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.

And Whereas the Scheme of 1952 has been laid before each House of Parliament in accordance with the provisions of the said section, and neither House has presented an Address praying Her Majesty to withhold Her assent from the said Scheme, or from any part thereof:

Now, therefore, Her Majesty, having taken the Scheme of 1952 (a copy whereof is hereunto annexed) into consideration, is pleased, by and with the advice of Her Privy Council, to approve the same and to order, as it is hereby ordered, as follows:—

1. The said Scheme shall come into operation on the 1st day of April, 1952.

2. This Order may be cited as the Superannuation Scheme for Teachers (Scotland), 1952, Approval Order, 1952.

F. J. Fernau.

SCHEME referred to in the foregoing Order in Council

The Superannuation Scheme for Teachers (Scotland), 1952

Framed - - - 25*th January*, 1952
Laid before Parliament 29*th January*, 1952

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SCHEME

Part I

GENERAL PROVISIONS

Interpretation

1.—(1) The Interpretation Act, 1889(**a**), applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

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

General Definitions

2.—(1) In this Scheme unless the context otherwise requires—

(*a*) "Act of 1898" means the Elementary School Teachers (Superannuation) Act, 1898(**b**);

(*b*) "Act of 1908" means the Education (Scotland) Act, 1908(**c**);

(*c*) "Act of 1918" means the Education (Scotland) Act, 1918(**d**);

(*d*) "Act of 1919" means the Education (Scotland) (Superannuation) Act, 1919(**e**);

(*e*) "Act of 1922" means the Education (Scotland) (Superannuation) Act, 1922(**f**);

(*f*) "Act of 1925" means the Education (Scotland) (Superannuation) Act, 1925(**g**);

(*g*) "Act of 1939" means the Education (Scotland) (War Service Superannuation) Act, 1939(**h**);

(*h*) "Act of 1945" means the Education (Scotland) Act, 1945(**i**);

(*i*) "Act of 1946" means the Education (Scotland) Act, 1946;

(*j*) "National Insurance modifications" means the reductions in contributions and in pensions consequent upon the passing of the National Insurance Act, 1946(**j**), prescribed respectively in subsection (1A) of section 103 of the Act of 1946 and in articles 21 and 42 of this Scheme;

(*k*) "retiring allowance" means a yearly pension during life (hereinafter referred to as a "pension") and a lump sum calculated and paid or payable in accordance with the provisions of the Part of this Scheme under which the retiring allowance is awarded;

(**a**) 52 & 53 Vict. c. 63.
(**b**) 61 & 62 Vict. c. 57.
(**c**) 8 Edw. 7. c. 63.
(**d**) 8 & 9 Geo. 5. c. 48.
(**e**) 9 & 10 Geo. 5. c. 17.
(**f**) 12 & 13 Geo. 5. c. 48.
(**g**) 15 & 16 Geo. 5. c. 55.
(**h**) 2 & 3 Geo. 6. c. 96.
(**i**) 8 & 9 Geo. 6. c. 37.
(**j**) 9 & 10 Geo. 6 c. 67.

(*l*) "Scheme of 1911" means the Superannuation Scheme for Teachers made by the Scotch Education Department in pursuance of section 14 of the Act of 1908;

(*m*) "Scheme of 1919" means the Superannuation Scheme for Teachers in Scotland, dated 5th June, 1919, and approved by His Majesty in Council on 30th July, 1919;

(*n*) "Scheme of 1926" means the Superannuation Scheme for Teachers (Scotland), 1926;

(*o*) "Scottish Teachers' Superannuation Fund" means the superannuation fund constituted under section 14 of the Act of 1908;

(*p*) "Secretary of State" means one of His Majesty's Principal Secretaries of State; provided that in relation to anything done before 4th September, 1939, the said words shall be construed as a reference to the Scottish Education Department as constituted before the said date;

(*q*) "service" includes "first class service", "second class service" and "third class service". The said expressions respectively mean the employments described in articles 5, 6 and 7 of this Scheme and any other employment or break in employment which by any article of this Scheme is deemed to be, and directed to be recorded as, first class service, second class service or third class service, as the case may be;

(*r*) "whole-time paid employment" does not include employment for part of a day, whether such employment immediately precedes or immediately follows employment for a whole day or not;

(*s*) a reference to employment in His Majesty's dominions shall be deemed to include a reference to employment in any country within the Commonwealth, or in any country in respect of which a mandate or a trust is being exercised by the Government of any part of the said dominions or of any country within the Commonwealth, or in any territory which is under His Majesty's protection, or in any country not being a foreign country, provided that if the reference to His Majesty's dominions specifically excludes Scotland, England, Wales and Northern Ireland or any of them, the extension of the reference by this definition shall not have the effect of including a country so excluded.

(2) On and after the day upon which this Scheme comes into operation references in Part IV of, and in the Third Schedule to, the Act of 1946 shall be construed as follows:—

(*a*) "service" shall mean "first class service";

(*b*) "teacher", in relation to a teacher to whom Part III of this Scheme applies, shall mean a teacher as defined in the said Part, and, in relation to a teacher to whom Part IV applies, a teacher as defined in the said Part; and

(*c*) " the said Scheme as modified by amendments taking effect on or after the said first day of April " shall mean Part IV of this Scheme and the provisions of Part I, Part II and Part V applicable thereto, and " the Scheme as amended before the said date " shall mean Part III of this Scheme and the provisions of Part I, Part II and Part V applicable thereto.

Application of Parts III and IV

3.—(1) Part III of this Scheme shall apply—

(*a*) to all teachers who discontinued first class service before 1st April, 1919, being teachers who immediately before the said day were in receipt of or entitled to a retiring allowance under the Scheme of 1911, or who, having made contributions to the Scottish Teachers' Superannuation Fund, had not applied for the return of such contributions before the said day;

(*b*) to all teachers who were in first class service at any time between 1st April, 1919, and 31st March, 1926, but have not been in first or second class service since the end of the said period;

(*c*) to any teacher who—

(i) was in first class service on 1st April, 1926, or was in first class service before the said day and returned or returns to such service after the said day; and

(ii) has given notice to the Secretary of State under the conditions and to the effect set forth in section 5 of the Act of 1925, or has given or gives similar notice under subsection (2) of section 100 of the Act of 1946; and

(*d*) to any teacher who—

(i) was in first class service at any time between 1st April, 1919, and 31st March, 1926; and

(ii) has not been in first class service but has been in second class service since the end of the said period:

Provided that he has applied to the Secretary of State to determine that the Scheme of 1926 or Part IV of this Scheme shall not apply to him and that the Secretary of State has so determined.

(2) Part IV of this Scheme shall apply—

(*a*) to all teachers who have been or are in first class service on or after 1st April, 1926, except teachers to whom Part III of this Scheme applies in accordance with sub-paragraph (*c*) of the last foregoing paragraph; and

(*b*) to all teachers described in sub-paragraph (*d*) of the last foregoing paragraph to whom Part III of this Scheme does not apply.

Part II

SERVICE

Recording of Service

4. The Secretary of State shall maintain a record of the service of every teacher to whom this Scheme applies containing such information as he may consider necessary for the purposes of this Scheme. There shall be entered in the said record all service extending to one day or more. Service shall be recorded as being of one of the three classes described in the three next following articles of this Scheme.

Employments to be recorded as first class service

5.—(1) The employments described in this article shall be recorded as first class service, that is to say, whole-time paid employment of a teacher who has not attained the age of sixty-five years in connection with education in Scotland in any of the employments set forth in the next following paragraph or in any combination of any of the said employments:

Provided that—

(i) where a teacher who is employed temporarily and is paid at a rate per day in respect of each day of actual employment is so employed on the day immediately preceding and on the day immediately following any week-end period during which the schools or other educational establishments at which he is employed do not meet, or on the day immediately preceding and on the day immediately following a special holiday, the teacher shall, for the purposes of this article, be deemed to be employed continuously throughout the week-end period or on the special holiday and his employment shall be recorded accordingly, but he shall not be deemed to be employed on other days when the schools or other educational establishments do not meet;

(ii) where with the special sanction of the Secretary of State a teacher to whom Part IV of this Scheme applies holds a conjoint appointment in an employment described in sub-paragraphs (*a*) to (*g*) of paragraph (2) of this article and in an employment described in head (i) of sub-paragraph (*c*) of paragraph (2) of article 6 of this Scheme, the time spent in the latter employment may be deemed to have been spent in the former employment for the purpose of determining whether the former employment is whole-time employment;

(iii) in the case of employment in a school to which sub-paragraph (*i*) of paragraph (2) of this article relates, the efficiency of the school is maintained to the satisfaction of the Secretary of State and the conditions set forth in article 13 of this Scheme continue to be fulfilled.

(2) The employments referred to in the last foregoing paragraph are:—

(*a*) employment in a day school as defined in section 34 of the Act of 1908 or in a public school or a grant-aided school;

(*b*) employment in a class recognised under the Evening Continuation School Code of the Scotch Education Department, or the Science and Art Directory in so far as related to evening classes in Scotland, or the Codes of Regulations for Continuation Classes in Scotland of 1915, 1926(**a**) or 1936(**b**), or the Adult Education (Scotland) Regulations,

(**a**) S.R. & O. 1925/1366; 1925, p. 313.
(**b**) S.R. & O. 1936/791; Rev. VI, p. 627; 1936 I, p. 911.

1934(a), or in an institution approved under the Adult Education (Scotland) (Residential Institutions) Regulations, 1938(b) or the Adult Education (Scotland) (Residential Institutions) Grant Regulations, 1951(c);

(*c*) employment in a certified reformatory or industrial school in Scotland or in an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1937(d);

(*d*) employment in a school conducted or aided by an education authority in terms of section 8 of the Act of 1918;

(*e*) employment in a school in receipt of or eligible for aid from an education authority in terms of section 9 (1) of the Act of 1918 or section 25 (1) of the Act of 1946 and inspected on behalf of the Secretary of State and found to be efficient;

(*f*) employment in or in connection with a Training Centre or a Training College;

(*g*) employment in or in connection with a Central Institution;

(*h*) employment in or in connection with a course of instruction conducted under section 13 of the Unemployment Act, 1934(e), or section 76 of the Unemployment Insurance Act, 1935(f);

(*i*) employment in any school which on 1st April, 1926, was recognised by the Scottish Education Department for the purposes of article 1 (7) (*d*) of the Scheme of 1919;

(*j*) employment as a director of education, or as a deputy or assistant director of education, or as an organising or supervising teacher under an education authority, or as a teacher or organiser in any other capacity approved by the Secretary of State;

(*k*) employment in service recorded under the Education (Scotland) (War Service Superannuation) Act, 1914(g), or under the Act of 1939.

Employments to be recorded as second class service

6. The following employments of teachers who have not attained the age of sixty-five years shall be recorded as second class service, that is to say:—

(1) in the case of all such teachers—

(*a*) employment which is "recognised service" or "contributory service" within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946;

(*b*) employment, approved by the Secretary of State for the purposes of this article, as a civil servant;

(2) in the case of such teachers to whom Part IV of this Scheme applies—

(*a*) employment which is "recognised service" or "contributory service" within the meaning of the Teachers (Superannuation) Act (Northern Ireland), 1950(h), provided that such employment shall not be recorded in the case of a teacher who is excluded from the provisions of the Teachers' Superannuation (Reciprocal Arrangements) Scheme, 1929(i);

(a) S.R. & O. 1934/1343; Rev. VI, p. 617; 1934 I, p. 549.
(b) S.R. & O. 1938/811; Rev. VI, p. 621; 1938 I, p. 1188.
(c) S.I. 1951/740; 1951 I, p. 605.
(d) 1 Edw. 8 & 1 Geo. 6. c. 37.
(e) 24 & 25 Geo. 5. c. 29.
(f) 25 & 26 Geo. 5. c. 8.
(g) 4 & 5 Geo. 5. c. 67.
(h) 14 & 15 Geo. 6. c. 33 (N.I.).
(i) S.R. & O. 1929/54 (N.I.).

