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STATUTORY INSTRUMENTS

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**1995 No. 238**

**PENSIONS**

**The Overseas Service (Pensions Supplement) Regulations 1995**

*Made* - - - - *31st January 1995*  
*Laid before Parliament* *8th February 1995*  
*Coming into force* - - *1st March 1995*

The Secretary of State, in exercise of the powers conferred on him by sections 11, 11A, 12 and 13(2) and (4) of the Pensions (Increase) Act 1971<sup>(1)</sup> and of all other powers enabling him in that behalf, and with the approval of the Treasury<sup>(2)</sup>, hereby makes the following Regulations:

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Regulations may be cited as the Overseas Service (Pensions Supplement) Regulations 1995 and shall come into force on 1st March 1995.

**Interpretation**

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

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

“the 1973 Act” means the Overseas Pensions Act 1973<sup>(3)</sup>;

“addition”, except in regulation 19(1)(a) and (2) and in references to the addition under section 6(5) of the Act, means the amount calculated (by reference to the increases payable under Part I of the Act) under Part III;

“contributory derivative pension” means a derivative pension computed wholly or partly by reference to contributions paid by, and to the age of, an officer;

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(1) 1971 c. 56. Section 11 was amended by the Overseas Pensions Act 1973 (c. 21), section 4(2) and Schedule 2; section 11A was inserted by section 4(1) of that Act; section 13(2) was amended by the Superannuation Act 1972 (c. 11), Schedule 6, paragraph 88.  
(2) See the Transfer of Functions (Minister for the Civil Service and Treasury) Order 1981 (S.I. 1981/1670).  
(3) 1973 c. 21.

- “increasable rate” has the meaning given by regulation 6;
- “overseas increase” has the meaning given by regulation 19;
- “period of contributory service”, in relation to a contributory derivative pension, means the period during which an officer was both—
- (a) in service under the government of a particular overseas territory; and
  - (b) contributing for the purposes of the pension in relation to that service;
- “rate”, in relation to a pension consisting of periodical payments, means annual rate;
- “relevant date” means a date specified in regulation 8(4);
- “total overseas increase” has the meaning given by regulation 18.

(2) In these Regulations any reference to Part I of the Act includes sections 59 and 59A of the Social Security Pensions Act 1975(4).

(3) In these Regulations, unless the context otherwise requires, any reference, however expressed, to the date when a pension begins is a reference to the date when it is treated as beginning for the purpose of calculating addition, determined in accordance with regulation 8 or, as the case may be, Schedule 6.

(4) In these Regulations, unless the context otherwise requires, any reference to service under the government of an overseas territory includes service rendered to any authority or institution in the overseas territory.

(5) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation, Part or Schedule is a reference to a regulation, Part or Schedule in these Regulations, and any reference in a regulation or Schedule to a numbered paragraph is a reference to a paragraph of that regulation or Schedule.

## PART II

### SUPPLEMENT

#### **Pensions in respect of which supplement may be paid**

3.—(1) The Secretary of State may pay supplement in respect of any pension to which section 11, 11A or 12 of the Act applies, other than a pension of a kind referred to in paragraph (2).

(2) No supplement shall be payable in respect of—

- (a) a derivative pension granted under section 17 of the Malaysia Pensions Ordinance 1951 (as amended by the Malaysia Pensions (Amendment) (No.2) Act 1972) or any corresponding enactment replacing that section;
- (b) a derivative pension granted under the Fiji Pensions Act 1979 (Act No.21 of 1979) or any corresponding enactment replacing that Act;
- (c) a derivative pension granted under the Hong Kong Surviving Spouses' and Children's Pensions Ordinance (Cap.79) or the Hong Kong Widows and Orphans Pensions Ordinance (Cap.94), as amended in either case by the Hong Kong Pensions Modification Ordinance

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(4) 1975 c. 60; section 59(7) of that Act provides that sections 59 and 59A and the Pensions (Increase) Act 1971 shall have effect as if sections 59 and 59A were contained in Part I of the 1971 Act. Section 59 was amended by the Social Security Act 1979 (c. 18), section 11(1), (2) and (3) and Schedule 3, paragraph 20; by the Social Security Act 1985 (c. 53), Schedule 5, paragraph 33, and Schedule 6; by the Social Security Act 1986 (c. 50), section 9(8); by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), sections 1(7) and 5(1) and (2); by the Social Security (Consequential Provisions) Act 1992 (c. 6), Schedule 2, paragraph 34 and by the Pension Schemes Act 1993 (c. 48), Schedule 8, paragraph 9(1). Section 59A was inserted by the Social Security Act 1979, section 11(4), amended by the Social Security Act 1986 (c. 50), section 9(9) and by the Pension Schemes Act 1993, Schedule 8, paragraph 9(2).

1993 (Ordinance No.3 of 1993), to a spouse of an officer who married the officer after he had ceased to serve under the government of Hong Kong, or to a child of the officer's marriage to such a spouse, where both the following circumstances apply:—

- (i) the officer ceased to serve under the government of Hong Kong before 1 February 1993; and
  - (ii) the spouse or child did not first become entitled to payment of the pension before 1 March 1995; or
- (d) any pension which only becomes payable to a person in consequence of a change in the law or administrative provisions of an overseas territory on or after 1 March 1995.
- (3) The enactments, schemes and other instruments specified in Schedule 1 are approved by the Secretary of State for the purposes of sections 11 and 12 of the Act.

#### **Amount of supplement**

4.—(1) Subject to paragraph (2) and to regulation 21, the amount of supplement payable in respect of a pension shall be the amount of the addition calculated (by reference to the increases payable under Part I of the Act) under Part III less the total overseas increase calculated under Part IV.

(2) Subject to regulation 21, where a person is in receipt of more than one pension in respect of which supplement may be paid under regulation 3 and Schedule 2 applies, the amount of supplement determined under paragraph (1) in respect of each of those pensions shall where appropriate be adjusted in accordance with that Schedule.

#### **Supplement on pensions under section 1 of the Overseas Pensions Act 1973**

5.—(1) In relation to a pension payable under section 1 of the 1973 Act (assumption by United Kingdom of responsibility for certain overseas pensions, etc), being a pension for the payment of which Her Majesty's Government in the United Kingdom have assumed responsibility under an agreement referred to in that section, supplement shall be calculated under these Regulations as if the Government had not assumed that responsibility.

(2) In relation to a pension payable under section 1(2)(ii) of the 1973 Act, supplement shall be calculated under these Regulations as if the pension were paid by the government of the overseas territory in or for which the services giving rise to the pension were rendered, under the pensions laws of that territory.

(3) A pension specified in paragraph (1) shall, notwithstanding that it is payable in sterling, be treated for the purposes of calculating supplement as if it continued to be payable in the currency of the relevant overseas territory and the provisions of regulation 22 (conversion to sterling) shall apply to it as if it were so payable and as if any provision of a Public Officers' Agreement which was abrogated on the assumption by Her Majesty's Government in the United Kingdom of responsibility for payment of such pension had not been abrogated.

#### **Increasable rate of pension**

6.—(1) For the purpose of calculating supplement, the increasable rate of a pension, subject to the following provisions of this regulation, shall be—

- (a) in the case of a principal pension, the rate of pension first awarded with effect from the day following the last day of the service by reference to emoluments in which the pension is computed or, if the pension first became payable after that day, which would have been so awarded had it become payable on that day;
- (b) in the case of a derivative pension, the rate of pension first awarded—

but excluding in every case—

- (i) the amount of any increase, bonus or other allowance howsoever authorised which may have been included in the amount of the award;
- (ii) any other amount which is an overseas increase; and
- (iii) any supplement under these Regulations.

(2) Where the law or administrative provisions under which the pension is payable, in force at the time when the pension is first awarded, provide for—

- (a) the exercise by any person of an option under which the rate of the pension may be changed; or
- (b) a change in the rate of the pension upon a change in the circumstances of the pensioner or upon a change in the persons entitled to payment of pensions in respect of the service or contributions of the officer concerned—

and the rate of pension first awarded is revised in accordance with that provision (or any re-enactment thereof), the increasable rate shall from the date when that revision takes effect be the rate as so revised, subject to the exclusions specified in paragraph (1).

