1960 No. 2230

The National Insurance (Modification of Teachers Superannuation Acts) Regulations, 1960

Made - - - -	*29th November,* 1960
Laid before Parliament	*7th December,* 1960
Coming into Operation	*3rd April,* 1961

The Minister of Education, in exercise of the powers conferred on him by subsection (4) of section 69 of the National Insurance Act, 1946(a), as extended by section 15 of the National Insurance Act, 1959(b), having been determined by the Treasury to be the appropriate Minister for the purpose, hereby makes the following regulations:—

1. These regulations may be cited as the National Insurance (Modification of Teachers Superannuation Acts) Regulations, 1960, and shall come into operation on the third day of April, 1961.

2. In these regulations—

"the Act of 1925" means the Teachers (Superannuation) Act, 1925(c), as amended by any subsequent Act or regulations; and

"the Act of 1959" means the National Insurance Act, 1959.

3. Subsection (1) of section 7 of the Act of 1925 (which provides for avoidance of duplicate pensions) is hereby modified by adding at the end the following words:—

"Provided that no deduction shall be made from an annual superannuation allowance in pursuance of this section which would result in the teacher receiving, in respect of contributory service after the second day of April, 1961, which is non-participating employment within the meaning of the National Insurance Act, 1959, an amount less than the graduated retirement benefit which, when expressed as a yearly rate, would be payable to him under that Act in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of the service in respect of a weekly payment of remuneration of fifteen pounds".

4. Paragraph 10 of the First Schedule to the Act of 1925 (which provides for refusal or reduction of pensions) is hereby modified by adding at the end the following words:—

"Provided that no refusal or reduction of an annual superannuation allowance shall be made in pursuance of this paragraph which would result in the teacher receiving, in respect of contributory service after the second day of April, 1961, which is non-participating employment within the meaning of the National Insurance Act, 1959, an amount less than the graduated retirement benefit which, when expressed as a yearly rate, would be payable to him under the Act in return for an amount of graduated contributions equal to one such contribution paid in each week of the period of the service in respect of a weekly payment of remuneration of fifteen pounds".

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47. (c) 15 & 16 Geo. 5. c. 59.

5. The provisions of section 12 of the Act of 1925 (which provides for the return of contributions) shall have effect subject to the following modifications:—

(*a*) when computing the balance of contributions of a teacher in respect of whom a payment in lieu of contributions has been made under the Act of 1959, the amount recoverable under section 10 of that Act shall be deemed to have been deducted from his contributions on the date on which, disregarding any special arrangements of the kind referred to in regulation 18 (6) of the National Insurance (Non-participation-Assurance of Equivalent Pension Benefits) Regulations, 1960(**a**), the payment in lieu of contributions became due; and

(*b*) where the amount recoverable under section 10 of the Act of 1959 has been deducted from the contributions repaid to a teacher, and that teacher subsequently repays to the Minister of Education the sum so repaid to him, he shall not be treated as if no repayment had been made to him, but the period in respect of which the contributions were repaid shall be reckoned as contributory service.

6. The provisions of section 15 of the Act of 1925 (which provide for the keeping of a teachers' superannuation account) shall have effect subject to the modification that expenditure in respect of payments in lieu of contributions made under the Act of 1959 shall be included in the teachers' superannuation account in accordance with such regulations as the Treasury may make under section 15 of the Act of 1925.

Given under the Official Seal of the Minister of Education this 29th day of November, 1960.

(L.S.) *David Eccles,*
Minister of Education.

EXPLANATORY NOTE

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

These regulations modify the Teachers (Superannuation) Acts so as to ensure that, where a teacher's pension is to be reduced, either because service has been counted both for that pension and for another pension paid for out of public funds or because the teacher's retirement has been accelerated by misconduct, the amount remaining after the reduction shall not be less than the maximum graduated National Insurance pension which would have been payable had the employment not been non-participating employment within the meaning of the National Insurance Act, 1959.

The regulations also make minor amendments to the Teachers (Superannuation) Acts consequent upon the power given by the National Insurance Act, 1959, to recover a payment made in lieu of contributions when a person's employment in non-participating employment comes to an end.

(**a**) S.I. 1960/1103 (Pt. II, p. 2244, of this vol.).