(*b*) employment which is treated as approved external service for purposes of the Teachers (Superannuation) Acts by virtue of any scheme made under section 21 (1) (*c*) of the Teachers (Superannuation) Act, 1925(**a**);

(*c*) employment in respect of which contributions are payable under the Federated Superannuation System for Universities, being—

(i) employment in a university or university college in the United Kingdom; or

(ii) employment as a full-time teacher in the United Kingdom not being employment consisting wholly of service in a university or university college, and if such employment comprises both employment in a university or university college and employment of another kind this sub-paragraph applies only to such employment of another kind; or

(iii) other employment not included in the two foregoing categories;

(*d*) employment in the Royal College of Art as a full-time teacher in respect of which contributions are payable under the Royal College of Art Staff Pension Scheme;

(*e*) employment as an educational officer or in some other educational capacity in the service of the British Broadcasting Corporation, being employment which is pensionable or in respect of which contributions are payable to a provident fund;

(*f*) employment as a full-time teacher in the Naval, Military or Air Forces of the Crown or in any of the Women's Services mentioned in the First Schedule to the Superannuation Act, 1946(**b**), being employment which is pensionable or in respect of which contributions are payable to a provident fund but not being (i) service undertaken by virtue of an enlistment notice served under the National Service Act, 1948(**c**), or (ii) employment which is reckonable for the purposes of any scheme made under section 21 (1) (*b*) of the Teachers (Superannuation) Act, 1925;

(*g*) employment as a social worker in respect of which contributions are payable to the Social Workers' Pension Fund;

(*h*) employment in the service of the British Council in respect of which contributions are payable under the British Council Overseas Service Pension Scheme;

(*i*) employment as an official of any association of teachers in Scotland approved by the Secretary of State for the purposes of this article which is pensionable by the said association or in respect of which contributions are payable to a provident fund;

(*j*) employment in a university or university college in any part of His Majesty's dominions outside the United Kingdom in respect of which contributions are payable under any general scheme applicable to such universities and colleges for providing benefits upon retirement;

(*k*) employment, approved by the Secretary of State for the purposes of this article, as a civil servant in the service of the Government of any part of His Majesty's dominions outside Great Britain, being employment which is pensionable by that Government but not being employment specified in sub-paragraph (*b*) of this paragraph;

(a) 15 & 16 Geo. 5. c. 59. (b) 9 & 10 Geo. 6. c. 60.
(c) 11 & 12 Geo. 6. c. 64.

(*l*) employment as a full-time teacher in the service of any such Government as aforesaid, in respect of which contributions are payable to a provident fund ;

(*m*) employment as a full-time teacher in the service of a public authority in any part of His Majesty's dominions outside Great Britain, being employment which is pensionable or in respect of which contributions are payable to a provident fund but not being employment specified in sub-paragraph (*b*) of this paragraph ;

(*n*) other employment which is " approved external service " within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946, not being employment which is first class service ;

(*o*) employment in any other capacity approved by the Secretary of State for the purposes of this article:

Provided that, with the exception of employment specified in sub-paragraph (*b*) of paragraph (2) of this article, any such employment as is specified in the said paragraph (2) shall not be recorded as second class service if the teacher claims that it shall not be so recorded.

Employments to be recorded as third class service

7. The following employments shall be recorded as third class service, that is to say:—

(1) employment as a teacher in any part of His Majesty's dominions, if approved by the Secretary of State for the purpose, other than employment which is recorded as second class service under sub-paragraphs (*j*), (*k*), (*l*) or (*m*) of paragraph (2) of the last foregoing article ;

(2) employment which is deemed to be third class service in accordance with the provisions of paragraph (3) of article 49 of this Scheme in respect of a return of contributions ;

(3) employment which would have been first class service or second class service if it had been of a teacher who had not attained the age of sixty-five years and if it is approved by the Secretary of State for the purpose ;

(4) war service to which the provisions of subsection (2) of section 5 of the Act of 1939 apply ;

(5) other employment which is " qualifying service " within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946, not being employment which is first class service or second class service.

Recording of employment not previously recordable

8.—(1) Where the Secretary of State in the exercise of the power conferred on him by sub-paragraph (*j*) of paragraph (2) of article 5 of this Scheme approves any employment of a teacher by an education authority on or after 2nd July, 1945, as being first class service, the teacher, if he is one to whom Part IV of this Scheme applies, may make application to the Secretary of State within the prescribed time and in the prescribed manner that employment of a similar kind before the date upon which the approval begins to operate be treated as if it had been first class service, and the Secretary of State may direct accordingly:

Provided that if, when making such an application, the teacher requests that employment before any date specified by him shall not be so treated, his employment before that date shall not be so treated by virtue of this article.

(2) Where a teacher makes an application under this article which relates, whether wholly or in part, to employment after 31st May, 1922, he shall be liable to pay the appropriate contributions to the Secretary of State in respect

of that employment in accordance with rules made by the Secretary of State; and no employment after the said date shall be treated as first class service within the meaning of this Scheme by virtue of this article unless the appropriate contributions are so paid in respect thereof.

(3) For the purposes of this article, the appropriate contributions are the contributions which would have been payable by the teacher in respect of the employment in question under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, if the employment had been service within the meaning of the Scheme of 1926:

Provided that notwithstanding that the said teacher is a teacher of the first or second category within the meaning of article 33 of this Scheme, the said contribution shall not be reduced as provided in subsection (IA) of section 103 of the Act of 1946.

(4) Where, in order to undertake war service, a teacher has ceased to be in employment which by virtue of this article is treated as first class service within the meaning of this Scheme, the provisions of the Act of 1939 shall have effect with respect to his period of war service, including any such period which falls after 2nd July, 1945.

Recording of periods of absence on sick leave

9. A period of absence from first class service on sick leave shall be treated as a period of first class service:

Provided that—

(i) if the teacher has been continuously absent for a period exceeding 12 months, only the first 12 months shall be so treated;

(ii) if a medical certificate has been given which satisfies the Secretary of State that the teacher has become permanently incapable through infirmity of mind or body of serving efficiently as a teacher or is suffering from a disease which is likely to persist for a prolonged period or which makes it undesirable that he should be in close contact with children, only the part of the period up to and including the date upon which the said certificate was given or up to and including such other date as the Secretary of State may fix in any particular case shall be so treated;

(iii) if in respect of any part of the period no salary was receivable by the teacher or the salary receivable by him together with sickness benefit paid or payable under the National Insurance Act, 1946, was less than half the salary which he would have received had he not been so absent, that part of the period shall not be so treated.

Recording of periods of absence owing to incapacity

10. Where a teacher to whom Part IV of this Scheme applies—

(1) has satisfied the Secretary of State that he has become permanently incapable through infirmity of mind or body of serving efficiently as a teacher and has been granted a retiring allowance under article 40 or a gratuity under article 45 of this Scheme; and

(2) subsequently ceases to be incapable of serving efficiently and resumes first class service;

the period of incapacity may be treated as a period of third class service.

Recording of breaks in service

11.—(1) If the first class service of a teacher to whom Part IV of this Scheme applies is discontinued—

(*a*) for a period not exceeding five years, or not exceeding such longer period as the Secretary of State may in the special circumstances of a particular case direct, in the case of a teacher who during that period is employed—

(i) as a teacher in any part of His Majesty's dominions outside the United Kingdom ; or

(ii) as a teacher in any school in a foreign country which is shown to the satisfaction of the Secretary of State to be a school in which it is expedient to facilitate the employment of British teachers ; or

(iii) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers ; or

(*b*) for such period not exceeding five years as the Secretary of State may approve for the purpose of enabling the teacher to gain special experience of value in teaching ; or

(*c*) for a period not exceeding one year in any other case ;

the said teacher may with the consent of the Secretary of State and at such times as he may require pay into the Education (Scotland) Fund in respect of the period during which service was discontinued sums equal to ten per cent. of his salary as at the date of discontinuing service and, if he so contributes, the said period shall be deemed to be a period of first class service within the meaning of this Scheme:

Provided that—

(i) one-half of any amount paid under this article shall be reckoned as contributions by the teacher, and the remaining half shall be reckoned as having been paid by way of employer's contributions ;

(ii) where the Secretary of State requires a payment to be made into the Education (Scotland) Fund at a time more than six months after the end of the financial year to which the payment relates, there shall be added to the sum to be so paid compound interest thereon from 1st October next following the end of the said financial year to the date upon which payment is made calculated at the rate of four per cent. per annum with yearly rests.

(2) In relation to a period during which the service of a teacher was discontinued, being a period after the date upon which National Insurance modifications first applied to him, any reference in this article to a contribution shall be construed as a reference to a contribution reduced by an amount calculated at the rate of £4 16s. 0d. a year in the case of a teacher who is a man, and at the rate of £5 18s. 0d. a year in the case of a teacher who is a woman.

Independent superannuation schemes

12.—(1) Notwithstanding anything in any enactment, a teacher to whom Part IV of this Scheme applies, being a teacher employed in first class service, shall not be subject to an independent superannuation scheme in respect of that employment.

(2) Where a teacher who became or becomes employed in first class service on or after 2nd July, 1945,—

(*a*) has, within one year before he became so employed, been subject to an independent superannuation scheme ; and

(*b*) would, but for the fact that such employment is first class service, be subject to such a scheme in respect of such employment ;

such employment shall not be treated as first class service, and he shall be subject to the independent superannuation scheme accordingly:

Provided that if any teacher who is subject to an independent superannuation scheme by virtue of the foregoing provisions of this paragraph elects by notice in writing to the Secretary of State and to the body administering the scheme given within three months of his becoming employed in first class service to withdraw from the said scheme, the said provisions shall not have effect in relation to any employment in which he is employed after the election takes effect.

(3) Where any teacher makes such an election, the election shall take effect as from 2nd July, 1945, or as from the time when he entered the employment in which he is for the time being employed, whichever is the later.

(4) Where any such election is made by a teacher who is a contributory employee or a local Act contributor as defined by the Local Government Superannuation (Scotland) Act, 1937(**a**), he shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to that fund calculated in accordance with subsection (5) of section 10 of the said Act of 1937, or, as the case may be, in accordance with the corresponding provision of the local Act scheme, together with compound interest on those contributions, calculated to the date on which he ceases to be a contributory employee or a local Act contributor at the rate of three per cent. per annum with half-yearly rests.

(5) In this article the expression " independent superannuation scheme " means:—

(*a*) any superannuation scheme (including a superannuation scheme established by or under any public general or local Act of Parliament or provisional order confirmed by Parliament) which provides for the payment of contributions to a fund by any local authority or the persons responsible for the management of any educational establishment or other educational institution, and for the payment out of that fund, in respect of service rendered to the authority or to those persons, of benefits on disablement, retirement, attainment of any specified age, or death, but does not include the Scheme of 1919, the Scheme of 1926 or this Scheme ; and

(*b*) any system of superannuation (not being a system established by or under any public general or local Act of Parliament or provisional order confirmed by Parliament) operated jointly by the governing bodies of a number of educational establishments or other educational institutions for the purpose of providing such benefits as aforesaid in respect of the service of persons employed by them.

(a) 1 Edw. 8 & 1 Geo. 6. c. 69.

Special conditions applicable to certain schools

13.—(1) The conditions which shall continue to be fulfilled in terms of proviso (iii) to paragraph (1) of article 5 of this Scheme by a school described in sub-paragraph (*i*) of paragraph (2) of the said article to secure that employment therein shall continue to be recorded as first class service shall be as follows, that is to say:—

(*a*) such proportion of the pupils as the Secretary of State may consider reasonable shall each year be presented for the Scottish Leaving Certificate or shall give such other proof of having received efficient instruction as the Secretary of State may determine;

(*b*) the school shall be conducted by a responsible governing body constituted by and acting under a scheme, trust deed or other instrument which is accepted by the Secretary of State as satisfactory;

(*c*) the school shall not be conducted for private profit, provided that in the case of a school conducted by an incorporation this condition shall be deemed to be fulfilled if the articles of association provide that no dividend, bonus or other benefit in excess of a gross total of five per cent. per annum is paid upon the subscribed capital;

(*d*) subject to the provisions of article 17 or article 34 of this Scheme, as the case may be, the salary of every teacher shall be paid at a fixed annual rate and shall not be dependent, in the case of a residential school, upon any income accruing in respect of boarding fees or, in the case of an incorporation, upon the amount of dividend, bonus or other benefit to be paid upon the subscribed capital; and

(*e*) the governing body shall furnish such returns and information as may from time to time be required by the Secretary of State, and such returns shall include the periodical submission of a certified statement of accounts.