(3) In the case of any pension in respect of service under the Government of the Federal Republic of Nigeria or any of the States of the Federal Republic of Nigeria which has been calculated under pensions legislation of Nigeria or any part thereof giving effect, with or without modification, to the Report of the Public Service Review Commission (the Udoji Report), the increasable rate shall, subject to the exclusions specified in paragraph (1), be the rate of the pension which would have been payable under pensions legislation in force immediately prior to the provisions under which the pension was awarded, if that legislation had remained in force and if the person entitled to the pension had not exercised any option to commute part of that pension to a gratuity.

(4) In the case of any pension—

- (a) in respect of service under the Government of Ghana which has been calculated under the Ghana Pensions Ordinance as amended by the Ghana Pensions and Social Security (Amendment) Decree 1975; or
- (b) in respect of service under the Government of Uganda which has been calculated under the Uganda Pensions Act as amended by the Uganda Pensions (Amendment) Regulations 1976—

the increasable rate shall be the rate of the pension which would have been payable under that Ordinance or that Act if it had not been so amended, subject to the exclusions specified in paragraph (1).

(5) In any case where—

- (a) the person entitled to the pension has been in receipt of the pension in respect of his service under a Government or authority;
- (b) that person renders further service to any other Government or authority which is reckonable as public service for the purposes of the provisions under which the pension is payable; and
- (c) in consequence of such further service the pension falls to be reduced to the maximum payable under those provisions when account is taken of any pension payable in respect of the further service—

the increasable rate shall, subject to the exclusions specified in paragraph (1) and to paragraph (2), be the amount of pension which would have been awarded if the pension had not been reduced in consequence of further service.

(6) In the case of a pension awarded under the Overseas Superannuation Scheme(5) to, or to a dependant of, a person—

- (a) who was a special contributor to that Scheme as provided in regulation 21 of the Overseas Superannuation Scheme (Consolidation) Regulations 1963; and
- (b) who has ceased to contribute to and who has, or whose dependant has, become eligible for benefit under 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 paragraph (1) of that regulation—

the increasable rate, subject to the exclusions in paragraph (1) and to paragraph (2), shall be the amount of pension which would have been awarded if the pensionable emoluments taken into account had not been reduced in accordance with the Overseas Superannuation Scheme.

## PART III

### CALCULATION OF ADDITION

#### CHAPTER I

#### COMMON PROVISIONS

##### Amount of addition

7.—(1) Subject to the provisions of this regulation, the amount of the addition in respect of a pension shall be the aggregate of any increases which would be payable under Part I of the Act if—

- (a) the pension were an official pension specified in paragraph 4 of Schedule 2 to the Act(6);
- (b) the increasable rate were the basic rate of such an official pension; and
- (c) the pension had begun on the date provided by this Part.

(2) Paragraph (1) shall be subject to—

- (a) the provisions of chapter II of this Part, in the case of an earnings-related pension; and
- (b) the provisions of chapter III of this Part, in the case of a contributory derivative pension.

(3) In the application of Part I of the Act for the purposes of paragraph (1) in respect of any pension—

- (a) section 4(7) shall not be applied;
- (b) section 8(1)(8) shall have effect without the words “but does not include any money purchase benefits” and section 8(2) and (3)(9) shall not be applied;
- (c) section 9(1)(10) shall have effect without the words “(or any money purchase benefits)” and section 9(2)(a) shall not be applied; and

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(5) The Overseas Superannuation Scheme and regulations made under it have effect as a scheme made under section 2 of the Overseas (Pensions) Act 1973 (c. 21) by virtue of subsection (4A) of that section. Subsection (4A) was inserted by the Overseas Superannuation Act 1991 (c. 16), section 1(3). Copies of the Scheme and regulations are available from the Overseas Pensions Department, Overseas Development Administration, Abercrombie House, Eaglesham Road, East Kilbride, Glasgow.

(6) Paragraph 4 of Schedule 2 to the Act was amended by the Superannuation Act 1972 (c. 11), Schedule 6, paragraph 89(a).

(7) Section 4 was amended by the Superannuation Act 1972, Schedule 6, paragraph 84 and by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7) (“the 1990 Act”), section 2.

(8) Section 8(1) was amended by the 1990 Act, section 7(1).

(9) Section 8(2) was amended by the 1990 Act, section 1(5).

(10) Section 9(1) was amended by the 1990 Act, section 7(2).

- (d) the definition of “pension” in section 17(1) of the Act shall have effect for the purpose of such application without the words “and the time when a pension “begins” is that stated in section 8(2)”.

### **Deemed date when pension begins for calculating addition**

**8.—(1)** Subject to regulation 17 and Schedule 6, the date referred to in regulation 7(1)(c) shall be determined in accordance with this regulation.

(2) In the case of an earnings-related pension the date shall be—

- (a) where the pension is computed by reference to emoluments in service under the Government of the United Kingdom, the Crown Agents for Overseas Governments and Administrations or the Central Office of the Overseas Audit Department, the day following the end of that 12 month period (in the 3 years immediately preceding cessation of that service) which provided the emoluments used in the calculation of the pension;
- (b) where the pension is computed by reference to emoluments in service under the Government of Egypt, a date before the beginning of the year 1944;
- (c) where the pension is computed by reference to emoluments in service under the Government of Hong Kong and the day following the last day of that service was on or after 9th December 1974, the day following the last day of that service;
- (d) where the pension is computed by reference to emoluments in service under the government of an overseas territory specified in Schedule 3, being 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, and where—
  - (i) the officer concerned was designated as an overseas officer under the Overseas Service Aid Scheme;
  - (ii) the day following the last day of that service was on or after 31st December 1974; and
  - (iii) the officer concerned had pensionable emoluments revised as a result of a general revision of emoluments payable to him under the Overseas Service Aid Scheme which had effect on or after 1st January 1974—

the day following the last day of that service; and

- (e) in any other case where the pension is computed by reference to emoluments in service under the government of an overseas territory specified in Schedule 3 or the Federation of Rhodesia and Nyasaland, the day immediately following the effective date of the latest general revision of pensionable emoluments which was taken into account in determining the amount of the pension.

(3) In the case of a contributory derivative pension, the date shall be the last relevant date before commencement of the period of contributory service, but subject where applicable to the provisions of regulation 17 and Schedule 6.

(4) For the purposes of paragraph (3) and regulation 17, the relevant dates, for a pension in respect of contributions in relation to service in a particular territory, shall be—

- (a) in relation to all overseas territories mentioned in Schedule 3 and Egypt, 16th August 1920;
- (b) in relation to each overseas territory mentioned in Schedule 3, any date specified in relation to that overseas territory in columns 2 to 7 of that Schedule, but in the cases of The Gambia, Ghana, Nigeria and Sierra Leone the column 3 date shall also be used in place of the column 2 date; and

- (c) in relation to any overseas territory mentioned in Schedule 3 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.

## CHAPTER II

### MODIFICATION OF APPLICATION OF PART I OF THE ACT TO EARNINGS-RELATED PENSIONS

#### Application of Part I of the Act to earnings-related pensions

9. The application of Part I of the Act to earnings-related pensions for the purposes of regulation 7(1) shall be subject to the provisions of this Chapter.

#### Disapplication of section 1 to certain cases

10. Section 1 of the Act(11) shall not apply in the case of an earnings-related pension which is determined by reference to emoluments derived from a general revision of pensionable emoluments in relation to an overseas territory taking effect on or after 1 April 1970.

#### Modification of application of section 1 in certain cases

11. In the case of an earnings-related pension—

- (a) to which regulation 8(2)(e) applies; and
- (b) for which the date specified in regulation 8(2)(e) is prior to the date specified in the second column of Schedule 3 in relation to the relevant overseas territory—

in place of the multiplier referred to in section 1(1)(a) of the Act there shall be applied the multiplier 3.052.

