the date of last entry into insurance in some cases, five years in others) for the purposes of retirement pension and widow's benefit, the payment of contributions, the right of electing not to be qualified for a retirement pension and a consequential refund of money in respect of paid contributions (regulation 10); (*g*) to special provisions for existing pensions contributors who are also widow pensioners (regulation 11); (*h*) to the partial relaxation of the rule reducing the rate of widow's benefit or a retirement pension on account of the earnings of the beneficiary (regulation 12); (*i*) to the relaxation of the special contribution conditions for retirement pensions applicable to married women under section 21 (5) of the National Insurance Act, 1946, in the case of women who were married before the appointed day (regulation 13); and (*j*) to reduced rates of retirement pensions for certain persons attaining pensionable age within five years from the appointed day and for their wives (regulation 14).

(3) MODIFICATION OF TEACHERS PENSIONS

[*See* also Education, S., p. 812 above.]

The National Insurance (Modification of Teachers Pensions) Regulations, 1948

1948 No. 889

Made - - - -	*28th April*, 1948
Laid before Parliament	*28th April*, 1948
Coming into Operation	*29th April*, 1948

Whereas the Treasury have determined under subsection (4) of Section 69 of the National Insurance Act, 1946(**a**), that the Minister of Education is the appropriate Minister to make regulations under that subsection for modifying the provisions of the Teachers (Superannuation) Acts, 1918 to 1946 and other instruments relating to the superannuation of teachers:

Now therefore the Minister of Education, in exercise of the powers conferred on him by the said subsection, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I—INTRODUCTORY

Citation, commencement and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Modification of Teachers Pensions) Regulations, 1948, and shall come into operation on the 29th day of April, 1948.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(3) In these regulations, unless the context otherwise requires:—

"the Act" means the National Insurance Act, 1946;

"the Act of 1922" means the School Teachers (Superannuation) Act, 1922; 12 & 13 Geo. 5. c. 42.

"the Act of 1925" means the Teachers (Superannuation) Act, 1925; 15 & 16 Geo. 5. c. 59.

"the Act of 1945" means the Teachers (Superannuation) Act, 1945; 8 & 9 Geo. 6. c. 14.

"the Teachers Acts" means the Teachers (Superannuation) Acts, 1918 to 1946;

(**a**) 9 & 10 Geo. 6. c. 67. (**b**) 52 & 53 Vict. c. 63.

" annual superannuation allowance " means annual superannuation allowance payable to a teacher under the Teachers Acts;

" approved external service " includes approved external service as defined by Section 13 of the Act of 1925 and service which is treated as approved external service under the Teachers (Superannuation) Act, 1946, or under any scheme made under Section 21 (1) (*c*) of the Act of 1925;

9 & 10 Geo. 6. c. 60. s. 6 (1).

" contributions " mean contributions payable by or in respect of a teacher under the Teachers Acts;

" contributory service " and " recognised service " do not include approved external service but subject thereto have the same meanings respectively as they have under the Teachers Acts;

" teacher " includes any person who is treated as a teacher for the purposes of the Teachers Acts;

" existing teacher " has the meaning assigned to that expression by Regulation 4 (*b*);

" elects for modification " means, as respects any existing teacher who exercises his right under these regulations to elect for the modification of the Teachers Acts and other instruments so far as they affect him, exercises that right;

" the date of modification " means, as respects any existing teacher who elects for modification, the date prescribed by Regulation 7 (3) for that teacher;

" new entrant " has the meaning assigned to that expression by Regulation 4 (*a*);

" the Minister " means the Minister of Education;

" the material date " means the 1st July, 1948.

Modification of instruments.

2. Subject to the provisions of these regulations, the Teachers Acts and other instruments relating to the superannuation of teachers shall as from the material date have effect subject to the modifications hereinafter prescribed.

PART II—NEW ENTRANTS AND EXISTING TEACHERS

Classification of new entrants and existing teachers.

3. The provisions of this Part of these regulations shall apply to new entrants and existing teachers as herein defined, and shall be subject to the special provisions of Part III of these regulations as respects the classes of teachers dealt with therein.

