STATUTORY INSTRUMENTS

1979 No. 1277

PENSIONS

The Overseas Service (Pensions Supplement) (Amendment) Regulations 1979

Made - - - -	*9th October* 1979
Laid before Parliament	*18th October* 1979
Coming into operation in accordance with regulation 1	

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 1 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:—

PART I

Citation, construction and commencement

1.—(1) These Regulations may be cited as the Overseas Service (Pensions Supplement) (Amendment) Regulations 1979 and shall be construed as one with the Overseas Service (Pensions Supplement) Regulations 1977**(c)** (hereinafter referred to as "the principal Regulations").

(2) Part I of these Regulations shall come into operation on 12th November 1979.

(3) Part II of these Regulations shall come into operation on 1st July 1980, whereupon regulation 6 of these Regulations shall cease to have effect.

Amendment of regulation 4 *of the principal Regulations*

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

(*a*) in line 16, by deleting the words "section 2 (but not under section 6) of the Act" and substituting the words "section 59 of the Social Security Pensions Act 1975**(d)** (but not under section 6 of the Act)";

(*b*) in paragraph (*b*), by deleting the words "on the day following the last day of such service" and substituting the words "on the day following the end of that twelve month period during the three years immediately preceding the date of retirement which provided the salary used in the calculation of the officer's pension and on which the pension was based".

Amendment of regulation 6 *of the principal Regulations*

3. Regulation 6 of the principal Regulations is amended by deleting paragraph (*b*).

(a) 1971 c. 56, as amended by the Overseas Pensions Act 1973 (c. 21).
(b) 1975 c. 26.
(c) S.I. 1977/320, as amended by S.I. 1977/1675.
(d) 1975 c. 60.

Amendment of regulation 9 *of the principal Regulations*

4. Regulation 9 of the principal Regulations is amended by deleting the words "section 2 of the Act" wherever they appear and substituting the words "section 59 of the Social Security Pensions Act 1975".

Amendment of regulation 12 *of the principal Regulations*

5. Regulation 12 of the principal Regulations is amended:—

(*a*) in paragraph (1), by deleting the words "section 2 of the Act" wherever they appear and substituting the words "section 59 of the Social Security Pensions Act 1975";

(*b*) in paragraph (2)(*a*), by inserting the words "(as amended by paragraph 18 of Schedule 4 to the Social Security Pensions Act 1975)" after the words "section 5(3) of the Act".

Amendment of regulation 17 *of the principal Regulations*

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

(*a*) by deleting paragraph (2) and replacing it by the following paragraph:—

"(2) Where on 31st March 1979 (this being a date later than the date applicable to the pensioner in accordance with paragraph (1) or sub-paragraphs (1)(*a*) or (1)(*b*) of this regulation) the rate of the basic pension enjoyed by the pensioner was greater in terms of sterling when ascertained in accordance with paragraph (3) below 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 on or before 30th June 1980, the difference between the amounts shall be regarded as an overseas increase paid to the pensioner."

(*b*) by deleting sub-paragraph (4)(*b*) and replacing it by the following sub-paragraph:—

"(*b*) in any other case, where it is necessary to determine the sterling value of an overseas increase for the purpose of ascertaining any supplement payable under these Regulations on or before 30th June 1980, the middle rate in the official exchange market between the currency of the country or territory concerned and sterling obtaining on 31st March 1979, or, if there was no official exchange market, at the prevailing foreign exchange rate for current payments between that currency and sterling on 31st March 1979."

PART II

Amendment of regulation 17 *of the principal Regulations*

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

(*a*) by deleting paragraph (2) and replacing it by the following paragraph:—

"(2) Where the rate of the basic pension enjoyed by the pensioner was greater in terms of sterling when ascertained in accordance with paragraph (3) below 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.";

(*b*) by deleting paragraph (4) and replacing it by the following paragraphs:—

"(4) The value of any amount regarded as an overseas increase under paragraph (2) above shall be assessed on the fifteenth day of each month of payment of a supplement to a pensioner. The supplement payable to that pensioner in any period shall reflect any variation so determined in the sterling value of the amount regarded as an overseas increase under paragraph (2) above.

(5) Whenever it is necessary to ascertain in terms of sterling the amount of an overseas increase (other than an amount regarded as an overseas increase under paragraph (2) of this regulation) 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, or as set out in sub-paragraphs (1)(*a*)(i) or (1)(*b*) of this regulation, that rate as appropriate;

(*b*) in any other case, the middle rate in the official exchange market between the currency of the country or territory concerned and sterling obtaining on the fifteenth day of the month of payment of the supplement concerned, or if there was no official exchange market, at the prevailing foreign exchange rate for current payments between that currency and sterling on that date.".

Carrington,

Minister of Overseas Development.

8th October 1979.

Consent of the Minister for the Civil Service given under her Official Seal on 9th October 1979.

(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 1977 so as to provide:—

(*a*) for supplements payable in respect of overseas public service pensions to be calculated by reference to increases payable on a Civil Service pension under the provisions of section 59 of the Social Security Pensions Act 1975, following the coming into operation of those provisions;

(*b*) for the beginning date, for pensions supplement purposes, of officers who retire from service under the Government of the United Kingdom, or the Crown Agents for Oversea Governments and Administrations, or the Central Office of the Overseas Audit Department, to be the day following the end of the twelve month period, during their last three years of service, which provided the best salary used in the computation of their pension, and not the day following the last day of service;

(*c*) for the removal of a restriction by which overseas pensioners were debarred from receiving a supplement under a current Review Order if they had benefited from a general revision of salaries in their country of service in the year prior to their retirement (as this no longer applies under the 1975 Act);

(*d*) for 31st March 1979 to be the relevant date for determining additions to the sterling value of an overseas pension owing to changes in the rate of exchange between sterling and the currency of the overseas territory in which the pension is paid. This is a transitional arrangement, to continue until 30th June 1980. From 1st July 1980 the new arrangements in Part II of the Regulations will be introduced providing for supplements to be adjusted to take account of such additions in the month the supplement is paid.

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