#### Disapplication of section 6 to certain cases

12. Section 6 of the Act(12) shall not apply in the case of an earnings-related pension—

- (a) which became eligible for the first time to receive supplement by virtue of section 11(2)(c) of the Act; or
- (b) to which section 12 of the Act applies; or
- (c) which is determined by reference to emoluments derived from a general revision of pensionable emoluments in relation to an overseas territory taking effect on or after 1 April 1970.

#### Modification of application of section 6

13.—(1) In the case of any earnings-related pension to which section 6 of the Act applies, section 6(5) shall apply as if for the words—

“and any of the qualifying conditions other than those specified in section 3(3)(b), (c) and (d) above is satisfied, or the pension is a widow’s pension”

there were substituted the words—

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(11) Section 1 of the Act was amended by the Pensions (Increase) Act 1974 (c. 9), section 3(3)(a).

(12) Section 6 of the Act was amended by the Pensions (Increase) Act 1974, section 3(3)(a).

“and any of the qualifying conditions is satisfied or the pension is a derivative or substituted pension or a relevant injury pension, and the pension is not one payable to a person only while he is under a certain age or undergoing education or training”.

(2) In the case of an earnings-related pension which began before 17 August 1920 and upon which if it had been a pension specified in section 1(2) of the Pensions (Increase) Act 1920<sup>(13)</sup> an increase might have been granted but for the repeal of that Act—

- (a) the pension shall not be treated as falling within section 6(2) of the Act;
- (b) in the application of section 6 of the Act, any provision of an order under that section disapplying the order to a pension which qualified for an increase under the Pensions (Increase) Act 1920 shall be disregarded; and
- (c) the 1971 rate determined under section 6 shall in addition include the amount of the increase which might have been granted under the Pensions (Increase) Act 1920, disregarding for this purpose paragraph 3 of Part I of the Schedule to that Act.

(3) In the case of an earnings-related pension computed by reference to emoluments in the Sudan Civil Service, where the day following the last day of that service was during the year 1950, in the application of section 6 of the Act the amount prescribed by order under section 6(4) to correspond with the increase which might have been granted under the Pensions (Increase) Act 1944<sup>(14)</sup> but for repeal of that Act shall be reduced to the proportion thereof specified in Schedule 4.

(4) In the case of an earnings-related pension—

- (a) computed by reference to emoluments in service under the government of an overseas territory specified in Schedule 3 payable prior to the date specified in the second column of that Schedule in relation to that overseas territory; or
- (b) in respect of service under the Government of Egypt—

the pension shall for the purposes of section 6 of the Act be deemed to have begun prior to 1 April 1947.

(5) In the case of an earnings-related pension in respect of which on 31 August 1971 supplement was being paid under the Overseas Service (Pensions Supplement) Regulations 1969<sup>(15)</sup>, section 6(3) of the Act shall apply as it applies to an official pension paid on that date at a rate which included any relevant increases, but excluding the words from “unless” to the end of section 6(3).

### *CHAPTER III*

#### *MODIFICATION OF APPLICATION OF PART I OF THE ACT TO CONTRIBUTORY DERIVATIVE PENSIONS*

#### **Application of Part I of the Act to contributory derivative pensions**

**14.** The application of Part I of the Act to contributory derivative pensions for the purposes of regulation 7(1) shall be subject to the provisions of this Chapter.

#### **Disapplication of section 6 to certain cases**

**15.** Section 6 of the Act shall not apply in the case of a contributory derivative pension—

- (a) which became eligible for the first time to receive supplement by virtue of section 11(2) (c) of the Act; or

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<sup>(13)</sup> 1920 c. 36; repealed by the Act, Schedule 7.

<sup>(14)</sup> 1944 c. 21; repealed by the Act, Schedule 7.

<sup>(15)</sup> S.I. 1969/553.



(b) to which section 12 of the Act applies.

#### **Modification of application of section 6**

16. In the case of any contributory derivative pension to which section 6 of the Act applies, section 6(2) to (5) shall not apply and the 1971 rate shall instead be ascertained in accordance with Schedule 5, subject where applicable to paragraph 5 of Schedule 6.

#### **Calculation of increase where period of contributory service spans relevant dates**

17. Where during the period of contributory service in respect of a contributory derivative pension there occurred one or more of the relevant dates the calculation of increase under Part I of the Act shall be subject to the provisions of Schedule 6.

## **PART IV**

### **CALCULATION OF TOTAL OVERSEAS INCREASE**

#### **Total overseas increase**

18. The total overseas increase in respect of a pension shall be the sum of the overseas increases specified in regulation 19.

#### **Overseas increases**

19.—(1) An overseas increase in respect of a pension for the purposes of these regulations is any of the following:—

- (a) any addition to the increasable rate of the pension which has at any time been awarded by an authority of an overseas territory or, in the case of a pension payable under section 1 of the 1973 Act, by the Secretary of State, and which is still being paid, including any increase, bonus or allowance and the restoration of a commuted part of a pension, and including any amount referred to in paragraph (2) but excluding any supplement under these Regulations and any change in the rate of pension to which regulation 6(2) applies;
- (b) in the case of a pension payable in a currency other than sterling, the amount by which the current sterling value of the increasable rate of the pension calculated using the rate of exchange provided in regulation 20 exceeds its sterling value calculated using the rate of exchange provided in regulation 22;
- (c) in the case of any pension to which regulation 6(3) or (4) applies, the amount by which the rate of the pension first awarded, or where that rate has been reduced by an authority of the relevant overseas territory the reduced rate, exceeds the increasable rate of the pension; and
- (d) the current rate of any other pension payable to the same person wholly or partly in respect of the same service which is excluded from entitlement to supplement by regulation 3(2).

(2) Paragraph (1)(a) includes any addition of a kind there described which is included in the rate of pension first awarded (in addition to the normal computation of the rate of pension by reference to emoluments, or contributions and age, of an officer), and in particular includes any amount excluded from the increasable rate of the pension by regulation 6(1)(i).

(3) Paragraph (1)(b) shall extend to a pension which is treated as payable in a currency other than sterling by virtue of regulation 5, but not if it is converted into sterling for the purpose of payment at the rate of exchange specified in a Public Officers' Agreement concluded between Her Majesty's Government in the United Kingdom and the government of an overseas territory.

### **Current sterling value of increasable rate of pension**

**20.** The current sterling value of the increasable rate of a pension payable in a currency other than sterling shall be calculated for the purposes of regulation 19(b) on the 15th day of each month of payment of supplement using—

- (a) the middle rate of exchange in the official exchange market or, if there is no official exchange market, the prevailing foreign exchange rate for current payments; or
- (b) if different, the rate of exchange applied to the pension.

## **PART V**

### **MISCELLANEOUS AND SUPPLEMENTARY**

#### **Calculation of supplement on pensions of dependants of certain officers who served in the Federation of Rhodesia and Nyasaland**

**21.—(1)** This regulation applies where an officer served under the government of Zambia (formerly Northern Rhodesia) or Malawi (formerly Nyasaland) and subsequently served under the government of the Federation of Rhodesia and Nyasaland and where a dependant of the officer receives—

- (a) a pension in respect of contributions made in relation to the officer's service under the government of Zambia or Malawi;
- (b) a pension in respect of the officer's service under the government of the Federation of Rhodesia and Nyasaland; and
- (c) a special pension paid out of the Central African Pension Fund to compensate for the difference between the combined rate of the pensions mentioned above and the rate of pension which the dependant might have received had the officer died immediately before he transferred to service under the government of the Federation of Rhodesia and Nyasaland.

(2) For the purpose of calculating supplement the pensions mentioned in paragraph (1)(a) and (c) shall be aggregated and (subject to paragraph (3)) deemed a single contributory derivative pension in respect of contributions made in relation to the officer's service under the government of Zambia or Malawi, and in relation to that deemed pension the period of contributory service under the government of Zambia or Malawi shall be treated as extending up to and including the date when the officer ceased to serve under the government of the Federation of Rhodesia and Nyasaland; but—

- (a) for the purposes of paragraph 4 of Schedule 5, only those dates specified in paragraph 5 of that Schedule which occurred before the officer began to serve under the Government of the Federation of Rhodesia and Nyasaland shall be taken into account; and
- (b) for the purposes of regulation 17 and Schedule 6, only those relevant dates which occurred before the officer began to serve under the government of the Federation of Rhodesia and Nyasaland shall be taken into account.

