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STATUTORY INSTRUMENTS

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1974 No. 1267 (N.I. 2)

NORTHERN IRELAND

**The Pensions (Increase) (Northern Ireland) Order 1974**

<i>Made - - - -</i>	<i>25th July 1974</i>
<i>Laid before Parliament</i>	<i>31st July 1974</i>
<i>Coming into Operation</i>	<i>5th August 1974</i>

ARRANGEMENT OF ORDER

*Article*

1. Title and commencement.
2. Interpretation.
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4. Provisions supplementary to Article 3.
5. Amendments of Pensions (Increase) Act (Northern Ireland) 1971.
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SCHEDULE—PERCENTAGE INCREASES OF BASIC RATES OF PENSIONS

PART I —PENSIONS RELATED TO EMOLUMENTS OF WHICH INCREASES WERE DEFERRED

PART II —OTHER PENSIONS

PART III —CALCULATION OF NUMBERS MENTIONED IN PARAGRAPHS 5, 7, 14 AND 16

At the Court at Buckingham Palace, the 25th day of July 1974

Present,

The Queen's Most Excellent Majesty in Council

Whereas it has been made to appear to Her Majesty that by reason of urgency this Order requires to be made without a draft having been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

### *Title and commencement*

1. This Order may be cited as the Pensions (Increase) (Northern Ireland) Order 1974 and shall come into operation on 5th August 1974.

### *Interpretation*

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Act of 1971” means the Pensions (Increase) Act (Northern Ireland) 1971(c);

“prescribed” means prescribed by regulations;

“regulations” means regulations made by the Department of Finance or made by any other department of the Government of Northern Ireland with the approval of that Department; and

“the relevant date”, in relation to a pension, means—

(a) such date as may be specified in regulations as that on which, in the opinion of the Department making the regulations, the emoluments relevant for the purpose of calculating the pension were or are expected to be increased by the principal pay increase made or expected to be made, during the year ending with 6th November 1974, in accordance with the code in force under section 2 of the Counter-Inflation Act 1973(d) at the time of the increase; or

(b) if on 7th November 1974 no date is specified in respect of the pension in pursuance of the preceding sub-paragraph, 6th November 1974;

and other expressions used in this Order and the Act of 1971 have the same meanings in this Order as in that Act except that references to a pension in this Order do not include payments other than periodical payments.

(3) A pension as to which it is provided in pursuance of section 5(2) of the Act of 1971 that that Act shall have effect as if the pension were specified in a particular Part of Schedule 2 to that Act shall be deemed for the purposes of this Order to be specified in that Part of that Schedule.

### *Increases of certain official pensions*

3.—(1) The rate which apart from this Order is the basic rate of an official pension of a class prescribed for the purposes of this paragraph and beginning—

(a) after 1st January 1973; and

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(a) 1974 c. 28.

(c) 1971 c. 35 (N.I.).

(b) 1954 c. 33 (N.I.).

(d) 1973 c. 9.

(b) in the case of a pension beginning after 6th November 1974, before the first anniversary of the relevant date for the pension,

may be increased by the pension authority, in respect of any period beginning on or after 1st December 1973, by a percentage of the said basic rate ascertained in accordance with the following paragraph.

(2) The said percentage in respect of any pension is that which is specified in relation to a pension beginning when the pension in question begins—

(a) in Part I of the Schedule in the case of a pension to which this sub-paragraph applies; and

(b) in Part II of the Schedule in any other case;

and sub-paragraph (a) applies to pensions specified in regulations as pensions as respects which, in the opinion of the Department making the regulations, increases in the emoluments relevant for the purpose of calculating the pensions were deferred during the period beginning with 6th November 1972 and ending with 31st March 1973 in consequence of provisions of the Counter-Inflation (Temporary Provisions) Act 1972(a).

(3) In section 15(1) of the Act of 1971 (which among other things provides that for the purposes of that Act the expression “basic rate” means the annual rate of a pension apart from any increase which is attributable to that Act or an enactment repealed by that Act or which corresponds to such an increase) at the end of the definition of “basic rate” there shall be inserted the words “but including any increase in the said annual rate in consequence of the Pensions (Increase) (Northern Ireland) Order 1974”.

(4) Regulations may provide that this Order (except this paragraph and Article 5) shall have effect, in relation to any official pension of a class prescribed for the purposes of this paragraph, with prescribed additions, amendments and omissions.

(5) The classes of official pension which may be prescribed for the purposes of paragraph (1) shall not include any pension for which the Minister for the Civil Service is the pension authority.

#### *Provisions supplementary to Article 3*

4.—(1) Where a pension authority has power by virtue of the preceding Article to increase any pension specified in Part II of Schedule 2 to the Act of 1971 (which relates to pensions payable by local authorities etc.) it shall be the duty of the authority to exercise the power.

(2) Section 7(2) and (3) of the Act of 1971 and Article 9(3) of the Superannuation (Northern Ireland) Order 1972(b) (which among other things relate to the manner in which certain increases under the Act of 1971 are to be paid or borne and in which the cost of them is to be apportioned) shall have effect as if references to the Act of 1971 included references to this Order.

(3) Regulations may provide that, in relation to any pensions specified in the

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(a) 1972 c. 74.

