

ISLE OF MAN
TO WIT

By His Excellency George Edgar Moore, Esquire
Deputy Governor of the said Isle &c., &c., &c.,

PENSIONS (INCREASE) ORDER 1971

I, the said Deputy Governor, by virtue of the powers conferred on me by Section 1 of the Pensions (Increase) Act 1971 DO HEREBY make the following order : -

1. (1) Subject to the provisions of this Order, the annual rate of a pension may, if any qualifying condition is satisfied, be increased by the pension authority in respect of any period beginning on or after the 1st September 1971 as follows : -
- (a) a pension beginning before the year 1969 may be increased by the amount necessary to bring the rate up to the 1969 standard, that is to say, to the rate arrived at by applying to the basic rate of pension the multiplier given in Schedule 1 for the year in which the pension began, and by a further 18 per cent. of the rate as so increased;
 - (b) a pension beginning on or before 1st April 1969 but not earlier than that year may be increased by 18 per cent. of the basic rate;
 - (c) a pension beginning in the six months following 1st April 1969 may be increased by 16 per cent. of the basic rate;
 - (d) a pension beginning in the six months following 1st October 1969 may be increased by 14 per cent. of the basic rate;
 - (e) a pension beginning in the six months following 1st April 1970 may be increased by 10 per cent. of the basic rate;

(f) a pension beginning in the six months following 1st October 1970 may be increased by 6 per cent. of the basic rate.

(2) In the case of a pension beginning before the year 1969 the increase authorised by paragraph (1) (a) above shall take the place of those authorised by the Pensions (Increase) Acts 1947 to 1970 but in the case provided for by article 2 below shall be the larger amount there specified by reference to increases that may be made under those Acts.

Savings

2. (1) If, in the case of a pension beginning before the year 1969 the 1969 standard is lower than the 1971 rate of pension with the addition (if any) to be made to that rate under paragraph (3) below then the increase that may be made in the pension under article 1 (1) (a) above shall be of the amount necessary to bring the annual rate up to 118 per cent. of the 1971 rate or, if paragraph (3) below applies, to 118 per cent. of the 1971 rate with the addition under that paragraph.

(2) Where a person is being paid on 31st August 1971 at a rate which includes any relevant increases, then the annual rate at which it is then being paid shall be taken as the 1971 rate.

(3) Where a pension beginning on or before 1st April 1961 is one that may be increased under section 1 of the Pensions (Increase) Act 1963 and any qualifying condition, other than those specified in section 3 (3) (b) of the Pensions (Increase) Act 1947, as amended by Section 3 (1) of the Pensions (Increase) Act 1963, is satisfied then there shall for the purposes of this article be made to the 1971 rate of pension an addition of such amount as corresponds to that of the increase provided by section 2 of the said Pensions (Increase) Act 1963 (additional increases for pensioners over 70) unless the pensioner had attained the age of 70 on or before 31st August 1971.

(4) Where any addition is made to the 1971 rate of pension by virtue of the preceding paragraph the provisions of section 2 of the Pension (Increase) Act 1963 shall be deemed to have been

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complied with and no further sums shall be payable thereunder.

(5) The annual rate of pensions beginning after the year 1968 may, if any qualifying condition is satisfied, be increased by the pension authority in respect of any period beginning on or after the 1st September 1971 by such amounts as correspond to those of any increase that may be made under the Pensions (Increase) Act 1947 or the Pensions (Increase) Act 1957; and where the rate of a pension may be increased under this paragraph any increase under article 1 above shall be calculated by reference to the rate as so increased as if it were a basic rate.

(6) For the purposes of this article "relevant increase" means in relation to any pension, any increase that may be made in the annual rate of the pension under section 3 of the Pensions (Increase) Act 1947, and section 1 of any of the following Acts, that is to say, the Pensions (Increase) Act 1953, the Pensions (Increase) Act 1957, the Pensions (Increase) Act 1960, the Pensions (Increase) Act 1963, the Pensions (Increase) Act 1967 and the Pensions (Increase) Act 1970.

3. The provisions of Schedule 2 of this Order shall have effect in relation thereto as is in the Schedule provided.

4. (1) For the purposes of the Order "pension" means any pension specified in Part I or II of Schedule 1 to the Pensions (Increase) Act 1970; and in the case of a pension specified in the said Part II of Schedule 1 to the Pensions (Increase) Act 1970 it shall be the duty of the pension authority to increase the pension in accordance with the provisions of this Order except that this paragraph shall not require a local authority to increase any gratuity specified in the said section 4 (1) of the Pensions (Increase) Act 1963 (being gratuities payable in respect of local Government Services).

(2) A pension shall be deemed for the purposes of this Order to begin on the day following the last day of the service in respect of which the pension is payable (whenever the

pension accrues or becomes payable), except that -

- (a) an earnings-related pension based, directly or indirectly on emoluments received for a period not ending with the last day of that service, other than a substituted pension, is to be deemed to begin on the day following the last day of that period; and
- (b) a substituted pension is to be deemed to begin on the same day as the original pension, or, if earlier, on the day from which the surrender of the original pension takes effect.