(3) Notwithstanding that paragraph (2) provides for the pensions mentioned in paragraph (1)(a) and (c) to be deemed a single contributory derivative pension, the provisions of regulation 22 shall apply to those pensions as separate pensions and accordingly—

- (a) the increasable rate of the deemed pension shall be the aggregate of the increasable rates of each pension converted into sterling at the rate of exchange appropriate to each pension; and
- (b) the overseas increases on each pension shall be converted into sterling at the rate of exchange appropriate to that pension.

(4) Supplement in respect of the pension mentioned in paragraph (1)(b) shall be calculated normally.

### Conversion to sterling

**22.**—(1) Supplement under these regulations shall be calculated and payable in sterling.

(2) For the purposes of these regulations, the increasable rate of a pension initially payable in a currency other than sterling (including one treated as so payable by regulation 5) shall be converted to sterling at the rate of exchange provided by paragraphs (3) to (5), and the same rate of exchange shall apply for conversion to sterling of the rate of pension first awarded referred to in regulation 19(1)(c) and the current rate of any other pension referred to in regulation 19(1)(d).

(3) Where there is a Public Officers' Agreement between Her Majesty's Government in the United Kingdom and the Government of the overseas territory to which the other currency relates (other than the Central African Public Officers' Agreement 1964), the rate of exchange shall be that specified in that Agreement, whether or not that Agreement applies to such pension or the pension is paid at the rate of exchange specified in the Agreement.

(4) Where there is no Public Officers' Agreement or the pension is one to which the Central African Public Officers' Agreement 1964 applies the rate of exchange shall be—

- (a) where any provision or administrative arrangement in force in the overseas territory to which the other currency relates provides for a specific rate of exchange, that rate, unless—
  - (i) the currency relates to an overseas territory specified in column 1 of Schedule 7, or
  - (ii) that rate produces a greater amount in sterling than the rate specified in subparagraph (c) of this paragraph;
- (b) where the currency relates to an overseas territory specified in column 1 of Schedule 7, and subject to paragraph (5), the middle rate in the official exchange rate market on the date specified in column 2 of that Schedule; and
- (c) in any other case, the middle rate in the official exchange rate market on—
  - (i) 30th June 1976, where the pension is one for which the last day of service in respect of which it was awarded is on or before that date; or
  - (ii) the last day of such service, where that day is after 30th June 1976.

(5) In the case of a pension initially payable in the currency of the Gilbert and Ellice Islands or the Solomon Islands which is computed by reference to emoluments in service of which the last day was before 31 December 1976, for the purpose of calculation, under Part I of the Act as applied by Part III of these regulations, of the increases under section 1 of the Act and under orders made under section 2 of the Act<sup>(16)</sup> up to and including the Pensions Increase (Annual Review) Order 1976<sup>(17)</sup>, the increasable rate of the pension shall be converted to sterling at the middle rate of the official exchange rate market on 30 June 1976, but for all other purposes the increasable rate shall be converted to sterling at the rate of exchange determined under paragraph (4)(b), and accordingly, in relation to that pension, in any order made under section 2 of the Act beginning with Pensions Increase (Annual Review) Order 1977<sup>(18)</sup> or in any order made under section 59 of the Social Security Pensions Act 1975<sup>(19)</sup>—

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<sup>(16)</sup> Section 2 was repealed by the Social Security Pensions Act 1975 (c. 60), Schedule 5, but without prejudice to any existing orders under that section.

<sup>(17)</sup> S.I. 1976/1356.

<sup>(18)</sup> S.I. 1977/1387.

<sup>(19)</sup> 1975 c. 60; section 59 was amended by the Social Security Act 1979 (c. 18), section 11(1), (2) and Schedule 3 paragraph 20; by the Social Security Act 1985 (c. 53), Schedule 5, paragraph 33 and Schedule 6; by the Social Security Act 1986 (c. 50), section 9(8); by the Pensions (Miscellaneous Provisions) Act 1990 (c. 7), sections 1(7) and 5(1) and (2); by the Social Security (Consequential Provisions) Act 1992 (c. 6), Schedule 2 paragraph 34, and by the Pension Schemes Act 1993 (c. 48), Schedule 8, paragraph 9(1).

- (a) any reference to the basic rate is a reference to a basic rate equal to the increasable rate of the pension converted in accordance with the rate of exchange determined under paragraph (4)(b);
  - (b) any reference to the amount of any increase under section 1 of the Act or the existing Orders is a reference to that amount calculated by reference to the increasable rate of the pension converted in accordance with the rate of exchange which applies under this paragraph for the purpose of that calculation; and
  - (c) any statement showing the cumulative effect of increases shall not be applicable.
- (6) The sterling value of any overseas increase to which regulation 19(1)(a) applies initially payable in a currency other than sterling shall be calculated on the 15th day of each month of payment of supplement using—
- (a) the rate of exchange at which the overseas increase is paid, where that is the rate for the overseas territory to which the currency other than sterling relates—
    - (i) specified in the Public Officers' Agreement (if any) for that territory, other than the Central African Public Officer's Agreement 1964;
    - (ii) provided by any provision or administrative arrangements in force in that territory; or
    - (iii) specified in paragraph (4)(b);
  - (b) in any other case, the middle rate on that day in the official exchange market between the other currency and sterling or, if there is no official exchange market, the prevailing exchange rate for current payments.

### **Application for supplement**

- 23.—(1) Application for supplement shall be made to the Secretary of State.
- (2) An applicant for supplement may be required by the Secretary of State to produce proof that he is alive and eligible for supplement.
- (3) Where proof has been required under paragraph (2), no payment of supplement shall be made until such proof is furnished to the satisfaction of the Secretary of State.

### **Revision and recovery of supplement**

- 24.—(1) Where any overseas increase taken into account in the calculation of a supplement is revised with retrospective effect, that supplement shall be revised with similar effect and any overpayment of supplement thereby identified shall be repaid to the Secretary of State.
- (2) Any sum repayable under paragraph (1), and any sum paid in respect of supplement which is recoverable by the Secretary of State apart from that provision, may (without prejudice to any other means of recovery) be recovered by deduction from supplement paid to the pensioner in respect of any pension.

### **Revocations**

25. The regulations specified in Schedule 8 are revoked.

### **Savings and transitional provision**

- 26.—(1) Where, in relation to any pension, supplement is being paid immediately before the date when these regulations come into force under the Overseas Service (Pensions Supplement)

Regulations 1977(20) and the amount of supplement being paid is higher than the amount which would be payable at that date under these regulations—

- (a) that amount of supplement may continue to be paid as if it were the amount payable at that date under these regulations (but subject like that amount to revision on any relevant change of circumstances); and
- (b) for the purpose of the application to the pension of any order under section 59 of the Social Security Act 1975 which comes into force after these regulations come into force, the amount of the basic rate as increased by the amount of any increase under section 1 of the Act or any existing Orders in force before these regulations come into force shall be determined under Part I of the Act as applied by the Overseas Service (Pensions Supplement) Regulations 1977, where that produces a higher amount than the amount determined under Part I of the Act as applied by Part III.

(2) Supplement on any payments of pension which fall due before these regulations come into force shall be calculated under the Overseas Service (Pensions Supplement) Regulations 1977, notwithstanding that supplement is only applied for or paid when these Regulations are in force.

