



Social Security Pensions Act 1975

1975 CHAPTER 60

PART IV

OCCUPATIONAL PENSIONS

Other provisions

F1 57

Textual Amendments

F1 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2** and expressed to be repealed (N.I.) (7.2.1994) by 1993 c. 49, s. 182(1), **Sch. 4 Pt. I**; S.R. 1994/17, **art. 2**

F2 57A

Textual Amendments

F2 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

F3 57B

Textual Amendments

F3 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

Status: Point in time view as at 07/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Cross Heading: Other provisions. (See end of Document for details)

^{F4}~~57C~~

Textual Amendments
F4 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

^{F5}~~57D~~

Textual Amendments
F5 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

^{F6}~~58~~

Textual Amendments
F6 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt. I**; S.I. 1994/86, **art. 2**

^{F7}~~58A~~

Textual Amendments
F7 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 188, **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

^{F8}~~58B~~

Textual Amendments
F8 Ss. 26-58B repealed (7.2.1994) by 1993 c. 48, s. 193(2), **Sch. 5 Pt.I**; S.I. 1994/86, **art. 2**

59 Increase of official pensions.

- (1) Where by virtue of [^{F9}section 151 of the Administration Act a direction is given that the sums mentioned in section 150(1)(c) of that Act] are to be increased by a specified percentage the Minister for the Civil Service shall by order provide that the annual rate of an official pension may, if a qualifying condition is satisfied or the pension is [^{F10}a derivative or substituted pension or a relevant injury pension], be increased in respect of any period beginning on or after the date on which the direction takes effect—
 - (a) if the pension began before the beginning of the base period for that direction, by the same percentage as that specified in the direction;
 - (b) if the pension began during the base period, by that percentage multiplied by A/B where A is the number of complete months in the period between the

Status: Point in time view as at 07/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Cross Heading: Other provisions. (See end of Document for details)

beginning of the pension and the end of the base period and B is the number of complete months in the base period.

- (2) Where an order is made under this section in consequence of any such direction as aforesaid the order shall, in addition to the provision required by subsection (1) above, authorise the payment of an increase in respect of any lump sum that becomes payable during the base period for that direction, being an increase equal to the percentage specified in the direction multiplied by

$$\frac{A}{B}$$

where—

- (a) A is the number of complete months in the period between the beginning date for the lump sum (or, if later, the date from which it was last authorised to be increased by an order under this section) and the date on which it becomes payable; and
- (b) B is the number of complete months in that base period.
- (3) In the case of the first order made under this section in consequence of any such direction as aforesaid, subsection (1) above shall have effect as if the increase required to be authorised in the case of any pension (whether beginning before or during the base period) were an increase equal to the percentage specified in the direction multiplied by

$$\frac{A}{B}$$

where—

- (a) A is the number of complete months in the period between the beginning of the pension (or, if later, the date from which it was last authorised to be increased by an order under section 2 of the ^{M1}Pensions (Increase) Act 1971) and the end of the base period for that direction; and
- (b) B is the number of complete months in that base period.
- (4) In the case of the first order so made under this section, subsection (2) above shall have effect as if—
- (a) for the reference to any lump sum that becomes payable during the base period there were substituted a reference to any lump sum that becomes or has become payable before the end of the base period but after the date from which official pensions were last increased by an order under section 2 of the ^{M2}Pensions (Increase) Act 1971; and

Status: Point in time view as at 07/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Cross Heading: Other provisions. (See end of Document for details)

