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STATUTORY INSTRUMENTS

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**1995 No. 238**

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

**PART III**

**CALCULATION OF ADDITION**

*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<sup>(1)</sup> 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<sup>(2)</sup> 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.

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

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

### **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—

“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>(3)</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>(4)</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>(5)</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).

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<sup>(3)</sup> 1920 c. 36; repealed by the Act, Schedule 7.

<sup>(4)</sup> 1944 c. 21; repealed by the Act, Schedule 7.

<sup>(5)</sup> S.I. 1969/553.