STATUTORY INSTRUMENTS

1972 No. 387

PENSIONS

The Pensions Increase (Wheat Commission) Regulations 1972

Made - - -	13*th March* 1972
Laid before Parliament	17*th March* 1972
Coming into Operation	10*th April* 1972

The Minister for the Civil Service, in exercise of the powers conferred on him by section 13(2) and (5) of the Pensions (Increase) Act 1971(**a**) 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 (Wheat Commission) Regulations 1972, and shall come into operation on 10th April 1972.

Interpretation

2.—(1) In these Regulations—

"the civil service pension scheme" means the principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972(**b**) and for the time being in force;

"reckonable service" means, in relation to any person, such of his service after 4th May 1940 as is reckonable for the purposes of the Wheat Commission pension scheme;

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

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

Persons to whom the Regulations apply

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

(*a*) has after 4th May 1940 served for a continuous period of not less than ten years either in the employment of the Wheat Commission as a participant in the Wheat Commission pension scheme, or partly in such employment as such a participant and partly in the civil service of the State; and

(**a**) 1971 c. 56. (**b**) 1972 c. 11.
(**c**) 1889 c. 63.

(*b*) either—

(i) has retired from the service of the Wheat Commission after attaining the age of sixty years or on account of physical or mental infirmity; or

(ii) has retired from the civil service of the State after attaining the age of sixty years or on account of physical or mental infirmity; or

(iii) having retired from the civil service of the State not earlier than 14th July 1949 in circumstances other than those described in (ii) above, has attained the age of sixty years or satisfies the Minister for the Civil Service that he is disabled by physical or mental infirmity; or

(iv) having been transferred from the civil service of the State to employment which is approved employment for the purposes of the civil service pension scheme, has retired from such employment after attaining the age of sixty years or on account of physical or mental infirmity; and

(*c*) has received, or become entitled to receive, retirement benefit under the Wheat Commission pension scheme.

(2) For the purposes of paragraph (1) above, a person shall be deemed to have retired after attaining the age of sixty years if he retired within twelve months before attaining that age in such circumstances that he became entitled immediately after his retirement to retirement benefit under the Wheat Commission pension scheme.

Notional pension and lump sum

4.—(1) There shall be ascribed to each person to whom these Regulations apply a notional pension calculated by multiplying one-eightieth of the average annual amount of the salary and emoluments of his office during the last three years of his reckonable service by the number of completed years of his reckonable service.

(2) Where a person to whom these Regulations apply has retired or been transferred from the civil service of the State in such circumstances that, if the civil service pension scheme applied to him, a lump sum would become payable to him by way of retiring allowance upon his subsequently attaining a particular age or becoming disabled by physical or mental infirmity before that age, there shall be ascribed to him a notional lump sum, treated as if it became payable on his attaining that age or becoming so disabled, as the case may be, and calculated by multiplying three-eightieths of the average annual amount of the salary and emoluments of his office during the last three years of his reckonable service by the number of completed years of his reckonable service.

(3) In calculating, under paragraph (1) above, the notional pension of a person to whom an allowance was payable before the coming into operation of these Regulations under or by reference to the Pensions Increase (Former Wheat Commission Staff) Regulations 1970(**a**), any fraction of a pound in the resulting sum shall be treated as a whole pound.

(**a**) S.I. 1970/355 (1970 I, p. 1267).

Payment of benefit equivalent to pension increase

5. The Minister for the Civil Service may, in respect of any period beginning on or after 1st September 1971, pay to any person to whom these Regulations apply an amount equal to the increase which would be payable to him under the Pensions (Increase) Act 1971 if—

(*a*) there were payable to him—

(i) a superannuation allowance under the civil service pension scheme of an amount equal to the notional pension ascribed to him under Regulation 4(1) above, and

(ii) in a case where a notional lump sum is ascribed to him under Regulation 4(2) above, a lump sum allowance under the civil service pension scheme of an amount equal to and becoming payable at the same time as that notional lump sum, and

(*b*) any allowance which might (but for the pensions (Increase) Act 1971) have been paid to him under the Pensions Increase (Former Wheat Commission Staff) Regulations 1970 were a relevant increase within the meaning of section 6(10) of that Act.

Given under the official seal of the Minister for the Civil Service on 13th March 1972.

(L.S.)

A. W. Wyatt,
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) Act 1971.

The allowances will be calculated on a "notional pension" and, in certain circumstances, a "notional lump sum" which correspond broadly to the pension and lump sum a person would have received if he had been subject to the principal civil service pension scheme and entitled to reckon under that scheme his service during which he was subject to the Wheat Commission pension scheme.

Under the power in section 13(5) of the Pensions (Increase) Act 1971 the Regulations provide for allowances payable under the Regulations to take effect from 1st September 1971.

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