
STATUTORY INSTRUMENTS

1972 No. 550

PENSIONS

The Overseas Service (Pensions Supplement) Regulations 1972

<i>Made - - - -</i>	<i>5th April 1972</i>
<i>Laid before Parliament</i>	<i>14th April 1972</i>
<i>Coming into Operation</i>	<i>5th May 1972</i>

In exercise of the powers conferred on me by sections 5(3) and (4), 11 and 18(2) of the Pensions (Increase) Act 1971(a) and with the approval of the Minister for the Civil Service, I hereby make the following Regulations :—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. These Regulations may be cited as the Overseas Service (Pensions Supplement) Regulations 1972 and shall come into operation on 5th May 1972.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

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

“ the Act of ” any specified year means the Pensions (Increase) Act of that year ;

“ basic pension ” means the pension, being a pension to which section 11 of the Act applies, awarded with effect from the date of the officer's retirement (or if it commenced after that date, which would have been so awarded), or in the case of a pension in respect of the services of any person other than the pensioner, the pension first awarded, less the amount of any increase, bonus or other allowance howsoever authorised which may have been included in the amount of the award by virtue of the pension having been determined by reference to conditions existing prior to any specified date ; but excluding in every case any overseas increase ;

“ dependent pensioner ” means (a) a person in receipt of a pension in respect of the service of an officer which is payable either by the government of an overseas territory or in accordance with an enactment, scheme or other instrument specified in Schedule 3 to these Regulations as having been approved by the Secretary of State for purposes of section 11 of the Act, or (b) a person in receipt of a pension payable under section 5(1) of the Superannuation (Miscellaneous Provisions) Act 1967(b) in respect of the service of an officer under the government of the former mandated territory of Palestine ;

“ notional pension ” means the pension which would have been awarded under the Oversea Superannuation Scheme to a person to whom Part III

(a) 1971 c. 56.

(b) 1967 c. 28.

of these Regulations applies if the pensionable emoluments taken into account under the Scheme had not been reduced in accordance with the provisions of regulation 21(2) of the Oversea Superannuation Scheme (Consolidation) Regulations 1963 or, in the case of a person in receipt of a pension awarded under any previous Regulations made by the Secretary of State under the Oversea Superannuation Scheme, in accordance with the corresponding provisions of those previous Regulations ;

“ overseas increase ” means any addition to the amount of basic pension, or the aggregate of two or more such additions, paid by the authority by whom the pension is payable and includes any increase, bonus or allowance (including the restoration of a commuted part of a pension) so paid in respect of that pension howsoever authorised ;

“ the Regulations ” in Part III of these Regulations means the Oversea Superannuation Scheme (Consolidation) Regulations 1963, and a reference to any provision of those Regulations shall, in the case of a person in receipt of a pension awarded under any previous Regulations made by the Secretary of State under the Oversea Superannuation Scheme, be construed as a reference to the corresponding provision of those previous Regulations ;

“ the 1969 Regulations ” means the Overseas Service (Pensions Supplement) Regulations 1969(a) ;

“ retirement ” means the retirement applicable to the computation of a pension in respect of service under the government of an overseas territory.

(2) Unless the context otherwise requires, any reference in these Regulations to any enactment, other than the Act, shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

(3) The Interpretation Act 1889(b) shall apply for the interpretation of and otherwise in relation to these Regulations as it applies for the interpretation of and otherwise in relation to an Act of Parliament and as if these Regulations were an Act of Parliament.

PART II

SUPPLEMENTS IN RESPECT OF OFFICERS' PENSIONS

3. This Part of these Regulations shall apply to any person in receipt of a pension in respect of his own service, being a pension to which section 11 of the Act applies.

4. Subject to the provisions of section 11 of the Act and of these Regulations, the supplement payable to a person to whom this Part of these Regulations applies and who either :—

- i. was in receipt of any supplement under the 1969 Regulations, or
- ii. becomes eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act,

and whose pension is determined by reference to emoluments payable by the government of an overseas territory, being an overseas territory specified in Schedule 1 of these Regulations, or by reference to emoluments payable by the Government of the United Kingdom or the Crown Agents for Oversea Governments and Administrations or the Central Office of the Overseas

(a) SI 1969/553 (1969 I, p. 1499)

(b) 1889 c. 63.

Audit Department or the Government of the Federation of Rhodesia and Nyasaland or the Government of Egypt, may be of such an amount that when aggregated with any overseas increase paid to him corresponds with the aggregate of the increases, if any, which would be payable under the Act or any order made under section 2 (but not under section 6) of the Act if his basic pension were a pension specified in paragraph 4 of Part I of Schedule 2 to the Act and had begun—

- (a) in the case of retirement from service under the government of an overseas territory other than Egypt, on the day immediately following the effective date of the latest general revision of pensionable emoluments in relation to the overseas territory from which he retired which was taken into account in determining the amount of that pension ; or
- (b) in the case of retirement from service under the Government of the United Kingdom or the Crown Agents for Oversea Governments and Administrations or the Central Office of the Overseas Audit Department, on the day following the last day of such service ; or
- (c) in the case of retirement from service under the Government of Egypt, before the year 1944 :

