Citation

3. These Regulations may be cited as the Teachers' Salaries (Scotland) (Amendment No. 2) Provisional Regulations, 1952. The Principal Regulations, the Teachers' Salaries (Scotland) (Amendment No. 1) Provisional Regulations, 1951(**a**), and these Regulations shall be construed as one and may be cited together as the Teachers' Salaries (Scotland) Regulations, 1951 and 1952.

James Stuart,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
21st July, 1952.

EXPLANATORY NOTE

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

The purpose of these Regulations is to increase the salaries of teachers employed by Education Authorities by £40 a year in the case of men and by £32 a year in the case of women.

TEACHERS SUPERANNUATION

1952 No. 567 (S. 20)

The Superannuation Rules for Teachers (Scotland), 1952

Made - - - - 17*th March,* 1952
Coming into Operation 1*st April,* 1952

ARRANGEMENT OF RULES

1. Interpretation.
2. Definitions.
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4. Evidence of physical capacity.
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14. Revocation of Rules.
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(a) S.I. 1951/1051; 1951 I, p. 635

SCHEDULES

FIRST SCHEDULE. Allocation declaration under article 44 of the Superannuation Scheme for Teachers (Scotland), 1952, and the Rules relating thereto.

SECOND SCHEDULE. Rules revoked.

RULES

In the exercise of the powers conferred upon me by article 55 of the Scheme annexed to the Superannuation Scheme for Teachers (Scotland) Approval Order, 1952(**a**), and of all other powers enabling me in that behalf, I hereby make the following Rules:—

Interpretation

1.—(1) The Interpretation Act, 1889(**b**), applies to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

(2) References in these Rules to any enactment, scheme, rule or other instrument shall, except where the context otherwise requires, be construed as references to that enactment, scheme, rule or other instrument as amended by or under any other enactment, scheme, rule or instrument, including these Rules.

Definitions

2. In these Rules, unless the context otherwise requires:—

(1) "Allocate" means to surrender part of a pension in accordance with the provisions of article 44 of the Scheme, and "allocation" and "make an allocation" shall be construed accordingly;

(2) "Beneficiary", in relation to an allocation, means the spouse or dependant of a teacher to whom a pension is or may become payable under paragraph 3 of article 44 of the Scheme;

(3) "Closing date", in relation to an allocation, means the day immediately preceding the day upon which the teacher's pension begins to accrue, or the last day of the period of three calendar months from the date on which the teacher was supplied with a form of application for allocation under these Rules, whichever is the later date; or, in the case of a teacher resident outside the United Kingdom, such day as the Secretary of State may appoint, being a day which will, in the opinion of the Secretary of State, give the teacher a reasonable opportunity of conforming to the procedure prescribed in these Rules for making an allocation;

(4) "Financial year" means the period beginning on 1st April in one year and ending on 31st March in the next following year;

(5) "Midnight", in relation to a particular day, means the midnight between that day and the next following day;

(6) "Option Tables" means the tables prepared by the Government Actuary under sub-paragraph (8) of paragraph 2 of Part I of the Third Schedule to the Act of 1946 and for the time being in force;

(7) "Prescribed" means prescribed by the Secretary of State;

(a) S.I. 1952/464, p. 873 below. (b) 52 & 53 Vict. c. 63.

(8) " Quarter day " means 30th June, 30th September, 31st December or 31st March, as the case may be, and " Quarter ", in relation to any quarter day, means the period of three months ending on the said day;

(9) " Scheme " means the Superannuation Scheme for Teachers (Scotland), 1952.

Evidence of age

3. Where the age of any person is required to be ascertained or proved for the purposes of the Scheme, that person shall produce to the Secretary of State or, if the Secretary of State so directs, to the National Committee for the Training of Teachers, a copy of the entry relating to him in the register of births certified by the registrar of births, deaths and marriages having the custody of the said register, or, if the said person satisfies the Secretary of State or the said Committee that he is unable to produce such a copy, such other evidence of his age as he is able to produce.

