STATUTORY INSTRUMENTS

1963 No. 2030

NATIONAL INSURANCE

The National Insurance (Modification of Teachers Superannuation Acts) Regulations 1963

Made - - - -	12*th December* 1963
Laid before Parliament	19*th December* 1963
Coming into Operation	6*th January* 1964

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 :—

Citation and Commencement

1. These Regulations may be cited as the National Insurance (Modification of Teachers Superannuation Acts) Regulations 1963, and shall come into operation on 6th January 1964.

Interpretation

2.—(1) 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, as amended by any subsequent Act ;

" 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(**d**) ;

" 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 section 1(1)(*b*) of that Act ;

" 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.

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

Avoidance of Duplicate Pensions

3. Section 7(1) of the Act of 1925 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

(a) 9 & 10 Geo. 6. c. 67. (b) 7 & 8 Eliz. 2. c. 47. (c) 15 & 16 Geo. 5. c. 59.
(d) 8 & 9 Geo. 5. c. 55; 12 & 13 Geo. 5. c. 42; 14 & 15 Geo. 5. c. 12; 15 & 16 Geo. 5. c. 59; 25 & 26 Geo. 5. c. 35; 1 Edw. 8 & 1 Geo. 6. c. 47; 2 & 3 Geo. 6. c. 95; 8 & 9 Geo. 6. c. 14; 4 & 5 Eliz. 2. c. 53. (e) 52 & 53 Vict. c. 63.

the teacher receiving, in relation to any period of contributory service after 5th January 1964 which is non-participating employment within the meaning of the National Insurance Act 1959, as amended by any subsequent Act, an amount less than that required to constitute the benefits in respect of that period equivalent pension benefits within the meaning of the said Act as so amended."

Withdrawal of Superannuation Allowances granted on Grounds of Infirmity

4. Section 8(1) of the Act of 1925 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 relation to any period of contributory service after 5th January 1964 which is non-participating employment within the meaning of the National Insurance Act 1959 as amended by any subsequent Act, be payable to the teacher from, in the case of a man, the age of 65, and, in the case of a woman, the age of 60, an annual superannuation allowance of an amount not less than that required to constitute the benefits in respect of that period equivalent pension benefits within the meaning of the said Act as so amended."

Contributions

5. Section 9 of the Act of 1925 shall have effect subject to the modification that the contributions payable both by a person employed in contributory service and by his employer in respect of any period of such service after 5th January 1964 which is participating employment shall 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 but not exceeding £832	5 10 0
Over £832 but not exceeding £884	6 7 0
Over £884 but not exceeding £936	7 4 0
Over £936	7 13 0

Return of Contributions

6. Section 12 of the Act of 1925 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

(a) S.I. 1960/1103 (1960 II, p. 2244).

(*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.

Teachers Superannuation Account

7. Section 15 of the Act of 1925 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 regulations made by the Treasury under the said section 15.

Refusal or Reduction of Superannuation Allowances

8. Paragraph 10 of Schedule 1 to the Act of 1925 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 relation to any period of contributory service after 5th January 1964 which is non-participating employment within the meaning of the National Insurance Act 1959 as amended by any subsequent Act, an amount less than that required to constitute the benefits in respect of that period equivalent pension benefits within the meaning of the said Act as so amended."

Calculation of Superannuation Allowances

9.—(1) Section 5 of the Teachers (Superannuation) Act 1956(a) is hereby modified so as to give effect to the provisions of this regulation.

(2) Except as in this regulation provided, the amount of any annual superannuation allowance payable to a man over the age of 65 or to a woman over the age of 60, in calculating which there has been taken into account either—

(*a*) any period of participating employment after 5th January 1964 during which salary was at a rate exceeding £936 a year, or

(*b*) any period after 5th January 1964 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 a part of a year, by £3·48, in the case of a man, and by £2·9, in the case of a woman.

(3) Except as in this regulation provided, the amount of any annual superannuation allowance payable to a man over the age of 65 or to a woman over the age of 60, in calculating which there has been taken into account any period of participating employment after 5th January 1964 during which salary was at a rate not exceeding £936 a year, 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:—

(a) 4 & 5 Eliz. 2. c. 53.

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
Over £780 but not exceeding £832 ...	2·51	2·09
Over £832 but not exceeding £884 ...	2·90	2·42
Over £884 but not exceeding £936 ...	3·29	2·74

(4) Where in respect of any person—

(*a*) 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 section 67(1) of the National Health Service Act 1946(**b**), or section 66(1) 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 (2) or (3) of this regulation in respect of that period.

(5) No reduction in the amount of any annual superannuation allowance shall be made in pursuance of the provisions of paragraph (2) or (3) of this regulation in respect of any period which is treated as contributory service by virtue of the provisions of—

section 2(1)(*a*)(i), (ii) and (iii), section 2(1)(*b*) and section 2(1A) of the Teachers (Superannuation) Act 1937(**d**), as amended by the Teachers (Superannuation) Acts 1945(**e**) and 1956 (which relate to intervals of 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(**f**), as amended by the Teachers Superannuation (National Service) Amending Rules 1952(**g**) (which relate to employment in national service).

(**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**) S.I. 1949/468 (1949 I, p. 1533). (**g**) S.I. 1952/137 (1952 I, p. 842).

Revocation

10.—(1) The Regulations specified in the first and second columns of the Schedule to these Regulations are hereby revoked to the extent specified in the third column of that Schedule:

Provided that the Regulations hereby revoked shall continue to apply in relation to the period before the date of the coming into operation of these Regulations in like manner as they would have applied if these Regulations had not been made.

(2) Section 38(2) of the Interpretation Act 1889 (which relates to the effect of repeals) shall have effect in relation to the Regulations hereby revoked as if those Regulations were enactments repealed by an Act.

Given under the Official Seal of the Minister of Education on 12th December 1963.

(L.S.)

Edward C. G. Boyle,
Minister of Education.

Regulation 10

SCHEDULE

REVOCATIONS

Regulations	Reference	Extent of Revocation
The National Insurance (Modification of Teachers Pensions) Regulations 1948.	S.I. 1948/889 (Rev. XVI, p. 298: 1948 II, p. 2851).	Regulation 17.
The National Insurance (Modification of Teachers Pensions) Amending Regulations 1956.	S.I. 1956/1482 (1956 I, p. 1643).	Regulation 7.
The National Insurance (Modification of Teachers Superannuation Acts) Regulations 1960.	S.I. 1960/2230 (1960 II, p. 2295).	The whole Regulations.
The National Insurance (Modification of Teachers Superannuation Acts) Regulations 1961.	S.I. 1961/513 (1961 I, p. 1158).	The whole Regulations.

EXPLANATORY NOTE

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

These regulations vary modifications of the Teachers (Superannuation) Acts made after the introduction of the graduated pension scheme by the National Insurance Act 1959; they are made necessary by the passing of the National Insurance Act 1963.

The regulations provide for the abatement of both the contributions and pensions payable in respect of teachers in contributory service under the Teachers (Superannuation) Acts who participate in the graduated National Insurance pension scheme; 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; and for the exercise of the power given by the National Insurance Act 1959 to recover half a payment in lieu when a person's employment in non-participating employment comes to an end. They also provide that, in a number of circumstances in which a pension under the Teachers (Superannuation) Acts may be reduced, the amount of the reduced pension cannot be less than equivalent pension benefits within the meaning of the National Insurance Act 1959, as amended.