(2) If a school ceases to be maintained to the satisfaction of the Secretary of State or to satisfy any of the conditions prescribed in the last foregoing paragraph, or if a formal application is made by the governing body to the Secretary of State that service in the school shall no longer be recorded under this Scheme, the Secretary of State may discontinue the recording of service as from such date as he may fix, but without prejudice to any interests under the Scheme of 1919, the Scheme of 1926 or this Scheme acquired by past and present teachers of the school.

Part III

SPECIAL PROVISIONS APPLICABLE TO CERTAIN TEACHERS WITH A VESTED INTEREST IN 1926

INTERPRETATION

Interpretation of Part III

14. In this Part of this Scheme unless the context otherwise requires—

(1) "pensionable salary" has the meaning assigned to it in article 18 of this Scheme;

(2) "salary" has the meaning assigned to it in article 17 of this Scheme;

(3) "teacher" has the meaning assigned to it by article 15 of this Scheme.

TEACHERS

Persons deemed to be teachers for the purposes of Part III

15.—(1) For the purposes of this Part of this Scheme the expression "teacher" means a person of any of the following classes who has fulfilled any condition applicable to his class set forth in the next following paragraph of this article, that is to say:—

(*a*) persons who are certificated teachers;

(*b*) persons not being certificated teachers who hold posts as directors, lecturers or teachers employed in or in connection with central institutions, training centres or training colleges and who possess qualifications approved by the Secretary of State as appropriate for holders of the respective posts; and

(*c*) persons who possess any other qualifications approved by the Secretary of State as appropriate for holders of the posts which they respectively hold.

(2) Persons of the classes described in sub-paragraphs (*b*) and (*c*) of the last foregoing paragraph must, in such manner as the Secretary of State may require, satisfy him of their physical capacity, of their practical experience of teaching and of their efficiency as teachers.

Classification of teachers in relation to National Insurance

16.—(1) In connection with the passing of the National Insurance Act, 1946, teachers to whom this Part of this Scheme applies shall be classified in two categories, and teachers shall belong to the said categories as follows, that is to say:—

(*a*) teachers of the second category shall be those teachers who have given or give notice in the manner prescribed in article 2A of the Scheme of 1919 or in this article that they elect that National Insurance modifications shall apply to them:

Provided that it shall not be competent for a teacher who in pursuance of the provisions of paragraph (*a*) of subsection (3) of section 71 of the National Insurance Act, 1946, and of the National Insurance Act, 1946 (Appointed Day) Order, 1948(**a**), is deemed to attain pensionable age on 5th July, 1958, to give such notice; and

(*b*) teachers of the third category shall be those teachers who do not give such notice.

(2) A teacher in service on 1st July, 1948, (in this Part of this Scheme referred to as "the material date") shall remain of the third category unless he has given notice in the form prescribed in the First Schedule to this Scheme on or before 30th September, 1948, or, if he was not in service on the material date, unless he has given or gives notice within three months after the date on which he first re-entered or re-enters service after the material date. Notice given under this paragraph shall be irrevocable.

(3) National Insurance modifications shall apply to teachers of the second category as from the material date where notice has been given before the said date, and as from the date of re-entry into first class service in any other

(a) S.I. 1948/54; Rev. XVI, p. 1; 1948 I, p. 2615.

case, provided that where a teacher, being a voluntary contributor for an old age pension, has given notice before the material date, the said modifications shall apply to him as from the material date or the date of re-entry into first class service whichever was the earlier.

SALARY

Calculation of salary

17.—(1) For the purposes of this Part of this Scheme "salary" means the aggregate of the emoluments, whether in money or in kind, receivable by a teacher in respect of employment which is recorded as first class service:

Provided that if the salary in any year exceeds £3,000, or in any part of a year exceeds the proportion of £3,000 which that part bears to a year, the salary shall be deemed to be £3,000 or the said proportion, as the case may be.

(2) The emoluments referred to in the last foregoing paragraph shall be deemed to include:—

(*a*) payments by way of bonus or allowance in respect of increased cost of living for any period after 31st March, 1944;

(*b*) the annual value (as entered in the valuation roll) of any house made available rent free to the teacher by his employers or the amount of any allowance paid in lieu thereof;

(*c*) the amount of occupier's rates in respect of the house occupied by the teacher, where the employers are under obligation to pay the said rates; and

(*d*) if the teacher and the Secretary of State so agree, payments to the teacher out of any bequest or endowment one of the objects of which is to secure special emoluments to any class of teachers or to teachers of any special locality.

(3) Where a teacher is absent on sick leave and there is deducted from his salary the amount of any sickness benefit paid or payable to him under the National Insurance Act, 1946, his salary for the purpose of calculating the sums payable in terms of section 103 of the Act of 1946 towards the cost of providing benefits under this Scheme shall be deemed to include the amount of the said deduction.

(4) Where a teacher is absent on sick leave and receives in respect of any period not less than half of the salary he would have received had he not been so absent, the reduced amount which he receives shall, subject to the provisions of the last foregoing paragraph, be deemed to be his salary for the said period for the purpose of calculating the sums payable in terms of section 103 of the Act of 1946 towards the cost of providing benefits under this Scheme.

Calculation of pensionable salary

18. "Pensionable salary" in relation to a teacher means the average amount of the teacher's salary in respect of his employment for the five years of first class service (whether continuous or not) immediately preceding retirement or the attainment by the teacher of the age of sixty-five years, whichever is the earlier, or, if the teacher has not been in first class service for five such years, the average amount of salary during the period of first class service before the attainment by the teacher of the said age:

Provided that where a teacher has been absent on sick leave and has received a reduced salary during any period taken into account for the purpose of calculating his pensionable salary, his salary during the said period shall be deemed to have been the salary which in the opinion of the Secretary of State he would have received had he not been so absent.

RETIREMENT AND BENEFITS

Retirement

19.—(1) Except where the Secretary of State otherwise determines on the application of the education authority or, in the case of a school or institution not under the management of an education authority, of the governing body of the said school or institution, and for good cause shown, every teacher shall retire on attaining the age of sixty-five years.

(2) A retiring allowance may be granted to any teacher who retires—

(*a*) on or after attaining the age of sixty years ; or

(*b*) on satisfying the Secretary of State that he has become permanently incapable owing to infirmity of mind or body of being an efficient teacher (regard being had to the nature of his employment):

Provided that—

(i) the teacher's completed years of first class service with or without second class service amount to not less than ten years ;

(ii) where the teacher retires under sub-paragraph (*b*) of this paragraph, his infirmity was not caused by his own misconduct or default, and that he has been employed in first class service or in second class service within one year before the date on which he applies for a retiring allowance under this article.

(3) Where a retiring allowance is granted to a teacher who retires under sub-paragraph (*b*) of the last foregoing paragraph—

(*a*) the pension shall be payable—

(i) from the day next following that on which the teacher ceases to be employed, or

(ii) from the day next following the last day in respect of which he was entitled to receive payment in respect of his employment,

whichever is the later, or, if the application for the allowance has been made after the later of the said dates, from the date of the application or from such earlier date as the Secretary of State, having regard to all the circumstances, thinks proper ; and

(*b*) until the teacher attains the age of sixty years—

(i) he shall, when required by the Secretary of State, submit himself at intervals of not more than three years for examination by a qualified medical practitioner with a view to ascertaining whether he remains incapable of serving efficiently as a teacher ; and

(ii) he may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher ;

and if, as a result of any such medical examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher, he shall end the payment of the pension, and the teacher may return to first class service.

Calculation of retiring allowances

20. The retiring allowance to be granted to a teacher under the last foregoing article of this Scheme shall be—

(1) a pension of an amount not exceeding one-eightieth of the pensionable salary of the teacher in respect of each completed year of first class service or one-half of his pensionable salary, whichever is the less; and

(2) a lump sum not exceeding an amount equal to one-thirtieth of the pensionable salary of the teacher in respect of each completed year of first class service, or to one-and-a-half times his pensionable salary, whichever is the less:

Provided that any person who is granted a superannuation allowance or a gratuity in respect of service in England and Wales recorded in terms of the Act of 1898, or the Teachers (Superannuation) Acts, 1918 to 1946, or (should the Secretary of State in any particular case so determine) in respect of service as an established Civil Servant of the Crown, shall be eligible, subject to such conditions as may be prescribed, for any benefit that would have been granted to him in respect of first class service in Scotland had he been in first class service within the meaning of this Scheme when the said superannuation allowance or gratuity was granted, and in reckoning such benefit his pensionable salary shall be deemed to be the salary on which the said superannuation allowance or gratuity was calculated.

Reduction of pensions in consequence of National Insurance

21. The pension payable under the last foregoing article to a teacher of the second category within the meaning of article 16 of this Scheme who has attained the age of sixty-five years, if a man, or sixty years, if a woman, shall, for each completed year of first class service after the date upon which National Insurance modifications first applied to him, be reduced by the sum set forth in the second or third column of the Third Schedule to this Scheme opposite to the age of the teacher on the said date, as set forth in the first column of the said Schedule:

Provided that—

(i) in computing any reduction years of first class service beyond forty years shall be ignored;

(ii) where a teacher has been in second class service and in first class service, and his period of first class service is reduced by a deduction prescribed in paragraph (4) of article 41 of this Scheme (which period as so reduced is herein called "the reduced period"), the period of first class service in respect of which his pension shall be reduced under this article shall be the reduced period less the period, if any, of his first class service before National Insurance modifications applied to him.

Benefits to persons in receipt of allowances on 1st April, 1919

22.—(1) In the case of any teacher who on 1st April, 1919, was in receipt of or, if having discontinued first class service, was entitled to—

(*a*) an allowance under the Act of 1898; or

(*b*) a retiring allowance paid in terms of the Scheme of 1911 or under article 118 of the Code of Regulations for Day Schools, 1915; or

(*c*) a retiring allowance paid by a Provincial Committee for the Training of Teachers; or

(*d*) a retiring allowance granted with the approval of the Scottish Education Department by the managers of a Central Institution;

the Secretary of State shall continue to make payment to such person in lieu of the allowance already payable of a pension equal in amount thereto.

(2) There shall further be paid annually to every such person an additional amount for each year of first class service, at the following rates:—

Serial No.	Amount of pension payable in terms of paragraph (1) of this article	Additional amount for each year of service
1	Under £100	£1
2	£100 and under £200	15s.
3	£200 and over	10s.

Provided that in the case of a teacher with a pension described opposite to Serial No. 2 or Serial No. 3 of the foregoing table, the additional amount shall be calculated at the rate shown opposite to the preceding serial for such number of years as shall bring the pension and additional amount up to the maximum that could be obtained by any teacher with a pension described opposite to the said serial for the corresponding number of years of service and shall thereafter be calculated at the rate for teachers with a pension described opposite to Serial No. 2 or Serial No. 3, as the case may be.

(3) In any case where the pension payable under paragraph (1) of this article is less than £100, the additional amount for each year of service payable under paragraph (2) may, as from 1st January, 1925, be increased by not more than £1, provided that any such increase shall not be so great as to raise the total pension payable to the teacher in terms of this article above the amount to which he would have been entitled had his pension under paragraph (1) been £100, or his total means from all sources (save any retiring allowance from an education authority or other educational body) above the value of £150 per annum, or in the case of married persons, or of widowers or widows with one or more children or step-children under sixteen years of age dependent upon them, above £200 per annum; and any such increase may be varied from time to time in order to secure the continued fulfilment of the last-named condition.

(4) All increases under the last foregoing paragraph shall be granted, and payment thereof shall be made, subject to the condition that it shall be competent for any education authority or other educational body, should they so resolve, to reduce by a like amount or any smaller amount any retiring allowance granted by them to the teacher.

