
STATUTORY INSTRUMENTS

1966 No. 1629

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

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Overseas Service Pensions (Scheme and Fund) Regulations 1966 and shall come into operation on 1st January 1967.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires—

“contributor” means a person who has become a participant in the Scheme under regulation 12 and, save as otherwise provided in these Regulations, includes a person who has ceased to contribute to the Scheme but has not elected to receive a refund of the contributions which he has paid to the Scheme;

“contributory service” means any period in respect of which contributions to the Scheme are made by a contributor;

“Crown Agents” means the Crown Agents for Oversea Governments and Administrations;

“Medical Adviser” means any duly registered medical practitioner appointed or approved by the Minister for the purposes of the Scheme;

“on medical grounds” in relation to the retirement of a contributor means that he is deemed by the Minister to be incapable by reason of any infirmity of mind or body of discharging the duties of his office in overseas service and that such infirmity is likely to be permanent;

“the Minister” means the Minister of Overseas Development;

“pension age” means sixty years or, in the case of a contributor to whom regulation 24 applies, fifty-five years;

“the rate of the pension of the deceased” means the annual rate of the pension and additional pension for which the contributor was eligible under these Regulations (whether such pension or additional pension had actually been granted or not) and includes any additional pension granted as a provisional award: Provided that where a contributor dies while in contributory service he shall be deemed to have been granted with effect from the day following the date of his death a pension under regulation 23 or regulation 24, as applicable, and an additional pension under regulation 27 as if he were suffering some permanent impairment of his capacity to contribute to his own support and the Minister had determined that such capacity was totally destroyed;

“the Scheme” means the Overseas Service Pensions Scheme established by these Regulations .

(2) The Interpretation Act 1889 applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) References in these Regulations to any enactment, regulations, rules, scheme or other instrument shall, except where the context otherwise requires, be construed as references to the said enactment, regulations, rules, scheme or other instrument as amended, extended or applied by or under any other enactment, regulations, rules, scheme or instrument.

(4) References in these Regulations to a regulation or to a Part or to a Schedule shall, unless the context otherwise requires, be construed as references to a regulation of these Regulations or to a Part of these Regulations or to a Schedule annexed to these Regulations, as the case may be.

(a) (5) (a) Any reference in these Regulations, whether express or implied, to an adopted child of a person shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person) in pursuance of an adoption order made under the Adoption Act 1958 or any corresponding enactment of the Parliament of Northern Ireland, or (provided that the adoption proceedings terminate in an adoption order in favour of the spouse of that person) in process of being so adopted, or adopted, or (provided as aforesaid) in process of being adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of the adoption or intended adoption and references, whether express or implied, to a person by whom a child has been adopted shall be construed accordingly; and any reference to an adoption order made under the Adoption Act 1958 shall be construed as including a reference to any Act repealed by the Adoption Act 1958 or by the Adoption Act 1950 or to the corresponding provisions of any Act so repealed.

(b) A person shall be deemed for the purposes of these Regulations to be in his period of childhood and full-time education if either—

(i) he is under the age of sixteen, or

(ii) he has since attaining the age of sixteen continuously received and is receiving full-time instruction at any university, college, school or other educational establishment, or is undertaking training for any trade, profession or vocation in such circumstances that he devotes his whole time to that education or to that training by attending a course of which the duration is not less than two years and, while he is undertaking the training, the emoluments receivable by him or payable by the employer in respect of him, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training, do not exceed £115 per annum, or if greater than £115 per annum, such other sum as shall from time to time have effect for the purposes of section 212(4) of the Income Tax Act 1952.

(c) In relation to any period during which the conditions specified in subparagraph (b)(ii) of this paragraph are not satisfied in respect of a person, the Minister may, if he thinks fit and is satisfied that the person's full-time education ought not to be regarded as completed, direct either—

(i) that the period shall be treated for the purposes of that paragraph as if such conditions were satisfied, or

(ii) that the period shall be treated for the purposes of that paragraph as if such conditions were satisfied and shall also be treated as part of his full-time education for all the other purposes of these Regulations.

