STATUTORY INSTRUMENTS

1973 No. 1793

PENSIONS

The Overseas Service (Pensions Supplement) (Amendment) Regulations 1973

Made - - - -	24*th October* 1973
Laid before Parliament	30*th October* 1973
Coming into Operation	20*th November* 1973

In exercise of the powers conferred on me by sections 11, 11A and 12 of the Pensions (Increase) Act 1971(**a**) and with the approval of the Minister for the Civil Service, I hereby make the following Regulations:—

Citation, construction and commencement

1.—(1) These Regulations may be cited as the Overseas Service (Pensions Supplement) (Amendment) Regulations 1973 and shall be construed as one with the Overseas Service (Pensions Supplement) Regulations 1972(**b**) (hereinafter referred to as " the principal Regulations ") as amended(**c**).

(2) These Regulations and the principal Regulations may be cited together as the Overseas Service (Pensions Supplement) Regulations 1972 and 1973.

(3) These Regulations shall come into operation on 20th November 1973.

Amendment of the Principal Regulations

2. The principal Regulations are amended as follows:—

(*a*) by substituting the following regulation for regulation 14 :—

" 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 (other than the Central African Public Officers' Agreement 1964), 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 or the pension is one to which the Central African Public Officers' Agreement 1964 applies, 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 middle rate in the official exchange market between the currency of such colony or

(**a**) 1971 c. 56 as amended by 1973 c. 21. (**b**) S.I. 1972/550 (1972 I, p. 1837).
(**c**) S.I. 1972/1675 (1972 III, p. 4907).

territory and sterling obtaining on the last day of the immediately preceding review period as specified in section 2 of the Act as amended by section 25 of the Superannuation Act 1972(a);

(*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 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 Peoples Democratic Republic of Yemen	30th November 1967;

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

(2) Where at the end of the immediately preceding review period the rate of the basic pension enjoyed by the pensioner was greater in terms of sterling when ascertained in accordance with the middle rate in the official exchange market 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.

(3) Whenever it is necessary to ascertain in terms of sterling the amount of an overseas increase payable in another currency, the rate of exchange to be taken shall be:—

(*a*) in the case of an overseas increase paid at the rate specified in a Public Officers' Agreement other than the Central African Public Officers' Agreement 1964, that rate;

(*b*) in any other case, the same rate as that set out in sub-paragraph(1)(*a*) of this regulation.".

(*b*) by the addition of the following new Parts VII and VIII after Part VI:—

"PART VII

Pensions for which the United Kingdom assumes responsibility

19.—(1) Subject to the provisions of this regulation, the supplement payable to any person in respect of a pension payable under section 1 of the Overseas Pensions Act 1973(b) shall be the same as would have been payable in respect of such pension under these Regulations if—

(*a*) in the case of a pension for the payment of which Her Majesty's Government in the United Kingdom have assumed responsibility under an agreement referred to in section 1(1) of the Overseas Pensions Act 1973, Her Majesty's Government in the United Kingdom had not assumed such responsibility, or

(a) 1972 c. 11. (b) 1973 c. 21.

(*b*) in the case of a pension payable under section 1(2)(ii) of the Overseas Pensions Act 1973, such 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.

(2) Regulation 14(1) of these Regulations shall continue to apply to any pension for the payment of which Her Majesty's Government in the United Kingdom have assumed responsibility as aforesaid, notwithstanding that it is payable in sterling, as if the basic pension continued to be payable in the currency in which it was initially awarded, 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.

(3) In relation to any such a pension the following definition of " overseas increase " shall apply instead of the definition in regulation 2(1) of these Regulations:—

" overseas increase " means any addition to the amount of basic pension, or the aggregate of two or more such additions, which has at any time been awarded in respect of the basic pension by the authority by whom such basic pension was initially awarded and which is still being paid by any authority, 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.

PART VIII

Other overseas pensions

20. This Part of these Regulations shall apply to any person in receipt of a pension to which section 12 of the Act applies in respect of service rendered to any authority or institution accepted by the Secretary of State for the purposes of that section.

21. Subject to the provisions of section 12 of the Act and of these Regulations, the supplement payable to a person to whom this Part of these Regulations applies shall be the amount which would have been payable under these Regulations if the service under the authority or institution had been service under the Government of the overseas territory in which it was situated and that person had become eligible for the first time to receive supplements by virtue of section 11(2)(*c*) of the Act:

Provided that for the purposes of Regulation 14 of these Regulations, if there was a Public Officers' Agreement concluded between Her Majesty's Government in the United Kingdom and the government of an overseas territory, any pension to which section 12 of the Act applies in respect of an authority or institution in that territory shall be deemed to be a pension to which that Public Officers' Agreement applies.".

3. Regulation 14 of the principal Regulations (as amended by regulation 2(*a*) of these Regulations), in its application to any supplement to a pension in respect of service under the Government of the former Federation of Rhodesia and Nyasaland, and the new Part VIII added by regulation 2(*b*) of these Regulations, shall be deemed to have taken effect from 1st October 1973.

Alec Douglas-Home,

Secretary of State for Foreign and Commonwealth Affairs.

24th October 1973.

Consent of the Minister for the Civil Service given under his Official Seal on 24th October 1973.

K. H. McNeill,

Authorised by the Minister for the Civil Service.

L.S.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the Overseas Service (Pensions Supplement) Regulations 1972 as follows:—

(*a*) Regulation 14 as previously amended is consolidated and provision is made, in relation to pensions in respect of service under the Government of the former Federation of Rhodesia and Nyasaland, for the rate of exchange to be used for converting basic pensions and overseas increases into sterling ;

(*b*) Provision is made for the payment of supplements in respect of pensions for the payment of which Her Majesty's Government in the United Kingdom assume responsibility in accordance with an Agreement with the government of an overseas territory under section 1 of the Overseas Pensions Act 1973 ;

(*c*) Provision is also made for the payment of supplements in respect of pensions to which section 12 of the Pensions (Increase) Act 1971 applies, namely pensions in respect of service rendered to an authority or institution in an overseas territory other than the government of the territory.

The amended Regulation 14 in its application to pensions for service under the Government of the former Federation of Rhodesia and Nyasaland, and the new Part VIII added by Regulation 2(*b*), take effect retrospectively from 1st October 1973, in accordance with the Powers contained in section 11(4) of the Pensions (Increase) Act 1971 as applied in relation to section 12 by section 12(4).

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