Evidence of physical capacity

4.—(1) Where the physical capacity or state of health of any person is required to be ascertained or proved for the purposes of the Scheme, that person shall submit himself for examination by a duly qualified medical practitioner nominated by the Secretary of State within such period after the date of nomination as may be prescribed:

Provided that—

(i) where the said person is a patient in a public mental hospital, the Secretary of State may dispense with a medical examination by a duly qualified medical practitioner nominated by him, and may accept a report by the medical officer in charge of the said hospital;

(ii) where the Secretary of State is satisfied that owing to exceptional circumstances it is inexpedient or impracticable to require the said person to submit himself for such examination, he may accept a report by any duly qualified medical practitioner.

(2) The medical practitioner nominated by the Secretary of State shall make any medical examination under the last foregoing paragraph on payment of a fee not exceeding £1 1s. 0d. or such other sum as the Secretary of State may approve in exceptional circumstances and shall transmit his report of the result of the examination to the Secretary of State. If after consideration of the report the Secretary of State thinks it desirable that a second medical opinion should be obtained, the person concerned shall submit himself for further medical examination, and the provisions of the last foregoing paragraph shall apply to the second examination as they applied to the first.

(3) The fee and all other expenses incurred by a person submitting himself for medical examination under these Rules shall be paid by him or on his behalf.

Extension of time-limits

5. The Secretary of State may extend any time within which anything is required to be done under these Rules if he considers that there are reasonable grounds for so doing.

Use of forms

6. The Secretary of State or the Paymaster-General may supply forms to be used for any of the purposes of the Scheme, and, where a form has been supplied for any purpose, the persons concerned shall use that form for that purpose.

Transmission of documents

7. Any application, notice, document or other communication to be sent to the Secretary of State or to the Paymaster-General under the Scheme or under these Rules shall, unless the Secretary of State or the Paymaster-General otherwise agrees, be sent by post to the office of the Secretary of State or of the Paymaster-General, as the case may be, and shall be deemed to have been sent in sufficient time to reach the Secretary of State or the Paymaster-General not later than a time specified in these Rules and to have reached the Secretary of State or the Paymaster-General by that time if it is posted at a time which will normally ensure its delivery not later than the specified time.

Service not previously recordable

8.—(1) A form of application under paragraph (1) of article 8 of the Scheme by a teacher in the employment of an Education Authority shall be submitted to the Secretary of State not more than six months after the date with effect from which a particular form of employment of teachers by an Education Authority is approved as being first class service (in this rule referred to as "the date of approval"), or, if the teacher concerned was not in the employment of an Education Authority on the date of approval, within six months after the date upon which he first enters such employment thereafter.

(2) In order that employment after 31st May, 1922, and before the date of approval may be treated as first class service, the appropriate contributions in respect thereof shall be paid by the teacher to the Secretary of State together with compound interest on the amount of the said contributions or on any part thereof remaining unpaid at four per cent. per annum with yearly rests from the beginning of the financial year next following the financial year in which the application to the Secretary of State was granted.

Claims for and payment of benefits

9.—(1) An application for the grant of a benefit under the Scheme shall be made in writing by the teacher or by the representative of a deceased teacher, as the case may be, to the Secretary of State:

Provided that if, in the opinion of the Secretary of State, the teacher or the said representative is of unsound mind or is for any other reason unable to apply in writing for the said benefit, the Secretary of State may accept an application made on behalf of the teacher or of the said representative by any person whom he considers appropriate.

(2) As soon as the Secretary of State is satisfied that the teacher or the said representative is entitled to a benefit under the Scheme, he shall direct the Paymaster-General to pay the said benefit in the manner provided by these Rules, and shall send notice to the teacher or to the said representative or to the person applying on behalf of the teacher or of the said representative, as the case may be, that the said direction has been given. In the case of an allowance or gratuity granted on retirement through infirmity, he shall also inform the employer by whom the teacher was last employed in service.

(3) A pension shall be deemed to accrue from day to day, but shall be payable by equal quarterly payments at the end of each quarter.

