STATUTORY INSTRUMENTS

1977 No. 1678

EDUCATION, ENGLAND AND WALES

TEACHERS' SUPERANNUATION

The Contracted-out Employment (Teachers) Regulations 1977

Made - - -	14*th October* 1977
Laid before Parliament	25*th October* 1977
Coming into Operation	26*th October* 1977

The Secretary of State, in exercise of the powers conferred on her by section 52 of, and paragraphs 8 and 9 of Schedule 2 to, the Social Security Pensions Act 1975(**a**), and after consulting such bodies as appear to her fairly to represent the interests of teachers (within the meaning of section 9 of the Superannuation Act 1972(**b**)) employed otherwise than in Scotland and of the employers of such teachers, in accordance with paragraph 8(2) of Schedule 2 to the said Act of 1975, hereby makes the following Regulations which were referred in draft to the Occupational Pensions Board in accordance with section 61(2) of the said Act of 1975:—

1. These Regulations may be cited as the Contracted-out Employment (Teachers) Regulations 1977 and shall come into operation on 26th October 1977.

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

"the Act" means the Social Security Pensions Act 1975;

"contracting-out certificate" means such a certificate within the meaning of section 31 of the Act;

"the Secretary of State" means the Secretary of State for Education and Science;

"the Teachers' Superannuation Regulations" means the regulations for the time being in force under section 9 of the Superannuation Act 1972 other than regulations which extend to Scotland.

(2) Any reference in these Regulations to any provisions made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(3) The Interpretation Act 1889(**c**) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. These Regulations shall apply to employment in which a person's service qualifies him for benefit under the Teachers' Superannuation Regulations.

(**a**) 1975 c. 60. (**b**) 1972 c. 11. (**c**) 1889 c. 63.

4.—(1) Without prejudice to Regulation 14 of the Occupational Pension Schemes (Certification of Employments) Regulations 1975(**a**) (public service pension schemes), in relation to employment to which these Regulations apply—

(*a*) elections with a view to the issue, variation or surrender of contracting-out certificates shall be made and revoked by the Secretary of State instead of by the employer;

(*b*) any reference in sections 31(3) and (4), 42(2) and (3) and 43(4) and (6) of the Act to the employer shall be construed as a reference to the Secretary of State, and

(*c*) those things which under any of the provisions specified in paragraph (2) below, are required or authorised to be done by or to an employer shall be done instead by or to the Secretary of State.

(2) The provisions referred to in paragraph (1)(*c*) above, are those of—

(*a*) the Occupational Pension Schemes (Certification of Employments) Regulations 1975, and

(*b*) the Occupational Pensions Board (Determinations and Review Procedure) Regulations 1976(**b**).

5. All employment to which these Regulations apply shall be treated as employment under a single employer different from the employer in any other employment for the purposes of—

(*a*) section 42(1) and (2) of the Act (premium on termination of contracted-out employment), and

(*b*) Regulation 10(3) of the Occupational Pension Schemes (Contracting-out) Regulations 1975(**c**) (termination of periods of contracted-out employment).

6. Any payment or refund of a state scheme premium which relates to employment to which these Regulations apply, made or received by the Secretary of State by virtue of the Act, shall be treated for the purposes of any provision of the Teachers' Superannuation Regulations relating to the keeping of accounts as if it were made or received under those Regulations.

Given under the Official Seal of the Secretary of State for Education and Science on 14th October 1977.

(L.S.)

Shirley Williams,
Secretary of State for
Education and Science.

(**a**) S.I. 1975/1927 (1975 III, p. 7163).
(**b**) S.I. 1976/185 (1976 I, p. 473).
(**c**) S.I. 1975/2101 (1975 III, p. 7879).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Part III of the Social Security Pensions Act 1975 contains provisions for contracting-out from full contributions and benefits under the Act.

These Regulations relate to the operation and administration of Part III in the case of persons subject to the Teachers' Superannuation Regulations in force under section 9 of the Superannuation Act 1972 and employed otherwise than in Scotland (*Regulation* 3).

Regulation 4 provides that certain powers, duties and functions normally falling on the employer shall, instead, fall on the Secretary of State for Education and Science. In particular, elections with a view to the issue, variation or surrender of contracting-out certificates are to be made or revoked by her.

Regulation 5 provides that, so far as concerns the termination of periods of contracted-out employment and the state scheme premium payable thereon, all employment to which the Regulations apply shall be treated as employment under a single employer. The payment or refund of a state scheme premium is treated for the purposes of the provisions of the Teachers' Superannuation Regulations relating to accounts as if made thereunder (*Regulation* 6).

SI 1977/1678
ISBN 0-11-071678-7