4. In these regulations the expression:—

(*a*) " new entrant " means a teacher not being an existing teacher who enters upon contributory service under the Teachers Acts for the first time on or after the material date and includes any such teacher whose service before the commencement of the Act of 1945 is treated under section 5 (1) of that Act as if it had been contributory or recognised service; and

(*b*) " existing teacher " means—

(i) a teacher employed in recognised or contributory service under the Teachers Acts at any time before the material date: provided that a teacher shall be deemed to have been so employed before the material date if, although not otherwise employed in recognised or contributory service, he was employed in any service in respect of which contributions are repaid to him under Section 2 of the Act of 1922, Section 12 of the Act of 1925 or Section 8 of the Act of 1945 whether or not such contributions are subsequently repaid by him under the said Section 12, but shall not be deemed to have

been so employed if he was employed in any service which was treated under Section 5 of the Act of 1945 as recognised or contributory service and he was not otherwise employed in recognised or contributory service before the material date; or

(ii) a person who before the 1st March, 1948, had completed a course of training for teachers approved for the purpose of this regulation by the Minister (hereinafter called "an approved course"), or was engaged on an approved course, or had been accepted or provisionally accepted for an approved course, or had applied to be accepted for and had as a result of that application subsequently become engaged on an approved course: provided that if any such person fails to enter upon contributory service within six months after completing his approved course or within such longer period as the Minister may allow in the case of that person he shall at the expiration of that period cease to be an existing teacher and any act which he may have performed by virtue of his being an existing teacher shall be deemed to have been void.

New Entrants

Modification of annual superannuation allowances.

5. As respects new entrants the annual superannuation allowance payable to any man teacher after he has attained the age of 65 or woman teacher after she has attained the age of 60, shall be reduced by £1 14s. 0d. for each completed year of contributory service after the material date or by £67 15s. 0d. whichever is the less:

Provided that in computing any reduction of annual superannuation allowance—

(*a*) any period of service in respect of which contributions are repaid to the teacher under Section 12 of the Act of 1925 or Section 8 of the Act of 1945 and are not subsequently repaid by him under the said Section 12 shall not be counted as a period of recognised or contributory service as the case may be for the purposes of this regulation;

(*b*) years of contributory service beyond 40 years of recognised or contributory service shall be ignored, and in calculating those 40 years a period of teaching service which is treated as service for one-and-a-half times that period for the purposes of the scheme made on the 2nd May, 1930(a), by the Board of Education with the consent of the Treasury under Section 21 (1) (*b*) of the Act of 1925 shall be similarly treated for the purposes of this proviso;

(*c*) where the teacher has served in approved external service and in contributory service any period of contributory service in excess of the period of such service upon which annual superannuation allowance is calculated in accordance with paragraph (*d*) or (*f*) of Section 13 (2) of the Act of 1925 shall be ignored, and as respects the period on which such allowance is calculated the allowance for any year shall be reduced by £1 14s. 0d. in respect of each completed year of service and by a proportionate amount of £1 14s. 0d. in respect of a part of a year;

(a) S.R. & O. 1930 (No. 309) p. 486.

(*d*) any period of employment, war service or national service which is reckonable under Regulation 44 of the National Health Service (Superannuation) Regulations, 1947(a), as contributory service or recognised service, shall be similarly reckoned for the purposes of this regulation.

Modification as respects contributions.

6.—(1) The contributions payable by or in respect of a new entrant shall be reduced by £5 18s. od. a year in the case of a woman and £4 16s. od. in the case of a man:

Provided that the reduction for which this paragraph provides shall not apply to any contributions payable under Section 5 (2) of the Act of 1945.

(2) The provisions of Section 9 of the Act of 1925 which provides for the payment both by the teacher and by the employer of contributions equal to 5 per cent. of the amount of the teacher's salary for the time being shall be modified so that the reduction for which this regulation provides shall apply as to half to the teacher's contributions and as to the other half to the employer's contributions.

Existing Teachers

Election for modification.

7.—(1) Except as respects existing teachers who immediately before the 5th July, 1948, being the appointed day for Section 1 of the Act, will be over the age of 55 in the case of a man or 50 in the case of a woman, any existing teacher shall have the right to elect as to whether he shall be subject to the provisions of these regulations modifying the Teachers Acts and other instruments.

