
STATUTORY INSTRUMENTS

1966 No. 1629

**The Overseas Service Pensions
(Scheme and Fund) Regulations 1966**

PART IV

BENEFITS

Pension at age of sixty

23.—(1) Where a contributor has paid normal contributions under regulation 13 and has completed not less than five years contributory service a pension shall be granted to him on his attaining the age of sixty years, or, if he attains that age during the currency of a contract for overseas service, on the date following the date of termination of that contract, whichever is the later, at the annual rate of one-fiftieth of his aggregate salary throughout his contributory service.

(2) The salary of a contributor who elects to continue contributions after termination of overseas service under the provisions of regulation 15 shall, for the purpose of this regulation, be regarded as having continued to be his salary last taken during his overseas service.

(3) For the purposes of this regulation and regulation 24, the date of termination of a contract which contains provisions for its own extension or renewal shall be the date on which it would terminate if not extended or renewed, or, as the case may be, further extended or renewed.

Pension at age fifty-five

24.—(1) A contributor may at the time he becomes a participant in the Scheme elect to have this regulation applied to him instead of being subject to regulation 23.

(2) A contributor to whom this regulation applies who has paid special contributions under regulation 14(1) and who has completed not less than five years contributory service shall be granted a pension calculated in the manner prescribed in regulation 23 on attaining the age of fifty-five years, or, if he attains that age during the currency of a contract for overseas service, on the date following the date of termination of that contract, whichever is the later.

Ill-health benefits—under five years service

25. Where a contributor with less than five years contributory service leaves overseas service on medical grounds he shall be granted an amount equal to ten per centum of his annual rate of salary at the termination of his contributory service in respect of each completed year of contributory service, subject to a minimum amount of thirty per centum of such annual rate of salary:

Provided that if such amount is less than the amount of the contributions which have been paid to the Scheme in respect of that contributor (including contributions paid wholly or partly by the Minister under regulation 21), together with compound interest calculated in the manner prescribed in regulation 20, he may, in addition to the former amount, be granted the amount of the difference.

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Ill-health benefits—five years service or more

26. Where a contributor with at least five years contributory service leaves overseas service on medical grounds he shall be granted a pension on his so leaving at the annual rate of one-fiftieth of his aggregate salary throughout his contributory service.

Ill-health addition to pension

27.—(1) Where a contributor to whom regulation 26 applies has completed less than fifteen years contributory service and suffers some permanent impairment of his capacity to contribute to his own support he shall be granted an additional pension, according to the degree of such impairment, not exceeding an annual rate of two per centum of his annual rate of salary during his last completed year of contributory service, in respect of each year of the number of years specified in the last column of the following table—

Where the contributor has completed contributory service of:	Years
Not less than 5 years but under 11 years	5
Not less than 11 years but under 12 years	4
Not less than 12 years but under 13 years	3
Not less than 13 years but under 14 years	2
Not less than 14 years but under 15 years	1:

Provided that—

- (a) the number of years shall not exceed the number of completed years which, if they were years of contributory service consecutive on his actual contributory service, would extend his contributory service beyond the pension age; and
- (b) the aggregate period of years of actual contributory service plus the number of years specified in the table shall not exceed fifteen.

(2) In respect of a contributor to whom this regulation applies the degree of impairment of his capacity to contribute to his own support shall be determined by the Minister at his discretion after consultation with the Medical Adviser and shall be subject to regular review. Where the capacity is totally destroyed the full additional pension shall be paid. Where such capacity is not totally destroyed the additional pension shall be reduced according to the degree of impairment specified in the following table:

Degree of Impairment	Reduction in Additional Pension
Slightly impaired	Three-quarters.
Impaired	One-half.
Materially impaired	One-quarter.

(3) If for the purposes of determining the rate of the additional pension to a contributor the degree of permanent impairment of his capacity to contribute to his own support is in doubt, the Minister shall make a provisional award to have effect until such time as the degree of permanent impairment can be determined.

