STATUTORY INSTRUMENTS

1977 No. 320

PENSIONS

The Overseas Service (Pensions Supplement) Regulations 1977

Made - - - - -	*28th February* 1977
Laid before Parliament	*2nd March* 1977
Coming into Operation	*23rd March* 1977

In exercise of the powers conferred on me by sections 5(3), 11, 11A and 12 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:—

PART I

CITATION, COMMENCEMENT AND INTERPRETATION

1. These Regulations may be cited as the Overseas Service (Pensions Supplement) Regulations 1977 and shall come into operation on 23rd March 1977.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Pensions (Increase) Act 1971;

"the Act of" any specified year means the Pensions (Increase) Act of that year;

"basic pension" means the pension, being a pension to which section 11, section 11A or section 12 of the Act applies, awarded with effect from the date of the officer's retirement (or if it commenced after that date, which would have been so awarded), or in the case of a pension in respect of the services of any person other than the pensioner, the pension first awarded, less the amount of any increase, bonus or other allowance howsoever authorised which may have been included in the amount of the award by virtue of the pension having been determined by reference to conditions existing prior to any specified date; but excluding in every case any overseas increase;

"dependent pensioner" means (a) a person in receipt of a pension in respect of the service of an officer which is payable either by the government of an overseas territory, or by the Government of the United Kingdom under any scheme made under section 1(2) or section 2(1) of the Overseas Pensions Act 1973(**c**), or in accordance with an enactment, scheme or other instrument specified in Schedule 3 to these Regulations as having been

(**a**) 1971 c. 56 as amended by 1973 c. 21. (**b**) 1975 c. 26. (**c**) 1973 c. 21.

approved for purposes of section 11, section 11A or section 12 of the Act, or (b) a person in receipt of a pension payable under section 5(1) of the Superannuation (Miscellaneous Provisions) Act 1967(a) in respect of the service of an officer under the government of the former mandated territory of Palestine;

"notional pension" means the pension which would have been awarded under the Oversea Superannuation Scheme to a person to whom Part III of these Regulations applies if the pensionable emoluments taken into account under the Scheme had not been reduced in accordance with the provisions of regulation 21(2) of the Oversea Superannuation Scheme (Consolidation) Regulations 1963 or, in the case of a person in receipt of a pension awarded under any previous Regulations made under the Oversea Superannuation Scheme, in accordance with the corresponding provisions of those previous Regulations;

"overseas increase" means any addition to the amount of basic pension, or the aggregate of two or more such additions, paid by the authority by whom the pension is payable 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;

"the Regulations" in Part III of these Regulations means the Oversea Superannuation Scheme (Consolidation) Regulations 1963, and a reference to any provision of those Regulations shall, in the case of a person in receipt of a pension awarded under any previous Regulations made under the Oversea Superannuation Scheme, be construed as a reference to the corresponding provision of those previous Regulations;

"the 1969 Regulations" means the Overseas Service (Pensions Supplement) Regulations 1969(b);

"retirement" means the retirement applicable to the computation of a pension in respect of service under the government of an overseas territory.

(2) Unless the context otherwise requires, any reference in these Regulations to any enactment, other than the Act, shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of and otherwise in relation to these Regulations as it applies for the interpretation of and otherwise in relation to an Act of Parliament and as if these Regulations were an Act of Parliament.

PART II

SUPPLEMENTS IN RESPECT OF OFFICERS' PENSIONS

3. This Part of these Regulations shall apply to any person in receipt of a pension in respect of his own service, being a pension to which section 11 or section 11A of the Act applies.

4. Subject to the provisions of section 11 and section 11A of the Act and of these Regulations, the supplement payable to a person to whom this Part of these Regulations applies and who either:—

(a) 1967 c. 28. (b) S.I. 1969/553 (1969 I, p. 1499). (c) 1889 c. 63.

(i) was in receipt of any supplement under the 1969 Regulations, or

(ii) becomes eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act,

and whose pension is determined by reference to emoluments payable by the government of an overseas territory, being an overseas territory specified in Schedule 1 to these Regulations, or by reference to emoluments payable by the Government of the United Kingdom or the Crown Agents for Oversea Governments and Administrations or the Central Office of the Overseas Audit Department or the Government of the Federation of Rhodesia and Nyasaland or the Government of Egypt, may be of such an amount that when aggregated with any overseas increase paid to him corresponds with the aggregate of the increases, if any, which would be payable under the Act or any order made under section 2 (but not under section 6) of the Act if his basic pension were a pension specified in paragraph 4 of Part I of Schedule 2 to the Act and had begun:—

(a) except as provided in paragraphs (c) (d) and (e) below, in the case of retirement from service under the government of an overseas territory, on the day immediately following the effective date of the latest general revision of pensionable emoluments in relation to the overseas territory from which he retired which was taken into account in determining the amount of that pension; or

(b) in the case of retirement 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, on the day following the last day of such service; or

(c) in the case of retirement from service under the Government of Egypt, before the year 1944; or

(d) in the case of retirement from service under the Government of Hong Kong on or after 9th December 1974, on the day following the last day of such service; or

(e) in the case of retirement from service under the government of a colony for whose external relations the United Kingdom is responsible or of a territory outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Government in the United Kingdom, where the pensioner was designated as an overseas officer under the Overseas Service Aid Scheme and retired on or after 31st December 1974, on the day following the last day of such service:

Provided that this sub-paragraph shall not apply to any such designated officer whose pensionable emoluments have not been revised as a result of a general revision of emoluments payable to him under the Overseas Service Aid Scheme which had effect on or after 1st January 1974:

Provided that:—

(i) in the case of a pension to which paragraph (a) or (c) of this regulation applies, in determining the amount necessary to bring the basic pension up to the 1969 standard in accordance with section 1 of the Act the multiplier given in Schedule 1 to the Act for the year in which the pension began shall in the case of any such pension which began prior to the date specified in the second column of Schedule 1 to these Regulations be the multiplier applicable to a pension which began in any year up to 1944; and

(ii) in the case of a person who was in receipt of any supplement under the 1969 Regulations, any addition which under section 6(5) of the Act would be of the amount prescribed by the Minister for the Civil Service "as corresponding to that of the increase provided for by section 2 of that Act (additional increase for pensioners over 70)" shall not be ascertained by reference to the amount so prescribed but by reference to Schedule 2 to these Regulations; and

(iii) in the case of a pension of a person who becomes eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act, section 6 of the Act shall be disregarded; and

(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.

The excess over the reassessed pension of 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; and

(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, such pensions shall, for the purposes of these Regulations, be reassessed as if they were respectively a pension calculated under the said Ordinance or Act prior to the said Decree or 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.

5. Subject to the provisions of section 11 and section 11A of the Act and of these Regulations, the supplement payable to a person to whom this Part of these Regulations other than regulation 4 applies and whose pension is determined by reference to emoluments payable by the government of an overseas territory, being an overseas territory specified in Schedule 1 to these Regulations, or by reference to emoluments payable by the Government of the United Kingdom or the Crown Agents for Oversea Governments and Administrations or the Central Office of the Overseas Audit Department

or the Government of the Federation of Rhodesia and Nyasaland or the Government of Egypt, may be the amount payable as if regulation 4 of these Regulations except provisos (ii) and (iii) thereof were applicable but subject to the following modifications:—

(a) references in regulation 4 to the Act shall be deemed to include references to any order made under section 6 of the Act;

(b) any order made under section 6 of the Act shall be applied as if the pension were a Civil Service pension payable under the Principal Civil Service Pension Scheme made under the Superannuation Act 1972(a):

Provided that a pension determined by reference to emoluments payable by the government of an overseas territory specified in Schedule 1 to the Regulations prior to the date specified in the second column of the said Schedule 1 in relation to the country from which a person finally retired, or the pension of a person who retired from the service of the Government of Egypt shall be deemed to have begun prior to 1st April 1947;

(c) where a pension beginning on or before 16th August 1920 is one that (but for the Act) might have been increased under the Act of 1920(b) if the pension were a pension specified in section 1(2) of that Act, the supplement may include the amount which would have been payable under that Act (but disregarding paragraph 3 of Part I of the Schedule thereof), if that Act had not been repealed; and any provision of an order made under section 6 of the Act excluding its application to a pension which qualified for an increase under the Act of 1920 shall be disregarded;

(d) in the case of a pension payable to an officer who retired from the Sudan Civil Service during 1950 the following proportion of the amount of the relevant increase prescribed by order made under section 6 of the Act to correspond with the increase which might (but for the Act) have been granted under the Act of 1944(c) shall be reckonable:—

(i)	Retirement in January 1950	11/12ths
(ii)	Retirement in February 1950	10/12ths
(iii)	Retirement in March 1950	9/12ths
(iv)	Retirement in April 1950	8/12ths
(v)	Retirement in May 1950	7/12ths
(vi)	Retirement in June 1950	6/12ths
(vii)	Retirement in July 1950	5/12ths
(viii)	Retirement in August 1950	4/12ths
(ix)	Retirement in September 1950	3/12ths
(x)	Retirement in October 1950	2/12ths
(xi)	Retirement in November 1950	1/12th.

6. No supplement shall be payable to a person to whom this Part of these Regulations applies in respect of any pension determined by reference to emoluments payable by the government of an overseas territory, if those emoluments:—

(a) in the case of any supplement corresponding to an increase authorised by section 1 (or when relevant section 6) of and Schedule 1 to the Act,

(a) 1972 c. 11. (b) 1920 c. 36. (c) 1944 c. 21.

derived from a general revision of pensionable emoluments in relation to an overseas territory taking effect on or after 1st April 1970; or

(b) in the case of any supplement corresponding to an increase authorised by an order under section 2 of the Act, derived from a general revision of pensionable emoluments in relation to an overseas territory taking effect on a date within one year before the end of the review period covered by the order:

Provided that this paragraph shall not apply to any pensions in respect of which paragraph (b) (d) or (e) of regulation 4 is applicable.

PART III

Additional Supplement in Respect of Pensions of Officers who were Special Contributors to the Oversea Superannuation Scheme

7. This Part of these Regulations shall apply to any person in receipt of a pension payable under the Oversea Superannuation Scheme in respect of his own service who:—

(a) is eligible for the payment of a supplement under the provisions of Part II of these Regulations in respect of that pension;

(b) was a special contributor to the Oversea Superannuation Scheme as provided in regulation 21 of the Regulations; and

(c) has ceased to contribute to the superannuation scheme operated under the Federated Superannuation System for Universities or such other scheme of a like nature as may have been approved under the provisions of regulation 21(1) of the Regulations, and has become eligible for benefit under that scheme.

8. A special supplement may be paid to any person to whom this Part of these Regulations applies of an amount which when aggregated with the supplement payable under Part II of these Regulations in respect of his pension under the Oversea Superannuation Scheme is equal to the supplement which would have been payable under the said Part II if he had been entitled to a pension of the same amount as his notional pension.