Provided that

- (i) in the case of a pension to which paragraph (a) or (c) of this regulation applies, in determining the amount necessary to bring the basic pension up to the 1969 standard in accordance with section 1 of the Act the multiplier given in Schedule 1 to the Act for the year in which the pension began shall in the case of any such pension which began prior to the date specified in the second column of Schedule 1 to these Regulations be the multiplier applicable to a pension which began in any year up to 1944 ; and
- (ii) in the case of a person who was in receipt of any supplement under the 1969 Regulations, any addition which under section 6(5) of the Act would be of the amount prescribed by the Minister for the Civil Service “as corresponding to that of the increase provided for by section 2 of that Act (additional increase for pensioners over 70)” shall not be ascertained by reference to the amount so prescribed but by reference to Schedule 2 to these Regulations ; and
- (iii) in the case of a pension of a person who becomes eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act, section 6 of the Act shall be disregarded.

5. Subject to the provisions of section 11 of the Act and of these Regulations, the supplement payable to a person to whom this Part of these Regulations other than regulation 4 applies and whose pension is determined by reference to emoluments payable by the government of an overseas territory, being an overseas territory specified in Schedule 1 to these Regulations, or by reference to emoluments payable by the Government of the United Kingdom or the Crown Agents for Oversea Governments and Administrations or the Central Office of the Overseas Audit Department or the Government of the Federation of Rhodesia and Nyasaland or the Government of Egypt, may be the amount payable as if regulation 4 of these Regulations except provisos (ii) and (iii) thereof were applicable but subject to the following modifications—

- (a) references in regulation 4 to the Act shall be deemed to include references to any order made under section 6 of the Act ;

- (b) any order made under section 6 of the Act shall be applied as if the pension were a Civil Service pension payable otherwise than under Part II of the Superannuation Act 1965(a):

Provided that a pension determined by reference to emoluments payable by the government of an overseas territory specified in Schedule 1 to the Regulations prior to the date specified in the second column of the said Schedule 1 in relation to the country from which a person finally retired, or the pension of a person who retired from the service of the Government of Egypt shall be deemed to have begun prior to 1st April 1947;

- (c) where a pension beginning on or before 16th August 1920 is one that (but for the Act) might have been increased under the Act of 1920(b) if the pension were a pension specified in section 1(2) of that Act, the supplement may include the amount which would have been payable under that Act (but disregarding paragraph 3 of Part I of the Schedule thereof), if that Act had not been repealed; and any provision of an order made under section 6 of the Act excluding its application to a pension which qualified for an increase under the Act of 1920 shall be disregarded;

- (d) in the case of a pension payable to an officer who retired from the Sudan Civil Service during 1950 the following proportion of the amount of the relevant increase prescribed by order made under section 6 of the Act to correspond with the increase which might (but for the Act) have been granted under the Act of 1944(c) shall be reckonable:

(i) Retirement in January 1950	11/12ths
(ii) Retirement in February 1950	10/12ths
(iii) Retirement in March 1950	9/12ths
(iv) Retirement in April 1950	8/12ths
(v) Retirement in May 1950	7/12ths
(vi) Retirement in June 1950	6/12ths
(vii) Retirement in July 1950	5/12ths
(viii) Retirement in August 1950	4/12ths
(ix) Retirement in September 1950	3/12ths
(x) Retirement in October 1950	2/12ths
(xi) Retirement in November 1950	1/12th

6. No supplement shall be payable to a person to whom this Part of these Regulations applies in respect of any pension determined by reference to emoluments payable by the government of an overseas territory, if those emoluments:—

- (a) in the case of any supplement corresponding to an increase authorised by section 1 (or when relevant section 6) of and Schedule 1 to the Act, derived from a general revision of pensionable emoluments in relation to an overseas territory taking effect on or after 1st April 1970; or
- (b) in the case of any supplement corresponding to an increase authorised by an order under section 2 of the Act, derived from a general revision of pensionable emoluments in relation to an overseas territory taking effect on a date within one year before the end of the review period covered by the order.

(a) 1965 c. 74.

(b) 1920 c. 36.

(c) 1944 c. 21.

PART III

ADDITIONAL SUPPLEMENT IN RESPECT OF PENSIONS OF OFFICERS WHO WERE SPECIAL CONTRIBUTORS TO THE OVERSEA SUPERANNUATION SCHEME

7. This Part of these Regulations shall apply to any person in receipt of a pension payable under the Oversea Superannuation Scheme in respect of his own service who—

- (a) is eligible for the payment of a supplement under the provisions of Part II of these Regulations in respect of that pension ;
- (b) was a special contributor to the Oversea Superannuation Scheme as provided in regulation 21 of the Regulations ; and
- (c) has ceased to contribute to the superannuation scheme operated under the Federated Superannuation System for Universities or such other scheme of a like nature as may have been approved under the provisions of regulation 21(1) of the Regulations, and has become eligible for benefit under that scheme.

8. A special supplement may be paid to any person to whom this Part of these Regulations applies of an amount which when aggregated with the supplement payable under Part II of these Regulations in respect of his pension under the Oversea Superannuation Scheme is equal to the supplement which would have been payable under the said Part II if he had been entitled to a pension of the same amount as his notional pension.