Family benefits

28. Subject to the provisions of these Regulations, there shall be granted on the death of a male contributor (hereinafter referred to as “the deceased”) who has completed not less than five years contributory service, in respect of his contributory service—

- (a) where he leaves a widow, a pension to that widow (in these Regulations referred to as a “widow's pension”); and
- (b) where he had a wife (whether or not the marriage continued until his death and whether or not a widow's pension is or can be granted), a pension for the benefit of the children of the marriage, and, subject to regulation 30, of other children of his or hers (in these Regulations referred to as “a children's pension”):

Provided that any marriage of the deceased which takes place after he has become eligible for a grant of a pension under these Regulations (whether such pension had actually been granted or not) shall be left out of account for the purposes of these Regulations and any reference in these Regulations to a marriage, a wife or the children of the deceased shall be construed accordingly.

Widow's pension

29.—(1) A widow's pension shall not be granted if—

- (a) the widow was at the time of the deceased's death cohabiting with a person other than the deceased; or
- (b) after the death of the deceased the widow remarries or cohabits with any person,

and if, after the grant of a widow's pension, the widow remarries or cohabits with any person, the pension shall cease as from the date of the remarriage or the commencement of the cohabitation:

Provided that where—

- (i) a pension is withheld or ceases under this paragraph; and
- (ii) the Minister is satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for the payment of the pension notwithstanding the marriage,

the Minister may, if he thinks fit, grant or regrant the pension as from that date.

(2) Subject to the provisions of paragraph (1) of this regulation, a widow's pension shall be paid in respect of the whole period from the death of the deceased to the death of the widow.

(3) In respect of a contributor who has paid normal contributions under regulation 13 the annual rate of a widow's pension shall amount to one-third of the rate of the pension of the deceased.

(4) In respect of a contributor who at the time he becomes a participant in the Scheme elects to have this paragraph applied to him instead of paragraph (3) of this regulation and has paid contributions under regulation 14(2), the annual rate of a widow's pension shall amount to one-half of the rate of the pension of the deceased.

Children's pension

30.—(1) A children's pension shall be granted if and be paid so long as and whenever there are persons for whose benefit it may enure.

(2) Subject to the provisions of these Regulations, the persons for whose benefit a children's pension may enure are the children of the deceased or of any wife of his who are for the time being in their period of childhood and full-time education.

(3) A children's pension shall not enure—

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- (a) for the benefit of any illegitimate or adopted child of the deceased, if he was born, or, as the case may be, adopted, after the termination of the deceased's last marriage or after the deceased had attained the pension age; or
 - (b) for the benefit of any child of a wife of the deceased, if he was born or became her child after the termination of the marriage or after the deceased had attained the pension age.
- (4) A children's pension shall not be granted for the benefit of any person who is—
- (a) an illegitimate child of the deceased; or
 - (b) a stepchild of the deceased and a child of a wife of his; or
 - (c) a stepchild, adopted child or illegitimate child of a wife of the deceased,

unless the Minister is satisfied that he was wholly or mainly dependent on the deceased at the time of his death.

(5) A children's pension shall not enure for the benefit of a female person who at the time of the death of the deceased was married or was cohabiting with any person, and if, after the death of the deceased, a female person marries or cohabits with any person, she shall thereupon cease to be a person for whose benefit a children's pension may enure:

Provided that where—

- (a) a pension is withheld or ceases by virtue of this paragraph; and
- (b) the Minister is satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are compassionate grounds for reinstating the pension notwithstanding the marriage, the Minister may, if he thinks fit, grant the pension, or, as the case may be, permit the pension to enure for her benefit as from that date.

Award of children's pension

31.—(1) Only one children's pension shall be granted in respect of the service of any one person, but—

- (a) the rate thereof may vary according to the number of persons for whose benefit it may for the time being enure; and
- (b) it shall be paid to such person or persons as the Minister may from time to time direct, and different parts thereof may be directed to be paid to different persons; and
- (c) the person to whom all or any part thereof is paid shall apply the sum paid to him, without distinction, for the benefit of all the persons for whose benefit the pension may for the time being enure or for the benefit of such of them as the Minister may from time to time direct.