PART IV

Supplements in Respect of Dependent Pensioners

9.—(1) This regulation applies to a dependent pensioner whose pension is determined wholly or partly by reference to a rate of contributions paid by, and to the age of, an officer from time to time, being the dependant of a person to whom Part II of these Regulations applies, but who does not become eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act.

(2) Subject to the provisions of section 11 and section 11A of the Act and of these Regulations the supplement payable in respect of a dependent pensioner to whom this regulation applies shall be assessed in accordance with

the provisions of this regulation and may be an amount that corresponds with the aggregate of the amounts which would have been payable under regulation 5 of these Regulations if that regulation had applied to such pensioner and the pension had begun on the date when the period of contributions commenced.

(3) For the purpose of calculating the total supplement payable under this regulation, prior to calculating the reductions, if any, applicable under this regulation, in any case where by virtue of section 6 of the Act the 1971 rate would have been ascertained by reference to an order made under sub-sections (4) and (5) of that section, such order shall be disregarded and the 1971 rate which would have been ascertained by reference to that order shall be ascertained in accordance with the provisions of paragraph (4) of this regulation and the Tables in Schedule 4 to these Regulations.

(4) For the purpose of calculating the total supplement in accordance with the provisions of paragraph (3) of this regulation the 1971 rate shall be:—

(a) if the contributions of the officer in respect of whose service under the government of an overseas territory the pension is payable to the dependent pensioner began before 16th August 1920, the basic pension increased under Tables I to VII inclusive;

(b) if such contributions began on or after 16th August 1920 but before the scheduled date specified in column 2 of Schedule 1 to these Regulations in relation to the territory in question (or in the case of The Gambia, Ghana, Nigeria and Sierra Leone, column 3), the basic pension increased under Tables II to VII inclusive but as if the words in Table II "as increased under Table I" were omitted and as if in Tables III to VII any reference to Table I were omitted;

(c) if such contributions began on or after the scheduled date specified in column 2 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 3, the basic pension increased under Tables III to VII inclusive, but as if in Table III the words "as increased under Tables I and II" were omitted and as if in Tables IV to VII the references to Tables I and II were omitted;

(d) if such contributions began on or after the scheduled date specified in column 3 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 4, the basic pension increased under Tables IV to VII inclusive, but as if in Table IV the words "as increased under Tables I, II and III" were omitted and as if in Tables V to VII the references to Tables I, II and III were omitted;

(e) if such contributions began on or after the scheduled date specified in column 4 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 5, the basic pension increased under Tables V to VII inclusive, but as if in Table V the words "as increased under Tables I, II, III and IV" were omitted and as if in Tables VI and VII the references to Tables I, II, III and IV were omitted;

(f) if such contributions began on or after the scheduled date specified in column 5 of the said Schedule in relation to the territory in question but before the scheduled date specified in column 6, the basic pension increased

under Tables VI and VII, but as if in Table VI the words "as increased under Tables I, II, III, IV and V" were omitted and as if in Table VII the references to Tables I, II, III, IV and V were omitted;

(g) if such contributions began on or after the scheduled date specified in column 6 of the said Schedule in relation to the territory in question, the basic pension increased under Table VII but as if the words "as increased under Tables I, II, III, IV, V and VI" were omitted.

(5) Where the officer, in respect of whose service under the government of an overseas territory the pension is payable, left such service or died while in such service, after a scheduled date in relation to that territory, not having completed the full period of contributions prior to that date, the gross amount of the supplement before deduction of any overseas increase but otherwise calculated in accordance with paragraphs (2), (3) and (4) of this regulation shall be reduced:—

(a) in the case of an officer who completed the full period of contributions prior to leaving such service or to his death while in such service, in the same proportion that the number of years in respect of which he contributed prior to the scheduled date bears to the total number of years in respect of which he contributed; and

(b) in the case of an officer who died while in such service before completing the full period of contributions, in the same proportion that the number of years in respect of which he contributed prior to the scheduled date bears to the total number of years in respect of which he would have contributed had he continued to contribute until he had completed the full period of contributions; and

(c) in any other case, in the same proportion that the number of years in respect of which he contributed prior to the scheduled date bears to the number of years in respect of which he contributed during his service under the said government.

(6) The formula which under paragraph (5) of this regulation is appropriate to the circumstances of an officer shall be applied either as in paragraph (7) or paragraph (8) of this regulation.

(7) (a) In relation to the 1969 standard and the other benefits contained in paragraphs (a), (b), (c), (d), (e) and (f) of section 1(1) of the Act or in any order made under section 2 of the Act the formula shall be applied as follows:—

(i) the formula shall be applied successively in relation to each scheduled date before which an officer's full period of contributions had not been completed, in chronological order;

(ii) in relation to the first scheduled date the formula shall be applied to the proportion of the pension earned prior to that date, and in respect of each other scheduled date to the proportion earned between that scheduled date and the scheduled date immediately before it; for this purpose a pension shall be deemed to be earned equally by all contributions over the full period of contributions;

(iii) in relation to the first scheduled date the contributions to be used for the first part of the proportion shall be those made before that scheduled

date, and for each other scheduled date shall be those made between that scheduled date and the scheduled date immediately before it;

(iv) the second part of the proportion is always the full period of contributions;

(v) to the product of each calculation specified in this paragraph shall be applied the multiplier specified in section 1 of and Schedule 1 to the Act, or, as the case may be, in an order made under section 2 of the Act, for the year which corresponds to the year mentioned in the scheduled date in relation to which the calculation is made.