Supplements to pensions

23. If a pension under this Part of this Scheme does not exceed £52 per annum, and if the Secretary of State considers that some supplementary payment should be made, he may make such supplementary payment as he sees fit, not exceeding the amount required to bring the pension up to £52, having regard to the teacher's length of service, income from other public sources and any relevant considerations.

Gratuities to infirm teachers

24. Where a teacher who is not qualified for the grant of a pension—

(1) has been employed in first class service for not less than one year;

(2) has been so employed within one year before the date on which he applies for a gratuity under this article; and

(3) has satisfied the Secretary of State that he has become permanently incapable owing to infirmity of mind or body of being an efficient teacher (regard being had to the nature of his employment) and that his infirmity has not been caused by his own misconduct or default;

the Secretary of State shall, subject to the provisions of this Scheme, grant to him a disablement gratuity of an amount not exceeding one-twelfth of his pensionable salary in respect of each completed year of first class service:

Provided that until the teacher attains the age of sixty years he may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher, and if, as a result of any such medical examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher, the teacher may return to first class service.

Death gratuities

25. Where a teacher who has been employed in first class service with or without second class service for periods amounting in the aggregate to not less than five years—

(1) dies while in first class service; or

(2) dies after discontinuing first class service but before he has established a claim to a retiring allowance or to a gratuity under article 24 of this Scheme or, if he has established such a claim, before he has become entitled to receive payment of the said allowance or gratuity, and the Secretary of State is satisfied that there were special circumstances which made it reasonable that the teacher should not have established the said claim or become entitled to the said payment;

the Secretary of State shall, subject to the provisions of this Scheme, grant to the personal representatives of the said teacher a death gratuity of the greater of the two following sums, that is to say:—

(*a*) a sum not exceeding an amount equal to the pensionable salary of the teacher after deducting from such pensionable salary the amount of any lump sum or disablement gratuity previously paid to him, whether under the Scheme of 1919 or this Scheme or under the Teachers (Superannuation) Acts, 1918 to 1946; or

(*b*) a sum not exceeding the lump sum which the Secretary of State might have granted to him in terms of article 20 hereof if at the date of his death or discontinuance of first class service he had become permanently incapable of serving efficiently as a teacher.

Supplementary death gratuities

26. Where a teacher dies after having retired but before the aggregate amount of the sums received or receivable by him up to the time of his death on account of retiring allowance and of any superannuation allowance (inclusive of any additional allowance) awarded in respect of first

class service, or of second class service of the kinds specified in paragraph (1) of article 6 of this Scheme, is equal to the amount of his pensionable salary, then, provided that he was in first class service at the conclusion of the period which was taken into account in determining the amount of the said salary, the Secretary of State may grant to his personal representatives a supplementary death gratuity not exceeding the difference between the amount of the pensionable salary and the said aggregate amount.

Return of contributions to teachers

27.—(1) Subject to the provisions of the next following paragraph, every teacher who has made contributions to the Scottish Teachers' Superannuation Fund, and who on 1st April, 1919, was not in receipt of or entitled to a retiring allowance from that Fund, shall be entitled on application to the Secretary of State to have the full amount of his contributions returned, and on such return being made the teacher shall cease to have any claim upon the said Fund. If any such teacher entitled to the return of contributions shall die before payment is made to him, then payment of the amount due shall on application be made to his personal representatives.

(2) A teacher who has made contributions to the Scottish Teachers' Superannuation Fund and has discontinued first class service before 1st April, 1919, without applying for the return of his contributions may, if he sees fit, decline the return of his contributions under the last foregoing paragraph. If such a teacher does not resume first class service, and if before discontinuing he had been in first class service with or without second class service for not less than ten years, then, on attaining the age of sixty years, he shall be entitled to a retiring allowance to be calculated in terms of the Scheme of 1911.

(3) If any teacher satisfies the Secretary of State that it is impossible for him by reason of his age to complete ten years of first class service before attaining the age of sixty-five years—

(*a*) the provisions of section 103 of the Act of 1946 (which relates to the payment of contributions towards the cost of providing benefits under this Scheme) shall as from the date when he so satisfies the Secretary of State cease to apply to him ; and

(*b*) he shall be entitled to have returned to him a sum equal to the aggregate amount of any contributions paid by him or on his behalf under the Act of 1922, the Act of 1925 or the Act of 1946 after deducting any sum previously received by him by way of benefit under the Scheme of 1919 or this Scheme.

(4) If—

(*a*) any teacher, being a woman, withdraws from first class service on or within one year after marriage and at any time thereafter satisfies the Secretary of State that she does not intend to resume first class service ; or

(*b*) any teacher when he attains the age of sixty-five years is not qualified for a retiring allowance ;

that teacher shall be entitled to have returned to him a sum equal to the aggregate amount of any contributions paid by him or on his behalf under the Act of 1922, the Act of 1925 or the Act of 1946 after deducting any sums previously received by him by way of benefit under the Scheme of 1919 or this Scheme.

(5) Where any teacher has had contributions returned to him under either of the last two foregoing paragraphs he shall cease to be qualified to receive any benefits under this Scheme save any deferred annuity payable in respect of contributions made in terms of the Act of 1898.

Return of contributions to personal representatives

28. Where a teacher dies without having received any benefits under the Scheme of 1919 or this Scheme, and without having had contributions returned to him, his personal representatives shall, if a death gratuity is not payable to them under this Scheme, be entitled to the payment of a sum equal to the aggregate amount of any contributions paid by or on behalf of the teacher under the Act of 1922, the Act of 1925 or the Act of 1946.

Deferred annuities

29.—(1) Where a teacher has made contributions under the Act of 1898 and is not in receipt of a disablement allowance under that Act or a retiring allowance in respect of disablement in terms of sub-paragraph (*b*) of paragraph (2) of article 19 of this Scheme, he shall, on making application to the Secretary of State, when he has attained the age of sixty-five years, receive the deferred annuity represented by such contributions in addition to the retiring allowance payable under this Scheme.

(2) Where a teacher has made such contributions and is in receipt of any such allowance, any annuity which he would have received under the last foregoing paragraph had he not been in receipt of the said allowance shall be paid into the Education (Scotland) Fund.

Resumption of service by retired teachers

30.—(1) Where a teacher returns to first class service under sub-paragraph (*b*) of paragraph (3) of article 19 of this Scheme, any lump sum payable on retirement after further first class service shall be calculated only on the years of service after resumption.

(2) Where a teacher returns to first class service under article 24 of this Scheme, any lump sum or gratuity payable to him on retirement after further first class service shall be reduced by the amount of the gratuity previously awarded.

(3) Where a teacher in receipt of a pension is employed by an education authority, or by the managers of any school or institution which is under Government inspection or in receipt of grants from public funds, the pension payable in respect of the period during which he is so employed shall be reduced by such amount as the Secretary of State shall determine:

Provided that—

(i) such reduction shall not cause his pension, together with the salary and emoluments of his employment and any superannuation benefit in respect of second class service, to be less than his terminal salary as taken into account in calculating such pension;

(ii) where National Insurance modifications apply to the teacher, the pension to be taken into account shall be the pension reduced as provided in article 21 of this Scheme.

Part IV

PROVISIONS APPLICABLE TO TEACHERS TO WHOM THE SPECIAL PROVISIONS OF PART III DO NOT APPLY

INTERPRETATION

Interpretation of Part IV

31. In this Part of this Scheme unless the context otherwise requires—

(1) " balance ", in relation to a teacher's contributions, has the meaning assigned to it by article 37 of this Scheme ;

(2) " Health Regulations " means the National Health Service (Scotland) (Superannuation) Regulations, 1950(**a**) ;

(3) " pensionable salary " has the meaning assigned to it by article 35 of this Scheme ;

(4) " salary " has the meaning assigned to it by article 34 of this Scheme ;

(5) " teacher " has the meaning assigned to it by article 32 of this Scheme.

TEACHERS

Persons deemed to be teachers for the purposes of Part IV

32.—(1) For the purposes of this Part of this Scheme the expression " teacher " means a person of any of the following classes who has fulfilled the conditions, if any, applicable to his class set forth in the next following paragraph of this article, that is to say :—

(*a*) persons who are certificated teachers ;

(*b*) persons who have been deemed to be teachers under paragraph (*a*) of section 1 of the Act of 1939 ;

(*c*) persons not being certificated teachers who hold posts as directors, lecturers or teachers employed in or in connection with central institutions, training centres or training colleges and who possess qualifications approved by the Secretary of State as appropriate for holders of the respective posts ;

(*d*) headmasters of approved schools within the meaning of the Children and Young Persons (Scotland) Act, 1937 ; and

(*e*) persons who possess any other qualification approved by the Secretary of State as appropriate for holders of the posts which they respectively hold.

(2) Persons of the classes described in sub-paragraphs (*c*), (*d*) and (*e*) of the last foregoing paragraph must, in such manner as the Secretary of State may require, satisfy him of their physical capacity, of their practical experience of teaching and of their efficiency as teachers.

(a) S.I. 1950/498; 1950 I, p. 1458.

Classification of teachers in relation to National Insurance

33.—(1) In connection with the passing of the National Insurance Act, 1946, teachers to whom this Part of this Scheme applies shall be classified in three categories, and teachers shall belong to the said categories as follows, that is to say:—

(*a*) teachers of the first category shall, subject to the provisions of this article, be those teachers who have entered or enter upon first class service for the first time on or after 1st July, 1948 (hereinafter in this Part of this Scheme referred to as "the material date");

(*b*) teachers of the second category shall, subject to the provisions of this article, be existing teachers who have given or give notice in the manner prescribed in this article that they elect that National Insurance modifications shall apply to them:

Provided that it shall not be competent for an existing teacher who is pursuance of the provisions of paragraph (*a*) of subsection (3) of section 71 of the National Insurance Act, 1946, and of the National Insurance Act, 1946 (Appointed Day) Order, 1948, is deemed to attain pensionable age on 5th July, 1958, to give such notice; and

(*c*) teachers of the third category shall, subject to the provisions of this article, be existing teachers who do not give such notice.

(2) In this article the expression "existing teacher" means—

(*a*) a teacher who was employed in first class service at any time before the material date, including any period of first class service claims in respect of which have been restored to the teacher on repayment by him of contributions returned to him or would have been so restored had such repayment been made, but excluding any period of employment which is treated as service under article 8 of this Scheme; and

(*b*) a person who before 1st March, 1948, had completed a course of training for teachers approved for the purpose of this article by the Secretary of State (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 first class service within six months after completing his approved course 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.

(3) An existing teacher in first class service on the material date shall remain of the third category unless he has given notice in the form prescribed in the First Schedule to this Scheme on or before 30th September, 1948, or, if he was not in first class service on the material date, within three months after the date on which he first entered or enters or re-entered or re-enters first class service after the material date. Notice given under this paragraph shall be irrevocable.

(4) Where a person became or becomes employed in first class service within twelve months of ceasing to serve in the capacity of a civil servant and was or is entitled to have his employment as a civil servant treated as second class service, he shall be—

(*a*) a teacher of the first category if he was subject to the modified scheme of superannuation as a civil servant; or

(*b*) a teacher of the second category if, being a person who was not subject to the modified scheme of superannuation as a civil servant, he gives notice (which shall be irrevocable) within three months after the date on which he becomes employed in first class service, in the form prescribed in the Second Schedule to this Scheme ; or

(*c*) a teacher of the third category if, being a person of the description mentioned in the last foregoing sub-paragraph, he does not give such notice.

(5) Where a teacher re-entered or enters first class service after the material date, being a teacher—

(*a*) to whom sub-paragraph (*a*) of paragraph (1) of article 6 of this Scheme applies in respect of employment in England and Wales or sub-paragraph (*a*) of paragraph (2) of the said article applies in respect of employment in Northern Ireland ; and

(*b*) whose position has been determined in relation to modifications made, in connection with the passing of the National Insurance Act, 1946, or of any corresponding enactment for Northern Ireland, upon the scheme for the provision of pensions for teachers in England and Wales or in Northern Ireland, as the case may be ;

he shall on entering first class service belong to the category which in the opinion of the Secretary of State corresponds to his position in relation to the said modifications. Where his position has not been so determined, the provisions of paragraph (3) of this article shall apply to him as they apply to a teacher who was not in first class service on the material date.

