1961 No. 513

NATIONAL INSURANCE

The National Insurance (Modification of Teachers Superannuation Acts) Regulations, 1961

Made - - - -	*20th March*, 1961
Laid before Parliament	*27th March*, 1961
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, 1961, 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;

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

"annual superannuation allowance" means an annual superannuation allowance granted under the Act of 1925 or under a Scheme made under section 21 of the Act of 1925;

"contributory service" means contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1956;

"participating employment" means any employment in respect of which a person is liable to pay graduated contributions under the Act of 1959 or would be liable to pay such contributions if his remuneration exceeded the amount mentioned in paragraph (*b*) of subsection (1) of section 1 of that Act; and

"salary" means, in relation to a person employed in contributory service, his salary as calculated in accordance with the provisions of section 10 of the Act of 1925.

3. The contributions payable by a person employed in contributory service and by his employer under section 9 of the Act of 1925 shall, in respect of any period of such service which is participating employment,

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

both be reduced by amounts calculated in accordance with the annual rates specified in the following table:—

Annual Rate of Salary	Annual Rate of Reduction of Contributions £ s. d.
Not exceeding £468	nil
Over £468 but not exceeding £520	8 0
Over £520 but not exceeding £572	1 5 0
Over £572 but not exceeding £624	2 2 0
Over £624 but not exceeding £676	2 19 0
Over £676 but not exceeding £728	3 16 0
Over £728 but not exceeding £780	4 13 0
Over £780	5 2 0

4.—(1) Except as in this regulation provided, the amount of any annual superannuation allowance payable to a man over the age of sixty-five or to a woman over the age of sixty, in calculating which there has been taken into account either—

(*a*) any period of participating employment during which salary was at a rate exceeding £780 a year, or

(*b*) any period in respect of which a payment in lieu of contributions has been made under the Act of 1959

shall be reduced, for each year of such period and proportionately for part of a year, by £2·31, in the case of a man, and by £1·92, in the case of a woman.

(2) Except as in this regulation provided, the amount of any annual superannuation allowance payable to a man over the age of sixty-five or to a woman over the age of sixty, in calculating which there has been taken into account any period of participating employment during which salary was at a rate not exceeding £780, shall be reduced, for each year of such period and proportionately for part of a year, by the appropriate amount specified in the following table:—

Annual Rate of Salary during Period	Reduction in Annual Superannuation Allowance for Each Whole Year of Period	
	Men £	Women £
Not exceeding £468	nil	nil
Over £468 but not exceeding £520	·19	·16
Over £520 but not exceeding £572	·58	·48
Over £572 but not exceeding £624	·96	·80
Over £624 but not exceeding £676	1·35	1·12
Over £676 but not exceeding £728	1·73	1·44
Over £728 but not exceeding £780	2·12	1·76

(3) Where—

(*a*) in respect of any person a period of participating employment or a period of employment in respect of which a payment in lieu of contributions has been made under the Act of 1959 is reckoned as contributory service by virtue of rules made under section 2 of the Superannuation

(Miscellaneous Provisions) Act, 1948(a), or of regulations made under either subsection (1) of section 67 of the National Health Service Act, 1946(b), or under subsection (1) of section 66 of the National Health Service (Scotland) Act, 1947(c); and

(*b*) the Minister is informed of the amount by which his or her pension under the pensions scheme to which he or she was subject before ceasing the former employment would have been reduced in connection with the operation of the Act of 1959 by reason of that period if the former employment had continued, or of the method of calculating such reduction,

the amount of any annual superannuation allowance payable in respect of that period to that person from the age of sixty-five, in the case of a man, or from the age of sixty, in the case of a woman, shall be reduced by that amount or by an amount calculated in accordance with that method, as the case may be; and no reduction shall be made in pursuance of the provisions of paragraph (1) or (2) of this regulation in respect of that period.

(4) No reduction in the amount of any annual superannuation allowance shall be made in pursuance of the provisions of paragraph (1) or (2) of this regulation in respect of any period which is treated as contributory service by virtue of the provisions of—

sub-paragraphs (i), (ii) and (iii) of paragraph (*a*) and paragraph (*b*) of subsection (1) and subsection (1A) of section 2 of the Teachers (Superannuation) Act, 1937(d), as amended by the Teachers (Superannuation) Acts, 1945(e) and 1956(f), (which relate to intervals in service);

section 19 of the Teachers (Superannuation) Act, 1956, (which relates to employment of value to teachers); or

the Teachers Superannuation (National Service) Rules, 1949(g), as amended by the Teachers Superannuation (National Service) Amending Rules, 1952(h), (which relate to employment in National Service).

5. Subsection (1) of section 8 of the Act of 1925, (which provides for the withdrawal of annual superannuation allowances granted on grounds of infirmity) is hereby modified by adding at the end the following words:—

"Provided that, notwithstanding any direction given in pursuance of this subsection, there shall, 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, be payable to the teacher from the age of sixty-five, in the case of a man, and from the age of sixty, in the case of a woman, an annual superannuation allowance of an amount not less than the graduated retirement benefit which, when expressed as a yearly rate, would be payable 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 £15."

Given under the Official Seal of the Minister of Education this 20th day of March, 1961.

(L.S.)

David Eccles,
Minister of Education.

(a) 11 & 12 Geo. 6. c. 33. (b) 9 & 10 Geo. 6. c. 81. (c) 10 & 11 Geo. 6. c. 27.
(d) 1 Edw. 8 & 1 Geo. 6. c. 47. (e) 8 & 9 Geo. 6. c. 14. (f) 4 & 5 Eliz. 2. c. 53.
(g) S.I. 1949/468 (1949 I, p. 1533). (h) S.I. 1952/137 (1952 I, p. 842).

EXPLANATORY NOTE

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

These regulations provide for abatement of the contributions and pensions payable in respect of teachers in contributory service under the Teachers (Superannuation) Acts who participate in the graduated pension scheme introduced by the National Insurance Act, 1959; and for the abatement of the pensions payable under those Acts to teachers in respect of whom a payment in lieu of graduated contributions has been made to the National Insurance Fund.

The regulations also provide that equivalent pension benefits are payable to a teacher in certain cases where an infirmity pension has ceased under Section 8 of the Teachers (Superannuation) Act, 1925.