable by virtue of these Regulations shall take effect from 1st January 1974.

Interpretation

2.—(1) Any reference in these Regulations to any enactment or instrument shall be construed as including a reference to that enactment or instrument as amended by or under any other enactment or instrument and "enactment" includes an enactment of the Parliament of Northern Ireland.

(2) Any reference in any of these Regulations to a paragraph or to a Regulation shall be construed, unless the context otherwise requires, as a reference to a paragraph of that Regulation or, as the case may be, to a Regulation contained in these Regulations.

(3) In these Regulations the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Northern Ireland police pension" means such a pension as is specified in sub-paragraphs (*a*) and (*b*) of paragraph 1 of the Schedule to the Pensions Increase (Northern Ireland Reserved Services) Regulations 1974(**b**);

"the principal Act" means the Pensions (Increase) Act 1971.

(a) 1971 c. 56.

(b) S.I. 1974/1741 (1974 III, p. 6207).

Pensions reduced on account of additional benefit.

3.—(1) This Regulation shall apply to a Northern Ireland police pension payable to a person who retired or ceased to serve before 1st April 1972 which is reduced in amount or is not payable on account of the payment of some additional benefit.

(2) Subject to paragraph (6), in relation to a pension to which this Regulation applies, the basic rate, the 1969 standard and the 1971 rate shall be calculated (where Regulation 4 applies, having regard to paragraphs (3) and (4) thereof) as if no additional benefit were payable and there shall be construed accordingly—

(*a*) the reference to the annual rate on 31st August 1971 in section 6(3) of the principal Act, and

(*b*) the reference to the annual rate in the definition of the expression "basic rate" in section 17(1) of that Act.

(3) Subject to paragraph (6), where the permitted reduction in the amount of a pension to which this Regulation applies exceeds—

(*a*) the 1969 standard or the 1971 rate, whichever is the greater, in the case of a pension which began before the year 1969, or

(*b*) the basic rate of the pension in any other case,

(having regard to the provisions of these Regulations and, in particular, to paragraph (5)) section 1 of the principal Act shall have effect as if it were provided therein that the increase payable thereunder should be reduced by the excess.

(4) Subject to paragraph (6), where the permitted reduction in the amount of a pension to which this Regulation applies exceeds the basic rate of the pension as authorised to be increased as mentioned in sub-section (6) of section 2 of the principal Act (having regard to the provisions of these Regulations and, in particular, to paragraph (5)) the said section 2 shall have effect as if it were provided therein that any increase provided for by an order thereunder should be reduced by the excess.

(5) For the purposes of paragraphs (3) and (4), without prejudice to paragraph (2), in determining the 1971 rate of the pension and in determining the basic rate of the pension as authorised to be increased as is mentioned in paragraph (4) (in so far as that rate depends on the 1971 rate) there shall be disregarded—

(*a*) any relevant increase (within the meaning of section 6 of the principal Act) payable to the pensioner on 31st August 1971 by reason that he had attained the age of 70 on or before that date, and

(*b*) the provisions of section 6(5) of that Act.

(6) If in the case of a pension to which this Regulation applies an increase was on 31st December 1973 payable due to the operation of Regulation 3(7) of the Increase of Pensions (Police and Fire Services) Regulations (Northern Ireland) 1971(**a**), then, notwithstanding anything in the preceding provisions of this Regulation, section 2 of the principal Act shall have effect as if it provided that the order made under the said section which came into operation on 1st December 1973 would secure that the increase under the said order should from 1st January 1974 be not less than the first-mentioned increase.

(7) In this Regulation the expression "additional benefit" means—

(*a*) any benefit payable under the National Insurance Act (Northern Ireland) 1966(**b**), together with any supplement thereto payable under section 2 of the National Insurance (No. 2) Act (Northern Ireland) 1966(**c**) and any benefit payable by virtue of the Social Services (Parity) Order (Northern Ireland) 1971(**d**); or

(*b*) any benefit payable under the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**e**), together with any supplement thereto payable under the said section 2;

and the expression "permitted reduction" means the amount (expressed as an annual rate) by which a pension would fall to be reduced on account of the payment of additional benefit if the reduction were not limited by the size of the pension.

Supplemental and injury pensions

4.—(1) This Regulation shall apply where a supplemental pension and, in the case of paragraph (2), where an injury pension is payable under the provisions specified in sub-paragraphs (*a*) and (*b*) of paragraph 1 of the Schedule to the Pensions Increase (Northern Ireland Reserved Services) Regulations 1974, whether or not the pension is reduced in amount or is not payable on account of the payment of some additional benefit within the meaning of Regulation 3.

(2) Section 3(2) of the principal Act shall have effect in relation to such a supplemental or injury pension as if the pensioner had retired on account of physical or mental infirmity.

(3) Where in accordance with any such provision as is referred to in paragraph (1) the pensioner is entitled to some other pension, then, notwithstanding anything in that provision, the principal Act and Regulation 3 shall have effect (where paragraph (4) applies, subject to the provisions thereof) as if the supplemental pension and the other pension constituted separate awards.

(4) Where in accordance with any such provision as is referred to in paragraph (1) the pensioner is entitled to some other pension, for the purpose of ascertaining the 1971 rates of the supplemental and of the other pension under section 6 of the principal Act, the 1971 rate of the other pension shall

(**a**) S.R. & O. (N.I.) 1971/406. (**b**) 1966 c. 6. (N.I.). (**c**) 1966 c. 16 (N.I.).
(**d**) S.R. & O. (N.I.) 1971/224. (**e**) 1966 c. 9 (N.I.).

be ascertained without regard to the supplemental pension, but the difference between that rate and the 1971 rate of the combined pensions (where Regulation 3 applies to the supplemental pension, having regard to paragraph (2) thereof) shall be treated as the 1971 rate of the supplemental pension.

Merlyn Rees,
One of Her Majesty's Principal Secretaries of State.

Northern Ireland Office.
31st October 1974.

Consent of the Minister for the Civil Service given under his Official Seal on 1st November 1974.

(L.S.)

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

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Northern Ireland police pensions are among the Northern Ireland reserved service pensions to which the Pensions (Increase) Act 1971 now applies by virtue of the Pensions Increase (Northern Ireland Reserved Services) Regulations 1974, and these Regulations provide that the Act shall apply in relation to certain such police pensions subject to modifications and adaptations.

Regulation 3 provides that, where a pension payable to a person who retired or ceased to serve before 1st April 1972 is reduced on account of the payment of certain national insurance additional benefits, no account shall be taken of the reduction for the purposes of the calculation of the basic rate, the 1969 standard and the 1971 rate of the pension (by reference to which the amount of an increase under section 1, or under an order under section 2, of the Act is determined), but that, in certain cases, the increase is to be abated on account of such payment.

Regulation 4 provides that—

(1) where a supplemental or injury pension is awarded the pensioner is regarded as satisfying one of the basic conditions for the grant of an increase under the Act, and

(2) where an award comprises a supplemental and some other pension, those pensions are to be increased separately.

Under section 5(4) of the Pensions (Increase) Act 1971 (and in accordance with the Pensions Increase (Northern Ireland Reserved Services) Regulations 1974), the Regulations provide for any increase of pension payable by virtue of them to take effect from 1st January 1974.

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