(2) Any teacher who wishes to exercise his right to elect for modification shall do so at any time during the period beginning with the date on which these regulations come into operation and ending—

(*a*) with the 30th September, 1948, in the case of a teacher who on the material date is in contributory service not being war service which is treated as contributory service under the Teachers Superannuation (War Service) Act, 1939(b);

(*b*) three months after the date on which he returns to contributory service not being war service as aforesaid in the case of a teacher who is on such war service on the material date; and

(*c*) three months after the date on which he first enters upon or resumes contributory service after the material date in the case of any other teacher:

Provided that the Minister may, if he considers that there is reasonable ground for so doing, extend the period within which the existing teacher may so elect.

(3) Where an existing teacher elects for modification, the Teachers Acts and other instruments shall, as respects that teacher, be modified as from—

(*a*) the first day of the month next following the month in which the teacher elects if either he elects after the material date or he elects before the material date and is a voluntary contributor for an old age pension at the date when he elects; and

(*b*) the material date, in the case of any other teacher.

(4) Any election under this regulation for modification of the Teachers Acts and other instruments shall be irrevocable, shall be notified to the Minister as soon as possible, and shall be in the form prescribed in Schedule I to these regulations.

(a) S.R. & O. 1947 (No. 1755) I, p. 1373.
(b) 2 & 3 Geo. 6. c. 95.

Modification of annual superannuation allowances.

8. As respects existing teachers who elect for modification and who serve in contributory service for any period after the material date, the annual superannuation allowance payable after the attainment of the age of 65 in the case of a man or 60 in the case of a woman shall be reduced by an appropriate yearly sum for each completed year of contributory service after the date of modification, being the appropriate yearly sum prescribed in column 2 or column 3 of Schedule III to these regulations, or by £67 15s. 0d. whichever is the less:

Provided that in computing any reduction of annual superannuation allowance—

(*a*) any period of service in respect of which contributions are repaid to the teacher under Section 2 of the Act of 1922, Section 12 of the Act of 1925 or Section 8 of the Act of 1945 and are not subsequently repaid by him under the said Section 12 shall not be counted as a period of recognised or contributory service as the case may be for the purposes of this regulation;

(*b*) years of contributory service beyond 40 years of recognised or contributory service shall be ignored, and in calculating those 40 years—

(i) a period of teaching service which is treated as service for one-and-a-half times that period for the purposes of the scheme made on the 2nd May, 1930, by the Board of Education with the consent of the Treasury under Section 21 (1) (*b*) of the Act of 1925 shall be similarly treated for the purposes of this proviso; and

(ii) if the teacher is treated under Section 14 (2) (*b*) of the Act of 1925 as having served in recognised service for one half of the aggregate number of years of service as therein provided he shall be similarly treated for the purposes of this proviso;

(*c*) where the teacher has served in approved external service and in recognised or contributory service and his period of recognised or contributory service is reduced by deduction as provided by paragraph (*d*) or (*f*) of Section 13 (2) of the Act of 1925 (which period as so reduced is herein called " the reduced period "), the period of service as respects which his annual superannuation allowance shall be reduced under this regulation shall be the reduced period less the period if any of recognised or contributory service in respect of which he is not subject to modification; and

(*d*) any period of employment, war service or national service which is reckonable under Regulation 44 of the National Health Service (Superannuation) Regulations, 1947, as contributory service or recognised service, shall be similarly reckoned for the purposes of this regulation.

Modification as respects contributions.

9.—(1) The contributions payable by or in respect of existing teachers who elect for modification for periods of contributory service after the date of modification shall be reduced by £5 18s. 0d. a year in the case of a woman and £4 16s. 0d. a year in the case of a man.

(2) The provisions of Section 9 of the Act of 1925 which provides for the payment both by the teacher and by the employer of contributions equal to 5 per cent. of the amount of the teacher's salary for the time being shall be modified so that the reduction for which this regulation provides shall apply as to half to the teacher's contributions and as to the other half to the employer's contributions.

PART III—SPECIAL PROVISIONS FOR CERTAIN CLASSES OF TEACHERS

Teachers with Civil Service employment.