- (b) the reference in paragraph (a) of the subsection to the date from which the lump sum was last authorised to be increased were a reference to the date specified in paragraph (a) above.
- (5) The increases in the rate of a pension that may be provided for by an order under this section are to be calculated by reference to the basic rate of the pension as authorised to be increased by section 1 of the said Act of 1971 or by any order under section 2 of that Act or this section; but where—
- [^{F11}(a) a person is entitled to a guaranteed minimum pension when an order under this section comes into force; and
- (b) entitlement to that guaranteed minimum pension arises from an employment from which (either directly or by virtue of the payment of a transfer credit . . .^{F12}) entitlement to the official pension also arises;
- the amount by reference] to which any increase authorised by that or any subsequent order is to be calculated shall be reduced by an amount equal to the rate of the guaranteed minimum pension.
- [^{F13}(5ZA) In the application of subsection (5) above in relation to a widow’s or widower’s pension in a case where the pensioner becomes entitled on the death of the deceased spouse to such a guaranteed minimum pension as is there mentioned.
- (a) the pensioner shall be treated as having been entitled to that guaranteed minimum pension at all times during the period beginning with the date on which the deceased spouse became entitled to a guaranteed minimum pension and ending with the date of the death;
- (b) the rate of the guaranteed minimum pension to which the pensioner is treated as so entitled at any time during that period shall be taken to be one half of the rate of the deceased spouse’s guaranteed minimum pension at that time; and
- (c) the amount by reference to which any increase in the widow’s or widower’s pension is to be calculated shall, subject to any directions under section 59A below (whether made before or after the coming into force of this subsection), be accordingly reduced under that subsection by an amount equal to the rate, as determined under paragraph (b) above, of the guaranteed minimum pension to which the pensioner is treated as entitled;
- but this subsection does not apply to a widow’s or widower’s pension in respect of any service of the deceased spouse if the deceased spouse became payable before the coming into force of this subsection.]
- [^{F14}(5A) Nothing in [^{F15}section 110(2) or (3) of, or paragraph 10 of Schedule 6 to, the Pension Schemes Act 1993] authorises any deduction from an increase in the rate of an official pension under this section.]
- (6) Any order under this section shall be made by statutory instrument and shall be laid before Parliament after being made.
- (7) In this section—
- “base period”, in relation to any such direction as is mentioned in subsection (1) above, means the period ending with the coming into force of that direction and beginning with the coming into force of the last previous such direction or, if there was none, with [^{F16}13th November 1978 (date of the relevant order under section 124 of the principal Act, increasing rates of benefit);]
- “beginning date”, in relation to a lump sum, shall be construed in accordance with sections 8(2) and 9(2)(a) of the said Act of 1971;

Status: Point in time view as at 07/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Cross Heading: Other provisions. (See end of Document for details)

[^{F17} “employment”, “guaranteed minimum pension” and “transfer credit” have the same meaning as in section 181(1) of the Pension Schemes Act 1993]

“lump sum” includes an instalment of a lump sum;

[^{F18} “widower’s pension” means a pension payable in respect of the services of the pensioner’s deceased wife]

and this section [^{F19} and section 59A of this Act] and the said Act of 1971 shall have effect as if this section [^{F19} and section 59A of this Act] were contained in Part I of that Act.

[^{F20}(8) Where, for the purposes of this section, it is necessary to calculate the number of complete months in any period an incomplete month shall be treated as a complete month if it consists of at least 16 days.]

Textual Amendments

- F9** Words substituted by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\), Sch. 2, para. 34](#)
- F10** Words substituted by the [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7\), s. 1\(7\)](#)
- F11** Words substituted by [Social Security Act 1979 \(c. 18\), s. 11\(1\)](#)
- F12** Words repealed by [Social Security Act 1985 \(c. 53\), Sch. 5, para. 33](#) and [Sch. 6](#)
- F13** S. 59(5ZA) inserted (with effect from 24.7.1990) by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7\), s. 5\(1\)](#)
- F14** S. 59(5A) inserted (with effect from 6.4.1988) by [Social Security Act 1986 \(c. 50\), s. 9\(8\)](#)
- F15** Words in s. 59(5A) substituted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 8 para. 9\(1\)\(a\)](#); S.I. 1994/86, [art. 2](#)
- F16** Words substituted by [Social Security Act 1979 \(c. 18\), s. 11\(2\)](#)
- F17** Definitions of “employment”, “guaranteed minimum pension” and “transfer credit” in s. 59(7) inserted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 8 para. 9\(1\)\(b\)](#); S.I. 1994/86, [art. 2](#)
- F18** Definition inserted (with effect from 24.7.1990) by [Pensions \(Miscellaneous Provisions\) Act 1990 \(c. 7\), s. 5\(2\)](#)
- F19** Words inserted by [Social Security Act 1979 \(c. 18\), Sch. 3 para. 20](#)
- F20** S. 59(8) inserted by [Social Security Act 1979 \(c. 18\), s. 11\(3\)](#)

