STATUTORY INSTRUMENTS

1975 No. 1260

PENSIONS

The Overseas Service (Pensions Supplement) (Amendment) Regulations 1975

Made - - - -	*25th July* 1975
Laid before Parliament	*7th August* 1975
Coming into Operation	*28th August* 1975

In exercise of the powers conferred on me by sections 11 and 11A of the Pensions (Increase) Act 1971(**a**) and section 7(2) of and Part I of Schedule 2 to the Ministers of the Crown Act 1975(**b**) 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 1975 and shall be construed as one with the Overseas Service (Pensions Supplement) Regulations 1972(**c**) (hereinafter referred to as " the principal Regulations ") as amended (**d**).

(2) These Regulations and the principal Regulations, as amended, may be cited together as the Overseas Service (Pensions Supplement) Regulations 1972 to 1975.

(3) These Regulations shall come into operation on 28th August 1975.

Amendment of Regulation 2 of the principal Regulations

2. Regulation 2 of the principal Regulations is amended by the insertion of the words " or section 11A " after the words " section 11 " in the definitions of " basic pension " and " dependent pensioner ".

Amendment of Regulation 4 of the principal Regulations

3. Regulation 4 of the principal Regulations is amended by the addition of the following proviso after proviso (iii) thereto:—

" (iv) in the case of a pension in respect of service under the Government of the Federal Republic of Nigeria or of 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, whether with or without modifications, to the Report of the Public Service Review Commission (hereinafter referred to as " the Udoji Report "), such pension shall, for the purposes of these Regulations, be reassessed as if it were an unreduced pension calculated under pensions legislation of Nigeria operative immediately prior to the first-mentioned legislation, or, if granted under earlier legislation, under that legislation; and the provisions of these Regulations shall be applied to the pension as thus reassessed.

(**a**) 1971 c.56 as amended by 1973 c.21.
(**b**) 1975 c. 26.
(**c**) S.I. 1972/550 (1972 I, p. 1837).
(**d**) S.I. 1972/1675, 1973/1793, 1974/1867 (1972 III, p.4907; 1973 III, p.5518; 1974 III, p.6423).

The excess of the reassessed pension over the sum of the pension without such reassessment and the annuity value of any gratuity granted in addition to the pension shall be regarded as an overseas increase paid to the pensioner.

For the purposes of this proviso, " unreduced pension " means the pension which would have been payable to a pensioner if he had not exercised an option to be paid in lieu of such pension a pension reduced in accordance with pensions legislation operative prior to the legislation giving effect to the Udoji Report together with a gratuity.".

Amendment of Regulation 11 of the principal Regulations

4. Regulation 11 of the principal Regulations is amended:—

(*a*) in paragraph (3), by the substitution of a semi-colon for the full-stop after " provisions ", and by the insertion immediately thereafter of the following: " and for the purposes of any pension to which section 11 or section 11A of the Act applies such derivative pension shall be regarded as an overseas increase paid to the pensioner." ;

(*b*) by the addition of the following paragraph after paragraph (3):—

" (4) No supplement shall be payable to a dependent pensioner in respect of a derivative pension granted under pensions legislation of Nigeria or any part thereof giving effect to the Udoji Report in respect of the service of an officer who died while in the service of the Federal Government of Nigeria or of any of the States of the Federal Republic of Nigeria ; and for the purposes of any pension to which section 11 or section 11A of the Act applies such derivative pension shall be regarded as an overseas increase paid to the pensioner.".

James Callaghan,
Secretary of State for
Foreign and Commonwealth Affairs.

25th July 1975.

Consent of the Minister for the Civil Service given under his Official Seal on 25th July 1975.

L.S.

W. G. Bristow,
Authorised by the Minister for the
Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Overseas Service (Pensions Supplement) Regulations 1972 to 1974 so as to:—

(*a*) provide that for calculating supplements under the Regulations the basic rate of a pension payable in respect of service under the Government of the Federal Republic of Nigeria, or that of any of the constituent states, shall exclude any part of the pension granted to the officer (or to his dependants if he dies in service) which is attributable to pensions legislation introduced by any of those Governments to give effect to the Report of the Public Service Review Commission (the Udoji Report);

(*b*) provide that such part of a pension will be regarded as an overseas increase paid to the pensioner;

(*c*) provide that a derivative pension payable to a dependant of an officer who died while in the service of the Government of the Federal Republic of Nigeria, or of any of the States of the Federal Republic of Nigeria, which is granted under the provisions of the pensions legislation referred to in paragraph (*a*) above, will be regarded for the purposes of any other overseas pension as an overseas increase paid to the pensioner;

(*d*) provide (by amending Regulation 11(3)) that a derivative pension payable to a dependant of an officer under the provisions of section 17 of the Malaysia Pensions Ordinance 1951 as amended by the Malaysia Pensions (Amendment) (No. 2) Act 1972, or under any corresponding enactment replacing those provisions, will be regarded for the purposes of any other overseas pension as an overseas increase paid to the pensioner.

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