(6) Where a person to whom the provisions of Part I of the Health Regulations apply entered or enters first class service and thereupon became or becomes subject to the provisions of sub-paragraph (*c*) of paragraph 1 of regulation 49 of the said Regulations, he shall, if before 5th July, 1948, he became subject to the modifications for which regulation 34 of the said Regulations provides, be a teacher of the second category, and if he became so subject on or after the said date, of the first category.

(7) National Insurance modifications shall apply to a teacher of the second category as from the material date where notice has been given before the said date, and as from the date of entry or re-entry into first class service in any other case, provided that where an existing teacher, being a voluntary contributor for an old age pension, has given notice before the material date, the said modifications shall apply to him as from the material date, or the date of entry or re-entry into first class service whichever is the earlier.

Salary and Contributions

Calculation of salary

34.—(1) For the purposes of this Part of this Scheme " salary " in relation to employment which is recorded as first class service means the aggregate of the emoluments, whether in money or in kind, receivable by a teacher in respect of such employment:

Provided that if the salary in any year exceeds £3,000, or in any part of a year exceeds the proportion of £3,000 which that part bears to a year, the salary shall be deemed to be £3,000 or the said proportion, as the case may be.

(2) The emoluments referred to in the last foregoing paragraph shall be deemed to include:—

(*a*) payments by way of bonus or allowances in respect of increased cost of living for any period after 31st March, 1944;

(*b*) the annual value (as entered in the valuation roll) of any house made available rent free to the teacher by his employers or the amount of any allowance paid in lieu thereof;

(*c*) the amount of occupier's rates in respect of the house occupied by the teacher, where the employers are under obligation to pay the said rates; and

(*d*) if the teacher and the Secretary of State so agree, payments to the teacher out of any bequest or endowment one of the objects of which is to secure special emoluments to any class of teachers or to the teachers of any special locality.

(3) Notwithstanding anything in the last foregoing paragraph, if the Secretary of State is of opinion that the emoluments of a teacher in respect of any period which is taken into account in calculating pensionable salary show an unreasonable increase, he may direct that the salary of the said teacher during the said period shall be deemed to be such sum as he may fix.

(4) Where a teacher is absent on sick leave and there is deducted from his salary the amount of any sickness benefit paid or payable to him under the National Insurance Act, 1946, his salary for the purpose of calculating the sums payable in terms of section 103 of the Act of 1946 towards the cost of providing benefits under this Scheme shall be deemed to include the amount of the said deduction.

(5) Where a teacher is absent on sick leave and receives in respect of any period not less than half of the salary he would have received had he not been so absent, the reduced amount which he receives shall, subject to the provisions of the last foregoing paragraph, be deemed to be his salary for the said period for the purpose of calculating the sums payable in terms of section 103 of the Act of 1946 towards the cost of providing benefits under this Scheme.

(6) Where benefit payable under this Scheme is calculated in whole or in part on salary paid in respect of employment which is recorded as second class service, the teacher's salary to be taken into account in the said calculation in respect of the said employment shall, unless the Secretary of State otherwise directs, be his salary as assessed by the authorities responsible for the administration of the pension scheme applicable to the employment.

Calculation of pensionable salary

35. "Pensionable salary" in relation to a teacher means the average amount of his salary in respect of the last five years of his employment in service (whether continuous or not), being first class service, or second class service in which in the opinion of the Secretary of State teaching experience is of value or was of value when the teacher entered the employment, or, if he has not been in first class service or in such second class service for an aggregate of five years, the average amount of his salary during his actual period of such service:

Provided that—

(i) employment in service after a teacher has attained the age of sixty-five years shall not be taken into account;

(ii) employment in second class service of the kinds described in head (iii) of sub-paragraph (*c*) and sub-paragraphs (*f*) to (*o*) of paragraph (2) of article 6 of this Scheme shall not be taken into account;

(iii) where a teacher has been absent on sick leave and has received a reduced salary during any period taken into account for the purpose of calculating his pensionable salary, his salary during the said period shall be deemed to have been the salary which in the opinion of the Secretary of State he would have received had he not been so absent.

Employer's contributions in respect of service not previously recorded

36.—(1) Subject to the provisions of this article, where any employment after 15th May, 1923, including any period of war service, is treated as first class service within the meaning of this Scheme by virtue of article 8 of this Scheme, the contributions (in this article referred to as "employer's contributions") which would have been payable under the Act of 1922, the Act of 1925 or the Act of 1946 by the teacher's employer in respect of that employment shall be paid to the Secretary of State by the education authority by whom the teacher in question is employed in first class service when he first becomes entitled to make an application under the said article 8.

(2) Where a teacher who has been a contributory employee or a local Act contributor, as defined by the Local Government Superannuation (Scotland) Act, 1937, (in this article referred to as "a Local Government Superannuation Act employee") becomes, not more than one year after ceasing to be a Local Government Superannuation Act employee, entitled to make an application under the said article 8, no employer's contributions shall be payable in respect of any employment which he was, immediately before he last ceased to be a Local Government Superannuation Act employee, entitled to reckon for superannuation purposes under the said Act of 1937 or under any local Act scheme as defined by that Act.

(3) In lieu of the employer's contributions which would have been payable in respect of any employment but for the last foregoing paragraph, there shall be paid to the Secretary of State in respect of that employment, out of the appropriate superannuation fund, a sum equivalent to the difference between the sum which has become or will become payable out of that fund in respect of the past contributions of the teacher who made the application (including any sum payable as interest upon such contributions) and the transfer value which would have been payable out of that fund under section 24 of the Local Government Superannuation (Scotland) Act, 1937, if, after he last ceased to be entitled to participate in the benefits of the fund, the said teacher had forthwith become entitled to participate in the benefits of another superannuation fund maintained under that Act or under a local Act scheme as defined by that Act:

Provided that the sum paid to the Secretary of State by virtue of this paragraph in respect of any employment shall not exceed the aggregate amount of the contributions which would have been payable under the Act of 1922, the Act of 1925 and the Act of 1946, by the teacher's employer in respect of that employment.

(4) For the purpose of the last foregoing paragraph—

(*a*) the appropriate superannuation fund is the fund in the benefits of which the teacher in question was last entitled to participate as a Local Government Superannuation Act employee before becoming entitled to make the application under the said article 8; and

(*b*) the expression "past contributions" in relation to a contributory employee includes all such contributions as are mentioned in subsection (5) of section 10 of the Local Government Superannuation (Scotland) Act, 1937, and in relation to a local Act contributor shall be construed accordingly.

(5) Where a teacher ceased to be employed in any capacity in respect of which he was a Local Government Superannuation Act employee in order to undertake service which he was entitled to reckon for superannuation purposes by virtue of the Act of 1939, paragraphs (2), (3) and (4) of this article shall have effect as if he had continued to be a Local Government Superannuation Act employee during the period of service which he was so entitled to reckon.

(6) Any reference in this article to the contributions which would have been payable under the Act of 1922, the Act of 1925 or the Act of 1946 by the teacher's employer in respect of the employment of any teacher shall, in relation to a period of war service, be construed as a reference only to such employer's contributions as would have been payable in respect of his service during that period, if immediately before undertaking war service he had been employed by an education authority, governing body or other body of managers.

(7) In this article, references to employment which is treated as first class service by virtue of article 8 of this Scheme shall be deemed to include references to employment which was treated as service within the meaning of the Scheme of 1926 by virtue of article 3C of that Scheme.

Calculation of balance of contributions

37. For the purposes of this Part of this Scheme, "balance" in relation to a teacher's contributions at any date at which the balance is computed means the amount by which the aggregate of the contributions paid by him towards the cost of providing benefits under this Scheme together with compound interest on the said contributions to that date exceeds the aggregate of any sums paid or payable under this Scheme to him or to his personal representatives (otherwise than by way of repayment under article 49) together with compound interest thereon to that date:

Provided that—

(i) where the teacher has been employed in recognised or contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1946, or of the Teachers (Superannuation) Act (Northern Ireland), 1950, as well as in first class service within the meaning of this Scheme, the balance shall be calculated as follows:—

(*a*) the contributions paid by him in respect of the said recognised or contributory service, and the contributions paid by him under the Act of 1922, the Act of 1925 and the Act of 1946 (excluding any contributions which have been previously repaid), together with compound interest on all of the said contributions (not being contributions so excluded) up to the date as at which the balance is to be computed, shall be aggregated;

(*b*) from the sum thus arrived at, there shall be deducted a sum equal to the aggregate of any sums (excluding any contributions which have been previously repaid) paid or payable to him or to his personal representatives in respect of the said recognised or contributory service, and of any sums so paid under this Scheme

(other than sums due by way of repayment of contributions under this Part of this Scheme), together with compound interest up to that date on the sums so aggregated;

(ii) where a teacher has surrendered part of his pension in accordance with the provisions of article 44 of this Scheme or part of any superannuation allowance under the provisions of section 1 of the Teachers (Superannuation) Act, 1937(a), or of section 14 of the Teachers (Superannuation) Act (Northern Ireland), 1950, the sums payable under the Scheme to him or to his personal representatives (including any sums paid to him or them under the Teachers (Superannuation) Act, 1925, or the Teachers (Superannuation) Act (Northern Ireland), 1950), shall be taken to be the sums which would have been so payable but for the surrender;

(iii) where the teacher has been an officer to whom the Health Regulations applied and has become entitled to reckon any period of employment as first class service by virtue of regulation 49 of the said Regulations, the amount of his contributions within the meaning of the said Regulations shall for the purpose of computing the balance be added to the aggregate of the contributions paid by him towards the cost of providing benefits under this Scheme;

(iv) any contributions in respect of any period of service which is recorded as third class service in accordance with the provisions of paragraph (3) of article 49 or paragraph (3) of article 50 of this Scheme or under the said Regulations shall be excluded in calculating the aggregate of the teacher's contributions unless the contributions have been repaid by the teacher and the period has again been recorded as first class service under either of the said paragraphs;

(v) compound interest on contributions paid by a teacher towards the cost of providing benefits under this Scheme and upon sums paid or payable to him or to his personal representatives shall be calculated at the rate of three per cent. per annum with yearly rests and, except where otherwise provided, shall begin to run from the date prescribed by Rules made under article 55 of this Scheme;

(vi) compound interest on contributions paid under the Health Regulations shall be calculated in the manner provided in regulation 22 of the said Regulations up to the date upon which the teacher entered first class service within the meaning of this Scheme, or, if any such contributions were returned to him before that date, up to the date of such return.

RETIREMENT AND BENEFITS

Retirement

38.—(1) Except where the Secretary of State otherwise determines on the application of the education authority concerned, or, in the case of a school or institution not under the management of an education authority, of the governing body of such school or institution, and for good cause shown, every teacher shall retire on attaining the age of sixty-five years.

(a) 1 Edw. 8 & 1 Geo. 6. c. 47.

(2) No employment of a teacher who has attained the age of sixty-five years shall be taken into account for the purpose of assessing benefits under this Scheme, and no award of benefit thereunder shall be made before the termination of such employment.

