STATUTORY INSTRUMENTS

1977 No. 1675

PENSIONS

The Overseas Service (Pensions Supplement) (Amendment) Regulations 1977

Made - - - -	11*th October* 1977
Laid before Parliament	24*th October* 1977
Coming into Operation	1*st December* 1977

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 1977 and shall be construed as one with the Overseas Service (Pensions Supplement) Regulations 1977**(c)** (hereinafter referred to as "the principal Regulations").

(2) These Regulations shall come into operation on 1st December 1977.

Amendment of Regulation 4 of the principal Regulations

2. Regulation 4 of the principal Regulations is amended by substituting for proviso (v) thereof the following proviso:—

"(v) in the case of a pension 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, and of a pension 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, and of a pension in respect of service under the Government of Brunei, which has been calculated under the Brunei Pensions Regulations 1957 as amended by the Brunei Pensions (Amendment) Regulations 1977 made under the Brunei Pensions Enactment 1957, such pensions shall, for the purposes of these Regulations, be reassessed as if they were respectively pensions calculated under the said Ordinance, Act or Regulations prior to the said Decree or respective Amendment Regulations coming into force; and the provisions of these Regulations shall be applied to the pension as thus reassessed.

The excess of the pension without such reassessment over the reassessed pension shall be regarded as an overseas increase paid to the pensioner."

(a) 1971 c. 56 as amended by 1973 c. 21. **(b)** 1975 c. 26.
(c) S.I. 1977/320 (1977 I, p. 883).

Amendment of Regulation 17 of the principal Regulations

3. Regulation 17 of the principal Regulations is amended:—

(*a*) by substituting the words "sub-paragraphs (*a*)(ii) or (*a*)(iii), as the case may be" for the words "sub-paragraph (*a*)(ii)", in sub-paragraph (1)(*a*)(i);

(*b*) by deleting sub-paragraph (1)(*a*)(ii) and replacing it by the following sub-paragraphs:—

"(ii) in the case of a pension payable to a person whose last day of service was on or before 30th June 1976, or to a dependant of such a person, the middle rate in the official exchange market between the currency of such colony or territory and sterling obtaining on 30th June 1976; or

(iii) in the case of a pension payable to a person whose last day of service was after 30th June 1976, or to a dependant of such a person, the middle rate in the official exchange market between the currency of such colony or territory and sterling obtaining on such last day of service";

(*c*) by substituting the words "paragraph (1) or sub-paragraphs (1)(*a*) or (1)(*b*)" for the words "paragraph (1) or (1)(*b*)", in paragraph (2).

David Owen,
11th October 1977. Minister of Overseas Development.

Consent of the Minister for the Civil Service given under his Official Seal on 11th October 1977.

(L.S.)

K. H. McNeill,
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 1977 with effect from 1st December 1977, so as to provide that:—

(*a*) for calculating supplements under the Regulations, the basic rate of a pension payable in respect of service under the Government of Brunei will be the pension which would have been awarded under the pensions legislation of Brunei prior to the introduction of the Brunei Pensions (Amendment) Regulations 1977;

(*b*) the excess of the pension under the pensions legislation as amended when compared with the pension under the pensions legislation before the amendment will be regarded as an overseas increase paid to the pensioner;

(*c*) when converting into sterling pensions initially payable in the currency of certain colonies or territories for whose external relations the United Kingdom is responsible or in which Her Majesty has jurisdiction in right of Her Government in the United Kingdom, the exchange rate to be used, instead of being that in effect on 30th June 1976 in all cases, will be that rate for those who retired on or before that date and their dependants, and for those who retired after that date and their dependants will be the rate in effect on the date of retirement.

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