Modifications etc. (not altering text)

- C1** S. 59 applied (with modifications) (E.W.S.) (10.4.2011) by [The Pensions Increase \(Modification\) Regulations 2011 \(S.I. 2011/826\), regs. 3-5](#)
- C2** S. 59(5ZA) applied (7.4.1997) by S.I. 1997/634, [art. 6](#)

Marginal Citations

- M1** 1971 c. 56.
- M2** 1971 c. 56.

[^{F21}59A Modification of effect of section 59(5).

- (1) This section applies where the amount by reference to which an increase in an official pension is to be calculated would, but for the provisions of this section, be reduced under section 59(5) of this Act by an amount equal to the rate of a guaranteed minimum pension.
- (2) The Minister for the Civil Service may direct that in such cases or classes of case as may be specified in the direction—
 - (a) no such reduction shall be made; or

Status: Point in time view as at 07/02/1994.

Changes to legislation: There are currently no known outstanding effects for the Social Security Pensions Act 1975, Cross Heading: Other provisions. (See end of Document for details)

(b) the reduction shall be of an amount less than the rate of the guaranteed minimum pension;

and in any case to which such a direction applies the increase shall, in respect of such period or periods as may be specified in the direction, be calculated in accordance with the direction, notwithstanding section 59(5).

[Where in any tax year [^{F23}as defined in section 181(1) of the Pension Schemes Act ^{F22}(2A) 1993]—

- (a) an increase is calculated in accordance with a direction under this section; and
- (b) the amount by reference to which the increase is calculated, or any part of it, is increased in that tax year under [^{F24}section 109 of the Pension Schemes Act 1993],

the increase calculated in accordance with the direction shall be reduced by the amount of the increase under [^{F25}that section].]

- (3) A direction under this section may provide that where it has applied in any case and ceases to apply in that case, the rate of the official pension for any period following the date on which the direction ceases to apply shall, in such circumstances as may be specified in the direction, be calculated as if the direction had never applied.
- (4) A direction under this section may provide that the rate of an official pension shall, in such circumstances as may be specified in the direction, be calculated as if the direction had been in force at all times during such period as may be so specified.
- (5) A direction made under subsection (2) above may be varied or revoked by a subsequent direction.]

Extent Information

- E1** Ss. 59, 59A have the same extent as the Pensions (Increase) Act 1971, in that they extend to E.W.S. only except for specified purposes for which purposes they also extend to N.I., see s. 68(3)(a) and [Pensions \(Increase\) Act 1971 \(c. 56\), s. 19](#)

Textual Amendments

- F21** [S. 59A](#) inserted by [Social Security Act 1979 \(c. 18\), s. 11\(4\)](#)
- F22** [S. 59A\(2A\)](#) inserted (with effect from 6.4.1988) by [Social Security Act 1986 \(c. 50\), s. 9\(9\)](#)
- F23** Words in [s. 59A\(2A\)](#) inserted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 8 para. 9\(2\)\(a\)](#); S.I. 1994/86, [art. 2](#)
- F24** Words in [s. 59A\(2A\)](#) substituted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 8 para. 9\(2\)\(b\)](#); S.I. 1994/86, [art. 2](#)
- F25** Words in [s. 59A\(2A\)](#) substituted (7.2.1994) by 1993 c. 48, s. 190, [Sch. 8 para. 9\(2\)\(c\)](#); S.I. 1994/86, [art. 2](#)

Status:

Point in time view as at 07/02/1994.

Changes to legislation:

There are currently no known outstanding effects for the Social Security Pensions Act 1975,
Cross Heading: Other provisions.