*Douglas Hurd*  
One of Her Majesty's Principal Secretaries of  
State

31st January 1995

We approve,

*Timothy Kirkhope*  
*Derek Conway*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

31st January 1995

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## SCHEDULE 1

Regulation 3(3)

### ENACTMENTS, SCHEMES OR INSTRUMENTS APPROVED FOR THE PURPOSES OF SECTIONS 11 AND 12 OF THE ACT

Bahamas Widows' and Orphans' Pension Fund  
Botswana Widows' and Orphans' Pension Fund  
Ghana Widows' and Orphans' (Overseas Officers) Pension Fund  
Guyana Widows' and Orphans' Pension Fund  
Kenya Asian Officers' Family Pension Fund  
Kenya Widows' and Orphans' Pension Fund  
Lesotho Widows' and Orphans' Pension Fund  
Mauritius Widows' and Orphans' Pension Fund  
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 2

Regulation 4(2)

### ADJUSTMENT OF SUPPLEMENT ON MULTIPLE PENSIONS

1. This Schedule applies where a person is in receipt of—
  - (a) more than one principal pension taking the form of periodical payments;
  - (b) more than one principal pension taking the form of a gratuity; or
  - (c) more than one derivative pension—

being pensions in respect of which supplement may be paid under regulation 3.

2. Where the supplement determined under this Schedule on a notional pension comprising all the pensions referred to in paragraph 1(a), (b) or (c), as the case may be, is less than the sum of the supplements determined under these Regulations apart from this Schedule in respect of each pension comprised in the notional pension, the supplement in respect of each of these pensions shall be adjusted in accordance with paragraphs 12 and 13 of this Schedule.

#### **Amount of supplement on notional pension**

3. The amount of supplement on a notional pension shall be the amount of the addition determined in accordance with paragraphs 5 to 10 less the total overseas increase determined in accordance with paragraph 11.

#### **Increasable rate of notional pension**

4. The increasable rate of the notional pension shall, subject to paragraph 10(2)(b), be the sum of the increasable rates of the pensions comprised in it.

### **Determination of addition on the notional pension**

5. The addition in respect of the notional pension shall be the sum of the additions in respect of the pensions comprised in it, and for the purpose only of this provision the additions in respect of those pensions shall be determined in accordance with Part III but subject to the special rules in relation to the application of section 6 of the Act set out in paragraphs 6 to 9, and subject also to paragraph 10 where applicable.

6. Where the notional pension includes two or more pensions in respect of which section 6 of the Act is applicable in accordance with Part III, and they are all earnings-related pensions, and the 1971 rate of any of those pensions as calculated in accordance with section 6 includes the amount of the increase under section 2 of the Pensions (Increase) Act 1962<sup>(21)</sup>, the amount of that increase shall be allowed in respect of only one of those pensions and the 1971 rates of the pensions shall be adjusted accordingly.

7. Where the notional pension includes two or more pensions in respect of which section 6 of the Act is applicable in accordance with Part III, and they are all contributory derivative pensions, and two or more of those pensions qualify under Schedule 5 for the increase under a particular Table, or paragraph of a Table, in the Annex to that Schedule—

- (a) the increases under that Table or paragraph in respect of all the pensions which so qualify (as reduced where appropriate under paragraph 4 of that Schedule) shall in total be limited to the increase which would be payable under that Table or paragraph in respect of a single pension of which the rate by reference to which the increase is calculated is the sum of the rates (as the case may be, the increasable rate or that rate as increased under previous Tables) by reference to which the increase under that Table or paragraph in respect of each pension which so qualifies is calculated; and
- (b) the total amount of increases as so limited shall be apportioned among the pensions which so qualify in proportion to the size of the increase which would have been made in respect of each pension but for that limitation.

8.—(1) Where the notional pension includes two or more pensions in respect of which section 6 of the Act is applicable in accordance with Part III and those pensions include at least one earnings-related pension and at least one contributory derivative pension—

- (a) in relation to each earnings-related pension in respect of which section 6 of the Act is applicable, where the 1971 rate as calculated in accordance with section 6 of the Act as applied by Part III includes the amount of any increase under the former Pensions (Increase) Acts specified in sub-paragraph (2) of this paragraph, the pension shall for the purpose of this paragraph be treated as qualifying for that increase under the said former Pensions (Increase) Acts; and where that increase is adjusted in accordance with head (b) or (d) of this sub-paragraph the 1971 rate shall be adjusted accordingly;
- (b) if one or more of the contributory derivative pensions to which section 6 of the Act is applicable qualify under Schedule 5 for the increase under a particular Table, or paragraph of a Table, in the Annex to that Schedule and one or more of the earnings-related pensions to which section 6 is applicable qualify for the increase under the provision of the former Pensions (Increase) Acts corresponding to that Table or paragraph as specified in sub-paragraph (2) of this paragraph—
  - (i) the increases payable under that Table or paragraph and the corresponding provision in respect of all the pensions which so qualify (as reduced where appropriate, in the case of contributory derivative pensions, under paragraph 4 of Schedule 5) shall in total be limited to the increase which would be payable under the Table or paragraph in respect of a single pension of which the rate by reference to which the increase is

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(21) 1962 c. 2; repealed by the Act, Schedule 7.

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calculated is the sum of the rates (as the case may be, the increasable rate or that rate as increased under previous Tables or provisions) by reference to which the increase under that Table, paragraph or corresponding provision in respect of each pension which so qualifies is calculated; and

- (ii) the total amount of increases as so limited shall be apportioned among the pensions which so qualify in proportion to the size of the increase which would have been made in respect of each pension but for that limitation;
- (c) if two or more of the contributory derivative pensions to which section 6 of the Act is applicable qualify under Schedule 5 for the increase under a particular Table, or paragraph of a Table, in the Annex to that Schedule but none of the earnings-related pensions to which section 6 is applicable qualify for the increase under the provision of the former Pensions (Increase) Acts corresponding to that Table or paragraph as specified in sub-paragraph (2) of this paragraph, paragraph 7 shall apply in respect of the increase of the contributory derivative pensions;
- (d) if two or more earnings-related pensions to which section 6 of the Act is applicable qualify for the increase under section 2 of the Pensions (Increase) Act 1962 but none of the contributory derivative pensions to which section 6 is applicable qualify under Schedule 5 for the increase under paragraph (b) of Table V in the Annex to that Schedule—
  - (i) the increases under the said section 2 in respect of all the pensions which so qualify shall in total be limited to the increase which would be payable under the said section 2 in respect of a single pension of which the rate by reference to which the increase is calculated is the sum of the rates by reference to which the increase under the said section 2 in respect of each pension which so qualifies is calculated; and
  - (ii) the total amount of increases as so limited shall be apportioned among the pensions which so qualify in proportion to the size of the increase which would have been made in respect of each pension but for that limitation.

(2) For the purpose of sub-paragraph (1)(a) of this paragraph the provisions of the former Pensions (Increase) Acts are those set out in Column 2 below, and for the purpose of sub-paragraph (1)(b) and (c) the provision of the former Pensions (Increase) Acts corresponding to a Table, or paragraph of a Table, in the Annex to Schedule 5 set out in Column 1 below is the provision set out opposite it in Column 2 below:

Column 1 Table	Column 2 Provision of former Pensions (Increase) Acts
I	Pensions (Increase) Act 1920(22), section 1
II	Pensions (Increase) Act 1944(23), section 1
III paragraph (a)	Pensions (Increase) Act 1952(24), section 1
III paragraph (b)	Pensions (Increase) Act 1956(25), section 1
IV	Pensions (Increase) Act 1959(26), section 1

(22) 1920 c. 36; section 1 was amended by the Statute Law Revision Act 1927 (c. 42), Schedule; the Act was repealed by the Pensions (Increase) Act 1971 (c. 56) (“the 1971 Act”), Schedule 7.

(23) 1944 c. 21; section 1 was amended by the Pensions (Increase) Act 1947 (c. 7), section 1(1); by the Pensions (Increase) Act 1956 (c. 39), Schedule 5; by the Pensions (Increase) Act 1962 (c. 2), section 5(1); the Act was repealed by the 1971 Act, Schedule 7.

(24) 1952 c. 45; section 1 was amended by the Pensions (Increase) Act 1956 (c. 39), Schedule 5; the Act was repealed by the 1971 Act, Schedule 7.

(25) 1956 c. 39; section 1 was amended by the Pensions (Increase) Act 1965 (c. 78), section 2(5)(b); the Act was repealed by the 1971 Act, Schedule 7.

