

2011 No. 128

PENSIONS

**Pensions Increase (Modification) Regulations (Northern Ireland)
2011**

Made - - - - - *21st March 2011*

Coming into operation - *10th April 2011*

The Department of Finance and Personnel, being satisfied that it is proper so to do, in exercise of the power conferred by sections 5(3) of the Pensions (Increase) Act (Northern Ireland) 1971(a) and now vested in it(b), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Pensions Increase (Modification) Regulations (Northern Ireland) 2011, and shall come into operation on 10th April 2011.

Interpretation

2. In these Regulations—

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

“the 1975 Order” means the Social Security Pensions (Northern Ireland) Order 1975(c).

Modification

3. The provisions of Article 69 of the 1975 Order shall apply in relation to an official pension(d) subject to the modification in regulation 4.

4. “Base period” in relation to the direction specified in regulation 5, means the period ending with the coming into operation of that direction and beginning on 12th April 2010.

5. The direction specified in this regulation is the direction mentioned in section 69(1) of the 1975 Order coming into operation on 11th April 2011(e).

Sealed with the Official Seal of the Department of Finance and Personnel on 21st March 2011

(a) 1971 c35 (N.I.); s.5(3) was amended by the Social Security Pensions (Northern Ireland) Order 1975 SI 1975/1503 (N.I.15) Sch.5 (para.16)
(b) By virtue of Article 4 of The Departments (NI) Order 1982 (S.I. 1982/338, (N.I.6))
(c) S.I. 1975/1503 (N.I. 15)
(d) By virtue of section 9(1) of the 1971 Act references to a pension apply in relation to any allowance, benefit or compensation whether it takes the form of periodical payments or of a gratuity or other lump sum.
(e) This direction is contained in S.R. 2011 No. 119



Michael Daly
A senior officer of the
Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Order)

Under Article 69 of the Social Security Pensions (Northern Ireland) Order 1975 as amended, and as modified by Article 69A of that Order, the Department of Finance and Personnel (in who the functions conferred by those provisions are now vested) are required to provide by order for the increase in the rates of public service pensions. Under Article 69(7) of the 1975 Order, Article 69 of that Act has effect as if it were contained in the Pensions (Increase) Act (Northern Ireland) 1971. Section 9 (1) of the 1971 Act provides that references in the Act to a pension shall apply in relation to any allowance, benefit or compensation whether it takes the form of periodical payments or of a gratuity or other lump sum; and section 9(2)(c) provides that references to the “rate” of pension shall have effect as references also to the amount of a lump sum benefits. The increase is the percentage by which the Department for Social Development has, by direction given under the provisions of section 132(1) of the Social Security Administration (Northern Ireland) Act 1992, increased the sums referred to in section 132 of that Act. These are the sums which are the additional pensions in long term benefits, namely the additional pension entitlements accruing to employees in respect of earnings after 5th April 1978.

Where the pension began since the last direction given by the Department for Social Development the increase is a fraction of the percentage provided for in the latest direction. This usually means that pensions which have been in payment for less than a year get a proportionate fraction of the increase. However there was no direction 2010. Accordingly the provisions of the 1975 Order would require all pensions which began from the date of the direction in 2009 (6th April 2009) to the date of the 2011 direction (11th April 2011) to receive a proportionate fraction of the increase. The modification in relation 4 of these regulations restores the usual position so that pensions beginning before 12th April 2010 will receive the full increase (3.1%) and only those pensions beginning on or after 12th April 2010 (but before 11th April 2011) will get a proportionate fraction of the increase.

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