PART IV

SUPPLEMENTS IN RESPECT OF DEPENDENT PENSIONERS

9.—(1) This regulation applies to a dependent pensioner, whose pension is determined wholly or partly by reference to a rate of contributions paid by, and to the age of, an officer from time to time, being the dependent of a person to whom Part II of these Regulations applies, but who does not become eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act.

(2) Subject to the provisions of section 11 of the Act and of these Regulations the supplement payable in respect of a dependent pensioner to whom this regulation applies shall be assessed in accordance with the provisions of this regulation and may be an amount that corresponds with the aggregate of the amounts which would have been payable under regulation 5 of these Regulations if that regulation had applied to such pensioner and the pension had begun on the date when the period of contributions commenced.

(3) For the purpose of calculating the total supplement payable under this regulation, prior to calculating the reductions, if any, applicable under this regulation, in any case where by virtue of section 6 of the Act the 1971 rate would have been ascertained by reference to an order made under subsections (4) and (5) of that section, such order shall be disregarded and the 1971 rate which would have been ascertained by reference to that order shall be ascertained in accordance with the provisions of paragraph (4) of this regulation and the Tables in Schedule 4 to these Regulations.

(4) For the purpose of calculating the total supplement in accordance with the provisions of paragraph (3) of this regulation the 1971 rate shall be :—

- (a) if the contributions of the officer in respect of whose service under the government of an overseas territory the pension is payable to the dependent pensioner began before 16th August 1920, the basic pension increased under Tables I to VII inclusive ;

- (b) if such contributions began on or after 16th August 1920 but before the scheduled date specified in column 2 of Schedule I to these Regulations in relation to the territory in question (or in the case of The Gambia, Ghana, Nigeria and Sierra Leone, column 3), the basic pension increased under Tables II to VII inclusive but as if the words in Table II "as increased under Table I" were omitted and as if in Tables III to VII any reference to Table I were omitted ;
 - (c) if such contributions began on or after the scheduled date specified in column 2 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 3, the basic pension increased under Tables III to VII inclusive, but as if in Table III the words "as increased under Tables I and II" were omitted and as if in Tables IV to VII the references to Tables I and II were omitted ;
 - (d) if such contributions began on or after the scheduled date specified in column 3 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 4, the basic pension increased under Tables IV to VII inclusive, but as if in Table IV the words "as increased under Tables I, II and III" were omitted and as if in Tables V to VII the references to Tables I, II and III were omitted ;
 - (e) if such contributions began on or after the scheduled date specified in column 4 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 5, the basic pension increased under Tables V to VII inclusive, but as if in Table V the words "as increased under Tables I, II, III and IV" were omitted and as if in Tables VI and VII the references to Tables I, II, III and IV were omitted ;
 - (f) if such contributions began on or after the scheduled date specified in column 5 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 6, the basic pension increased under Tables VI and VII, but as if in Table VI the words "as increased under Tables I, II, III, IV and V" were omitted and as if in Table VII the references to Tables I, II, III, IV and V were omitted ;
 - (g) if such contributions began on or after the scheduled date specified in column 6 of the said Schedule in relation to the territory in question, the basic pension increased under Table VII but as if the words "as increased under Tables I, II, III, IV, V and VI" were omitted.
- (5) Where the officer, in respect of whose service under the government of an overseas territory the pension is payable, left such service or died while in such service, after a scheduled date in relation to that territory, not having completed the full period of contributions prior to that date, the gross amount of the supplement before deduction of any overseas increase but otherwise calculated in accordance with paragraphs (2), (3) and (4) of this regulation shall be reduced:—
- (a) in the case of an officer who completed the full period of contributions prior to leaving such service or to his death while in such service, in the same proportion that the number of years in respect of which he contributed prior to the scheduled date bears to the total number of years in respect of which he contributed ; and
 - (b) in the case of an officer who died while in such service before completing the full period of contributions, in the same proportion that the number of years in respect of which he contributed prior to the

scheduled date bears to the total number of years in respect of which he would have contributed had he continued to contribute until he had completed the full period of contributions ; and

- (c) in any other case, in the same proportion that the number of years in respect of which he contributed prior to the scheduled date bears to the number of years in respect of which he contributed during his service under the said government.

(6) The formula which under paragraph (5) of this regulation is appropriate to the circumstances of an officer shall be applied either as in paragraph (7) or paragraph (8) of this regulation.

(7) (a) In relation to the 1969 standard and the other benefits contained in paragraphs (a), (b), (c), (d), (e) and (f) of section 1(1) of the Act or in any order made under section 2 of the Act the formula shall be applied as follows:—

- (i) the formula shall be applied successively in relation to each scheduled date before which an officer's full period of contributions had not been completed, in chronological order ;
- (ii) in relation to the first scheduled date the formula shall be applied to the proportion of the pension earned prior to that date, and in respect of each other scheduled date to the proportion earned between that scheduled date and the scheduled date immediately before it ; for this purpose a pension shall be deemed to be earned equally by all contributions over the full period of contributions ;
- (ii) in relation to the first scheduled date the contributions to be used for the first part of the proportion shall be those made before that scheduled date, and for each other scheduled date shall be those made between that scheduled date and the scheduled date immediately before it ;
- (iv) the second part of the proportion is always the full period of contributions ;
- (v) to the product of each calculation specified in this paragraph shall be applied the multiplier specified in section 1 of, and Schedule 1 to the Act, or, as the case may be, in an order made under section 2 of the Act, for the year which corresponds to the year mentioned in the scheduled date in relation to which the calculation is made.