(26) 1959 c. 50; repealed by the 1971 Act, Schedule 7.



Column 1 Table	Column 2 Provision of former Pensions (Increase) Acts
V paragraph (a)	Pensions (Increase) Act 1962, section 1
V paragraph (b)	Pensions (Increase) Act 1962, section 2
VI	Pensions (Increase) Act 1965(27), section 1
VII	Pensions (Increase) Act 1969(28), section 1

9. Where for the pensions in respect of which section 6 of the Act is applicable in accordance with Part III included in the notional pension the aggregate amount of their 1969 standards is less than the aggregate amount of their 1971 rates section 6(1) of the Act shall apply to the increase of all those pensions but otherwise section 6(1) shall not apply to the increase of any of them.

**Special provision for persons also holding Governor’s pension**

10.—(1) This paragraph applies where a person has been granted both a Governor’s pension under a scheme made under section 2 of the 1973 Act and another pension in respect of which supplement may be paid under these Regulations the yearly amount of which was deducted in determining the amount of the Governor’s pension.

(2) Where this paragraph applies, for the purposes only of determining the amount of supplement on a notional pension under this Schedule—

- (a) the date at which the other pension in respect of which supplement may be paid under these Regulations is treated as having begun for the purposes of Part III shall be the date at which the Governor’s pension is deemed to have begun under the Act as modified by any regulations made under section 5(3) of the Act(29); and
- (b) the increasable rate of the other pension in respect of which supplement may be paid under these Regulations shall be the yearly amount deducted in determining the amount of the Governor’s pension, notwithstanding that that yearly amount may include an increase made in accordance with any enactment, scheme or other instrument providing for increase of pensions, and the amount of any such increase shall not be an overseas increase in respect of that other pension.

**Determination of total overseas increase on notional pension**

11. The total overseas increase on the notional pension shall be the sum of all the overseas increases on all the pensions comprised in the notional pension.

**Adjustment of the amount of supplement on each pension comprised in the notional pension**

12. Where paragraph 2 applies, the supplement on each pension comprised in the notional pension shall, subject to paragraph 13, be the reduced amount produced by the formula—

$$\left(\frac{A}{B} \times C\right) - (D + E)$$

where—

A is the increasable rate of the pension in question plus the addition in respect of that pension;

(27) 1965 c. 78; repealed by the 1971 Act, Schedule 7.

(28) 1969 c. 7; repealed by the 1971 Act, Schedule 7.

(29) Section 5(3) of the Act was amended by the Social Security Pensions Act 1975 (c. 60), Schedule 4, Part 1, paragraph 18; the relevant regulations at present are S.I. 1976/889.

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B is the sum of the increasable rates and additions in respect of all the pensions comprised in the notional pension;

C is the increasable rate of the notional pension plus the addition in respect of the notional pension determined under this Schedule;

D is the increasable rate of the pension in question; and

E is the total overseas increase in respect of the pension in question.

13. Where the sum of the supplements in respect of all the pensions comprised in the notional pension, determined under paragraph 12, exceeds the supplement on the notional pension determined under this Schedule, the supplement on each pension comprised in the notional pension, determined under paragraph 12, shall be further reduced by deducting from it the amount produced by the formula—

$$F \times \frac{G}{H}$$

where—

F is the supplement on the pension in question determined under paragraph 12;

G is the amount by which the sum of the supplements on all the pensions comprised in the notional pension determined under paragraph 12 exceeds the supplement on the notional pension determined under this Schedule; and

H is the sum of the supplements on all the pensions comprised in the notional pension determined under paragraph 12.

SCHEDULE 3

Regulations 8(2) and (4), 11, and 13(4)  
and Schedule 5

DATES SPECIFIED IN RELATION TO OVERSEAS TERRITORIES FOR THE  
PURPOSES OF REGULATIONS 8(2) AND (4), 11 AND 13(4) AND SCHEDULE 5

Column 1 Overseas Territories	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Aden }	1.1.46	1.4.53	1.7.56	1.7.60	18.1.63	1.4.65
Federation of South Arabia }						
Protectorate of South Arabia }						
People's Democratic Republic of Yemen }						
Antigua	1.1.45	1.1.52	1.1.56	1.4.60	1.4.61	1.1.65

\* Note: Service to which this entry applies shall not be treated as service to which any other entry in this Schedule applies.

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Column 1 Overseas Territories	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
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	1.6.61	1.1.67
Botswana }	1.1.47	1.7.54	1.8.58	1.4.61	1.10.64	
Bechuanaland }						
Belize }	1.1.46	1.7.51	1.7.56	1.4.61	1.7.66	
British Honduras }						
British Antarctic Territory				1.7.61	1.7.63	
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					
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 Africa in relation to service under— }	1.1.46	1.1.54	1.7.56	1.4.60		
East African Community }						
East African Common Services Organisation }						
East African High Commission }						
East Africa in relation to service under— }	1.1.46	1.1.54	1.7.56	1.4.60		
East African Railways and						

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Overseas Territories						
Harbours Administration } 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 }						
Falkland Islands	1.12.46	1.4.53	1.1.57	1.7.61	1.7.63	1.1.66
Federation of Malaysia }	1.8.47	1.1.52	1.1.55			
Federation of Malaya }						
Federated Malay States }						
Malayan Establishment }						
Malayan Union }						
Unfederated Malay States }						
Federal Republic of Nigeria }	1.1.46	1.4.52	1.10.54	1.9.59		
Federation of Nigeria }						
Nigeria }						
Fiji	1.1.46	1.1.50	1.1.54	1.4.61	1.4.65	1.4.67
* Note: Service to which this entry applies shall not be treated as service to which any other entry in this Schedule applies.						

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Column 1 Overseas Territories	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
The Gambia	1.1.46	1.12.53	1.4.56	1.1.60	1.11.63	
Ghana }	1.1.46	1.4.52	1.7.57			
Gold Coast }						
Gibraltar	1.4.46	1.1.50	1.1.56	1.1.60	1.8.63	1.7.67
Gilbert Islands }	1.1.46	1.1.50	1.1.54	1.4.61	1.10.65	1.4.67
Gilbert and Ellice Islands }						
Grenada	1.1.45	1.1.52	1.1.56	1.4.60	1.4.61	1.1.65
Guyana }	1.1.49	1.1.54	1.1.54	1.4.61	1.1.64	
British Guyana }						
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	
Kenya	1.1.46	1.1.54	1.7.56	1.4.60		
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 }						

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Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Overseas Territories						
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 }						
Solomon Islands }	1.1.46	1.1.54	1.4.58	1.4.61	1.10.65	1.4.67
British Solomon Islands Protectorate }						
Somali Republic }	1.1.46	1.10.53	1.10.56			
Somaliland Protectorate }						
Sri Lanka }	1.1.63					
Ceylon }						
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					

\* Note: Service to which this entry applies shall not be treated as service to which other entry in this Schedule applies.

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Column 1 Overseas Territories	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Tonga	1.10.49					
Trinidad and Tabago	1.1.49	1.1.54	1.1.59	1.4.61	1.1.66	
Turks and Caicos Islands	1.10.50	1.10.50	1.4.55	1.4.58	1.4.61	
Tuvalu }	1.1.46	1.1.50	1.1.54	1.4.61	1.10.65	1.4.67
Gilbert and Ellice Islands }						
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 }						
*Any overseas territory in relation to service rendered to an employing authority under the Overseas Superannuation Scheme(30).	1.4.47					

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\* Note: Service to which this entry applies shall not be treated as service to which any other entry in this Schedule applies.

(30) See Footnote to regulation 6(6).