(2) Subject to the provisions of paragraph (4), where the deceased leaves a widow, the annual rate of a children's pension during her life—

- (a) while the said persons are three or more in number, may amount to fifty per centum of the rate of the widow's pension;
- (b) while the said persons are two in number, may amount to forty per centum of the rate of the widow's pension;
- (c) while there is only one such person, may amount to twenty per centum of the rate of the widow's pension:

Provided that—

- (i) where all the persons for whose benefit a children's pension may enure were at the time of the death of the deceased in the care of some person other than the widow, the Minister may, if he thinks fit, direct that paragraph (3) of this regulation shall apply notwithstanding that the widow is still alive; and

(ii) where some but not all of those persons were at that time in the care of some person other than the widow, the annual rate of the children's pension may, if the Minister thinks fit, amount to the sum of the rate to which it might have amounted if those persons were left out of account and the rate to which it might have amounted if the widow were dead and the other persons were left out of account, so, however, that in no case shall the annual rate of the pension amount to more than one hundred and twenty per centum of the rate of the widow's pension.

(3) Where the deceased leaves no widow, or, if he leaves a widow, after her death, the annual rate of a children's pension may amount—

- (a) while the persons for whose benefit it may enure are three or more in number, to one hundred and twenty per centum of the rate of the widow's pension;
- (b) while the said persons are two in number, to the rate of the widow's pension;
- (c) while there is only one such person, to seventy five per centum of the rate of the widow's pension.

(4) Notwithstanding anything in the preceding provisions of this regulation, where the deceased leaves a widow and no widow's pension is granted to her or, if one is granted to her, it ceases to be paid before her death, no children's pension shall be payable in respect of any period comprised within the lifetime of the widow or within the time in respect of which no widow's pension is payable, as the case may be, unless the Minister specially directs that such a pension shall be so payable. If the Minister does specially so direct, he may, if he thinks fit, further direct that a pension, at a rate not exceeding whichever of those prescribed in paragraph (3) of this regulation may be appropriate, shall apply as respects any such period notwithstanding that the widow may be alive.

(5) For the purpose of this regulation the expression “the rate of the widow's pension” means the annual rate of the widow's pension prescribed in paragraph (3) or (4) of regulation 29, as appropriate to the deceased, notwithstanding that such widow's pension may not actually be granted.

Death benefits—death before pension age

32. Where a contributor in respect of whom contributions have not ceased dies before reaching pension age there shall be paid to his personal representatives an amount equal to one year's salary or the contributions paid by him to the Scheme, together with interest as provided in regulation 20, whichever is the higher.

Death benefits—death after pension age

33. Where a contributor dies less than five years after reaching pension age there shall be paid to his personal representatives an amount equal to the difference between the aggregate amount of pension already paid and five times the rate of pension of the deceased, subject to an overriding limit equal to his last annual rate of salary during his contributory service.

Loss of benefits on dismissal

34.—(1) If a contributor shall be dismissed from overseas service after becoming entitled to the grant of a pension under regulation 23 or regulation 24, then, notwithstanding anything contained in this Part, the Minister may—

- (a) in the case of a contributor who was a member of the Corps of Specialists, grant a full or a reduced pension or withhold the grant of a pension;
- (b) in the case of a contributor who was a person employed by the Minister on technical assistance terms, grant a full pension or a pension reduced by such amount as on the advice

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of the Government Actuary is attributable to such part of the contributions as shall have been paid by the Minister in pursuance of regulation 21, or reduced by part of such amount.

- (2) For the purposes of the foregoing paragraph—
- (a) references to a pension include references to a widow's pension and a children's pension, and
 - (b) without limiting the discretion of the Minister, that discretion shall extend to the granting of a full widow's pension or children's pension or a reduced widow's pension or children's pension, or any combination of any such pensions, notwithstanding that a reduced pension or no pension has been granted to the contributor.
- (3) Nothing in this regulation shall be construed as affecting any pension already granted under these Regulations to or in respect of a contributor prior to dismissal from overseas service.