Allowances on retirement through age

39. Subject to the provisions of this Scheme, the Secretary of State shall grant a retiring allowance to any teacher who is no longer employed in first class service or second class service and who—

(1) has attained the age of sixty years and has been employed in service being first class service with or without second class service and with or without third class service—

(*a*) in any case except one to which the next following sub-paragraph applies, for thirty years ; and

(*b*) in the case of a teacher who is or has been a married woman, for thirty years less the number not exceeding ten of completed years during which she was while married absent from first, second or third class service:

Provided that, in calculating the length of service, years of third class service in excess of twenty shall not be counted ; or

(2) being a teacher to whom the Act of 1898 applied on 1st April, 1919, or a holder of the Teacher's General Certificate to whom the Scheme of 1911 applied on the said date, has attained the age of sixty years and has been employed in first class service with or without second class service for periods equal in the aggregate to not less than half the period between the date on which he became certificated and the date on which he attained or will attain the age of sixty-five years ; or

(3) has attained the age of sixty years and has, either since the date of commencement of the first period during which he was employed in first or second class service or since the date of commencement of any later period during which he was so employed—

(*a*) been employed for not less than ten years in first class service with or without second class service ; and

(*b*) been so employed for periods equal in the aggregate to not less than two-thirds of the period between the relevant date of commencement aforesaid and the date on which he attained or will attain the age of sixty-five years:

Provided that where for the purposes of the last foregoing paragraph a date other than the date of commencement of the said first period is used, his pension shall begin to accrue, and his lump sum shall become due, on 28th May, 1948, or on the day following the day of his retirement, whichever is the later.

Allowances on retirement through infirmity

40.—(1) Subject to the provisions of this Scheme, the Secretary of State shall grant a retiring allowance to any teacher who, having been employed in first class service with or without second class service for not less than ten years and having been so employed within one year before the date on which he applies for a retiring allowance under this article, satisfies the Secretary of State that before attaining the age of sixty-five years he has become

permanently incapable through infirmity of mind or body of serving efficiently as a teacher (regard being had to the nature of his employment) or that he is suffering from a disease which is likely to persist for a prolonged period and which makes it undesirable that he should be in close contact with children, and that his infirmity or disease has not been caused by his own misconduct or default.

(2) Where a retiring allowance is granted to a teacher under the last foregoing paragraph the pension shall be payable—

(*a*) from the day next following that on which the teacher ceases to be so employed, or

(*b*) from the day next following the last day in respect of which he was entitled to receive payment in respect of such employment,

whichever is the later, or, if application for the allowance has been made after the later of the said dates, from the date of the application or from such earlier date as the Secretary of State, having regard to all the circumstances, thinks proper.

(3) Until a teacher to whom a retiring allowance is granted under paragraph (1) of this article attains the age of sixty years—

(*a*) he shall, when required by the Secretary of State, submit himself at intervals of not more than three years for examination by a qualified medical practitioner with a view to ascertaining whether he remains incapable of serving efficiently as a teacher or whether the disease which makes it undesirable that he should be in close contact with children still persists, as the case may be ; and

(*b*) he may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher or that such disease no longer persists, as the case may be ;

and if, as a result of such medical examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher or that such disease no longer persists, as the case may be, he shall end the payment of the pension, and the teacher may return to first class service.

Calculation of retiring allowances

41.—(1) The retiring allowances to be granted under articles 39 and 40 of this Scheme shall be—

(*a*) a pension of an amount not exceeding one-eightieth of the pensionable salary of the teacher in respect of each completed year of first class service or one-half of his pensionable salary, whichever is the less ; and

(*b*) a lump sum not exceeding an amount equal to one-thirtieth of the pensionable salary of the teacher in respect of each completed year of first class service, or to one-and-a-half times his pensionable salary, whichever is the less.

(2) In the calculation of the said retiring allowances any period reckoned in determining the amount of a superannuation or other allowance or gratuity granted under the Superannuation Acts, 1834 to 1949, or any amendment thereof, or of an award of naval or military or air force non-effective pay, or of any retiring allowance granted by a local education authority or other body in England or Wales, shall not be taken into account.

(3) Where the actual period of a teacher's first class service when added to any period of second class service in respect of which a pension is payable exceeds the maximum number of completed years which may be taken into account in calculating benefit under this Scheme, there shall be deducted from the actual period of first class service—

(*a*) where the whole of such second class service is of the kind specified in sub-paragraph (*a*) of paragraph (1) or sub-paragraphs (*a*), (*b*), (*k*), (*l*) or (*m*) of paragraph (2) of article 6 of this Scheme or of any combination of these kinds, a proportion of the excess equal to the proportion which the teacher's first class service bears to the aggregate of the periods of first and of such second class service;

(*b*) where the whole of such second class service is of the kind specified in sub-paragraph (*b*) of paragraph (1) or in sub-paragraphs (*c*) to (*j*) or (*n*) or (*o*) of paragraph (2) of article 6 of this Scheme or of any combination of these kinds, a period equal to such excess;

(*c*) where such second class service is partly of the kind referred to in sub-paragraph (*a*) of this paragraph and partly of the kind referred to in sub-paragraph (*b*) of this paragraph, a proportion of the excess equal to the proportion which the teacher's first class service bears to the aggregate of that service and of such second class service as is referred to in sub-paragraph (*a*) of this paragraph.

(4) Where a teacher's actual period of first class service when added to any period of second class service in respect of which pension is payable does not exceed the maximum number of completed years of service which may be taken into account in calculating benefit under this Scheme, and where the said periods include fractions of a year, then—

(*a*) where such fractions of a year, when added together, exceed twelve months, there shall be deducted from the actual period of first class service a proportion of the excess equal to the proportion which his first class service bears to the aggregate of the periods of such first and second class service, and benefit shall be calculated by reference to the period of first class service as so reduced;

(*b*) where such fractions of a year, when added together, equal twelve months, benefit shall be calculated by reference to the actual period of first class service;

(*c*) where such fractions of a year, when added together, do not amount to twelve months, benefit shall be calculated by reference to the number of completed years of first class service.

Reduction of pensions in consequence of National Insurance

42. The pension payable under the last foregoing article to a teacher of the first or second category within the meaning of article 33 of this Scheme who has attained the age of sixty-five years, if a man, or sixty years, if a woman, shall be reduced as follows:—

(1) in the case of a teacher of the first category, for each completed year of first class service after the date upon which National Insurance modifications first applied to him, by the sum of £1:14:0d.; and

(2) in the case of a teacher of the second category, for each completed year of first class service after the date upon which National Insurance modifications first applied to him, by the sum set forth in the second

or third column of the Third Schedule to this Scheme opposite to the age of the teacher on the said date, as set forth in the first column of the said Schedule:

Provided that—

(i) the total amount of the reduction shall in no case exceed £67:15:0d. per annum;

(ii) in computing any reduction years of first class service beyond forty years shall be ignored;

(iii) any period of first class service in respect of which contributions have been or are returned to the teacher under article 22 of the Scheme of 1919, or article 14 or article 14A of the Scheme of 1926, or article 49 or article 50 of this Scheme and have not subsequently been repaid by him under paragraph (2) of article 14 of the Scheme of 1926 or paragraph (3) of article 49 of this Scheme shall be excluded;

(iv) where a teacher has been in second class service and in first class service, and his period of first class service is reduced by a deduction prescribed in paragraph (3) or paragraph (4) of article 41 of this Scheme (which period as so reduced is herein called "the reduced period"), the period of first class service in respect of which his pension shall be reduced under this article shall, if he is a teacher of the first category, be the reduced period, and if he is a teacher of the second category, be the reduced period less the period, if any, of his first class service before National Insurance modifications applied to him;

(v) any period of employment, war service or national service which is reckonable under regulation 49 of the Health Regulations, as first class service shall be treated as first class service for the purposes of this article;

(vi) in applying the Third Schedule to this Scheme to a teacher to whom paragraph (4) or paragraph (5) or paragraph (6) of article 33 of this Scheme applies, the date when he first became subject to a scheme of superannuation modified under subsection (4) of section 69 of the National Insurance Act, 1946, shall be deemed to be the date when the National Insurance modifications first applied to him.

Supplements to pensions

43. If a pension under this Scheme does not amount to £52 per annum, and if the Secretary of State considers that some supplementary payment should be made, he may make such supplementary payment as he sees fit, not exceeding the amount required to bring the pension up to £52, having regard to the teacher's length of service, income from other public sources and any relevant considerations.

Exchange of part of pension for other benefits

44.—(1) Subject to the provisions of paragraph (2) of this article and in such circumstances and subject to such conditions as to proof of good health and other matters as may be prescribed by rules made under article 55 of this Scheme, a teacher to whom a pension is granted for any reason other than infirmity of mind or body shall be allowed to surrender part of that pension as from the date of commencement thereof in return for the benefits set forth in sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (3) of this article.

(2) (*a*) A teacher shall not surrender—

(i) more than one-third of his pension; or

(ii) so much of his pension as would make the amount of the pension (as reduced by the amount surrendered) payable to him less than the amount of pension payable to the beneficiary after the teacher's death; or

(iii) a smaller amount of his pension than would secure for the beneficiary after the death of the teacher a pension equal to one-fourth of the amount of the pension (as reduced by the amount surrendered) payable to the teacher; or

(iv) an amount of his pension which is not an exact number of pounds.

(*b*) In the last foregoing sub-paragraph references to the pension payable to a teacher to whom National Insurance modifications apply mean, in heads (i) and (ii), the pension as it would have been if it had not been reduced in accordance with the said modifications and, in head (iii), the pension as so reduced.

(3) In return for the surrender of part of a pension under paragraph (1) of this article the Secretary of State shall grant, according as the teacher may in conformity with the rules elect, either—

(*a*) to the spouse or to a dependant of the teacher, a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher; or

(*b*) to the teacher, an annuity payable as from the date of commencement of the pension in respect of the period of the joint lives of himself and his spouse, and to the spouse, a pension at twice the rate of the annuity payable in respect of the period, if any, for which the spouse survives the teacher.

(4) The grant made under paragraph (3) of this article in return for each £1 of the pension surrendered by the teacher shall, subject to the provisions of the next following paragraph, be the actuarial equivalent of £1 and shall be ascertained, according to the age and sex of the teacher and to the age and sex of the beneficiary, by reference to the appropriate option table prepared by the Government Actuary in accordance with the provisions of sub-paragraph (8) of paragraph 2 of Part I of the Third Schedule to the Act of 1946 and in force at the date of commencement of the pension.

(5) The grant calculated in accordance with the last foregoing paragraph shall be reduced to such an extent as the Government Actuary considers sufficient to recoup to the Secretary of State the cost, as estimated by him, of administering the provisions of this article.

Gratuities to infirm teachers

45. Where a teacher who is not qualified for the grant of a pension—

(1) has been employed in first class service with or without second class service for not less than one year;

(2) has been so employed within one year before the date on which he applies for a gratuity under this article; and

(3) has satisfied the Secretary of State that he has become permanently incapable owing to infirmity of mind or body of being an efficient teacher (regard being had to the nature of his employment) and that his infirmity has not been caused by his own misconduct or default;

the Secretary of State shall, subject to the provisions of this Scheme, grant to him a disablement gratuity of an amount not exceeding one-twelfth of his pensionable salary in respect of each completed year of first class service:

Provided that—

(i) where a teacher's actual period of first class service when added to any period of second class service in respect of which a disablement gratuity is payable does not exceed the maximum number of completed years of service which may be taken into account in calculating the amount of the disablement gratuity under this Scheme, and where the said periods include fractions of a year, the provisions of sub-paragraph (*a*) or sub-paragraph (*b*) or sub-paragraph (*c*) of paragraph (4) of article 41 of this Scheme shall apply;

(ii) until the teacher attains the age of sixty years he may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher, and if, as a result of any such medical examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher, the teacher may return to first class service.

Death gratuities

46.—(1) Where a teacher who has been employed in first class service with or without second class service for periods amounting in the aggregate to not less than five years—

(*a*) dies while in first class service; or

(*b*) dies after discontinuing first class service but before he has established a claim to a retiring allowance or to a gratuity under article 45 of this Scheme or, if he has established such a claim, before he has become entitled to receive payment of the said allowance or gratuity, and the Secretary of State is satisfied that there were special circumstances which made it reasonable that the teacher should not have established the said claim or become entitled to the said payment;

the Secretary of State shall, subject to the provisions of this Scheme, grant to the personal representatives of the said teacher a death gratuity of the greater of the two following sums, that is to say:—

(i) a sum not exceeding an amount equal to the pensionable salary of the teacher after deducting from such pensionable salary the amount of any lump sum or disablement gratuity previously paid to him, whether under the Scheme of 1919, the Scheme of 1926 or this Scheme or under the Teachers (Superannuation) Acts, 1918 to 1946, a superannuation scheme framed under the Education Act (Northern Ireland), 1923(**a**), or the Teachers (Superannuation) Act (Northern Ireland), 1950; or

(ii) a sum not exceeding the lump sum which the Secretary of State might have granted to him in terms of article 41 hereof if at the date of his death or discontinuance of first class service he had become permanently incapable of serving efficiently as a teacher.