(4) Where a pension begins or ends or is suspended or restored during a quarter, so much of the said pension as has accrued during the said quarter shall be payable at the end of the said quarter.

(5) Payments on account of benefits under the Scheme shall be made by such procedure as the Paymaster-General may decide.

(6) Any person entitled to receive payment of any sum under the Scheme on account of himself or of any other person shall produce to the Paymaster-General such evidence of the life and identity of himself or the said other person as the Paymaster-General may require.

(7) Where any person, other than a person to whom section 104 of the Act of 1946 applies, to whom any sum in respect of any benefit under the Scheme is payable is certified by a justice of the peace or minister of religion, and by a duly qualified medical practitioner, to be unable by reason of physical disability to give a receipt, the Secretary of State may authorise the Paymaster-General to pay the said sum to such other person as the Secretary of State may nominate to receive it on behalf of the disabled person.

Procedure for making an allocation

10.—(1) Any teacher who, in accordance with paragraph (1) of article 44 of the Scheme, is eligible to make an allocation may, on applying for his pension, notify the Secretary of State of his desire to consider the question of making an allocation. As soon as practicable after the receipt of such a notification the Secretary of State shall furnish him with—

(*a*) a copy of a form of application for allocation :
(*b*) a copy of the relevant provisions of the Scheme and these Rules and of the Option Tables for the time being in force ;
(*c*) provisional notification of the amounts of the pension and lump sum expected to be payable to him if no allocation is made and of the date when the pension will begin to accrue ;
(*d*) the name and address of a medical officer nominated by the Secretary of State ; and
(*e*) a statement of the closing date for the purposes of these Rules:

Provided that until printed copies of the relevant provisions of the Scheme and of these Rules are available for use under sub-paragraph (*b*), the Secretary of State may continue to furnish teachers with the Explanatory Memorandum containing a reprint of the Teachers' Superannuation (Allocation of Pension) Rules (Scotland), 1937, in lieu thereof.

(2) The teacher shall, if he desires to make an allocation, furnish to the Secretary of State on the form of application for allocation the particulars required thereby in respect of the beneficiary. The beneficiary shall write his signature in the appointed space on that form. The teacher shall also, if required by the Secretary of State, furnish to the Secretary of State copies of the entries relating respectively to the beneficiary and himself in the register of births and the register of marriages certified by the registrars of births, deaths and marriages having custody of the said registers respectively or such other evidence and such information with regard to these and other matters as the Secretary of State may consider necessary.

(3) The Secretary of State may require such independent verification as he thinks fit of the particulars given by the teacher with regard to the beneficiary, and for this purpose he may require the beneficiary to make a declaration in the presence of and to be attested by a witness other than the teacher, stating the beneficiary's date of birth and (where appropriate) particulars of his marriage, his relationship to the teacher and whether he is wholly or partially dependent on the teacher.

(4) For the purpose of satisfying the Secretary of State that he is of good health, regard being had to his age, the teacher shall, not earlier than three

calendar months before the date (according to the provisional notification made to him under paragraph (1) of this rule) when his pension will begin to accrue, submit himself for examination under rule 4 of these Rules.

(5) If, as a result of that examination, the Secretary of State is not satisfied that the teacher is of good health, he shall notify him accordingly and shall offer him an opportunity for a further medical examination.

(6) The decision of the Secretary of State upon the question whether the teacher is of good health shall be final and conclusive.

(7) If, in any case in which the Secretary of State is satisfied that the teacher is of good health, the date upon which the teacher's pension begins to accrue is postponed to a date more than three calendar months after the date of the medical examination, the Secretary of State may, if he thinks fit, require the teacher to undergo a further medical examination under rule 4 of these Rules, and the two last foregoing paragraphs shall apply to the said examination as they applied to the examination mentioned in paragraph (4).

(8) If the Secretary of State is satisfied that the teacher is of good health and is also satisfied with the evidence and particulars furnished in accordance with paragraphs (2) and (3) of this rule, he shall notify the teacher that he may make an allocation declaration.