(b) For the purposes of this paragraph—

“ pension ” means

- (i) the basic pension, when the formula is applied to a pension in relation to the 1969 standard ;
- (ii) the basic pension together with the amount, if any, necessary to bring the rate of that pension up to whichever is the greater of the 1969 standard or the 1971 rate, when the formula is applied to a pension in relation to the other benefits contained in paragraphs (a), (b), (c), (d), (e) and (f) of section 1(1) of the Act ;
- (iii) the pension prescribed in sub-head (ii) of this sub-paragraph together with the appropriate amount, if any, accruing under paragraphs (a), (b), (c), (d), (e) and (f) of section 1(1) of the Act, when the formula is applied to a pension in relation to the first order made under section 2 of the Act ;

- (iv) the pension prescribed in sub-head (iii) of this sub-paragraph together with the amounts of the increases, if any, payable by virtue of the preceding order or orders made under section 2 of the Act, when the formula is applied to a pension in relation to any subsequent order made under that section.

(8) In relation to the 1971 rate as ascertained under this regulation the formula shall be applied as follows:

- (a) the formula shall be applied successively in relation to each of the scheduled dates specified in paragraph (9)(a) and (b) of this regulation before which an officer's full period of contributions had not been completed, in chronological order ;
- (b) where the officer's full period of contributions had not been completed before 16th August 1920, the formula shall be applied to the increase under Table I ;
- (c) where the officer's full period of contributions had not been completed before the date specified in column 2 (or in the case of The Gambia, Ghana, Nigeria and Sierra Leone, column 3) of Schedule 1 of these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table II ;
- (d) where the officer's full period of contributions had not been completed before the date specified in column 3 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table III ;
- (e) where the officer's full period of contributions had not been completed before the date specified in column 4 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table IV ;
- (f) where the officer's full period of contributions had not been completed before the date specified in column 5 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table V(a) and no account shall be taken of Table V(b) ;
- (g) where the officer's full period of contributions had not been completed before the date specified in column 6 Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table VI ;
- (h) where the officer's full period of contributions had not been completed before the date specified in column 7 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table VII.

(9) For the purposes of this regulation—

“ full period of contributions ” means the period during which the officer was required to contribute under any law authorising the payment of the pension to the dependent pensioner in order that such pensioner should qualify for the maximum pension payable under that law ;

“number of years” means the number of complete years, any period of, or exceeding, a half year being treated as a complete year; and when calculating the number of years before any scheduled date any period less than a half year shall be excluded and added to the period used for the next calculation, or, if it is the last calculation, shall be ignored;

“scheduled date” means

- (a) in relation to all overseas territories mentioned in Schedule 1 to these Regulations and Egypt, 16th August 1920; and
- (b) in relation to each overseas territory mentioned in Schedule 1 to these Regulations, any date specified in relation to that overseas territory in columns 2 to 7 of that Schedule, provided that in the case of The Gambia, Ghana, Nigeria and Sierra Leone the dates specified in column 3 of the said Schedule shall be used both as dates in that column and also in place of the dates specified in column 2 of the said Schedule; and
- (c) in relation to any overseas territory mentioned in Schedule 1 to these Regulations:—
 - (i) the date of each general revision of pensionable emoluments in relation to that overseas territory which takes effect from a date later than 1st July 1967; and
 - (ii) the date of the final contribution made by the officer, or the date of his final contribution before retirement from or transfer from the overseas territory under whose enactment, scheme or instrument the pension is payable, whichever is the earlier;

“Table” or “Tables” means a Table or Tables specified in Schedule 4 to these Regulations.

10.—(1) This regulation applies to a dependent pensioner whose pension is determined wholly or partly by reference to a rate of contributions paid by, and to the age of, an officer from time to time, being the dependent of a person to whom Part II of these Regulations applies and who becomes eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act.

(2) Subject to the provisions of section 11 of the Act and of these Regulations, the supplement payable in respect of a dependent pensioner to whom this regulation applies shall be assessed in accordance with the provisions of regulation 9 to these Regulations except that section 6 of the Act and any order made under that section shall be disregarded and accordingly paragraphs (3), (4) and (8) and any reference to the 1971 rate in paragraph (7) of regulation 9 shall be disregarded.

11.—(1) Subject to the provisions of section 11 of the Act and of these Regulations, the supplement payable to a dependent pensioner whose pension is determined by reference to emoluments received by an officer during any period of service under the government of an overseas territory, or which would be so determined apart from any provision specifying a fixed sum as the minimum rate of pension, shall be the amount which would have been payable had Part II of these Regulations applied to such pensioner.