(a) 13 & 14 Geo. 5. c. 21 (N. I.)

(2) If, after a death gratuity had been paid to the personal representatives of a teacher under this article, a balance of contributions would also be payable under article 51 of this Scheme, the death gratuity shall not be payable.

Supplementary death gratuities

47.—(1) Where a teacher dies after having become qualified for a pension and the aggregate amount of the sums paid to him and to his personal representatives by way of pension and lump sum, whether under the Scheme of 1919, the Scheme of 1926, or this Scheme, or by way of superannuation benefit in respect of second class service of the kinds specified in paragraph (1), or sub-paragraph (*a*) of paragraph (2), of article 6 of this Scheme, is less than the amount of his pensionable salary, then, provided that he was in first class service at the conclusion of the period which was taken into account in determining the amount of the said salary, the Secretary of State shall grant to his personal representatives a supplementary death gratuity not exceeding the difference between the amount of the said salary and the said aggregate amount.

(2) Where the teacher has surrendered part of his pension in accordance with the provisions of article 44 of this Scheme or part of any superannuation allowance under the provisions of section 1 of the Teachers (Superannuation) Act, 1937, the sums paid to him and to his personal representatives by way of pension shall, for the purpose of calculating the amount of any supplementary death gratuity, be taken to be the sums which would have been so paid but for the surrender.

Special provision as to approved conjoint appointments

48. Where a teacher has held an approved conjoint post in an employment described in sub-paragraphs (*a*) to (*g*) of paragraph (2) of article 5 of this Scheme (which relates to teaching employment in Scotland) and in an employment described in head (i) of sub-paragraph (*c*) of paragraph (2) of article 6 of this Scheme (which relates to University employment), any benefit under this Scheme shall be calculated separately in relation to his service in such post and in relation to any other service. For the purpose of the former calculation his pensionable salary shall be deemed to be the average amount of the salary in respect of which contributions have been paid under the Scheme during the last five years of his service in the conjoint post or, if he has not held the post for five years, the average amount of such salary during his tenure thereof. Benefit in respect of any other service shall be calculated in accordance with the relevant provisions of the Scheme.

Return of contributions to teachers

49.—(1) Every teacher who has made contributions to the Scottish Teachers' Superannuation Fund and who on 1st April, 1919, was not in receipt of or entitled to a retiring allowance from that Fund, shall be entitled on application to the Secretary of State to have the full amount of those contributions returned, and on such return being made the teacher shall cease to have any claim upon the said Fund. If any such teacher entitled to the return of contributions shall die before payment is made to him, then payment of the amount due shall on application be made to his personal representatives.

(2) Where a teacher who is not qualified for a retiring allowance or a gratuity under this Scheme ceases to be employed in first class service and is not employed in second class service, he shall, if he continues not to be so employed for a continuous period amounting to one year or for such shorter period as in special circumstances the Secretary of State may prescribe or recognise, be entitled to have returned to him a sum equal to the balance of his contributions computed as at the date of return, provided that when he applies for the said return he is not employed in first or second class service.

(3) After contributions have been returned under the last foregoing paragraph the service in respect of which the contributions were paid shall be deemed to be and shall be recorded as third class service:

Provided that—

(i) if a teacher to whom contributions have been returned under article 22 of the Scheme of 1919, or under sub-paragraph (*a*) of paragraph (2) of article 14 of the Scheme of 1926, or under the last foregoing paragraph is subsequently employed in first class service or in second class service; or

(ii) if a teacher, having become an officer to whom the Health Regulations applied, received a return of contributions under the said Regulations on or after ceasing to be such an officer and the contributions so returned included contributions paid by him towards the cost of providing benefits under the Scheme of 1926 or this Scheme, then, if he enters first class service more than twelve months after ceasing to be so employed or if, having ceased to be so employed in order to undertake national service within the meaning of the said Regulations, he enters first class service more than six months after ceasing to be engaged in such national service;

he may at any time while he is employed in first class service or in second class service, if he satisfies the Secretary of State in the prescribed manner of his physical capacity, repay to the Secretary of State that part of the sum so returned to him which was in respect of his contributions towards the cost of providing benefits under the Scheme of 1926 or this Scheme, together with compound interest thereon from the date of return calculated at the rate of three-and-a-half per cent. per annum with yearly rests, and thereupon the service which was deemed to be third class service shall again be recorded as first class service, provided that in cases to which proviso (ii) applies such repayment shall not restore any claims in respect of service within the meaning of Regulation 15 of the said Regulations.

(4) A teacher who on attaining the age of sixty-five years has failed to become qualified for a retiring allowance under this Scheme or who at any time is refused such an allowance in terms of article 54 hereof shall be entitled to have returned to him a sum equal to the balance of his contributions computed as at the date on which the said contributions are returned or as at the date on which he attained the age of sixty-five years, whichever is the earlier.

Return of contributions to teachers on war service

50.—(1) Where, by virtue of section 1 of the Act of 1939, a teacher's period of war service is treated as if it were a period of first class service within the meaning of this Scheme, he may at any time during that period require the Secretary of State to return to him a sum equal to the balance of his contributions computed as at the date of repayment.

(2) Where any teacher makes such a requirement, his period of war service after the requirement is made shall not be treated as if it were a period of first class service within the meaning of this Scheme by virtue of the Act of 1939.

(3) Where the balance of any teacher's contributions is returned under this article, the provisions of paragraph (3) of article 49 of this Scheme shall have effect as if a return had been made under paragraph (2) of the said article.

Return of contributions to personal representatives

51. When a teacher who is or has been in first class service dies, his personal representatives shall be entitled to receive a sum equal to the balance, if any, of his contributions computed as at the date of his death.

Deferred annuities

52. Teachers who have made contributions under the Act of 1898 shall, on making application to the Secretary of State, when they have attained the age of sixty-five years receive the deferred annuity represented by such contributions in addition to any retiring allowance payable under this Scheme.

Resumption of service by retired teachers

53.—(1) A teacher to whom a retiring allowance has been awarded under article 39 of this Scheme on account of age may resume first class service at any time. A teacher to whom a retiring allowance has been awarded under article 40 or to whom a gratuity has been awarded under article 45 of this Scheme on account of infirmity may resume first class service only after he has satisfied the Secretary of State, as provided in article 40 or article 45 as the case may be, that he has ceased to be incapable of serving efficiently as a teacher.

(2) Where a teacher in receipt of a pension awarded under article 39 of this Scheme on account of age, or of the balance of such a pension remaining after part has been surrendered under article 44 of this Scheme, is again employed in first class service, the Secretary of State shall suspend or end the pension or the balance of pension, as the case may be, as from the date on which the teacher becomes so employed.

(3) Where the said teacher ceases to be so employed after having been so employed for a period of less than twelve months or for periods amounting in the aggregate to less than twelve months, the Secretary of State may restore his pension or the balance of his pension, as the case may be.

(4) Where the said teacher ceases to be so employed after having been so employed for a period of twelve months or more or for periods amounting in the aggregate to twelve months or more, the Secretary of State may grant a new retiring allowance to the teacher, and the provisions of article 41 of this Scheme shall apply, subject to the provisions of paragraph (2) of article 38 and to the following modifications:—

(*a*) the new pension shall be not less than the original pension;

(*b*) where part of the original pension was surrendered under article 44 of this Scheme, a sum equal to the said part shall be deducted from the new pension;

(*c*) where the new lump sum is greater than the lump sum originally awarded there shall be paid to the teacher in respect of lump sum only the sum whereby the new lump sum exceeds that originally awarded;

(*d*) where the new lump sum is equal to or less than the original lump sum, no payment in respect of the lump sum shall be due to or by the teacher.

(5) Where a teacher whose pension has been ended under paragraph (3) of article 40 of this Scheme on his ceasing to be incapable of serving efficiently as a teacher, or a teacher to whom a gratuity has been awarded under article 45 of this Scheme on grounds of infirmity, is again employed in first or second class service, remains in such service for a period of twelve months or more or for periods amounting in the aggregate to twelve months or more, and again ceases to be so employed, the Secretary of State may grant a retiring allowance or a gratuity, as the case may be:

Provided that—

(i) the teacher is qualified therefor under the relevant provisions of this Scheme; and

(ii) there shall be deducted from any lump sum or gratuity an amount equal to the lump sum or gratuity previously paid to him.

(6) Where a teacher in receipt of a pension or of a balance of pension is employed in any employment other than first class service and the remuneration for such employment is paid out of the Consolidated Fund or out of moneys provided by Parliament or out of the Education (Scotland) Fund or is remuneration in respect of which a grant is made out of such moneys or out of the Education (Scotland) Fund, the pension or the balance of pension payable in respect of any period of three months ending on 31st March, 30th June, 30th September or 31st December during which he is so employed shall, unless the Secretary of State considers that reduction would be inequitable, be reduced by such amount as the Secretary of State may determine:

Provided that—

(i) such reduction shall not cause the pension or the balance of pension together with the salary and emoluments of his employment and any superannuation benefit in respect of second class service, to be less for any such period than a sum equal to one quarter of the annual rate of his salary at the date on which he last discontinued service in so far as the said salary was taken into account in calculating his pensionable salary;

(ii) where National Insurance modifications apply to the teacher, the pension to be taken into account shall be the pension reduced as provided in article 42 of this Scheme;

(iii) where the teacher has surrendered part of his pension in accordance with the provision of article 44 of this Scheme, the annual rate of his salary at the date on which he last discontinued service shall for the purpose of proviso (i) of this paragraph be deemed to have been reduced by the amount so surrendered.

Refusal or reduction of benefits

54. Where a teacher who has applied for a retiring allowance or gratuity, or in respect of whom a death gratuity has been applied for, has been dismissed or otherwise ceased to serve as a teacher in consequence of grave misconduct, or has been guilty of such misconduct as, in the opinion of the Secretary of State, has accelerated his death or retirement, the Secretary of State may either refuse a retiring allowance or gratuity or grant a retiring allowance or gratuity at a reduced rate, provided that he may at any time thereafter, if he is of opinion that for any reason it is proper so to do, either grant the allowance or gratuity or pay it in full.

Part V

SUPPLEMENTARY PROVISIONS

General powers of the Secretary of State

55.—(1) The Secretary of State may from time to time make rules for the purpose of giving effect to the provisions of Part IV of the Act of 1946 and of this Scheme.

(2) The Secretary of State may extend any time within which anything is required to be done under this Scheme if he considers that there are reasonable grounds for so doing.

(3) Any question which arises as to the application of any part of this Scheme to any person, or as to the amount of any retiring allowance, pension, lump sum, gratuity, annuity or payment, or as to the return of contributions, or as to the grant, refusal, suspension or cessation of any retiring allowance, pension, lump sum, gratuity, annuity or payment, or as to the recording of any service or the amount of any salary or pensionable salary shall be decided by the Secretary of State, whose decision shall be final.

Proof of title of personal representatives

56.—(1) Where any sum not exceeding £200 is payable under this Scheme to the personal representatives of a teacher or of any other person who has died, confirmation or other proof of title of the personal representatives may be dispensed with, and the sum may be paid or distributed to the person or among the persons appearing to the Secretary of State to be beneficially entitled to the personal estate of the said teacher or other person.

(2) Where this Scheme authorises any sum to be paid to the personal representatives of a teacher or other person who has died, or where any teacher or other person to whom any sum is payable under this Scheme has died before payment thereof and there are no personal representatives of such teacher or other person, it shall be in the power of the Secretary of State to pay the said sum or any part thereof to any dependant of such deceased teacher or other person.