10.—(1) Where a person becomes employed in contributory service within twelve months of ceasing to serve in the capacity of a Civil Servant and is entitled to count his service as a Civil Servant as approved external service, he shall be subject to the modifications for which these regulations provide if either:—

(*a*) he was subject to the modified scheme of superannuation as a Civil Servant in which case he shall be subject to the modifications relating to new entrants; or

(*b*) being a person who was not subject to the modified scheme of superannuation as a Civil Servant, he elects to be subject to the modifications for which these regulations provide within three months after the date on which he becomes employed in contributory service in which case he shall be subject to the modifications relating to existing teachers.

(2) The Minister may, if he considers that there is reasonable ground for so doing, extend the period within which any person may exercise his right to elect under this regulation.

(3) As respects any person who exercises his right to elect as aforesaid, the Teachers Acts and other instruments shall be modified as from the first day of the month following that in which the right is exercised.

(4) Any election under this regulation for modification of the Teachers Acts and other instruments shall be irrevocable, shall be notified to the Minister as soon as possible, and shall be in the form prescribed in Schedule II to these regulations.

Teachers with approved external service in Scotland, etc.

11.—(1) Where a person, not being an existing teacher by virtue of regulation 4 (*b*) (ii) of these regulations, who was not employed in recognised or contributory service at any time before the material date becomes employed in contributory service after that date, having previously been employed in approved external service in Scotland, Northern Ireland, Isle of Man, Jersey or Guernsey, he shall be treated for the purposes of these regulations as—

(*a*) a new entrant if his employment in such approved external service is wholly after the material date; or

(*b*) an existing teacher if his employment in such approved external service was wholly or partly before the material date.

(2) Where a person is treated as an existing teacher under paragraph (1) (*b*) of this regulation, or where a person having been employed in recognised or contributory service at any time before the material date is employed in approved external service as aforesaid on or after the material date and subsequently becomes employed in contributory service—

(*a*) if in respect of his said approved external service he was subject to modification under any scheme applying to that service he shall be subject to the modifications for which these regulations provide;

(*b*) if in respect of his said approved external service he was excepted from modification under any such scheme he shall not be subject to the modifications for which these regulations provide; and

(*c*) if in respect of his said approved external service he was neither subject to nor excepted from modification under any such scheme he shall have the right to elect for modification under these regulations in accordance with Regulation 7.

(3) Where a teacher to whom paragraph (2) of this regulation applies becomes subject to the modifications for which these regulations provide, he shall be so subject during any period of contributory service after the date of modification and the appropriate yearly sum for that person under Schedule III to these regulations shall be ascertained by reference to the age of that person when he first became subject to modification whether under these regulations or under the scheme relating to his approved external service.

(4) Notwithstanding any other provision of this regulation, where a teacher is treated under the Scottish regulations made under the Act as a teacher of the first category, a teacher of the second category, or a teacher of the third category respectively, he shall for the purpose of these regulations be treated as a new entrant, an existing teacher who elects for modification, or an existing teacher who does not so elect respectively.

Teachers with Health Service employment.

12.—(1) Where a person to whom the provisions of Part I of the National Health Service (Superannuation) Regulations, 1947, apply becomes employed in contributory service and thereupon becomes subject to the provisions of Regulation 44 (1) (*c*) of those regulations, if he was subject to the modifications for which Regulation 30 of those regulations provides he shall be subject to the modifications for which these regulations provide but not otherwise.

(2) In the application of this regulation, the modification of annual superannuation allowances shall be:—

(*a*) as provided in Regulation 8 in the case of any person who was subject to comparable modification under the modified scheme to which he was first subject and, for the purposes of ascertaining the appropriate yearly sum for that person under Schedule III to these regulations, the reference therein to age at date of modification shall relate to the age of that person when he first became subject to a modified scheme of superannuation; and

(*b*) as provided in Regulation 5 in any other case.

Part IV.—Miscellaneous Provisions

Scheme for independent schools.

13. The modifications of the Teachers Acts and other instruments for which these regulations provide shall apply to teachers in contributory service by virtue of the scheme made on 11th October, 1926(a), by the Board of Education with the consent of the Treasury under Section 21 (1) (*a*) of the Act of 1925 as amended by any subsequent scheme, as they apply to other teachers in contributory service.

