Serial No. 1	Membership 2	Conditions of Appointment 3
7	Headmaster of a Secondary School in the region.	Consultation with the Educational Institute of Scotland and the Association of Headmasters of Senior Secondary Schools.
8	Headmaster of a Continuation Class Centre in the region.	Consultation with the Educational Institute of Scotland.
9	Six representatives of employers in Industry and Commerce in the region.	Consultation with organisations appearing to the Secretary of State to represent employers.
10	Six representatives of employees in Industry and Commerce in the region.	Consultation with organisations appearing to the Secretary of State to represent employees.

4. TEACHERS

(1) *Pensions.* | (2) *Salaries*, p. 822.

(1) PENSIONS

The Superannuation Scheme for Teachers (Scotland) Amending (No. 1) Scheme Approval Order, 1948

1948 No. 2796 (S. 204)

Made - - - - 22nd December, 1948

At the Court at Buckingham Palace, the 22nd day of December, 1948

Present,

The King'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 amending the Superannuation Scheme for Teachers (Scotland), 1926, approved by His late Majesty King George the Fifth in Council on the 19th day of March, 1926(**b**).

And Whereas the said amending Scheme 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 His Majesty to withhold His assent from the said amending Scheme, or any part thereof :

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

1. The said amending Scheme shall take effect as from the date of this Order with the exception that the amendment to Article 13B of the said Scheme of 1926, specified in the Schedule to the said amending Scheme, shall take effect as from the 2nd day of July, 1945.

2. This Order may be cited as the Superannuation Scheme for Teachers (Scotland) Amending (No. 1) Scheme Approval Order, 1948.

E. C. E. Leadbitter.

(**a**) 9 & 10 Geo. 6. c. 72. (**b**) S.R. & O. 1926 (No. 363) p. 449.

SCHEME referred to in the foregoing Order in Council

THE SUPERANNUATION SCHEME FOR TEACHERS (SCOTLAND) AMENDING (No. 1) SCHEME, 1948

Framed - - - *27th September,* 1948
Laid before Parliament *26th October,* 1948

In the exercise of the powers conferred upon me by subsection (1) of section 101 of the Education (Scotland) Act, 1946(a), and of all other powers enabling me in that behalf, I hereby frame the following amending scheme to amend the Superannuation Scheme for Teachers (Scotland) 1926:—

Interpretation.

1. In this amending scheme the word "Scheme" means the Superannuation Scheme for Teachers (Scotland), 1926.

Definitions.

2. The following paragraph shall be added to Article 1 of the Scheme (which relates to interpretation):—

"(11) "Health Regulations" means the National Health Service (Scotland) (Superannuation) Regulations, 1948(b)."

Amendment of Article 1 (4).

3. The following paragraph shall be substituted for paragraph (4) of Article 1 of the Scheme (which relates to interpretation):—

"(4) "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 legal personal representatives (otherwise than by way of repayment under Article 14) 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, as well as in service within the meaning of this Scheme, the balance shall be calculated in such manner as may be prescribed and as if—

(*a*) his recognised and contributory service had been service within the meaning of this scheme, and

(*b*) any contributions paid by him under the said Acts had been contributions paid by him towards the cost of providing benefits under this Scheme, and

(*c*) any sums paid or payable to him or to his legal personal representatives under the said Acts had been paid under this Scheme;

(ii) Where the teacher has been an officer to whom the Health Regulations applied and has become entitled to reckon any period of employment as service within the meaning of this Scheme by virtue of Article 11A of this Scheme or Regulation 45 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;

(iii) Any contributions in respect of any period of service the record of which has been cancelled under Article 14 or Article 14A of this Scheme or under the said Regulations shall be excluded in calculating the aggregate of the teacher's contributions unless the said period has been restored to the record;

(a) 9 & 10 Geo. 6. c. 72. (b) S.I. 1948 No. 412, p. 2478 below.

(iv) 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 legal 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 prescribed date ;

(v) Compound interest on contributions paid under the Health Regulations shall be calculated in the manner provided in Regulation 21 of the said Regulations up to the date upon which the teacher entered 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."