(b) For the purpose of this paragraph:—

"pension" means:—

(i) the basic pension, when the formula is applied to a pension in relation to the 1969 standard;

(ii) the basic pension together with the amount, if any, necessary to bring the rate of that pension up to whichever is the greater of the 1969 standard or the 1971 rate, when the formula is applied to a pension in relation to the other benefits contained in paragraphs (a), (b), (c), (d), (e) and (f) of section 1(1) of the Act;

(iii) the pension prescribed in sub-head (ii) of this sub-paragraph together with the appropriate amount, if any, accruing under paragraphs (a), (b), (c), (d), (e) and (f) of section 1(1) of the Act, when the formula is applied to a pension in relation to the first order made under section 2 of the Act;

(iv) the pension prescribed in sub-head (iii) of this sub-paragraph together with the amounts of the increases, if any, payable by virtue of the preceding order or orders made under section 2 of the Act, when the formula is applied to a pension in relation to any subsequent order made under that section.

(8) In relation to the 1971 rate as ascertained under this regulation the formula shall be applied as follows: —

(a) the formula shall be applied successively in relation to each of the scheduled dates specified in paragraphs (9)(a) and (b) of this regulation before which an officer's full period of contributions had not been completed, in chronological order;

(b) where the officer's full period of contributions had not been completed before 16th August 1920, the formula shall be applied to the increase under Table I;

(c) where the officer's full period of contributions had not been completed before the date specified in column 2 (or in the case of The Gambia, Ghana, Nigeria and Sierra Leone, column 3) of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table II;

(d) where the officer's full period of contributions had not been completed before the date specified in column 3 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table III;

(e) where the officer's full period of contributions had not been completed before the date specified in column 4 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table IV;

(f) where the officer's full period of contributions had not been completed before the date specified in column 5 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table V(a) and no account shall be taken of Table V(b);

(g) where the officer's full period of contributions had not been completed before the date specified in column 6 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table VI;

(h) where the officer's full period of contributions had not been completed before the date specified in column 7 of Schedule 1 to these Regulations in relation to the overseas territory in respect of service under the government of which the pension is payable, the formula shall be applied to the increase under Table VII.

(9) For the purposes of this regulation: —

"full period of contributions" means the period during which the officer was required to contribute under any law authorising the payment of the pension to the dependent pensioner in order that such pensioner should qualify for the maximum pension payable under that law;

"number of years" means the number of complete years, any period of, or exceeding, a half year being treated as a complete year; and when calculating the number of years before any scheduled date any period less than a half year shall be excluded and added to the period used for the next calculation, or, if it is the last calculation, shall be ignored;

"scheduled date" means: —

(a) in relation to all overseas territories mentioned in Schedule 1 to these Regulations and Egypt, 16th August 1920; and

(b) in relation to each overseas territory mentioned in Schedule 1 to these Regulations, any date specified in relation to that overseas territory in columns 2 to 7 of that Schedule, provided that in the case of The Gambia, Ghana, Nigeria and Sierra Leone the dates specified in column 3 of the said Schedule shall be used both as dates in that column and also in place of the dates specified in column 2 of the said Schedule; and

(c) in relation to any overseas territory mentioned in Schedule 1 to these Regulations: —

(i) the date of each general revision of pensionable emoluments in relation to that overseas territory which takes effect from a date later than 1st July 1967; and

(ii) the date of the final contribution made by the officer, or the date of his final contribution before retirement from or transfer from the overseas territory under whose enactment, scheme or instrument the pension is payable, whichever is the earlier;

"Table" or "Tables" means a Table or Tables specified in Schedule 4 to these Regulations.

10.—(1) This regulation applies to a dependent pensioner whose pension is determined wholly or partly by reference to a rate of contributions paid by, and to the age of, an officer from time to time, being the dependant of a person to whom Part II of these Regulations applies and who becomes eligible for the first time to receive supplements by virtue of section 11(2)(c) of the Act.

(2) Subject to the provisions of section 11 and section 11A of the Act and of these Regulations, the supplement payable in respect of a dependent pensioner to whom this regulation applies shall be assessed in accordance with the provisions of regulation 9 of these Regulations except that section 6 of the Act and any order made under that section shall be disregarded and accordingly paragraphs (3), (4) and (8) and any reference to the 1971 rate in paragraph (7) of regulation 9 shall be disregarded.

11.—(1) Subject to the provisions of section 11 and section 11A of the Act and of these Regulations, the supplement payable to a dependent pensioner whose pension is determined by reference to emoluments received by an officer during any period of service under the government of an overseas territory or which would be so determined apart from any provision specifying a fixed sum as the minimum rate of pension, shall be the amount which would have been payable had Part II of these Regulations applied to such pensioner.

(2) No supplement shall be payable to or in respect of a dependent pensioner being a child of the officer in respect of whose service the pension is payable where, if the supplement were a child's pension as described in the Principal Civil Service Pension Scheme made under the Superannuation Act 1972(**a**), no pension would be payable in respect of a child in corresponding circumstances.

(3) No supplement shall be payable to a dependent pensioner in respect of a derivative pension granted 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; 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.

(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.

(**a**) 1972 c. 11.