(a) (6) (a) Subject to the provision of this paragraph, references in these Regulations to salary shall be construed as references to—

(i) the annual salary attached to the office held by the contributor, and

(ii) any other allowance enjoyed by the contributor and approved for the purposes of the Scheme by the Minister.

- (b) Where any contributor is in receipt of any salary or emoluments of office which, in the opinion of the Minister, have been fixed having regard to the absence in his terms and conditions of employment of any provision for superannuation benefits, the Minister may determine the amount of the contributor's salary to be taken for the purposes of the Scheme.
- (c) A contributor may on becoming a contributor to the Scheme elect that for the purposes of the Scheme his salary shall be an amount less than the amount prescribed by sub-paragraph (a) or sub-paragraph (b) of this paragraph:

Provided that—

- (i) the amount for which he elects shall be a multiple of £100;
- (ii) the amount shall not be less than £1,000;
- (iii) the contributor may at any anniversary of his election elect to increase or decrease the amount by any multiple of £100 to an amount not exceeding his salary and not less than £1,000.

PART II

ESTABLISHMENT OF THE SCHEME AND FUND

Establishment of the Scheme

3. There is hereby established an Overseas Service Pensions Scheme which shall be administered in accordance with the provisions of these Regulations.

Management of the Scheme

4. The Scheme shall be managed by the Crown Agents.

Establishment of the Board

5.—(1) There is hereby established an Advisory Board, to be known as the Overseas Service Pensions Scheme Advisory Board (hereinafter referred to as “the Board”), to advise the Minister on matters relating to the administration of the Scheme.

- (a) (2) (a) The Board shall consist of a Chairman and three or more members, all of whom shall be appointed by the Minister for such period and subject to such conditions as the Minister may determine:

Provided that at least one member shall be representative of the interests of the contributors to the Scheme. The Chairman or any member shall be eligible for re-appointment.

- (b) For the avoidance of doubt it is hereby declared that a member of the Board appointed to represent the interests of the contributors to the Scheme need not himself be a contributor to the Scheme.

Establishment of the Fund

6.—(1) As from the date of commencement of these Regulations there shall be established an Overseas Service Pensions Fund (hereinafter referred to as “the Fund”) for the purposes of the Scheme.

(2) There shall be carried to the credit of the Fund—

- (a) all contributions made for the purposes of the Scheme; and

- (b) all sums received by way of dividends, interest and other income received out of the investment or use of the Fund or any part thereof.

General Account and Investment Account

7.—(1) Two accounts shall be maintained for the Fund, to be called the General Account and the Investment Account.

(2) There shall be paid into or transferred to the General Account—

- (a) all contributions, and
- (b) such sum or sums as may be required to prevent a deficiency from arising on the General Account and which may be authorised by the Minister to be transferred from the Investment Account.

(3) There shall be paid into or transferred to the Investment Account from time to time during each accounting year—

- (a) a sum or sums equal to the aggregate of the net proceeds of all contributions paid under the provisions of the Scheme, less such sums as are necessary to pay the pensions and any sums payable under the provisions of the Scheme;
- (b) the net proceeds of all dividends, interest and other income arising out of the investment or use of the Investment Account or any part thereof; and
- (c) any other sums relating to the Fund received by the Crown Agents.

(4) Subject to the provisions of regulation 8, there shall be paid out of the General Account the pensions and any sums payable under the provisions of the Scheme.

(5) There shall be paid by or on behalf of the Crown Agents from the Investment Account such sums as are required to negotiate the investment of securities and such sum or sums as may be required to prevent a deficiency from arising on the General Account.

Functions of the Crown Agents

8.—(1) The Crown Agents shall be responsible for the general management of the Scheme, including—

- (a) receiving contributions and paying an amount equal to the aggregate of such contributions to the credit of the General Account;
- (b) maintaining a record of the contributions paid and of the valid elections;
- (c) the award of pensions;
- (d) paying out of the General Account the pensions payable under the provisions of these Regulations, sums equal to the amounts of the periodical contributions to be returned under the provisions of these Regulations, with interest where payable, and sums payable under regulations 25, 32 and 33; and
- (e) performing such consequential, ancillary and incidental functions as appear to them to be necessary or expedient for the carrying out of the purposes of the Scheme.