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## SCHEDULE 4

Regulation 13(3)

PROPORTION OF INCREASE DERIVED FROM PENSIONS (INCREASE) ACT 1944 IN RELATION TO OFFICER WHO RETIRED FROM SUDAN CIVIL SERVICE DURING 1950

Where day following last day of service was in—	Proportion
January 1950	11/12ths
February 1950	10/12ths
March 1950	9/12ths
April 1950	8/12ths
May 1950	7/12ths
June 1950	6/12ths
July 1950	5/12ths
August 1950	4/12ths
September 1950	3/12ths
October 1950	2/12ths
November 1950	1/12th
December 1950	Nil

## SCHEDULE 5

Regulation 16

## CONTRIBUTORY DERIVATIVE PENSIONS: CALCULATION OF THE 1971 RATE

1. In this Schedule, unless the context otherwise requires—
  - (a) any reference to a numbered column shall be read as a reference to the column so numbered in Schedule 3; and
  - (b) any reference to a numbered Table shall be read as a reference to the Table so numbered in the Annex to this Schedule.
2. Subject to paragraphs 3 to 7, and to paragraph 6 of Schedule 6, the 1971 rate to be used in the application of section 6 of the Act to a contributory derivative pension to which that section is applicable 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 began before 16th August 1920, the increasable rate of the pension as increased under Tables I to VII;
  - (b) if such contributions began after 15th August 1920 but before the date specified in column 2 in relation to the relevant territory, or in the cases of The Gambia, Ghana, Nigeria and Sierra Leone column 3, the increasable rate of the pension as increased under Tables II to VII;
  - (c) if such contributions began on or after the date specified in column 2 in relation to the relevant territory but before the date specified in column 3, except in the cases of The Gambia, Ghana, Nigeria and Sierra Leone where this sub-paragraph shall not apply, the increasable rate of the pension as increased under Tables III to VII;



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- (d) if such contributions began on or after the date specified in column 3 in relation to the relevant territory but before the date specified in column 4, the increasable rate of the pension as increased under Tables IV to VII;
- (e) if such contributions began on or after the date specified in column 4 in relation to the relevant territory but before the date specified in column 5, the increasable rate of the pension as increased under Tables V to VII;
- (f) if such contributions began on or after the date specified in column 5 in relation to the relevant territory but before the date specified in column 6, the increasable rate of the pension as increased under Tables VI and VII;
- (g) if such contributions began on or after the date specified in column 6 in relation to the relevant territory, the increasable rate of the pension as increased under Table VII.

3. For the purposes of this Schedule, where a column in Schedule 3 is blank in relation to the relevant territory, there shall be deemed to be inserted the date specified below as applicable to that column:

- (a) in respect of any territory other than Sri Lanka (Ceylon)—

Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
1.1.46	1.4.52	1.4.57	1.4.61	1.4.64	1.7.67

;

- (b) in respect of Sri Lanka (Ceylon)—

Column 3	Column 4	Column 5	Column 6	Column 7
1.1.63	1.1.63	1.1.63	1.4.64	1.7.67

#### **Reduction of increases where qualifying dates occur during the period of contributory service**

4. Where a pension falls to be increased under any Table, and the date specified in relation to that Table in paragraph 5 occurred during the period of contributory service, the increase determined under that Table or under a paragraph of that Table shall be reduced to be the product of the following formula:—

$$\frac{D}{E} \times F$$

where—

D is the number of days from the commencement of the period of contributory service to immediately before the date specified in relation to that Table in paragraph 5;

E is the number of days in the period of contributory service, subject to paragraph 6; and

F is the increase determined under that Table or paragraph.

5. For the purposes of paragraph 4 the date in relation to each Table (being the date before which, in terms of paragraph 2, contributions must begin to enable the pension to qualify for the increase under that Table) is as follows:—

Table I

16 August 1920

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Table II	Column 2 date
Table III	Column 3 date
Table IV	Column 4 date
Table V	Column 5 date
Table VI	Column 6 date
Table VII	Column 7 date

any blanks in the columns being completed in accordance with paragraph 3; and in the cases of The Gambia, Ghana, Nigeria and Sierra Leone the column 3 date being also used in place of the column 2 date.

6. In the case of an officer who died while still in service and contributing for the purposes of the pension, for the purpose of “E” in paragraph 4 the period of contributory service shall be treated as extending up to and including the date on which had the officer remained alive and continued to contribute he would have completed the full period in respect of which he had to contribute to secure payment of the pension at the maximum rate, but for all other purposes of this Schedule the period of contributory service shall be treated as ending with the day on which the officer died.

#### Exclusion of increase in certain cases

7. The increase under paragraph (b) of Table V shall not be applied—
- where the period of contributory service continued after the date specified in column 5; or
  - where the pension is payable to a person only while he is under a certain age or undergoing education or training.

## ANNEX

### TABLES FOR CALCULATION OF THE 1971 RATE

**TABLE I**

Increasable Rate	Increase
Less than £25	70% of increasable rate
£25 to £25.74	The amount which when added to the increasable rate will produce a total of £42.50
£25.75 to £50	65% of increasable rate
£50.01 to £55	The amount which when added to the increasable rate will produce a total of £82.50
£55.01 to £100	50% of increasable rate
£100.01 to £109.14	The amount which when added to the increasable rate will produce a total of £150
£109.15 to £130	40% of increasable rate
£130.01 to £140	The amount which when added to the increasable rate will produce a total of £182

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Increasable Rate	Increase
£140.01 to £200	30% of increasable rate
£200.01 and over	£60

**TABLE II**

Increasable Rate, as increased under Table I where Table 1 is applicable to the pension under paragraph 2	Increase
Up to £100	40% of increasable rate, as increased under Table 1 where applicable
£100.01 to £133.33	£40
£133.34 to £200	30% of increasable rate, as increased under Table 1 where applicable
£200.01 and over	£60

*TABLE III*

The increases are—

- (a) 1/3 of increasable rate, as increased under any previous Table applicable to the pension under paragraph 2, or £26, whichever is the less; and
- (b) 10% of increasable rate, not as so increased, or £100, whichever is the less.

*TABLE IV*

Increase is 12% of increasable rate, as increased under any previous Table applicable to the pension under paragraph 2.

*TABLE V*

The increases are—

- (a) 12% of increasable rate, as increased under any previous Table applicable to the pension under paragraph 2; and
- (b) 25% of increasable rate, as so increased, or £20 whichever is the less.

*TABLE VI*

Increase is 16% of increasable rate, as increased under any previous Table applicable to the pension under paragraph 2.

*TABLE VII*

Increase is 18% of increasable rate, as increased under any previous Table applicable to the pension under paragraph 2.

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## SCHEDULE 6

Regulation 17

CONTRIBUTORY DERIVATIVE PENSIONS: CALCULATION OF INCREASE  
WHERE THE PERIOD OF CONTRIBUTORY SERVICE SPANS RELEVANT DATES

**Allocation of pension among different periods**

1. Where one or more relevant dates occur during the period of contributory service that period shall be treated for the purposes of this Schedule as comprising the following periods:—

- (a) the period beginning at the commencement of the period of contributory service and ending immediately before the first relevant date so occurring;
- (b) the periods beginning with each relevant date so occurring and ending immediately before the next relevant date so occurring; and
- (c) the period beginning with the last relevant date so occurring and ending at the end of the period of contributory service.

2. In the case of an officer who died while still in service and contributing for the purposes of the pension—

- (a) for the purpose of paragraph 1, only those relevant dates occurring before the date of death shall be taken into account; and
- (b) for the purpose of paragraph 3, both the period of contributory service and the period specified in paragraph 1(c) shall be treated as extending up to and including the date on which had the officer remained alive and continued to contribute he would have completed the full period in respect of which he had to contribute to secure payment of the pension at the maximum rate.

3. A portion of the increasable rate of the pension shall be allocated to each period specified in paragraph 1, namely the product of the formula—

$$\frac{A}{B} \times C$$

where—

- A is the number of days in the period concerned;
- B is the number of days in the period of contributory service; and
- C is the increasable rate of the pension.

**Determination of the 1969 standard**

4. The 1969 standard for the pension shall be determined as follows:—

- (a) to the portion of the increasable rate of the pension allocated under paragraph 3 to each period specified in paragraph 1 beginning before 1 April 1969 there shall be applied the multiplier given in Schedule 1 to the Act for a pension treated as beginning at the date when the period began; except that for the period specified in paragraph 1(a) the multiplier shall be that for a pension treated as beginning at the last relevant date before the commencement of the period of contributory service; and
- (b) the products of each calculation under sub-paragraph (a) shall be added together to obtain the 1969 standard.