PART V

PERSONS IN RECEIPT OF MORE THAN ONE PENSION

12.—(1) (a) Where a person is in receipt of more than one pension in respect of service under any of the governments of the overseas territories specified in Schedule 1 to these Regulations:—

(i) the supplements payable shall not in the aggregate exceed the amount which would be payable if he were in receipt of a single basic pension at a rate equal to the aggregate of his basic pensions and beginning at the time when the earliest of them began, together with an overseas increase at a rate equal to the aggregate of the overseas increases awarded in respect of those pensions;

Provided that for the purposes of determining the amounts which would be payable under the Act or any order under section 2 of the Act in respect of the aforesaid single basic pension the aggregate of his basic pensions shall not include any basic pension which began at a time when, if it were the only basic pension eligible for benefit under these Regulations, it would not have attracted any increase under the Act or under an order under section 2 of the Act; and

(ii) where the aggregate of the supplements in respect of each of his basic pensions as ascertained apart from this paragraph would exceed the maximum amount authorised under sub-head (i) of this sub-paragraph, the supplement payable in the case of each of such pensions shall be of such amount as, when aggregated with the overseas increase paid in respect of that pension, shall bear the same proportion to the aggregate increases which would be payable under the Act and any orders under section 2 of the Act in respect of the aggregate basic pensions as the basic pension bears to such aggregate:

Provided that where the aggregate of the supplements so determined in respect of all the basic pensions, whether or not such pensions attract benefit under these Regulations, exceeds the maximum amount authorised under sub-head (i) of this sub-paragraph, each such supplement shall be reduced by an amount bearing the same proportion to that supplement as the excess bears to that aggregate.

(b) In this paragraph any reference to the basic pensions of a person is a reference to any pension in respect of service under any of the governments of the overseas territories specified in Schedule 1 to these Regulations which is eligible for benefit under these Regulations.

(2) In the application of this regulation to any person who has been granted a pension determined in accordance with section 2 of the Governors' Pensions Act 1957(**a**) or any corresponding provision of a scheme made or having effect under section 2 of the Overseas Pensions Act 1973(**b**), any pension in respect of service in the overseas civil service taken into account for the purposes of section 2(2)(b) of the said Act or any corresponding provision of any such scheme shall be regarded:—

(**a**) 1957 c. 62. (**b**) 1973 c. 21.

(a) as beginning on the same date as the Governor's pension would be deemed to begin under the Act as modified by regulations, if any, made under section 5(3) of the Act, or under such a scheme, and

(b) as being the basic pension granted for that service notwithstanding that it may include an addition made in accordance with an enactment, scheme, or other instrument providing for the increase of pensions, but the amount of any such addition which is so included shall not be taken into account in determining the overseas increases in respect of that pension.

(3) Where a person is in receipt of more than one pension to which the provisions of regulations 9, 10 or 11 of these Regulations apply, the periods during which the officer in respect of whose service the pensions are payable contributed in respect of those pensions shall be aggregated for the purpose of determining the maximum supplement payable under the provisions of paragraph (1)(a) of this regulation:

Provided that where contributions were made in respect of more than one such pension in relation to the same period of service that period shall not be taken into account more than once.

(4) Where a person who is in receipt of a pension to which the provisions of regulations 9, 10 or 11 of these Regulations apply is also in receipt of a pension to which those provisions do not apply, the supplements payable under these Regulations shall not in the aggregate exceed the amount which would be payable if he were in receipt of a single basic pension equal to the aggregate of his basic pensions, together with a single overseas increase at a rate equal to the aggregate of his overseas increases, and if such single basic pension were regarded as a pension to which the provisions of regulations 9, 10 or 11 apply and which was determined by reference to the period of contributions made in respect of the pension actually payable to which the provisions of regulations 9, 10 or 11 apply:

Provided that:—

(i) in determining the supplement in respect of the aforesaid single basic pension the amount of any relevant increase to that pension shall not exceed an amount which is equal to the relevant increase which would have been payable in respect of the single basic pension at a rate equal to the aggregate of his basic pensions and beginning at a time when the earliest of them began apart from any basic pension which began at a time when, if it were the only basic pension eligible for benefit under these Regulations, it would not have attracted any such relevant increase, such relevant increase being apportioned among the overseas pensions in the same proportion as the comparable relevant increase in the overseas pension bears to the aggregate of the comparable relevant increases in the overseas pensions; and

(ii) where a person who is in receipt of a pension to which the provisions of regulations 9, 10 or 11 of these Regulations apply is also in receipt of a pension to which the provisions of none of those regulations apply, the latter pension having been derived from the service of the officer which occurred subsequently to the service giving rise to the former pension, the provisions of the preceding proviso shall not apply.

PART VI

PENSIONS FOR WHICH THE UNITED KINGDOM ASSUMES RESPONSIBILITY

13.—(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(**a**) 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

(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 17(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 VII

OTHER OVERSEAS PENSIONS

14. 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 for the purposes of that section.

15. 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

(**a**) 1973 c. 21.

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 17 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.

PART VIII

General and Supplemental Provisions

16. Except as otherwise provided in these Regulations, in the application of the Act or any order made under section 6 of the Act for the purpose of determining the supplement payable under these Regulations no regard shall be had to the provisions of section 4, section 8(2) and (3) and the words "and the time when a pension "begins" is that stated in section 8(2)" in the definition of "pension" in section 17(1) of the Act.

17.—(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, other than any colony or territory specified in sub-paragraph (1)(b) of this regulation:—

(i) in the case of a pension convertible into sterling at a rate of exchange provided for by or under the law or any administrative arrangements in force in such a colony or territory, that rate or the rate of exchange specified in sub-paragraph (a)(ii) below, whichever rate produces the lesser amount in sterling; or

(ii) in the case of any other pension, the middle rate in the official exchange market between the currency of such colony or territory and sterling obtaining on 30th June 1976;

(b) in the case of each of the following countries, colonies and territories, the middle rate in the official exchange market between the currency of that country, colony or territory (by whatever name it was then known) and sterling obtaining 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
Seychelles	30th June 1976
Solomon Islands	1st January 1977
Gilbert Islands	1st January 1977;

(c) in any other case the rate of exchange on such date as the Minister of Overseas Development shall by regulation specify.