(2) The expenses of the general management of the Scheme shall be paid from the Fund.

(3) The Crown Agents shall furnish the Minister and the Advisory Board annually with a report on the administration of the Scheme.

Powers of investment

9. Any moneys in the Investment Account may be deposited at interest in the Joint Consolidated Fund managed by the Crown Agents or may be invested by the Crown Agents in such stocks, shares,

debentures, debenture stocks, funds or securities in which a trustee is authorised to invest by any law for the time being in force in the United Kingdom:

Provided that the value at cost of all securities invested in preference, preferred or ordinary stocks and shares shall not, unless the Minister otherwise directs, exceed 50 per cent. of the total value at cost of the assets of the fund:

Provided further that not more than 10 per cent. of the said total value shall be invested in the stocks or shares of any company which are not quoted on any recognised Stock Exchange in the United Kingdom. A Certificate of the Auditors shall be conclusive as to the compliance by the Crown Agents with the requirements of this regulation.

Accounts and Audit

10.—(1) The Crown Agents shall cause to be prepared, in a form to be approved by the Minister, full and true accounts of all sums of money received and expended by them for the purposes of the Scheme and shall furnish such accounts to the Board.

(2) The Fund shall be balanced as soon as may be following the end of each accounting year.

(3) The accounts for each accounting year relating to the Investment Account, together with all the relative vouchers, shall be delivered, not later than three months following the end of that accounting year, for audit in such manner as the Minister may direct.

(4) The Minister shall cause the General Account to be submitted for audit not later than three months following the end of each accounting year.

Valuations of the Fund

11.—(1) The Minister shall cause an actuarial valuation of the assets and liabilities of the Fund to be made by the Government Actuary at the end of the accounting year ending on 30th September 1971 and of every fifth subsequent accounting year. The Government Actuary shall report his findings to the Minister and shall include in his report recommendations as the case may require for the making good of any deficiency or for the disposal of any surplus.

(2) Where on such valuation the Government Actuary certifies that a deficiency or a disposable surplus is disclosed, the Minister, after consultation with the Advisory Board, may with the approval of the Treasury make Regulations to amend the provisions of the Scheme whether by alteration of the rates of benefits or of the rates of contributions or otherwise.

PART III

CONTRIBUTIONS

Contributors

12.—(1) Any person from the United Kingdom or the Republic of Ireland employed in an overseas territory in public or social service under or by such authority or body corporate established in that territory or an authority or body corporate so established of such a class as the Minister shall from time to time direct (hereinafter referred to as “overseas service”) may apply to the Minister to participate in the Scheme. The Minister may require to be satisfied as to the health of the applicant. If the Minister approves the application the applicant shall become a contributor to the Fund with effect from the date of commencement of these Regulations or the date on which his current tour of overseas service began, whichever is the later.

(2) Any person appointed, or any person not being a contributor reappointed, to overseas service after the date of commencement of these Regulations who did not become a contributor on such

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appointment or re-appointment may apply to the Minister to participate in the Scheme at any time after such appointment or re-appointment and if the Minister is satisfied as to the health of the applicant and approves the application such person shall become a contributor to the Scheme with effect from—

- (a) the date on which his current tour began, or
- (b) the date of his application,

whichever the person notifies to the Crown Agents.

(3) No person shall be eligible to apply to participate in the Scheme if he has attained an age which is within five years of the pension age applicable to him.

(4) Overseas service for the purpose of these Regulations shall be deemed to include periods of earned leave in respect of contributory service overseas.

