



Pensions (Increase) Act 1971

1971 CHAPTER 56

PART II

SPECIAL EXTENSIONS

10 Overseas government pensions (India, Pakistan and Burma).

The Secretary of State, with the approval of the Minister for the Civil Service, may by regulations direct that, in relation to any of the following pensions, that is to say,—

- (a) any of the pensions specified in Schedule 4 to this Act; and
- (b) any pension of which the cost is to be reimbursed in whole or in part by Her Majesty's Government in the United Kingdom to the Government of India, Pakistan or Burma under arrangements made in pursuance of section 1 of the ^{M1}Overseas Aid Act 1966, or in respect of which the Secretary of State determines, with the consent of the Minister, that Her Majesty's Government would be prepared to enter into arrangements for the cost to be so reimbursed;

the provisions of Part I of this Act shall, with such modifications, adaptations and exceptions as may be specified in the regulations, apply as if the pension were an official pension specified in Part I of Schedule 2.

Modifications etc. (not altering text)

- C1 [S. 10](#) has effect as if any reference to the Minister for the Civil Service were a reference to the Treasury SI 1981/1670, art. 2(1)(c), 3(5)

Marginal Citations

- M1 [1966 c. 21](#).

11 Other overseas government pensions.

- (1) The Secretary of State may, with the approval of the Minister for the Civil Service, make regulations authorising the payment by the Secretary of State, in respect of

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pensions to which this section applies or any class of such pensions, of supplements of such amount as may be specified in the regulations in accordance with this section.

(2) This section applies—

(a) to any pension described in Schedule 5 to this Act and falling within subsection (3) below; and

(b) ^{F1}

(c) to any pension of which the cost is to be reimbursed in whole or in part by Her Majesty's Government in the United Kingdom to the government of an overseas territory (other than the government of India, Pakistan or Burma) under arrangements made in pursuance of section 1 of the ^{M2}Overseas Aid Act 1966, or in respect of which the Secretary of State determines, with the consent of the Minister for the Civil Service, that Her Majesty's Government would be prepared to enter into arrangements for the cost to be so reimbursed;

except that it does not apply to compensation which is payable either by way of lump sum or by instalments over a fixed period and which appears to the Secretary of State to be payable in consequence of constitutional changes or circumstances arising from such changes in any territory or territories.

(3) This section shall apply to a pension by virtue of subsection (2)(a) above if the pension—

(a) is payable to or in respect of a person who is certified by the Secretary of State, with the consent of the Minister for the Civil Service (or has been certified by any Minister under section 3 of the ^{M3}Pensions (Increase) Act 1962) as having been an overseas officer in relation to any territory in or for which any services giving rise to the pension were rendered; and

(b) in the case of a derivative pension, is payable either by the government of an overseas territory or in accordance with an enactment, scheme or other instrument specified in the regulations as being approved by the Secretary of State for the purposes of this section.

^{F2}(4) The supplements which may be authorised by regulations under this section in the case of pensions of any class are supplements, in respect of a period beginning on or after 1st September 1971, of amounts which, when account is taken of—

(a) any increase or supplement payable in respect of the pensions apart from this section;

(b) any other additions to the value of those pensions; and

(c) the amount of such other pensions as may be specified by the regulations (being pensions payable to the recipients of the first-mentioned pensions wholly or partly in respect of service in respect of which the first-mentioned pensions are payable);

appear to the Secretary of State to correspond as nearly as may be with the increases payable under Part I of this Act on official pensions.]

(5) Regulations under this section may make different provision in relation to different classes of pension, and—

(a) may prescribe the manner in which applications for supplements under this section are to be made and the evidence required in connection with such applications; and

(b) contain such other incidental provisions as the Secretary thinks fit.

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- (6) The consent of the Minister for the Civil Service under subsection (3) above may be given generally in respect of persons of such descriptions as may be specified in the consent and subject to such limitations (if any) as may be so specified.
- (7) For the purposes of this section “overseas territory” means any territory or country outside the United Kingdom, and “government of an overseas territory” includes a government constituted for two or more overseas territories and any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more overseas territories. ^{F3}

Textual Amendments

- F1** S. 11(2)(b) repealed by Overseas Pensions Act 1973 (c. 21), Sch. 2
- F2** S. 11(4) substituted by Overseas Pensions Act 1973 (c. 21), s. 4(2)
- F3** S. 11A inserted by Overseas Pensions Act 1973 (c. 21), s. 4(1)

Modifications etc. (not altering text)

- C2** Ss. 11, 11A, 12, 13, 15 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts 2(1)(c), 3(5)

Marginal Citations

- M2** 1966 c. 21.
- M3** 1962 c. 2 (11 & 12 Eliz. 2).