Reprinting of Scheme with amendments

57.—(1) Where this Scheme is amended by an amending Scheme framed and approved as provided in section 101 of the Act of 1946, or by any other instrument, the Scheme may be reprinted under the authority of His Majesty's Stationery Office and effect may be given in the said reprint to the amendments made by the said amending Scheme or other instrument. The articles and other sub-divisions of the Scheme may be renumbered and relettered so as to secure consecutive numbering and lettering, and cross references may be adjusted accordingly.

(2) The heading of the reprinted Scheme shall include the short title of this Scheme and of the amending Schemes or other instruments by which it has been amended.

The Scottish Teachers' Superannuation Fund

58.—(1) The National Debt Commissioners shall continue to hold the Scottish Teachers' Superannuation Fund. The moneys of the Fund may be reinvested by the Commissioners in any securities which are for the time being authorised by Parliament as investments for Savings Banks funds.

(2) The Commissioners shall pay out of the Fund to the Secretary of State the sums required for the return of teachers' contributions in terms of paragraph (1) of article 27 and paragraph (1) of article 49 of this Scheme.

(3) The interest and dividends arising from the Fund in any year shall be paid by the Commissioners to the Secretary of State, who shall apply the same in the reduction of the charge that would otherwise fall upon the Education (Scotland) Fund.

Protection of benefits against diligence of creditors

59. Every assignation of or charge on any retiring allowance, pension, lump sum, gratuity, annuity or other sum payable under this Scheme to a teacher or his personal representatives or to the spouse or dependant of the teacher or to the personal representatives of the said spouse or dependant shall be void, and no such allowance, pension, lump sum, gratuity, annuity or other sum shall be liable to arrestment or shall, on the sequestration of a person entitled thereto or on the appointment of a judicial factor on his estate under section 163 of the Bankruptcy (Scotland) Act, 1913(**a**), pass to the trustee or judicial factor, without prejudice, however, to the making of an Order under section 148 of the said Act or under any similar enactment extending to England and Wales or to Northern Ireland.

Special provision as to women teachers who marry

60. Where National Insurance modifications apply to a woman teacher, they shall continue to apply to that teacher notwithstanding that she marries and elects thereafter to qualify for retirement pension under the National Insurance Act, 1946, by virtue of her husband's insurance.

Application of provisions relating to Northern Ireland

61.—(1) The provisions of this Scheme relating specifically to Northern Ireland shall not apply with respect to any allowance, pension or gratuity which became payable, or would if these provisions had been in operation have become payable, before 1st April, 1929.

(2) The Secretary of State shall accept as final any decision by the Ministry of Finance as to a teacher's service in Northern Ireland.

Revocation of schemes and instruments

62. The schemes and other instruments set forth in the Fourth Schedule to this Scheme 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 rule, award or grant made, or any certificate, notice, direction or approval given, or any thing done under any provision of any of the schemes or other instruments hereby revoked shall, if in force immediately before the date upon which this Scheme comes into operation, continue in force notwithstanding such revocation in like manner as if it had been made, given, or done under this Scheme, and in so far as it could have been made, given, or done under a particular provision of this Scheme, shall be deemed to have been made, given, or done under that provision;

(ii) any vested interest acquired under any provision of any of the schemes or other instruments hereby revoked shall not be affected by such revocation;

(iii) where any provision of this Scheme confers a benefit upon any teacher or other person which was not conferred by any scheme or instrument hereby revoked or which is more beneficial to a teacher or other person than a corresponding provision of any scheme or other instrument so

(**a**) 3 & 4 Geo. 5. c. 20.

revoked, the said provision of this scheme shall not be construed as relating to any period before this Scheme comes into operation unless the Secretary of State otherwise directs.

Citation

63. This Scheme may be cited as the Superannuation Scheme for Teachers (Scotland), 1952.

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

St. Andrew's House,
Edinburgh, 1.
25th January, 1952.

SCHEDULES

FIRST SCHEDULE

Articles 16 *and* 33

PRESCRIBED FORM OF NOTICE TO BE GIVEN BY AN EXISTING TEACHER THAT HE DESIRES NATIONAL INSURANCE MODIFICATIONS OF THE PROVISIONS OF THE EDUCATION (SCOTLAND) ACT, 1946, AND THE SUPERANNUATION SCHEME FOR TEACHERS (SCOTLAND), 1952, AND OTHER INSTRUMENTS TO APPLY TO HIM.

I.....
Date of birth.....
Superannuation No.....
being
*(i) a teacher to whom Part III of the Superannuation Scheme for Teachers (Scotland), 1952, applies,
*(ii) an existing teacher within the meaning of article 33 of the Superannuation Scheme for Teachers (Scotland), 1952,
hereby notify the Secretary of State that I desire to be classed as a teacher of the second category within the meaning of article 16 or article 33 of the said Scheme. I understand that the modifications of the Education (Scotland) Act, 1946, the said Scheme and other instruments relating to the superannuation of teachers made in consequence of the passing of the National Insurance Act, 1946, will apply to me, and that this notice is irrevocable.

Signed .....
Date .....
Address .....
.....

* Delete whichever is inapplicable.

SECOND SCHEDULE

Article 33

PRESCRIBED FORM OF NOTICE TO BE GIVEN BY A PERSON WHO BECOMES EMPLOYED IN FIRST CLASS SERVICE WITHIN TWELVE MONTHS OF CEASING TO SERVE IN THE CAPACITY OF A CIVIL SERVANT THAT HE DESIRES NATIONAL INSURANCE MODIFICATIONS OF THE PROVISIONS OF THE EDUCATION (SCOTLAND) ACT, 1946, THE SUPERANNUATION SCHEME FOR TEACHERS (SCOTLAND), 1952, AND OTHER INSTRUMENTS TO APPLY TO HIM.

I.....
Date of birth.....
Superannuation No.....
being a person who has become employed in first class service within the meaning of the Superannuation Scheme for Teachers (Scotland), 1952, within twelve months of ceasing to serve in the capacity of a civil servant and has not been subject to the modified scheme of superannuation as a civil servant, hereby

notify the Secretary of State that I desire to be classed as a teacher of the second category within the meaning of article 33 of the said Scheme. I understand that the modifications of the Education (Scotland) Act, 1946, the said Scheme and other instruments relating to the superannuation of teachers made in consequence of the passing of the National Insurance Act, 1946, will apply to me, and that this notice is irrevocable.

Signed .....
Date .....
Address .....
.....

THIRD SCHEDULE

Articles 21 *and* 42

REDUCTIONS TO BE MADE IN THE PENSIONS PAYABLE TO TEACHERS OF THE SECOND CATEGORY AT THE AGE OF SIXTY-FIVE YEARS IN THE CASE OF MEN AND SIXTY YEARS IN THE CASE OF WOMEN

Age of existing teacher at date of modification	Yearly reduction of pension for each completed year of first class service after date of modification	
Column 1	Column 2 Men	Column 3 Women
Years	£ s. d.	£ s. d.
20 or under	1 14 0	1 14 0
21	1 13 0	1 12 0
22	1 12 0	1 10 6
23	1 11 0	1 9 0
24	1 10 0	1 7 6
25	1 9 6	1 6 0
26	1 9 0	1 4 6
27	1 8 6	1 3 6
28	1 8 0	1 2 6
29	1 7 0	1 1 6
30	1 6 6	1 0 6
31	1 6 0	19 6
32	1 5 6	19 0
33	1 5 0	18 6
34	1 4 6	18 0
35	1 4 0	17 6
36	1 3 6	17 0
37	1 3 0	16 6
38	1 2 6	16 0
39	1 2 0	15 6
40	1 1 6	15 0
41	1 1 6	14 6
42	1 1 0	14 6
43	1 0 6	14 0
44	1 0 0	14 0
45	19 6	13 6
46	19 0	13 0
47	19 0	13 0
48	18 6	12 6
49	18 6	12 6
50 and over	18 6	12 0

FOURTH SCHEDULE

Article 62

SCHEMES AND INSTRUMENTS REVOKED

Registered Number	*Description*	*Extent of Revocation*
S.R. & O. 1919, (No. 1105) I, p. 688.	Order in Council approving the Superannuation Scheme for Teachers (Scotland), 1919.	The whole Order and Scheme.
S.R. & O. 1922, (No. 466) p. 240.	Order in Council approving the Amendment (1922) of the Superannuation Scheme for Teachers (Scotland), 1919.	The whole Order and Amendment.
S.R. & O. 1923, (No. 404) p. 316.	Order in Council approving the Amendment (1923) of the Superannuation Scheme for Teachers (Scotland), 1919.	The whole Order and Amendment.
S.R. & O. 1925, (No. 441) p. 311.	Order in Council approving the Amendment (1925) of the Superannuation Scheme for Teachers (Scotland), 1919.	The whole Order and Amendment.
S.R. & O. 1926, (No. 363) p. 449.	Order in Council approving the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Scheme.
S.R. & O. 1926, (No. 356) p. 460.	The Teachers' Superannuation Rules (Scotland), 1926.	In Rule 2, paragraphs (1), (3), (4) and (5), Rules 3, 4, 10 and 11, in Rule 12, paragraphs (1) and (2), and Rules 16, 18, 21, 22, 25 and 27.
S.R. & O. 1928, (No. 1044) p. 493.	Order in Council approving the Amendment (1928) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.
S.R. & O. 1929, (No. 997) p. 432.	The Amendment (1929) of the Teachers' Superannuation Rules (Scotland), 1926.	The whole Amendment.
S.R. & O. 1929, (No. 1179) p. 432.	Order in Council approving the Supplementary Provisions (1929) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Provisions.
S.R. & O. 1932, (No. 1073) p. 471.	Order in Council approving the Amendment (1932) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.
S.R. & O. 1933, (No. 1169) p. 800.	Order in Council approving the Amendment (1933) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.

Registered Number	*Description*	*Extent of Revocation*
S.R. & O. 1936, (No. 715) I, p. 909.	Order in Council approving the Amendment (1936) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.
S.R. & O. 1937, (No. 1157) p. 704.	Order in Council approving the Amendment (1937) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.
S.R. & O. 1937, (No. 1193) p. 709.	The Teachers' Superannuation (Allocation of Pension) Rules (Scotland), 1937.	Rules 5, 6 and 8.
S.R. & O. 1942, (No. 1056) I, p. 172.	Order in Council approving the Amendment (1942) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.
S.R. & O. 1944, (No. 1159) I, p. 100.	The Amendment (1944) of the Teachers' Superannuation Rules (Scotland), 1926.	Paragraph 2.
S.R. & O. 1945, (No. 1232) I, p. 372.	Order in Council approving the Amendment (1945) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.
S.R. & O. 1946, (No. 203) I, p. 479.	The Amendment (1946) of the Teachers' Superannuation Rules (Scotland), 1926.	Paragraphs 2, 3 and 4 and paragraph 5 in so far as it relates to Rules 25 and 27.
S.R. & O. 1946, (No. 1569) I, p. 480.	Order in Council approving the Amendment (1946) of the Superannuation Scheme for Teachers (Scotland), 1926.	The whole Order and Amendment.
S.I. 1948, (No. 2796) I, p. 806.	The Superannuation Scheme for Teachers (Scotland) Amending (No. 1) Scheme Approval Order, 1948.	The whole Order and Scheme.
S.I. 1948, (No. 944) I, p. 812.	The Teachers' Pensions (National Insurance Modifications) (Scotland) Regulations, 1948.	Regulations 5 to 17 and the Schedules.

EXPLANATORY NOTE

(This Note is not part of the amending Scheme, but is intended to indicate its general purport.)

The main purpose of this Scheme is to consolidate the Superannuation Scheme for Teachers (Scotland), 1919, the Superannuation Scheme for Teachers (Scotland), 1926, the amendments of these Schemes and certain of the Rules relating thereto. Many changes in drafting have been made and the opportunity has been taken to introduce some amendments including the following:—the list of employments which may be taken into account in determining whether a teacher is eligible for pension under the Scheme has been extended; a teacher will not cease to be a certificated teacher on being awarded a pension; and where a retired teacher under 65 years of age returns to service, his pension will be suspended, and, when he again retires, his former pension may be restored or an increased pension and an additional lump sum may be awarded.