Amendment of Article 5 (1) (c).

4. The following sub-paragraph shall be substituted for sub-paragraph (*c*) of paragraph (1) of Article 5 of the Scheme (which relates to retiring allowances at sixty or over) :—

" (*c*) 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 service or in any employment treated as service under Article 12 (1) of this Scheme or since the date of commencement of any later period during which he was so employed—

(i) been employed for not less than ten years in service, and

(ii) 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 if in consequence of the said substitution a teacher who was not qualified for a retiring allowance becomes qualified therefor, his annual allowance shall begin to accrue, and his additional allowance shall become due, on the twenty-eighth day of May, 1948, or on the day following the day of his retirement, whichever is the later.

Service under the Health Regulations.

5. The following article shall be inserted in the Scheme after Article 11 thereof :—

" 11A.—(1) Where the conditions set forth in the next following paragraph of this article are fulfilled in relation to a teacher who enters service within the meaning of this Scheme after leaving employment as an officer of an employing authority within the meaning of the Health Regulations—

(*a*) there may be treated as service for the purposes of this Scheme as if it had been service within the meaning of this Scheme—

(i) any period of employment, war service or national service which for the purposes of the Health Regulations was reckoned as contributing service or non-contributing service in relation to his employment under the employing authority immediately before he ceased to be employed by them, and

(ii) any period of national service after so ceasing to be employed

excluding, if he has received a return of contributions on or after so ceasing to be employed, any part of that period after the date on which the contributions were returned to him ; and

(*b*) there may be treated as service for the purpose of determining whether he has completed a definite period of service prescribed as a condition of obtaining a retiring allowance or a gratuity under this Scheme any service which he was entitled to reckon in relation to the said employment solely for the purpose of determining whether he was entitled to any benefit under the Health Regulations :

Provided that for the purpose of sub-paragraph (*a*) of this paragraph any period of employment which was treated as non-contributing service for the purposes of the Health Regulations shall be treated as being half its actual length, and any period of employment which was part-time employment shall be treated as though it were whole-time employment for a proportionately reduced period.

(2) The conditions referred to in the last foregoing paragraph are as follows:—

(*a*) that the teacher had not become entitled to any benefit under the Health Regulations other than a return of contributions;

(*b*) that the teacher enters service within the meaning of this Scheme within twelve months after leaving the said employment, or, if he left the said employment in order to undertake national service, within six months after ceasing to be engaged in national service;

(*c*) that the teacher within three months after entering service within the meaning of this Scheme gives notice in writing to the Secretary of State of his said employment and of any national service or war service; and

(*d*) that the teacher within three months after entering service within the meaning of this Scheme repays to the Secretary of State an amount equal to any sum paid by way of return of contributions on or after his ceasing to hold his former employment.

(3) Where the conditions set forth in the last foregoing paragraph are not fulfilled in relation to a teacher to whom paragraph (1) of this article applies, then, subject to the provisions of sub-paragraph (*b*) of paragraph (2) of Article 14 of this Scheme, there may be treated as service for the purpose of determining whether he has completed a definite period of service prescribed as a condition of obtaining a retiring allowance or a gratuity under this Scheme any period of employment, war service or national service which might have been treated as service for the purpose of sub-paragraph (*a*) or sub-paragraph (*b*) of the said paragraph (1) had the said conditions been fulfilled.

(4) In this article—

(*a*) the expression "employing authority" means a Regional Hospital Board, an Executive Council or a joint committee of Executive Councils constituted under subsection (4) of section 32 of the National Health Service (Scotland) Act, 1947(a), and any such other body constituted under the said Act as the Secretary of State may approve, and

(*b*) the expression "national service" means service in the Armed Forces of the Crown by a person called up therefor under the provisions of the National Service Acts, 1939 to 1947, or work of a civil character and under civilian control undertaken, or training undergone, by a person as a condition of his not being registered as a person liable to be called up for service under those provisions:

Provided that where—

(i) a person continues in national service otherwise than in pursuance of a legal obligation so to do arising otherwise than by reason of a voluntary undertaking by him to continue it, and

(a) 10 & 11 Geo. 6. c. 27.