(b) S.I. 1972/1073 (N.I. 10).

regulations, functions of the pension authority under this Order shall be performed on behalf of the pension authority by such other authority as is so specified.

(4) In calculating the rate of any derivative pension any increase under this Order of the principal pension shall be disregarded.

#### *Amendments of Pensions (Increase) Act (Northern Ireland) 1971*

5.—(1) In section 2(2)(b) of the Act of 1971 (which, as amended by Article 20 of the Superannuation (Northern Ireland) Order 1972, provides for increases of pensions beginning during the first review period which ended with 30th June 1972 and during the subsequent review periods there mentioned), in subparagraph (iii) (which relates to pensions beginning in the three months ending with 1st July 1972) after the word “ending” there shall be inserted and be deemed always to have been inserted the words “in the case of the first review period”.

(2) In section 3(3)(b) and (6) of the Act of 1971 (which among other things provide for increases in pursuance of that Act in respect of persons who have not attained the age of sixteen) for the word “sixteen” there shall be substituted the word “seventeen”.

(3) Subsection (4) of section 3 of the Act of 1971 (which provides that an increase in pursuance of that Act of a widow’s pension shall not be payable unless a qualifying condition mentioned in that subsection is satisfied) shall cease to have effect, and accordingly—

(a) in sections 1(1), 2(1), 3(1) and 6(6) of that Act, Article 3(1) of the Pensions Increase (Annual Review) Order (Northern Ireland) 1972(a), Article 3(1) of the Pensions Increase (Annual Review) Order (Northern Ireland) 1973(b) and the Schedules to those Orders, after the words “is satisfied” there shall be inserted the words “or the pension is a widow’s pension”; and

(b) at the end of section 15(1) of that Act there shall be inserted the words “‘widow’s pension’ means a pension payable in respect of the services of the pensioner’s deceased husband”;

but nothing in this paragraph affects any increase which became payable before the commencement of this Order and no increase shall be payable by virtue of this paragraph in respect of any period before 1st December 1974.

#### *Regulations*

6. Regulations made under this Order—

(a) may provide for them to have effect from a date before the making thereof (whether before or after the commencement of this Order); and

(b) shall be subject to negative resolution.

*N. E. Leigh.*

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(a) S.R. & O. (N.I.) 1972, No. 263.

(b) S.R. & O (N.I.) 1973, No. 364.

**SCHEDULE**

Article 3(2).

**PERCENTAGE INCREASES OF BASIC RATES OF PENSIONS**

**PART I**

**PENSIONS RELATED TO EMOLUMENTS OF WHICH INCREASES WERE DEFERRED**

<i>Beginning date of pension</i>	<i>Number of per cent</i>
1. Before 2nd April 1973	4.1
2. After 1st April 1973 and before 2nd May 1973	3.7
3. After 1st May 1973 and before 2nd June 1973	3.4
4. After 1st June 1973 and before 2nd July 1973	3.0
5. After 1st July 1973 and before 1st April 1974	The number calculated in accordance with paragraph 17
6. After 31st March 1974 and on or before the relevant date for the pension	6.1
7. After both 31st March 1974 and the relevant date for the pension	The number calculated in accordance with paragraph 18

**PART II**

**OTHER PENSIONS**

8. Before 2nd February 1973	3.7
9. After 1st February 1973 and before 2nd March 1973	3.4
10. After 1st March 1973 and before 2nd April 1973	3.0
11. After 1st April 1973 and before 2nd May 1973	2.7
12. After 1st May 1973 and before 2nd June 1973	2.4
13. After 1st June 1973 and before 2nd July 1973	2.0
14. After 1st July 1973 and before 1st January 1974	The number calculated in accordance with paragraph 19
15. After 31st December 1973 and on or before the relevant date for the pension	6.1
16. After both 31st December 1973 and the relevant date for the pension	The number calculated in accordance with paragraph 18

### PART III

#### CALCULATION OF NUMBERS MENTIONED IN PARAGRAPHS 5, 7, 14 AND 16

17. The number mentioned in paragraph 5 is that produced by dividing by 12 the sum of 10·4 multiplied by the number specified in sub-paragraph (a) and 6·1 multiplied by the number specified in sub-paragraph (b), namely—

(a) the number of complete months in the period beginning with the date of which the date when the pension begins is the first anniversary and ending with 31st March 1973; and

(b) the number of complete months in the period beginning with 1st April 1973 and ending either with the day preceding that on which the pension begins or with the day preceding the relevant date for the pension, whichever is the earlier;

and for the purposes of sub-paragraph (b) any fraction of a month shall be treated as a complete month.

18. The number mentioned in paragraph 7 and paragraph 16 is that produced by dividing by 12 the product of 6·1 and the number of complete months in the period beginning with the date when the pension begins and ending with the day preceding the first anniversary of the relevant date for the pension.

19. The number mentioned in paragraph 14 is that produced by applying paragraph 17 with the substitution for the references to 31st March 1973 and 1st April 1973 of references to 31st December 1972 and 1st January 1973 respectively.

20. Any number calculated in pursuance of paragraphs 17 to 19 shall be calculated to the nearest tenth, one-twentieth being counted as a tenth.

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#### EXPLANATORY NOTE

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

This Order provides for increases of certain official pensions and makes minor amendments to the Pensions (Increase) Act (Northern Ireland) 1971.