(2) Where at the end of the immediately preceding review period (being a review period which ends on a date later than the date applicable to the pensioner in accordance with paragraph (1) 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 the difference between the amounts shall be regarded as an overseas increase paid to the pensioner.

(3) For the purpose of paragraph (2) above, the rate of the basic pension in terms of sterling shall be ascertained in accordance with either:—

(a) the middle rate in the official exchange market between the currency in which the basic pension is payable and sterling or, if there is no official exchange market, the prevailing foreign exchange rate for current payments between the currency in which the basic pension, is payable and sterling; or

(b) if the rate referred to in sub-paragraph (a) is not applied to the pension, the rate of exchange, as applied to the pension between the currency in which the basic pension is payable and sterling.

(4) 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 last day of the preceding review period as specified in section 2 of the Act as amended by section 25 of the Superannuation Act 1972(**a**), or if

(**a**) 1972 c. 11.

there was no official exchange market, at the prevailing foreign exchange rate for current payments between that currency and sterling on that date.

18. Where a person has been in receipt of a basic pension in respect of service under a government of an overseas territory specified in Schedule 1 to these Regulations and, in consequence of further service rendered by him to any other government or authority, being service which is reckonable under the law of the first mentioned overseas territory as public service for the purpose of the enactment, scheme or other instrument under which the basic pension is payable, the amount of the basic pension falls to be reduced to the maximum amount which, when account is taken of any pension payable by any other government or authority, may be drawn under the said enactment, scheme or other instrument, then the supplement payable under these Regulations may be further increased up to the amount of supplement which would have been payable if the basic pension had not been so reduced:

Provided that this regulation shall not apply in the case where the further service rendered to any other government or authority is service which has already been taken into account in ascertaining the amount of the basic pension.

19.—(1) In any case where an overseas increase which has been taken into account in determining any supplement payable under these Regulations is revised with retrospective effect such supplement shall be revised accordingly with similar effect and any overpayment made to the pensioner as a result of the revision may be recovered from him.

(2) Where any refund of overpayment as required by paragraph (1) of this regulation is not made within one month of notification no further supplements shall be payable to the pensioner until the amount of the refund so required has been made.

20. Application for a supplement under these Regulations shall be made to the Minister of Overseas Development who may require proof that any person applying for such supplement, or any person on behalf of whom such an application is made, is alive and eligible for such supplement, and no payment shall be made until such proof is furnished.

PART IX

TRANSITIONAL

21. In relation to any person whose eligibility for supplements under the Regulations hereby revoked or the amount of whose supplements aforesaid was affected by the Overseas Service (Pensions Supplement) (Amendment) (No 3) Regulations 1976(**a**), a supplement may be paid in respect of the period from 1st December 1976 to the day prior to the coming into operation of these Regulations of the amount equal to the difference between the aggregate amount of the supplement or supplements which would have been payable in respect of such period under the Regulations hereby revoked and the aggregate amount of the supplement or supplements which would have been payable in

(a) S.I. 1976/2013 (1976 III, p. 5582).

respect of the same period under those Regulations if the Overseas Service (Pensions Supplement) (Amendment) (No 3) Regulations 1976 had not been made.

PART X

REVOCATION

22. The Regulations specified in Schedule 5 hereto are hereby revoked.

David Owen,

Minister of Overseas Development.

28th February 1977.

Consent of the Minister for the Civil Service
given under his Official Seal on 28th February 1977.

L.S.

K. H. McNeill,

Authorised by the Minister
for the Civil Service.

SCHEDULE 1

Regulations 4, 5, 6, 9, 10 and 12

DATES SPECIFIED IN RELATION TO OVERSEAS TERRITORIES FOR THE PURPOSES OF REGULATIONS 4, 5, 6, 9, 10 AND 12

Col. 1 Overseas Territories	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Aden Federation of South Arabia Protectorate of South Arabia People's Democratic Republic of Yemen	1. 1.46	1. 4.53	1. 7.56	1. 7.60	18. 1.63	1. 4.65
Antigua	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Bahamas	1. 1.52	1. 1.52	1. 1.56	1. 1.59	1. 4.61	1. 7.64
Barbados	1. 4.48	1. 4.52	1. 4.56	1. 4.61	1. 4.66	
Bermuda	1. 1.52	1. 1.52	1. 7.56	1. 7.60	1. 4.61	1. 1.67
Botswana Bechuanaland	1. 1.47	1. 7.54	1. 8.58	1. 4.61	1.10.64	
Belize British Honduras	1. 1.46	1. 7.51	1. 7.56	1. 4.61	1. 7.66	
British Antarctic Territory				1. 7.61	1. 7.63	
British Virgin Islands	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Brunei	1. 7.46					
Cyprus	1. 1.45	1. 1.53	1. 7.55			
Dominica	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
East African Community East African Common Services Organisation East African High Commission	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
East African Railways and Harbours Administration Kenya and Uganda Railways and Harbours Administration	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
Eastern Nigeria Eastern Region of Nigeria	1. 1.46	1. 4.52	1.10.54	1. 4.60		
Employing Authorities Under the Oversea Superannuation Scheme	1. 4.47					
Falkland Islands	1.12.46	1. 4.53	1. 1.57	1. 7.61	1. 7.63	1. 1.66
Federation of Malaysia Federation of Malaya Federated Malay States Malayan Establishment Malayan Union Unfederated Malay States	1. 8.47	1. 1.52	1. 1.55			