(9) Every allocation declaration shall be made in the form set out in the First Schedule to these Rules and shall be sent to the Secretary of State in accordance with the provisions of rule 7 of these Rules in sufficient time to reach his office before midnight on the closing date.

(10) An allocation declaration which is not sent to the Secretary of State in sufficient time to reach his office before midnight on the closing date, or which does not comply with these Rules, shall be invalid.

(11) As soon as possible after the receipt of an allocation declaration, the Secretary of State shall inform the teacher concerned whether such declaration is valid or invalid. If the declaration is valid, he shall furnish the teacher with a statement or estimate of the pension and the annuity, if any, which will be payable to him and of the pension which will be payable to the beneficiary. If the declaration is invalid, he shall state the grounds upon which the declaration has been held to be invalid.

(12) A teacher may cancel or amend an allocation declaration, other than a declaration sent to the Secretary of State in insufficient time to reach him before midnight on the closing date, by giving notice in writing to the Secretary of State on the form provided for the purpose at any time before midnight on the closing date but, save as is provided in the next following paragraph, no such notice may be given after the said time.

(13) If a teacher who has made a valid allocation declaration is subsequently notified by the Secretary of State of an alteration in the amount of the estimated amount of his pension and if such notification is made less than 14 days before the closing date or after the closing date but within six months after the day upon which his pension begins to accrue, that teacher may amend that declaration by giving notice in writing to the Secretary of State on the form provided for the purpose not later than midnight of the fourteenth day after the receipt of such notification:

Provided that no notice of an amendment of an allocation declaration may be sent to the Secretary of State so as to reach him after the closing date except for the purpose of increasing or decreasing the amount of the pension to be surrendered by an amount not exceeding the increase or decrease (to the nearest pound) in the amount of pension previously notified to such teacher in accordance with paragraph (1) of this rule.

(14) An amendment of an allocation declaration shall not be valid if the allocation declaration as so amended does not comply with these Rules.

(15) Where a teacher has been informed in pursuance of paragraph (11) of this rule that an allocation declaration made by him is valid, that declaration shall remain valid, unless cancelled or amended by him in the manner and within the period permitted by these Rules, notwithstanding that, as a result of a subsequent alteration of the amount, or estimated amount, of his pension, the amount of pension to be surrendered no longer complies with heads (ii) or (iii) of sub-paragraph (*a*) of paragraph (2) of article 44 of the Scheme.

(16) An allocation declaration shall become null and void if either the teacher or the beneficiary dies before midnight on the closing date or before midnight on the day on which the allocation declaration reaches or is deemed to have reached the Secretary of State, whichever is the later.

(17) Subject to the last foregoing sub-paragraph, an allocation declaration shall have effect as from the day upon which the teacher's pension begins to accrue.

(18) Where, as the result of effect being given to an allocation declaration which reaches the Secretary of State on or after the day upon which the teacher's pension begins to accrue, any overpayment has been made to the teacher, such overpayment shall be brought into account on the next payment or payments due to him.

Payment of benefits under allocation

11.—(1) Any annuity payable to a teacher under paragraph (3) of article 44 of the Scheme, and any pension payable to a beneficiary thereunder, shall be deemed to accrue from day to day, but shall be payable by equal quarterly payments at the end of each quarter.

(2) Where an annuity or pension begins or ends during a quarter, so much of the said annuity or pension as has accrued during the said quarter shall be payable at the end of the said quarter.

Calculation of interest

12. Interest on contributions collected by the Secretary of State within any financial year shall begin to accrue from the first day of October in that financial year. Contributions shown in the relevant annual return to the Secretary of State for any financial year to have been deducted from a teacher's salary shall be deemed, for the purpose of this rule, to have been collected by the Secretary of State within that year.

Actuarial account

13. For the purpose of the account to be kept as directed by section 106 of the Act of 1946, teachers' contributions shall be attributed to the accounting period in which they were collected by the Secretary of State. Contributions shown in the relevant annual return to the Secretary of State for any accounting period to have been deducted from a teacher's salary shall be deemed for the purpose of this rule to have been collected by the Secretary of State within that accounting period.