(2) (a) No supplement shall be payable to or in respect of a dependent pensioner being a child of the officer in respect of whose service the pension is payable when, if the pension were a children's pension as described in section 52 of the Superannuation Act 1965(a) such pension would not have

been payable solely by reason of the fact that the dependent pensioner was not in his period of childhood and full-time education as specified in section 84 of the said Act.

(b) For the purposes of this paragraph a child of the officer means a child, stepchild, illegitimate child or adopted child of the officer in respect of whose service the pension is payable or of a wife of such officer.

PART V

PERSONS IN RECEIPT OF MORE THAN ONE PENSION

12.—(1) (a) Where a person is in receipt of more than one pension in respect of service under any of the governments of the overseas territories specified in Schedule 1 to these Regulations:—

- (i) the supplements payable shall not in the aggregate exceed the amount which would be payable if he were in receipt of a single basic pension at a rate equal to the aggregate of his basic pensions and beginning at the time when the earliest of them began, together with an overseas increase at a rate equal to the aggregate of the overseas increases awarded in respect of those pensions:

Provided that for the purposes of determining the amounts which would be payable under the Act or any order under section 2 of the Act in respect of the aforesaid single basic pension the aggregate of his basic pensions shall not include any basic pension which began at a time when, if it were the only basic pension eligible for benefit under these Regulations, it would not have attracted any increase under the Act or under an order under section 2 of the Act; and

- (ii) where the aggregate of the supplements in respect of each of his basic pensions as ascertained apart from this paragraph would exceed the maximum amount authorised under sub-head (i) of this sub-paragraph, the supplement payable in the case of each of such pensions shall be of such amount as, when aggregated with the overseas increase paid in respect of that pension, shall bear the same proportion to the aggregate increases which would be payable under the Act and any orders under section 2 of the Act in respect of the aggregate basic pensions as the basic pension bears to such aggregate:

Provided that where the aggregate of the supplements so determined in respect of all the basic pensions, whether or not such pensions attract benefit under these Regulations, exceeds the maximum amount authorised under sub-head (i) of this sub-paragraph, each such supplement shall be reduced by an amount bearing the same proportion to that supplement as the excess bears to that aggregate.

(b) In this paragraph any reference to the basic pensions of a person is a reference to any pension in respect of service under any of the governments of the overseas territories specified in Schedule 1 to these Regulations which is eligible for benefit under these Regulations.

(2) In the application of this regulation to any person who has been granted a pension determined in accordance with section 2 of the Governors' Pensions Act 1957(a), any pension in respect of service in the overseas civil service

taken into account for the purposes of section 2(2)(b) of the said Act shall be regarded—

- (a) as beginning on the same date as the Governor's pension would be deemed to begin under the Act as modified by regulations, if any, made under section 5(3) of the Act, and
- (b) as being the basic pension granted for that service notwithstanding that it may include an addition made in accordance with an enactment, scheme, or other instrument providing for the increase of pensions, but the amount of any such addition which is so included shall not be taken into account in determining the overseas increases in respect of that pension.

(3) Where a person is in receipt of more than one pension to which the provisions of regulations 9, 10 or 11 of these Regulations apply, the periods during which the officer in respect of whose service the pensions are payable contributed in respect of those pensions shall be aggregated for the purpose of determining the maximum supplement payable under the provisions of paragraph (1)(a) of this regulation:

Provided that where contributions were made in respect of more than one such pension in relation to the same period of service that period shall not be taken into account more than once.

(4) Where a person who is in receipt of a pension to which the provisions of regulations 9, 10 or 11 of these Regulations apply is also in receipt of a pension to which those provisions do not apply, the supplements payable under these Regulations shall not in the aggregate exceed the amount which would be payable if he were in receipt of a single basic pension equal to the aggregate of his basic pensions, together with a single overseas increase at a rate equal to the aggregate of his overseas increases, and if such single basic pension were regarded as a pension to which the provisions of regulations 9, 10 or 11 apply and which was determined by reference to the period of contributions made in respect of the pension actually payable to which the provisions of regulations 9, 10 or 11 apply:

Provided that—

- (i) in determining the supplement in respect of the aforesaid single basic pension the amount of any relevant increase to that pension shall not exceed an amount which is equal to the relevant increase which would have been payable in respect of the single basic pension at a rate equal to the aggregate of his basic pensions and beginning at a time when the earliest of them began apart from any basic pension which began at a time when, if it were the only basic pension eligible for benefit under these Regulations, it would not have attracted any such relevant increase, such relevant increase being apportioned among the overseas pensions in the same proportion as the comparable relevant increase in the overseas pension bears to the aggregate of the comparable relevant increases in the overseas pensions; and
- (ii) where a person who is in receipt of a pension to which the provisions of regulations 9, 10 or 11 of these Regulations apply is also in receipt of a pension to which the provisions of none of those regulations apply, the latter pension having been derived from the service of the officer which occurred subsequently to the service giving rise to the former pension, the provisions of the preceding proviso shall not apply.