(ii) the employing authority by whom he was employed immediately before he entered upon national service has notified him in writing that for the purposes of the Health Regulations his national service will be deemed to end on the expiry of a period of three months after the date of service of the notice—

his national service shall be deemed to end on the expiry of the said period.

(*c*) the expression "war service" means war service within the meaning of the Local Government Staffs (War Service) Act, 1939(a), or war service or a period of war service within the meaning of the Education (Scotland) (War Service Superannuation) Act, 1939(b), or service in any of the Naval, Military or Air Forces of the Crown or employment for war purposes within the meaning of the Superannuation Schemes (War Service) Act, 1940(c)."

Amendment of Article 14 (2) (*b*).

6. The following sub-paragraph shall be substituted for sub-paragraph (*b*) of paragraph (2) of Article 14 of the Scheme (which relates to return of contributions):—

"(*b*) The record of any service in respect of which contributions brought into account under the last foregoing sub-paragraph were paid shall be cancelled on such repayment:

Provided that—

(i) if a teacher to whom contributions have been repaid under the last foregoing sub-paragraph or under Article 22 of the Scheme of 1919 is subsequently employed in service or in any employment specified in paragraph (1) of Article 12 of this Scheme; 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 this Scheme, then, if he enters service within the meaning of this Scheme 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 Article 11A of this Scheme, he enters service within the meaning of this Scheme more than six months after ceasing to be engaged in such national service;

he may at any time while he is employed in service or in any employment specified in paragraph 1 of Article 12 of this Scheme, 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 repaid to him which was in respect of his contributions towards the cost of providing benefits under this Scheme, together with compound interest thereon from the date of repayment to him calculated at the rate of three-and-a-half per cent. per annum with yearly rests, and thereupon there shall be restored to him such claims under this Scheme as he would have had if no repayment had been made to him, excluding, in cases to which proviso (ii) applies, claims in respect of service within the meaning of Regulation 15 of the Health Regulations."

Miscellaneous amendments of the Scheme.

7. The provisions of the Scheme specified in the first column of the Schedule to this amending scheme shall have effect subject to the amendments specified in the second column of the said Schedule.

(a) 2 & 3 Geo. 6. c. 94. (b) 2 & 3 Geo. 6. c. 96.
(c) 3 & 4 Geo. 6. c. 26.

8. This amending scheme may be cited as the Superannuation Scheme for Teachers (Scotland) Amending (No. 1) Scheme, 1948. Citation.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
27th September, 1948.

SCHEDULE

Article 7.

Miscellaneous Amendments of the Scheme

Article 2A. In paragraph (6) for the words " paragraph (1) (*c*) of Regulation 45 of the said Regulations " there shall be substituted the words " Article 11A of this Scheme ".

Article 5. In sub-paragraph (*b*) of paragraph (1) for the words " number of years " there shall be substituted the word " period ".

Article 10. In paragraph (4) for the words from " the amount of " to the end of the paragraph there shall be substituted the words " the balance of contributions due to the said representative ".

Article 13B. For the words " or institution which is under Government inspection or in receipt of grants " there shall be substituted the words " junior college or other educational establishment or institution or agency towards the maintenance of which the managers are in receipt of grants from the Education (Scotland) Fund or of contributions from an education authority or of other grants or contributions ".

Article 14A. In paragraph (3) for the words from " the provisions " to the end of the paragraph there shall be substituted the words " the provisions of sub-paragraph (*b*) of paragraph (2) of Article 14 of this Scheme shall have effect as if a repayment had been made under sub-paragraph (*a*) of the said paragraph ", and paragraph (4) shall be omitted.

EXPLANATORY NOTE

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

This amending scheme incorporates in the Superannuation Scheme for Teachers (Scotland) 1926, provisions originally included in the National Health Service (Scotland) (Superannuation) Regulations, 1948, with regard to the pension rights of officers of the National Health Service who become teachers. It also makes consequential and minor amendments upon the Scheme.