Normal rates of contributions

13. Subject as hereinafter provided normal contributions shall be at the rates specified in Schedule 1, Table A, and shall be paid, in respect of any period of overseas service, monthly from the date on which the person becomes a contributor to the Scheme until the date on which his overseas service terminates or until the termination of such further period during which the contributor is permitted to contribute under regulation 15(1):

Provided that no contributions shall be paid by or in respect of a contributor after he attains the pension age.

Special rates of contributions

14.—(1) Where a contributor has elected to have regulation 24 applied to him contributions shall be paid monthly at the rate specified in Schedule 2, Table A, in lieu of those specified in Schedule 1, Table A.

(2) Where a contributor to whom regulation 13 or paragraph (1) of this regulation applies has elected to have regulation 29(4) applied to him, contributions shall be paid monthly at the rate specified in Table B of Schedule 1 or Table B of Schedule 2, as the case may be.

Contributions after leaving Overseas Service

15.—(1) Where a contributor who has not attained the pension age leaves overseas service, he may, if he so elects within three months after the termination of such service and subject to the discretion of the Minister, continue to contribute at his own expense to the Scheme for a further period ending on—

- (a) the date of expiry of five years from his leaving overseas service, or
- (b) the date on which he attains the pension age, or
- (c) the date of his re-appointment to overseas service,

whichever is the earliest.

(2) Contributions payable under this regulation shall be related to the salary last taken for the purposes of contributions payable during his overseas service.

Contributions to be continuous

16. Contributions shall continue to be payable whether the contributor is in receipt of full or part salary and shall in either case be based on the salary last taken for the purposes of contributions to

the Fund. No contributions shall be payable in respect of any period of overseas service in respect of which no salary is payable to a contributor.

Repayment of contributions on withdrawal from the Scheme

17.—(1) Where a contributor leaves overseas service before attaining the pension age (otherwise than on medical grounds), he may elect at any time thereafter to receive a refund of the contributions which he has paid to the Scheme.

(2) If a contributor elects to receive a refund of contributions under these Regulations he shall cease to rank for benefit under the Scheme as from the date of the receipt of his election.

(3) Where a contributor is dismissed from overseas service whether before or after attaining the pension age, he shall not be entitled at any time thereafter to receive a fund of the contributions which he has paid to the Scheme, or any part thereof, unless the Minister so directs.

Part return of contributions

18.—(1) Where a male contributor is granted a pension under regulations 23, 24 or 26 and—

- (a) has been a bachelor throughout the period for which the Scheme has applied to him; or
- (b) he has no wife or children when the aforesaid pension is granted,

the whole of the contributions paid by him which on the advice of the Government Actuary were attributable to the provision of pensions under regulation 28 shall be returned to him:

Provided that if the contributor had had a wife or children during the period the Scheme applied to him no refund shall be made in respect of any period prior to the date on which he last had such a wife or children.

(2) Where a female contributor is granted a pension under regulations 23, 24 or 26 the whole of the contributions paid by her which on the advice of the Government Actuary were attributable to the provision of pensions under regulation 28 shall be returned to her.

Return of contributions where ineligible for pension

19. If a contributor who has ceased to contribute to the Scheme and has not elected to receive a refund of contributions under regulation 17 attains the pension age and is not eligible for the grant of a pension under the Scheme or not having completed five years contributory service dies before that age, there shall be refunded to him or to his personal representatives the whole of the contributions paid by him to the Scheme.

Interest on contributions repaid

20. Where contributions are repaid under regulations 17, 18 or 19, compound interest shall be added thereto at the rate of three per centum per annum with yearly rests and shall be calculated in the case of each contribution from the 1st January in the year following the year in which that contribution was paid to the end of the period of contributory service.

Payment of contributions by the Minister

21. Notwithstanding anything contained in these Regulations—

- (a) the whole of the contributions at the rates specified in Schedule 1, Table A, payable to the Scheme by a member of the Corps of Specialists; and
- (b) such part of the contributions payable to the Scheme by persons employed by the Minister on technical assistance terms as may be approved by the Treasury,

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shall be payable by the Minister:

Provided that—

- (a) this regulation shall not apply to contributions payable under regulation 15 (contributions after leaving overseas service); and
- (b) where a member of the Corps of Specialists elects to have regulation 24 or paragraph (4) of regulation 29 or both such regulation and such paragraph applied to him, he shall himself pay the difference between the rates of contributions specified in Schedule 1, Table A, and the rates of contributions specified in Schedule 1, Table B, Schedule 2, Table A, or Schedule 2, Table B, as the case may be.