PART VI

GENERAL AND SUPPLEMENTAL PROVISIONS

13. Except as otherwise provided in these Regulations, in the application of the Act or any order made under section 6 of the Act for the purpose of determining the supplement payable under these Regulations no regard shall be had to the provisions of section 4, section 8(2) and (3) and the words “and the time when a pension “begins” is that stated in section 8(2)” in the definition of “pension” in section 17(1), of the Act.

14.—(1) Whenever, for the purpose of ascertaining any supplement payable under these Regulations, it is necessary to convert into sterling a basic pension initially payable in a currency other than sterling, the rate of exchange to be taken for the purpose of any such conversion shall be the rate of exchange between that currency and sterling specified in the Public Officers' Agreement concluded between Her Majesty's Government in the United Kingdom and the government of the overseas territory concerned, whether or not that Agreement applies to such basic pension and whether or not it is paid at the rate of exchange specified in that Agreement. Where there is no such Public Officers' Agreement the rate of exchange to be taken shall be:—

(a) in the case of a colony for whose external relations the United Kingdom is responsible or a territory outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Government in the United Kingdom, the current rate of exchange on the date when that instalment of the basic pension to which the supplement relates is payable ;

(b) in the case of each of the following countries the rate of exchange between the currency of that country (by whatever name the country was then known) and sterling in force on the date specified opposite it—

The Arab Republic of Egypt	15th March 1922
The Republic of the Sudan	1st January 1956
The Peoples Democratic Republic of Yemen	30th November 1967
The Federal Republic of Nigeria (other than former Regions thereof)	1st October 1960 ;

(c) in any other case, such date as the Secretary of State shall by regulation specify.

(2) Where on a date when an instalment of the basic pension is payable the rate of the basic pension enjoyed by the pensioner is greater in terms of sterling when ascertained in accordance with the official rate of exchange on that date between the currency in which the basic pension is payable and sterling than the sterling rate of the basic pension calculated in accordance with the preceding paragraph, then for the purpose of ascertaining any supplement payable under these Regulations the difference between the amounts shall be regarded as an overseas increase paid to the pensioner.

15. Where a person has been in receipt of a basic pension in respect of service under a government of an overseas territory specified in Schedule 1 to these Regulations and, in consequence of further service rendered by him to any other government or authority, being service which is reckonable under the law of the first mentioned overseas territory as public service for the purpose of the enactment, scheme or other instrument under which the basic pension is payable, the amount of the basic pension falls to be reduced

to the maximum amount which, when account is taken of any pension payable by any other government or authority, may be drawn under the said enactment, scheme or other instrument, then the supplement payable under these Regulations may be further increased up to the amount of supplement which would have been payable if the basic pension had not been so reduced:

Provided that this regulation shall not apply in the case where the further service rendered to any other government or authority is service which has already been taken into account in ascertaining the amount of the basic pension.

16.—(1) In any case where an overseas increase which has been taken into account in determining any supplement payable under these Regulations is revised with retrospective effect such supplement shall be revised accordingly with similar effect and any overpayment made to the pensioner as a result of the revision may be recovered from him.

(2) Where any refund of overpayment as required by paragraph (1) of this regulation is not made within one month of notification no further supplements shall be payable to the pensioner until the amount of the refund so required has been made.

17. Application for a supplement under these Regulations shall be made to the Minister for Overseas Development who may require proof that any person applying for such supplement, or any person on behalf of whom such an application is made, is alive and eligible for such supplement, and no payment shall be made until such proof is furnished.

18. Subject to the provisions of sections 5(4) and 18(2) of the Act, these Regulations shall be deemed to have taken effect from 1st September 1971.

Alec Douglas-Home,
Secretary of State for Foreign
and Commonwealth Affairs.

5th April 1972.

Consent of the Minister for the Civil Service given under his Official Seal on 5th April 1972.