(3) Where an earnings-related pension beginning before the year 1969 may be payable either at a rate fixed, directly or indirectly, by reference to emoluments or at a flat rate, the 1969 standard and, if relevant, the 1971 rate of the pension according to either its rates shall be determined without regard to the other.

Inter-
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tion

5. For the purposes of this Order, unless the context requires -

"basic rate" means the annual rate of a pension apart from any increase under or by reference to this Order or any of the Pensions (Increase) Acts 1947 to 1970, or any corresponding increase made otherwise than under or by reference to this Order or any of the Pensions (Increase) Acts 1947 to 1970;

"derivative pension" means a pension which is not payable in respect of the pensioner's own service;

"earnings-related pension" means a pension computed by reference to a rate of emoluments (whether actual emoluments or not and whether final or average emoluments), or payable at alternative rates one of which is so computed, and includes a derivative pension computed by reference to the rate of an earnings-related pension;

"pension authority" means the authority by whom the pension is payable;

"qualifying condition" means any condition as to age, mental or physical infirmity, education or training, or dependency which must be satisfied before any increase under the Pensions (Increase) Acts 1947 to 1970 may be paid;

"substituted pension" means a pension granted in consideration of the surrender of the whole or part of another pension ("the original pension").

Expense

6. There shall be defrayed out of moneys provided by Tynwald any expenditure incurred by the Treasurer under or by virtue of this Order.

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7. (1) This Order may be cited as the Pensions (Increase) Order 1971 and shall be construed as one with the Pensions (Increase) Acts 1947 to 1970.

(2) This Order shall take effect on 31st August 1971.

Article 1.

S C H E D U L E 1.

Table for conversion of Basic Rate to 1969 Standard

(NOTE: The year to be taken is that in which the pension is, under article 4 (2), to be treated as beginning).

<u>Year</u>	<u>Multiplier</u>	<u>Year</u>	<u>Multiplier</u>	<u>Year</u>	<u>Multiplier</u>
Any year up to		1951	1.886	1960	1.383
		1952	1.728	1961	1.338
1944	3.052	1953	1.675	1962	1.282
1945	2.583	1954	1.645	1963	1.258
1946	2.348	1955	1.574	1964	1.218
1947	2.327	1956	1.501	1965	1.162
1948	2.179	1957	1.448	1966	1.118
1949	2.119	1958	1.404	1967	1.091
1950	2.059	1959	1.397	1968	1.042

Article 3

S C H E D U L E 2.

Supplementary Provisions.

1. The provisions of section 2 of the Pensions (Increase) Act 1967 as amended by paragraph 5 of Schedule 2 to the Pensions (Increase) Act 1970 (computation of pension increases where officers are re-employed after retirement) shall apply in relation to this Order in respect of any period beginning on or after the 1st September 1971 as they do to any period beginning before that day.

2. Subject to the provisions of this Order, any provision made by or under any enactment, shall in so far as it relates to the apportionment of the cost of a pension between two or more authorities or to the manner in which a pension is to be paid or borne, or to the proof of title to sums payable on account of a pension,

or in so far as it prohibits or restricts the assignment or changing of a pension or its application towards the payment of debts, have effect in relation to any increase of the pension under this Order as it has effect in relation to the pension.

3. (1) Where a pension specified in paragraph 1 of Part II of the Schedule to the Pensions (Increase) Act 1970 is increased under this Order, the cost of the increase shall be defrayed by the pension authority; but where the pension authority is not the last employing authority, the last employing authority shall re-imburse the cost of the increase to the pension authority.

(2) For the purposes of this paragraph, "the last employing authority" means, in relation to a pension, the authority to whom the latest services in respect of which the pension is payable were rendered, unless the functions in connection with which they were rendered have been transferred to another authority; and where they have been so transferred, "the last employing authority" means the authority by whom those functions are for the time being exercisable.

(3) Any question who is the last employing authority for the purposes of this paragraph shall, in default of agreement, be determined by the Governor.

GIVEN under my hand this 25th day of August, 1971.

G. E. MCCRE,
Deputy Governor.

EXPLANATORY NOTE.

(This Note is not part of the Order)

This Order enables certain public pensions to be increased in line with increases in pensions brought about by the Pensions (Increase) Act 1971 (an Act of Parliament). Article 1 introduces a method of calculating increases in pensions whereby the uneven effects of past Acts will be removed and a fair base line set for future increases. (The intention in the United Kingdom is to have two yearly reviews). This object is to be achieved by the payment of once and for all increases which will, in general, restore the original purchasing power, as at April 1969, of all pensions which

the existing Acts have left below that level.

Article 2 preserves the position of those whose basic pensions, plus increases made under the existing Acts, exceed the 1969 standard.

This Order was approved by Tynwald on **20 OCT 1971**