Col. 1 Overseas Territories	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Federal Republic of Nigeria Federation of Nigeria Nigeria	1. 1.46	1. 4.52	1.10.54	1. 9.59		
Fiji	1. 1.46	1. 1.50	1. 1.54	1. 4.61	1. 4.65	1. 4.67
The Gambia	1. 1.46	1.12.53	1. 4.56	1. 1.60	1.11.63	
Ghana Gold Coast	1. 1.46	1. 4.52	1. 7.57			
Gibraltar	1. 4.46	1. 1.50	1. 1.56	1. 1.60	1. 8.63	1. 7.67
Gilbert Islands Gilbert and Ellice Islands	1. 1.46	1. 1.50	1. 1.54	1. 4.61	1.10.65	1. 4.67
Grenada	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Guyana British Guiana	1. 1.49	1. 1.54	1. 1.54	1. 4.61	1. 1.64	
Hong Kong	1. 1.47	1. 4.51	1.10.53	1. 7.59	1. 7.63	1. 4.65
Jamaica	1.10.50	1.10.50	1. 4.55	1. 4.58	1. 4.61	
Kenya	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
Lesotho Basutoland	1. 1.47	1. 7.54	1. 8.58	1. 4.61	1.10.64	
Malawi Nyasaland	1. 1.46	1. 5.53	1. 7.55	1. 4.61	1. 4.63	1. 1.66
Malta	1. 4.48	1.10.53	1. 6.55	1. 4.59	1. 4.66	
Mauritius	1. 7.47	1. 7.50	1. 1.57	1. 4.61	1. 1.64	
Montserrat	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Northern Nigeria Northern Region of Nigeria	1. 1.46	1. 4.52	1.10.54	1. 9.59		
Palestine	1. 4.46					
Sabah North Borneo	15.7.46	1. 1.52	1. 1.56	1. 4.61		
St Christopher, Nevis and Anguilla	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
St Helena	1. 1.52	1. 1.52	1. 4.58	1. 4.61	1. 7.65	
St Lucia	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
St Vincent	1. 1.45	1. 1.52	1. 1.56	1. 4.60	1. 4.61	1. 1.65
Sarawak	1. 7.46	1. 1.52	1.10.54	1. 4.61		
Seychelles	1. 7.47	1. 1.54	1. 1.58	1. 4.61	1. 5.66	
Sierra Leone	1. 1.46	1. 3.53	1. 2.55	1. 4.57		
Singapore Straits Settlements	1. 8.47	1. 1.52	16.6.53	1. 4.61		
Solomon Islands British Solomon Islands Protectorate	1. 1.46	1. 1.54	1. 4.58	1. 4.61	1.10.65	1. 4.67
Somali Republic Somaliland Protectorate	1. 1.46	1.10.53	1.10.56			
Sri Lanka Ceylon	1. 1.63					
Sudan	1. 1.50					
Swaziland	1. 1.47	1. 7.54	1. 8.58	1. 4.61	1.10.64	
Tanzania Tanganyika Zanzibar	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
The West Indies Federation	1. 1.46					

Col. 1 Overseas Territories	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7
Tonga	1.10.49					
Trinidad and Tobago	1. 1.49	1. 1.54	1. 1.59	1. 4.61	1. 1.66	
Turks and Caicos Islands	1.10.50	1.10.50	1. 4.55	1. 4.58	1. 4.61	
Tuvalu Gilbert and Ellice Islands	1. 1.46	1. 1.50	1. 1.54	1. 4.61	1.10.65	1. 4.67
Uganda	1. 1.46	1. 1.54	1. 7.56	1. 4.60		
Western Nigeria Western Region of Nigeria	1. 1.46	1. 4.52	1.10.54	1. 4.59		
Western Pacific High Commission	1. 1.46	1. 1.50	1. 1.54	1. 4.61	1.10.65	1. 4.67
Zambia Northern Rhodesia	1. 1.46	1.10.51	1. 1.57	1. 4.61	1. 4.63	

SCHEDULE 2 Regulation 4

AMOUNT OF SUPPLEMENT CORRESPONDING TO ADDITIONAL INCREASE FOR PENSIONERS OVER 70

Where a pension begins on or before 1st April 1961, and any qualifying condition is satisfied other than one of the conditions specified in section 3(3)(b), (c) and (d) of the Act as amended by section 3(2) of the Pensions (Increase) Act 1974(a) (which relate to pensioners in receipt of derivative pensions while of an age less than 17 or receiving education or training), the addition to be made to the 1971 rate in accordance with section 6(5) of the Act shall be of the amount which is given by reference to the 1971 rate in the following Table:—

Column 1	Supplement	
	Column 2	Column 3
Pensions Beginning	1. Normal	2. Small Pensions
	£	1971 rate (£) X
Up to 1st July 1955	27.376	124.44 0.22
Up to 1st April 1956	27.144	123.38 0.22
Up to 1st July 1956	23.072	100.31 0.23
Up to 1st April 1957	22.875	99.46 0.23
Up to 1st July 1957	18.514	80.50 0.23
Up to 1st April 1958	18.354	79.80 0.23
Up to 1st July 1958	12.880	53.67 0.24
Up to 1st April 1959	12.768	53.20 0.24
Up to 1st July 1959	8.778	36.58 0.24
Up to 1st April 1960	8.701	36.25 0.24
Up to 1st July 1960	4.882	19.53 0.25
Up to 1st April 1961	4.838	19.35 0.25

Column 2 of this Table gives the amount of the supplement for pensions beginning at the time stated in column 1, unless the 1971 rate is less than the figure given in the first division of column 3; if it is less, the amount of the supplement is obtained by multiplying the 1971 rate by the figure given in the second division of column 3.

(a) 1974 c. 9.