A. W. Wyatt,
Authorised by the Minister for
the Civil Service.

SCHEDULE 1

Regulations 4, 5, 6, 9, 10 and 12

DATES SPECIFIED IN RELATION TO OVERSEAS TERRITORIES
FOR THE PURPOSES OF REGULATIONS 4, 5, 6, 9, 10 AND 12

Col. 1 Overseas Territories	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Aden						
Federation of South Arabia						
Protectorate of South Arabia						
People's Democratic Republic of Yemen	1. 1.46	1. 4.53	1. 7.56	1. 7.60	18. 1.63	1. 4.65
Antigua	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Bahamas	1. 1.52	1. 1.52	1. 1.56	1. 1.59	1. 4.61	1. 7.64
Barbados	1. 4.48	1. 4.52	1. 4.56	1. 4.61	1. 4.66	
Bermuda	1. 1.52	1. 1.52	1. 7.56	1. 7.60	1. 4.61	1. 1.67
Botswana						
Bechuanaland	1. 1.47	1. 7.54	1. 8.58	1. 4.61	1.10.64	
British Antarctic Territory				1. 7.61	1. 7.63	
British Honduras	1. 1.46	1. 7.51	1. 7.56	1. 4.61	1. 7.66	
British Solomon Islands Protectorate	1. 1.46	1. 1.54	1. 4.58	1. 4.61	1.10.65	1. 4.67
British Virgin Islands	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Brunei	1. 7.46					
Ceylon	1. 1.63					
Cyprus	1. 1.45	1. 1.53	1. 7.55			
Dominica	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
East African Community						
East African Common Services Organisation	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
East African High Commission						
East African Railways and Harbours Administration	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
Kenya and Uganda Railways and Harbours Administration						
Eastern Nigeria	1. 1.46	1. 4.52	1.10.54	1. 4.60		
Eastern Region of Nigeria						
Employing Authorities Under the Oversea Superannuation Scheme	1. 4.47					
Falkland Islands	1.12.46	1. 4.53	1. 1.57	1. 7.61	1. 7.63	1. 1.66
Federation of Malaysia						
Federation of Malaya						
Federated Malay States	1. 8.47	1. 1.52	1. 1.55			
Malayan Establishment						
Malayan Union						
Unfederated Malay States						
Federal Republic of Nigeria						
Federation of Nigeria	1. 1.46	1. 4.52	1.10.54	1. 9.59		
Nigeria						
Fiji	1. 1.46	1. 1.50	1. 1.54	1. 4.61	1. 4.65	1. 4.67
The Gambia	1. 1.46	1.12.53	1. 4.56	1. 1.60	1.11.63	
Ghana						
Gold Coast	1. 1.46	1. 4.52	1. 7.57			
Gibraltar	1. 4.46	1. 1.50	1. 1.56	1. 1.60	1. 8.63	1. 7.67
Gilbert and Ellice Islands	1. 1.46	1. 1.50	1. 1.54	1. 4.61	1.10.65	1. 4.67
Grenada	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Guyana						
British Guiana	1. 1.49	1. 1.54	1. 1.54	1. 4.61	1. 1.64	
Hong Kong	1. 1.47	1. 4.51	1.10.53	1. 7.59	1. 7.63	1. 4.65
Jamaica	1.10.50	1.10.50	1. 4.55	1. 4.58	1. 4.61	

Col. 1 Overseas Territories	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Kenya	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
Leeward Islands	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Lesotho	1. 1.47	1. 7.54	1. 8.58	1. 4.61	1.10.64	
Basutoland... ..						
Malawi	1. 1.46	1. 5.53	1. 7.55	1. 4.61	1. 4.63	1. 1.66
Nyasaland						
Malta	1. 4.48	1.10.53	1. 6.55	1. 4.59	1. 4.66	
Mauritius	1. 7.47	1. 7.50	1. 1.57	1. 4.61	1. 1.64	
Montserrat	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Northern Nigeria	1. 1.46	1. 4.52	1.10.54	1. 9.59		
Northern Region of Nigeria						
Palestine	1. 4.46					
Sabah	15. 7.46	1. 1.52	1. 1.56	1. 4.61		
North Borneo						
St. Christopher, Nevis and Anguilla	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
St. Helena	1. 1.52	1. 1.52	1. 4.58	1. 4.61	1. 7.65	
St. Lucia	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
St. Vincent... ..	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Sarawak	1. 7.46	1. 1.52	1.10.54	1. 4.61		
Seychelles	1. 7.47	1. 1.54	1. 1.58	1. 4.61	1. 5.66	
Sierra Leone	1. 1.46	1. 3.53	1. 2.55	1. 4.57		
Singapore	1. 8.47	1. 1.52	16. 6.53	1. 4.61		
Straits Settlements						
Somali Republic	1. 1.46	1.10.53	1.10.56			
Somaliland Protectorate						
Sudan	1. 1.50					
Swaziland	1. 1.47	1. 7.54	1. 8.58	1. 4.61	1.10.64	
Tanzania	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
Tanganyika						
Zanzibar						
The West Indies Federation	1. 1.46					
Tonga	1.10.49					
Trinidad and Tobago	1. 1.49	1. 1.54	1. 1.59	1. 4.61	1. 1.66	
Turks and Caicos	1.10.50	1.10.50	1. 4.55	1. 4.58	1. 4.61	
Uganda	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
Western Nigeria	1. 1.46	1. 4.52	1.10.54	1. 4.59		
Western Region of Nigeria						
Western Pacific High Commission	1. 1.46	1. 1.50	1. 1.54	1. 4.61	1.10.65	1. 4.67
Zambia	1. 1.46	1.10.51	1. 1.57	1. 4.61	1. 4.63	
Northern Rhodesia						

SCHEDULE 2

Regulation 4

AMOUNT OF SUPPLEMENT CORRESPONDING TO ADDITIONAL INCREASE
FOR PENSIONERS OVER 70

Where a pension begins on or before 1st April 1961, and any qualifying condition is satisfied other than one of the conditions specified in section 3(3)(b), (c) and (d) of the Act (which relate to pensioners in receipt of derivative pension while of an age

less than 16 or receiving education or training) the addition to be made to the 1971 rate in accordance with section 6(5) of the Act shall be of the amount which is given by reference to the 1971 rate in the following Table:—