Revocation of Rules

14. The Rules and Amendments set forth in the Second Schedule to these Rules are hereby revoked to the extent specified in the third column of the said Schedule:

Provided that—

(i) without prejudice to the provisions of section 38 of the Interpretation Act, 1889, any thing done under any provision of any of the Rules or Amendments hereby revoked which could have been done under a corresponding provision of these Rules shall be deemed to have been done under that provision ;

(ii) any step of procedure carried out under any provision of any of the Rules or Amendments hereby revoked shall not be affected by such revocation ;

(iii) where any provision of these Rules is more beneficial to a teacher or other person than a corresponding provision of any of the Rules or Amendments hereby revoked, the said provision shall not be construed as relating to any period before these Rules come into operation unless the Secretary of State otherwise directs.

Citation and commencement

15.—(1) These Rules may be cited as the Superannuation Rules for Teachers (Scotland), 1952.

(2) These Rules shall come into operation on 1st April, 1952.

James Stuart,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
17th March, 1952.

SCHEDULES

FIRST SCHEDULE

RULE 10 (9)

ALLOCATION DECLARATION UNDER ARTICLE 44 OF THE SUPERANNUATION SCHEME FOR TEACHERS (SCOTLAND), 1952, AND THE RULES RELATING THERETO

Name in full. I.....
hereby declare that I desire to surrender £.....of my pension under article 44 of the Superannuation Scheme for Teachers (Scotland), 1952, and the Rules relating thereto in return for the grant of

*(*a*) a pension payable in accordance with Option A, to

Name in full. .....
the beneficiary named by me on Form....., or

*(*b*) an annuity payable to me and a pension payable to

Name in full. .....
the beneficiary named by me on Form....., in accordance with Option B.

Signature .....

Date .....

Superannuation Number .....

* Strike out either paragraph (*a*) or (*b*) whichever is inapplicable.

SECOND SCHEDULE

RULE 14

RULES REVOKED

Registered Number	Description	Extent of Revocation
S.R. & O. 1926 (No. 356) p. 460.	The Teachers' Superannuation Rules (Scotland), 1926.	The whole Rules so far as not already revoked.
S.R. & O. 1937 (No. 1193) p. 709.	The Teachers' Superannuation (Allocation of Pension) Rules (Scotland), 1937.	The whole Rules so far as not already revoked.
S.R. & O. 1944 (No. 1159) I, p. 100.	The Amendment (1944) of the Teachers' Superannuation Rules (Scotland), 1926.	The whole Amendment.
S.R. & O. 1946 (No. 203) I, p. 479.	The Amendment (1946) of the Teachers' Superannuation Rules (Scotland), 1926.	The whole Amendment.

EXPLANATORY NOTE

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

These Rules consolidate, with minor amendments, the Rules relating to the Scottish Teachers' Superannuation Scheme.

1952 No. 464

The Superannuation Scheme for Teachers (Scotland), 1952, Approval Order, 1952

Made - - - - 10*th March*, 1952

At the Court at Clarence House, the 10th day of March, 1952

Present

The Queen's Most Excellent Majesty in Council

Whereas the Secretary of State has, in the exercise of the powers conferred on him by section 101 of the Education (Scotland) Act, 1946(a), framed a Scheme entitled the Superannuation Scheme for Teachers (Scotland), 1952, (hereinafter referred to as "the Scheme of 1952") to consolidate and amend the Superannuation Scheme for Teachers (Scotland), 1919(b), the amendments of the said Scheme and certain Rules relating thereto, and the Superannuation Scheme for Teachers (Scotland), 1926(c), the amendments and supplementary provisions of the said Scheme and certain of the Rules relating thereto:

(a) 9 & 10 Geo. 6. c. 72. (b) S.R. & O. 1919/1105; 1919 I, p. 688.
(c) S.R. & O. 1926/363; 1926, p. 449.