### Determination of the 1971 rate

5. Where section 6 of the Act is applicable to the pension, the 1971 rate for the pension shall be the amount of 1971 rate ascertained in accordance with regulation 16 and Schedule 5, less an amount being the sum of the portions of the increasable rate of the pension allocated under paragraph 3 to periods specified in paragraph 1 beginning on or after 1 April 1969.

### Calculation of increase

6. The increases under Part I of the Act shall be calculated separately under paragraphs 7 and 8 in respect of—

- (a) the part of the increasable rate of the pension being the sum of the portions allocated under paragraph 3 to periods specified in paragraph 1 beginning before 1 April 1969 (“the pre-1969 part”); and
- (b) the portion of the increasable rate of the pension allocated under paragraph 3 to each period specified in paragraph 1 beginning on or after 1 April 1969—

and then added together to give the total increases under Part I of the Act in respect of the pension.

7. The pre-1969 part shall be increased under Part I of the Act as if it were the increasable rate of a pension having the 1969 standard determined under paragraph 4 and, where section 6 of the Act is applicable to the pension, having the 1971 rate determined under paragraph 5.

8. The portion of the increasable rate of the pension allocated under paragraph 4 to each period specified in paragraph 1 beginning on or after 1 April 1969 shall be increased under Part I of the Act as if it were the increasable rate of a pension which began at the date when the period began; except that the portion for the period specified in paragraph 1(a) (where it begins on or after 1 April 1969) shall be increased as if it were the increasable rate of a pension which began on the last relevant date before the commencement of the period of contributory service.

## SCHEDULE 7

Regulation 22(4)(a)(i) and (b)

### DATES FOR CALCULATING RATE OF EXCHANGE

Column 1	Column 2
The Arab Republic of Egypt	15th March 1922
The Republic of the Sudan	1st January 1956
The Federal Republic of Nigeria (other than former Regions thereof)	1st October 1960
The countries comprising the former Federation of Rhodesia and Nyasaland	1st January 1964
Malta	21st September 1964
The People’s Democratic Republic of Yemen	30th November 1967
Seychelles	30th June 1976
Solomon Islands	1st January 1977
Gilbert and Ellice Islands	1st January 1977
Belize—	30th June 1976

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Column 1	Column 2
in the case of a pension awarded in respect of retirement from service—	
(a) before 1st July 1976	
(b) (b) after 30th June 1976 but before 1st May 1982	The last day of service
(c) (c) after 30th April 1982	30th April 1982

## SCHEDULE 8

Regulation 25

### REGULATIONS REVOKED

Column 1 Regulations	Column 2 References
The Overseas Service (Pensions Supplement) Regulations 1977	<a href="#">S.I. 1977/320</a>
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1977	<a href="#">S.I. 1977/1675</a>
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1979	<a href="#">S.I. 1979/1277</a>
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1982	<a href="#">S.I. 1982/686</a>

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which provide for payment of supplements on pensions paid to or in respect of certain officers who have served governments, authorities or institutions of overseas territories, consolidate and replace the Overseas Service (Pensions Supplement) Regulations 1977 as amended. They reproduce the substantive effect of the previous Regulations, subject to minor amendments, but the layout and drafting of the Regulations has been extensively revised.

Part I of the Pensions (Increase) Act 1971 (“the Act”) provides for inflation-proofing increases of official pensions, that is pensions of persons in public service in the United Kingdom and their dependants. Sections 11, 11A and 12 of that Act enable the Secretary of State to make regulations authorising the payment by the Secretary of State of inflation-proofing supplement of pensions of certain officers who have served the governments or other authorities or institutions of overseas territories and pensions of dependants of such officers. These supplements should be of amounts which, when account is taken of other additions to the value of the pensions and other pensions in respect of the same service, appear to the Secretary of State to correspond as nearly as may be with the increases paid under Part I of the Act on official pensions. These Regulations are made in exercise of these powers.

Part II of the Regulations sets out the general scheme for payment of supplement.

Regulation 3 authorises the Secretary of State to pay supplement and defines the pensions in respect of which it may be paid, namely all pensions to which sections 11, 11A and 12 of the Act apply, subject to certain exceptions. The exception for certain Hong Kong pensions is new, as payment of such pensions was only authorised by a change of Hong Kong legislation in 1993. There is also a general new exception for all pensions created by a change of law after the Regulations come into force. For certain categories of derivative (dependants') pensions application of section 11 or 12 is conditional upon the instruments providing for them being approved by the Secretary of State, and regulation 3(3) as read with Schedule 1 gives the approvals required.

Regulation 4 regulates the amount of supplement. An amount (“the addition”) is to be calculated, corresponding to the increases on official pensions of civil servants under Part I of the Act. It is calculated by applying to the pension the provisions of Part I of the Act subject to modifications. From this addition is to be deducted the total overseas increase—the sum of the overseas increases, that is additions to the amount of the pension other than supplement under these Regulations. The net amount will be the supplement payable. In accordance with Regulation 4(2) and Schedule 2, where a person receives more than one pension, the supplement on each pension will be adjusted so that the total amount of supplement on the pensions does not exceed the supplement on a single pension of like amount.

Regulation 5 makes particular provisions for calculation of supplement where the United Kingdom Government has taken over responsibility for payment of the pension.

Regulation 6 provides for calculation of the “increasable rate” of the pension—the basic rate in respect of which supplement will be calculated.

Part III of the Regulations sets out the detailed rules for calculation of the addition.

Chapter I of Part III makes general provisions applicable to all pensions. Regulation 7 provides that the amount of the addition is to be the amount of the increase which would be payable under Part I of the Act if the pension were an official pension and had begun at a certain date. However, Part I of the Act is applied for this purpose subject to numerous adaptations. Regulation 8 provides the dates when pensions are deemed to begin for this purpose. These dates are designed to ensure the pension is fully inflation-proofed and in many cases are earlier than the date when the pension actually became payable.

Chapter II of Part III, with Schedule 4, makes provision for adaptations of the application of Part I of the Act specifically in relation to earnings-related pensions, that is pensions of officers or their dependants which are calculated by reference to the officer’s earnings.

Chapter III of Part III, with Schedules 5 and 6, makes provision for adaptations of the application of Part I of the Act specifically in relation to contributory derivative pensions, that is dependants' pensions calculated by reference to the officer’s contributions and age. In particular, since these pensions are based on contributions over a period of years, the calculation of addition is adjusted accordingly. In this calculation the pension so far as based on earlier contributions will qualify for higher increases than the pension so far as based on later contributions. A significant change compared to previous Regulations is that in these calculations all periods will be reckoned to the nearest day, instead of the nearest year.

Part IV of the Regulations provides for the calculation of total overseas increase. In terms of regulation 18 it is the sum of the individual overseas increases. Regulation 19, supplemented by regulation 20, defines what are overseas increases and provides for their calculation.

Part V of the Regulations makes miscellaneous and supplementary provision.

Regulation 21 makes new provision for the calculation of supplement on pensions of dependants of certain officers who served in the Federation of Rhodesia and Nyasaland.

Regulation 22 with Schedule 7 makes provision for the conversion of pensions and overseas increases from overseas currencies to sterling.

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Regulation 23 provides for application for supplement. Regulation 24 provides for revision of supplement to reflect revision of overseas increases. It also authorises recovery of overpayments by set-off. Regulation 25 with Schedule 8 provides for revocation of the previous regulations. Regulation 26 makes saving provision to safeguard existing recipients of supplement from worsenment, and also makes transitional provision for payments of supplement outstanding when the Regulations come into force.

Copies of documents referred to in the Regulations which are not United Kingdom Acts or statutory instruments are available, wherever practicable, from the Overseas Pensions Department, Overseas Development Administration, Abercrombie House, Eaglesham Road, East Kilbride, Glasgow G75 8EA.