Column 1	Supplement		
	Column 2	Column 3	
	1. Normal	2. Small pensions	
Pensions beginning			
	£	1971 rate (£)	×
Up to 1st July 1955	27·376	124·44	0·22
Up to 1st April 1956	27·144	123·38	0·22
Up to 1st July 1956	23·072	100·31	0·23
Up to 1st April 1957	22·875	99·46	0·23
Up to 1st July 1957	18·514	80·50	0·23
Up to 1st April 1958	18·354	79·80	0·23
Up to 1st July 1958	12·880	53·67	0·24
Up to 1st April 1959	12·768	53·20	0·24
Up to 1st July 1959	8·778	36·58	0·24
Up to 1st April 1960	8·701	36·25	0·24
Up to 1st July 1960	4·882	19·53	0·25
Up to 1st April 1961	4·838	19·35	0·25

Column 2 of this Table gives the amount of the supplement for pensions beginning at the time stated in column 1, unless the 1971 rate is less than the figure given in the first division of column 3; if it is less, the amount of the supplement is obtained by multiplying the 1971 rate by the figure given in the second division of column 3.

SCHEDULE 3

Regulation 2

ENACTMENTS, SCHEMES AND INSTRUMENTS APPROVED FOR THE PURPOSES OF SECTION 11 OF THE ACT

Aden Widows' and Orphans' (United Kingdom) Pension Scheme.
Bahamas Widows' and Orphans' Pension Fund.
Botswana Widows' and Orphans' Pension Fund.
Ceylon Widows' and Orphans' Pension Fund.
East African Railways and Harbours Administration Superannuation Fund.
Ghana Widows' and Orphans' (Overseas Officers) Pension Fund.
Guyana Widows' and Orphans' Pension Fund.
Lesotho Widows' and Orphans' Pension Fund.
Mauritius Widows' and Orphans' Pension Fund.
Overseas Superannuation Scheme.
Sabah Widows' and Orphans' Pension Fund.
Sarawak Widows' and Orphans' Pension Fund.
Seychelles Widows' and Orphans' (Overseas Officers) Pension Fund.
Sierra Leone Widows' and Orphans' Pension Fund.
Somaliland Protectorate Widows' and Orphans' Pension Fund.
Swaziland Widows' and Orphans' Pension Fund.
Zambia Widows' and Orphans' Pension Fund.

SCHEDULE 4

Regulation 9

TABLES FOR CALCULATION OF 1971 RATE

Table I:

<i>Basic Pension</i>	<i>Increase</i>
Less than £25	70%
£25 to £25·74 The amount which when added to the basic pension will produce a total of 	£42·50
£25·75 to £50 	65%
£50·01 to £55 The amount which when added to the basic pension will produce a total of 	£82·50
£55·01 to £100 	50%
£100·01 to £109·14 The amount which when added to the basic pension will produce a total of 	£150
£109·15 to £130 	40%
£130·01 to £140 The amount which when added to the basic pension will produce a total of 	£182
£140·01 to £200 	30%
£200·01 and over 	£60

Table II:

<i>Basic pension as increased under Table I</i>	<i>Increase</i>
Up to £100	40%
£100·01 to £133·33 	£40
£133·34 to £200 	30%
£200·01 and over 	£60

Table III:

Increase (a) is 1/3 of basic pension as increased under Tables I and II or £26, whichever is the less.

Increase (b) is 10 per cent. of basic pension only or £100, whichever is the less.

Table IV:

Increase is 12 per cent. of basic pension as increased under Tables I, II and III.

Table V:

Increase (a) is 12 per cent. of basic pension as increased under Tables I, II, III and IV.

Increase (b) is 25 per cent. of basic pension as increased under Tables I, II, III and IV or £20 whichever is the less.

Table VI:

Increase is 16 per cent. of basic pension as increased under Tables I, II, III, IV and V.

Table VII:

Increase is 18 per cent. of basic pension as increased under Tables I, II, III, IV, V and VI.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations, which provide for the payment of supplements on pensions paid to or in respect of certain overseas civil servants, supersede the Overseas Service (Pensions Supplement) Regulations 1969.

2. Part II of these Regulations provides for the payment to an officer of a supplement which, together with any increase or supplement otherwise payable on his pension, corresponds as nearly as may be with the aggregate of the increases which would be payable under the Pensions (Increase) Act 1971 and any orders made under section 2 of that Act (biennial review orders) on a Civil Service pension. Similar provision for the dependants of officers is made in Part IV of the Regulations.

3. Part III of the Regulations provides for the payment of an additional supplement where a pension paid to an officer under the Overseas Superannuation Scheme is of a reduced amount because the contributions to that Scheme in respect of his overseas service were reduced by virtue of his continuing contributions to the Federated Superannuation Scheme for Universities or other similar approved scheme during that overseas service.

4. The provisions of Regulation 14 ensure that account is taken of additions to the value of an overseas pension owing to changes in the rate of exchange between sterling and the currency of an overseas territory.

5. Regulation 15 prevents an overseas pensioner who earns extra pension after normal retirement age from being penalised in certain circumstances because of a rule limiting his pension to two-thirds of his highest pensionable emoluments.

6. These Regulations take effect retrospectively from 1st September 1971, in accordance with the powers contained in sections 5(4) and 18(2) of the Act.

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