11A

- (1) The Secretary of State, with the approval of the Minister for the Civil Service, may by regulations made as respects any pension to which this section applies—
- (a) direct that the provisions of Part I of this Act shall, with such modifications, adaptations and exceptions as may be specified in the regulations, apply as if the pension were an official pension specified in Part I of Schedule 2, or
- (b) authorise the payment by the Secretary of State of supplements to the pension of such amount as may be specified in the regulations.
- (2) This section applies to—
- (a) any pension payable under section 1 of the ^{M4}Overseas Pensions Act 1973, and
- (b) any pension payable under a scheme made under section 2 of that Act, other than a pension within paragraph 27A of Schedule 2 to this Act.
- (3) This section also applies to any derivative pension payable either by the government of an overseas territory or in accordance with an enactment, scheme or other instrument specified in the regulations as being approved by the Secretary of State for the purpose of this section, where related principal pensions—
- (a) are payable under section 1 of the ^{M5}Overseas Pensions Act 1973, or under a scheme made under section 2 of that Act, or
- (b) fall within section 10(b) or section 11(2)(c) above.
- (4) The provisions of subsections (4) to (7) of section 11 of this Act (so far as applicable) shall have effect in relation to this section as they have effect in relation to that section.
- (5) For the purposes of this section principal pensions are related to a derivative pension if they are payable wholly or partly in respect of the same kind of service as the derivative pension.

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Modifications etc. (not altering text)

- C3** Ss. 11, 11A, 12, 13, 15 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts. 2(1)(c), 3(5)

Marginal Citations

- M4** 1973 c. 21.
M5 1973 c. 21.

12 Other overseas pensions.

- (1) Where it appears to the Secretary of State just so to do having regard to things done by, or to the responsibilities of, the government of any overseas territory at a time when Her Majesty exercised jurisdiction there through Her Majesty's Government in the United Kingdom, the Secretary of State, may, with the approval of the Minister for the Civil Service, make regulations authorising the payment by the Secretary of State, in respect of pensions to which this section applies or any class of such pensions, of supplements of such amounts as may be specified in the regulations in accordance with this section.
- (2) This section applies to pensions payable wholly or partly in respect of service in the overseas territory, being service rendered to any authority or institution in the overseas territory other than the government of the overseas territory, and rendered by a person who is certified by the Secretary of State, with the consent of the Minister for the Civil Service, as having been an overseas officer in relation to that territory:
- Provided that this section does not apply to a derivative pension unless it is payable either by the government of the overseas territory or in accordance with an enactment, scheme or other instrument specified in the regulations as being approved by the Secretary of State for the purposes of this section.
- (3) The consent of the Minister for the Civil Service under subsection (2) above may be given generally in respect of persons of such descriptions as may be specified in the consent and subject to such limitations (if any) as may be so specified.
- (4) Subsections (4), (5) and (7) of section 11 of this Act shall apply in relation to this section as they apply in relation to that.

Modifications etc. (not altering text)

- C4** Ss. 11, 11A, 12, 13, 15 have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: SI 1981/1670, arts 2(1)(c), 3(5)

13 Pensions under approved pension schemes.

- (1) The Minister for the Civil Service may make regulations for conferring on persons who—
- (a) are or have been employed in the civil service of the State; and
 - (b) were recruited and are or were so employed in a territory outside the United Kingdom; and

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- (c) are or were subject to a superannuation scheme approved by the Minister for purposes of this section;
- such benefits (enjoyable after the termination of the employment) as appear to the Minister to be appropriate having regard to the benefits provided by Part I of this Act for persons whose superannuation benefits are regulated under [^{F4}the principal civil service pension scheme within the meaning of section 2 of the ^{M6}Superannuation Act 1972] and to the circumstances of that territory.
- (2) The Minister for the Civil Service may make regulations for conferring on persons who—
- (a) are or have been employed in the civil service of the State or in any capacity listed in Schedule 6 to this Act; and
- (b) are or were subject to a superannuation scheme operated under the Federated Superannuation System for Universities, to the Federated Superannuation Scheme for Nurses and Hospital Officers or to any other scheme approved by the Minister for the purposes of this section;
- such benefits (enjoyable after the termination of the employment) as appear to the Minister to be appropriate having regard to the benefits provided by Part I of this Act for persons whose superannuation benefits are regulated under [^{F4}the principal civil service pension scheme within the meaning of section 2 of the ^{M7}Superannuation Act 1972.]
- (3) The Minister for the Civil Service may also make regulations for empowering or requiring a local authority to provide such benefits as aforesaid for persons who are or have been employed by the authority or, in connection with functions afterwards transferred to the authority, have been employed by another local authority, and who are or were subject to any such superannuation scheme as is mentioned in subsection (2)(b) above.
- [^{F5}In this subsection the reference to another local authority shall include a reference to any county council, town council or district council and any other authority to whom section 270 of the ^{M8}Local Government (Scotland) Act 1947 applied.]
- (4) Any power to make regulations conferred by this section on the Minister for the Civil Service shall be exercisable also, with his approval, by the Secretary of State . . . ^{F6}
- (5) Regulations under this section may make different provision for different classes of person, and may provide for benefits to take effect from a date before the making of the regulations.

Textual Amendments

- F4** Words substituted by [Superannuation Act 1972 \(c. 11\), Sch. 6 para. 88](#)
- F5** Words inserted by [Pensions \(Increase\) Act 1974 \(c. 9\), s. 3\(4\)\(a\)](#)
- F6** Words repealed (21.11.1979) by [S.I. 1979/1451, Sch. 3](#)

Modifications etc. (not altering text)

- C5** [Ss. 11, 11A, 12, 13, 15](#) have effect as if any reference to the Minister for the Civil Service were a reference to the Treasury: [SI 1981/1670, arts. 2\(1\)\(c\), 3\(5\)](#)

Marginal Citations

- M6** [1972 c. 11.](#)
- M7** [1972 c. 11.](#)

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M8 1947 c. 43.

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