Regulation 2

SCHEDULE 3

ENACTMENTS, SCHEMES AND INSTRUMENTS APPROVED FOR THE PURPOSES OF SECTION 11 OF THE ACT

Aden Widows' and Orphans' (United Kingdom) Pension Scheme.
Bahamas Widows' and Orphans' Pension Fund.
East African Railways and Harbours Administration Superannuation Fund.
Guyana Widows' and Orphans' Pension Fund.
Kenya Asian Officers' Family Pensions Fund.
Oversea Superannuation Scheme.
Sabah Widows' and Orphans' Pension Fund.
Sarawak Widows' and Orphans' Pension Fund.
Somaliland Protectorate Widows' and Orphans' Pension Fund.
Sri Lanka Widows' and Orphans' Pension Fund.
Zambia Widows' and Orphans' Pension Fund.

Regulation 9

SCHEDULE 4

TABLES FOR CALCULATION OF 1971 RATE

Table I:

Basic Pension	*Increase*
Less than £25	70%
£25 to £25·74	The amount which when added to the basic pension will produce a total of £42·50
£25·75 to £50	65%
£50·01 to £55	The amount which when added to the basic pension will produce a total of £82·50
£55·01 to £100	50%
£100·01 to £109·14	The amount which when added to the basic pension will produce a total of £150
£109·15 to £130	40%
£130·01 to £140	The amount which when added to the basic pension will produce a total of £182
£140·01 to £200	30%
£200·01 and over	£60

Table II:

Basic pension as increased under Table I	*Increase*
Up to £100	40%
£100·01 to £133·33	£40
£133·34 to £200	30%
£200·01 and over	£60

Table III:

Increase (*a*) is 1/3 of basic pension as increased under Tables I and II or £26, whichever is the less.

Increase (*b*) is 10 per cent. of basic pension only or £100, whichever is the less.

Table IV:

Increase is 12 per cent. of basic pension as increased under Tables I, II and III.

Table V:

Increase (*a*) is 12 per cent. of basic pension as increased under Tables I, II, III and IV.

Increase (*b*) is 25 per cent. of basic pension as increased under Tables I, II, III and IV or £20 whichever is the less.

Table VI:

Increase is 16 per cent. of basic pension as increased under Tables I, II, III, IV and V.

Table VII:

Increase is 18 per cent. of basic pension as increased under Tables I, II, III, IV, V and VI.

SCHEDULE 5 Regulation 22

REGULATIONS REVOKED

Col. 1 *Regulations*	*Col.* 2 *References*
The Overseas Service (Pensions Supplement) Regulations 1972	S.I. 1972/550 (1972 I,p.1837)
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1972	S.I. 1972/1675 (1972 III,p.4907)
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1973	S.I. 1973/1793 (1973 III,p.5518)
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1974	S.I. 1974/1867 (1974 III,p.6423)
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1975	S.I. 1975/1260 (1975 II,p.4270)
The Overseas Service (Pensions Supplement) (Amendment) Regulations 1976	S.I. 1976/1519 (1976 III,p.4014)
The Overseas Service (Pensions Supplement) (Amendment) (No. 2) Regulations 1976	S.I. 1976/1830 (1976 III,p.4951)
The Overseas Service (Pensions Supplement) (Amendment) (No. 3) Regulations 1976	S.I. 1976/2013 (1976 III,p.5582)
The Overseas Service (Pensions Supplement) (Amendment) (No. 4) Regulations 1976	S.I. 1976/2204 (1976 III,p.6177)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations, which provide for the payment of supplements on pensions paid to or in respect of certain overseas civil servants, consolidate the Overseas Service (Pensions Supplement) Regulations 1972 and the Overseas Service (Pensions Supplement) (Amendment) Regulations 1972, 1973, 1974, 1975, 1976, 1976(No 2) and 1976(No 4).

2. Part II of these Regulations provides for the payment to an officer of a supplement which, together with any increase or supplement otherwise payable on his pension or pensions, corresponds as nearly as may be with the aggregate of the increases which would be payable under the Pensions (Increase) Act 1971 and any orders made under section 2 of that Act as amended by section 25 of the Superannuation Act 1972 (annual review orders) on a Civil Service pension. Similar provision for the dependants of officers is made in Part IV of the Regulations.

3. Part III of these Regulations provides for the payment of an additional supplement where a pension paid to an officer under the Oversea Superannuation Scheme is of a reduced amount because the contributions to that Scheme in respect of his overseas service were reduced by virtue of his continuing contributions to the Federated Superannuation Scheme for Universities or other similar approved scheme during that overseas service.

4. Part VI of these Regulations provides 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.

5. Part VII of these Regulations provides 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.

6. Part VIII of these Regulations, inter alia, specifies the exchange rates to be used when converting into sterling pensions initially payable in a currency other than sterling, and ensures that account is taken of additions to the value of an overseas pension owing to changes in the rate of exchange between sterling and the currency of an overseas territory; prevents an overseas pensioner who earns extra pension after normal retirement age from being penalised in certain circumstances because of a rule limiting his pension to two-thirds of his highest pensionable emoluments; and gives authority for the recovery of an overpayment of supplement as a result of the award of an overseas increase in pension with retrospective effect.

7. Part IX of these Regulations contains transitional provisions which provide for the payment to pensioners from certain overseas territories of a supplement representing the difference, in respect of the period from 1st December 1976 to the day prior to the coming into operation of these Regulations, between the supplements payable in respect of that period and the supplements which would have been payable if the Overseas Service (Pensions Supplement) (Amendment) (No 3) Regulations 1976 (which imposed a temporary standstill) had not been made.

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