Women teachers who marry.

14. Where the Teachers Acts and other instruments are modified under these regulations as respects a woman teacher, they shall continue to be so modified as respects that teacher notwithstanding that she marries and elects thereafter to qualify for retirement pension by virtue of her husband's insurance.

Contributions for intervals in service and for war service. 1 Edw. 8 & 1 Geo. 6. c. 47.

15. In the case of a teacher who is subject to the modifications for which these regulations provide—

(*a*) any payment by the teacher under Section 2 of the Teachers (Superannuation) Act, 1937, of contributions in respect of a period of absence from contributory service after the date of modification

(a) S.R. & O. 1926 (No. 1314) p. 439.

shall be reduced by an amount calculated at the rate of £5 18s. od. a year in the case of a woman and £4 16s. od. a year in the case of a man; and

(*b*) any payment by the teacher under Section 2 of the Teachers Superannuation (War Service) Act, 1939, of contributions of an amount less than ten per cent. of his salary as a teacher shall be reduced by a sum which, in relation to a complete year, bears the same ratio to £5 18s. od. or to £4 16s. od. as the case may be as the percentage of his salary which he pays in contributions bears to ten per cent. of his salary, and if a period of less than a year is in question there shall be a corresponding reduction of the payment to be made by the teacher.

Accounts.

16.—(1) In this regulation the expression " the Treasury Regulations " means the Treasury Regulations dated 10th January, 1928(**a**), as amended by the Treasury Regulations dated 31st October, 1944(**b**), made under Section 15 of the Act of 1925 regarding the form and manner of preparation of the Account of Revenue and Expenditure to be kept in accordance with the directions contained in the Second Schedule to that Act.

(2) The product to be obtained as provided in paragraphs (*a*), (*b*) and (*c*) of Regulation 3 of the Treasury Regulations and the expenditure attributable to service before the 1st June, 1922, to be ascertained as provided in the said paragraph (*c*) shall be obtained and ascertained as the case may be by treating any reference in those paragraphs to " an annual allowance " as a reference to the annual superannuation allowance of the teacher unreduced by the foregoing provisions of these regulations.

(3) The expenditure attributable to service since the 1st June, 1922, shall be ascertained for the purposes of the said paragraphs (*a*) and (*b*) by reducing the said product or the appropriate proportion of the product as the case may be by the amount or by an appropriate proportion of the amount by which the annual superannuation allowance of the teacher is reduced by the foregoing provisions of these regulations.

Allocation of pension.

17. In the case of a teacher who is subject to the modifications for which these regulations provide, Rule 8 of the Teachers Superannuation (Allocation of Pension) Rules, 1937(**c**), which prescribe limits on the amount of annual superannuation allowance which a teacher can surrender when making an allocation to a beneficiary under those Rules, shall have effect with the following modifications:—

(*a*) references in paragraphs (*a*) and (*b*) of that Rule to the pension of a teacher shall be deemed to refer to the annual superannuation allowance of that teacher unreduced by the foregoing provisions of these regulations; and

(*b*) the reference in paragraph (*c*) of that Rule to the amount of the pension (as reduced by the amount surrendered) payable to the teacher shall be deemed to refer to the reduced annual superannuation allowance of the teacher.

(**a**) S.R. & O. 1928 (No. 17) p. 466. (**b**) S.R. & O. 1944 (No. 1244) I, p. 88.
(**c**) S.R. & O. 1937 (No. 874) p. 690.

SCHEDULE I

(Regulation 7 (4))

PRESCRIBED FORM FOR EXERCISE BY AN EXISTING TEACHER OF A RIGHT TO ELECT FOR MODIFICATION OF THE TEACHERS ACTS

The National Insurance (Modification of Teachers Pensions) Regulations, 1948

I.....

Date of birth.....

Reference No. (if allotted).....
being an existing teacher for the purposes of the above regulations hereby notify the Minister of Education that I desire the Teachers (Superannuation) Acts, 1918 to 1946, and other instruments relating to the superannuation of teachers to be modified as respects myself in accordance with the provisions of the above regulations

Signed.....

Date.....

Address.....

.....