Avoidance of doubt

22. For avoidance of doubt it is hereby declared that in regulations 17, 18, 19 and 32 references to contributions paid by a contributor do not include references to contributions paid wholly or partly by the Minister in pursuance of regulation 21.

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.

III-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.

III-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—

- (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—

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- (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 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.

PART V

MISCELLANEOUS

Collection of contributions

35.—(1) Each contributor shall be responsible for payment to the Crown Agents of contributions payable by him under the provisions of these Regulations:

Provided that contributions may be collected by the Ministry of Overseas Development from the emoluments of participants in the employment of the Ministry and such contributions shall be transmitted to the Crown Agents.

(2) Any contributor whose contributions to the Scheme are in default for more than six months may be declared by the Minister to have withdrawn from the Scheme and shall thereupon cease to be a participant:

Provided that where a person, other than a member of the Corps of Specialists or a person employed by the Minister on technical assistance terms, so ceases to be a participant the whole of the contributions paid by him to the Scheme shall be returned to him without interest.

Elections

36. Subject to the provisions of these Regulations, any election required or authorised to be made shall—

- (a) be made in writing and sent by post to the Crown Agents, and
- (b) be irrevocable.

Income tax deductions from repaid contributions

37. Where the Crown Agents are liable for income tax under the legislation of any country or territory other than the United Kingdom in respect of any contributions (with any allowance of interest) returned to contributors during their lifetime, the Crown Agents shall be entitled to deduct from any such sum to be returned an amount not exceeding any income tax in respect thereof for which they become so liable:

Provided that the amount of tax to be deducted shall not be such that it reduces the amount to be refunded to the contributor to an amount less than the amount of his contributions to the Fund.

Payment of pensions

38. Every pension and other sum payable under these Regulations shall, unless it consists of a single payment, be paid monthly or, at the option of the contributor, quarterly, in arrears with proportionate payment on death or other terminating event.

Payment in respect of deceased contributors

39. On the death of a contributor to whom or to whose estate any sum not exceeding £500 is due under these Regulations the Minister may, without probate or other proof of title, authorise payment of the said sum to the persons appearing to the Crown Agents to be beneficially entitled to the personal estate of the deceased, or, as the Crown Agents think fit, to one or more of those persons, or authorise its distribution among all or any of those persons in such proportions as the Crown Agents may determine.

Payment in respect of minors and infirm persons

40. If a person to or in respect of whom a pension or other sum is payable under these Regulations is a minor, or, in the opinion of the Crown Agents, is incapable by reason of infirmity of mind or body of managing his affairs, the Minister may direct that the pension or other sum be paid to any person having the care of that person, and, in so far as such pension or other sum is not so paid, it may be applied in such manner as the Minister thinks fit for the benefit of the person to or in respect of whom the pension or other sum is payable or his dependants.

Benefits not assignable

41. A pension, gratuity, or other benefit granted under these Regulations shall not be assignable or transferable.

Provision of information

42. Every contributor affected by these Regulations or, if he is dead, his personal representatives, and every person by or in respect of whom any benefit or payment is claimed under these Regulations, shall give such information and produce such documents to the Crown Agents as they may require for the purposes of their functions under these Regulations.

Determination of questions

43. Any question arising under these Regulations as to any election or nomination, or as to the liability to pay and the amount of any contributions, or as to the entitlement to receive and the amount of any benefit or payment, or as to any other matter, shall be decided by the Minister and his decision thereon shall be final.

21st December 1966

Arthur Bottomley
Minister of Overseas Development

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We approve

29th December 1966

George Lawson
W. Howie
Two of the Lords Commissioners of Her
Majesty's Treasury