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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 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(1);
- (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(2) shall not be applied;
- (b) section 8(1)(3) shall have effect without the words “but does not include any money purchase benefits” and section 8(2) and (3)(4) shall not be applied;
- (c) section 9(1)(5) shall have effect without the words “(or any money purchase benefits)” and section 9(2)(a) shall not be applied; and
- (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)”.

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(1) Paragraph 4 of Schedule 2 to the Act was amended by the Superannuation Act 1972 (c. 11), Schedule 6, paragraph 89(a).  
(2) 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.  
(3) Section 8(1) was amended by the 1990 Act, section 7(1).  
(4) Section 8(2) was amended by the 1990 Act, section 1(5).  
(5) Section 9(1) was amended by the 1990 Act, section 7(2).