SCHEDULE II

(Regulation 10 (4))

PRESCRIBED FORM FOR EXERCISE BY A PERSON WHO BECOMES EMPLOYED IN CONTRIBUTORY SERVICE WITHIN TWELVE MONTHS OF CEASING TO SERVE IN THE CAPACITY OF A CIVIL SERVANT OF A RIGHT TO ELECT FOR MODIFICATION OF THE TEACHERS ACTS

The National Insurance (Modification of Teachers Pensions) Regulations, 1948

I.....

Date of birth.....

Reference No. (if allotted).....
being a person who has become employed in contributory service within twelve months of ceasing to serve in the capacity of a Civil Servant and not having been subject to the modified scheme of superannuation as a Civil Servant as provided by Regulation 10 (1) (*b*) of the above regulations hereby notify the Minister of Education that I desire the Teachers (Superannuation) Acts, 1918 to 1946, and other instruments relating to the superannuation of teachers to be modified as respects myself in accordance with the provisions of the above regulations.

Signed.....

Date.....

Address.....

.....

SCHEDULE III

(Regulation 8 (1))

REDUCTIONS TO BE MADE IN THE ANNUAL SUPERANNUATION ALLOWANCES PAYABLE TO EXISTING TEACHERS AT THE AGE OF 65 IN THE CASE OF MEN AND 60 IN THE CASE OF WOMEN

Age of existing teacher at date of modification — Column 1	Yearly reduction of annual superannuation allowance for each completed year of contributory service after date of modification	
	MEN Column 2	WOMEN Column 3
	£ s. d.	£ s. d.
20 or under	1 14 0	1 14 0
1	1 13 0	1 12 0
2	1 12 0	1 10 6
3	1 11 0	1 9 0
4	1 10 0	1 7 6
25	1 9 6	1 6 0
6	1 9 0	1 4 6
7	1 8 6	1 3 6
8	1 8 0	1 2 6
9	1 7 0	1 1 6
30	1 6 6	1 0 6
1	1 6 0	19 6
2	1 5 6	19 0
3	1 5 0	18 6
4	1 4 6	18 0
35	1 4 0	17 6
6	1 3 6	17 0
7	1 3 0	16 6
8	1 2 6	16 0
9	1 2 0	15 6
40	1 1 6	15 0
1	1 1 6	14 6
2	1 1 0	14 6
3	1 0 6	14 0
4	1 0 0	14 0
45	19 6	13 6
6	19 0	13 0
7	19 0	13 0
8	18 6	12 6
9	18 6	12 6
50 and over	18 6	12 0

Given under the Official Seal of the Minister of Education this 28th day of April, 1948.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

(This Note is not part of the above Regulations, but is intended to indicate their general purport.)

These Regulations modify the Teachers (Superannuation) Acts, 1918-1946, and the Scheme for independent schools made on October 11, 1926, under Section 21 (1) (*a*) of the Teachers (Superannuation) Act, 1925, by providing, subject to specified conditions, limitations and exceptions, for the reduction of the contributions payable thereunder by teachers (including educational organisers) who are insured persons and by their employers, and for the reduction of pensions payable thereunder by specified amounts according to circumstances, not in any case exceeding £67 15s. per annum, the equivalent of the National Insurance retirement pension of twenty-six shillings a week.

(4) MODIFICATION OF LOCAL GOVERNMENT SUPERANNUATION SCHEMES

(i) *England.* | (ii) *Scotland*, p. 2863.

(i) ENGLAND

The National Insurance (Modification of Local Government Superannuation Schemes) Amendment Regulations, 1948

1948 No. 1225

Made - - - -	10*th June*, 1948
Laid before Parliament	10*th June*, 1948
Coming into Operation	11*th June*, 1948

108067.

The Minister of Health, in exercise of the powers conferred on him by subsection (4) of section 69 of the National Insurance Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Insurance (Modification of Local Government Superannuation Schemes) Amendment Regulations, 1948, and shall come into operation on the eleventh day of June, 1948.

(2) These regulations shall be read as one with the National Insurance (Modification of Local Government Superannuation Schemes) Regulations, 1947(b) (in these regulations called " the principal regulations "), as amended.

(a) 9 & 10 Geo. 6. c. 67. (b) S. R. & O. 1947 (No. 1245) I, p. 1498.