
STATUTORY INSTRUMENTS

1966 No. 1629

The Overseas Service Pensions (Scheme and Fund) Regulations 1966

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Overseas Service Pensions (Scheme and Fund) Regulations 1966 and shall come into operation on 1st January 1967.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires—

“contributor” means a person who has become a participant in the Scheme under regulation 12 and, save as otherwise provided in these Regulations, includes a person who has ceased to contribute to the Scheme but has not elected to receive a refund of the contributions which he has paid to the Scheme;

“contributory service” means any period in respect of which contributions to the Scheme are made by a contributor;

“Crown Agents” means the Crown Agents for Oversea Governments and Administrations;

“Medical Adviser” means any duly registered medical practitioner appointed or approved by the Minister for the purposes of the Scheme;

“on medical grounds” in relation to the retirement of a contributor means that he is deemed by the Minister to be incapable by reason of any infirmity of mind or body of discharging the duties of his office in overseas service and that such infirmity is likely to be permanent;

“the Minister” means the Minister of Overseas Development;

“pension age” means sixty years or, in the case of a contributor to whom regulation 24 applies, fifty-five years;

“the rate of the pension of the deceased” means the annual rate of the pension and additional pension for which the contributor was eligible under these Regulations (whether such pension or additional pension had actually been granted or not) and includes any additional pension granted as a provisional award: Provided that where a contributor dies while in contributory service he shall be deemed to have been granted with effect from the day following the date of his death a pension under regulation 23 or regulation 24, as applicable, and an additional pension under regulation 27 as if he were suffering some permanent impairment of his capacity to contribute to his own support and the Minister had determined that such capacity was totally destroyed;

“the Scheme” means the Overseas Service Pensions Scheme established by these Regulations .

(2) The Interpretation Act 1889 applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) References in these Regulations to any enactment, regulations, rules, scheme or other instrument shall, except where the context otherwise requires, be construed as references to the said enactment, regulations, rules, scheme or other instrument as amended, extended or applied by or under any other enactment, regulations, rules, scheme or instrument.

(4) References in these Regulations to a regulation or to a Part or to a Schedule shall, unless the context otherwise requires, be construed as references to a regulation of these Regulations or to a Part of these Regulations or to a Schedule annexed to these Regulations, as the case may be.

(a) (5) (a) Any reference in these Regulations, whether express or implied, to an adopted child of a person shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person) in pursuance of an adoption order made under the Adoption Act 1958 or any corresponding enactment of the Parliament of Northern Ireland, or (provided that the adoption proceedings terminate in an adoption order in favour of the spouse of that person) in process of being so adopted, or adopted, or (provided as aforesaid) in process of being adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of the adoption or intended adoption and references, whether express or implied, to a person by whom a child has been adopted shall be construed accordingly; and any reference to an adoption order made under the Adoption Act 1958 shall be construed as including a reference to any Act repealed by the Adoption Act 1958 or by the Adoption Act 1950 or to the corresponding provisions of any Act so repealed.

(b) A person shall be deemed for the purposes of these Regulations to be in his period of childhood and full-time education if either—

(i) he is under the age of sixteen, or

(ii) he has since attaining the age of sixteen continuously received and is receiving full-time instruction at any university, college, school or other educational establishment, or is undertaking training for any trade, profession or vocation in such circumstances that he devotes his whole time to that education or to that training by attending a course of which the duration is not less than two years and, while he is undertaking the training, the emoluments receivable by him or payable by the employer in respect of him, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training, do not exceed £115 per annum, or if greater than £115 per annum, such other sum as shall from time to time have effect for the purposes of section 212(4) of the Income Tax Act 1952.

(c) In relation to any period during which the conditions specified in subparagraph (b)(ii) of this paragraph are not satisfied in respect of a person, the Minister may, if he thinks fit and is satisfied that the person's full-time education ought not to be regarded as completed, direct either—

(i) that the period shall be treated for the purposes of that paragraph as if such conditions were satisfied, or

(ii) that the period shall be treated for the purposes of that paragraph as if such conditions were satisfied and shall also be treated as part of his full-time education for all the other purposes of these Regulations.

(a) (6) (a) Subject to the provision of this paragraph, references in these Regulations to salary shall be construed as references to—

(i) the annual salary attached to the office held by the contributor, and

(ii) any other allowance enjoyed by the contributor and approved for the purposes of the Scheme by the Minister.

- (b) Where any contributor is in receipt of any salary or emoluments of office which, in the opinion of the Minister, have been fixed having regard to the absence in his terms and conditions of employment of any provision for superannuation benefits, the Minister may determine the amount of the contributor's salary to be taken for the purposes of the Scheme.
- (c) A contributor may on becoming a contributor to the Scheme elect that for the purposes of the Scheme his salary shall be an amount less than the amount prescribed by sub-paragraph (a) or sub-paragraph (b) of this paragraph:

Provided that—

- (i) the amount for which he elects shall be a multiple of £100;
- (ii) the amount shall not be less than £1,000;
- (iii) the contributor may at any anniversary of his election elect to increase or decrease the amount by any multiple of £100 to an amount not exceeding his salary and not less than £1,000.