STATUTORY INSTRUMENTS

1972 No. 1960

EDUCATION, ENGLAND AND WALES

The Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972

Made - - -	14*th December* 1972
Laid before Parliament	22*nd December* 1972
Coming into Operation	14th *January* 1973

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The Secretary of State for Education and Science, with the consent of the Minister for the Civil Service and after consultation with representatives of local education authorities and of teachers and with such representatives of other persons likely to be affected as appear to her to be appropriate, in exercise of the powers conferred on her by section 9 of the Superannuation Act 1972(**a**) hereby makes the following regulations:—

PART I

GENERAL

Citation, construction, commencement and interpretation

1.—(1) These regulations may be cited as the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972.

(2) (*a*) Part II of, and schedule 1 to, these regulations shall be construed as one with the Teachers' Superannuation Regulations 1967 to 1972 and shall be included among the regulations which may be cited under that title.

(*b*) Part III of, and schedule 2 to, these regulations shall be construed as one with the Teachers' Superannuation (Family Benefits) Regulations 1970

(**a**) 1972 c. 11.

to 1972(a) and shall be included among the regulations which may be cited under that title.

(3) These regulations shall come into operation on 14th January 1973 and except as otherwise expressly provided shall have effect as from 1st April 1972.

(4) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Saving for existing rights

2.—(1) No provision made by these regulations shall apply to any person to whom at any time from 1st April 1972 to 13th January 1973 (both dates inclusive) any allowance or other benefit under the regulations specified in paragraph (2)(*a*) or (*b*) of regulation 1 above was or is being paid, or became or may become, payable if—

(*a*) he is placed by that provision in a worse position than he would have been if it had not applied in relation to that allowance or benefit; and

(*b*) that provision relates to an allowance or other benefit paid or payable to or in respect of a teacher who ceased to be employed in reckonable service before 14th January 1973 or in respect of a teacher who died before that date; and

(*c*) that person elects that that provision shall not apply to him.

(2) An election under this regulation shall be made in writing and delivered to the Secretary of State within three months of the day on which the right to the allowance or benefit in question accrues.

Transitory provision

3. Where any provision of these regulations requires something to be done within a period of time beginning with the day upon which a specified event occurs, then if that event occurred before 14th January 1973 the reference in that regulation to the day upon which the event occurred shall be construed as a reference to 14th January 1973.

PART II

TEACHERS' SUPERANNUATION

Interpretation of Part II

4. In this Part of these regulations any reference to a regulation not otherwise identified is to be construed as a reference to the appropriate regulation of the Teachers' Superannuation Regulations 1967(c) as amended(d).

(a) S.I. 1970/862, 1971/679, 1972/360 (1970 II, p. 2736; 1971 I, p. 1787; 1972 I, p. 1425).
(b) 1889 c. 63.
(c) S.I. 1967/489 (1967 I, p. 1562).
(d) S.I. 1968/1353, 1970/10, 753, 1971/403 (1968 II, p. 3753; 1970 I, p. 11; II, p. 2394; 1971 I, p. 1206).

External service

5.—(1) In regulation 6—

(*a*) paragraph (2) shall cease to have effect and is hereby revoked;

(*b*) in paragraph (3) for the words from "class A" to "Schedule 2" there shall be substituted the words "external service and, unless" and there shall be added at the end of the paragraph the words "service of the kinds specified in paragraphs 1, 2 and 3 of schedule 1 to the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972".

(2) In consequence of paragraph (1) above—

(*a*) in regulation 43 (duration of annual superannuation allowances) for the words "class A or class B external service" there shall be substituted the words "in such service as is specified in regulation 6(3)";

(*b*) in Schedule 2 there shall be omitted the reference in Part I to class A external service and the whole of Part II (class B external service) and Part III (class C external service);

(*c*) sub-paragraphs (*e*), (*f*) and (*g*) of regulation 41(1) (repayment of contributions) of the Teachers' Superannuation (Family Benefits) Regulations 1970 as amended shall be revoked; and

(*d*) any other reference to external service of any class in a regulation relating to the superannuation of teachers shall be construed as a reference to external service within the meaning of regulation 6 as amended by this regulation.

Qualifying service

6. Regulation 7 shall cease to have effect and is hereby revoked; and accordingly the entry in regulation 4 (definitions) relating to qualifying service shall be omitted.

Exclusion from reckonable service

7. At the end of regulation 16(1) there shall be added as a new subparagraph—

"(*g*) having on or after 1st April 1972 entered reckonable service for the first time at the age of fifty five or over without having previously been employed in external service, he so elects by notice in writing to the Secretary of State within three months of his becoming so employed."

Repayment of repaid contributions

8. In paragraph (1) of regulation 28 for the words "section 2 of the Act of 1922, section 12 of the Act of 1925, section 13 of the Act of 1956 or regulation 34 or" there shall be substituted the word "regulation" and after that paragraph there shall be inserted as a new paragraph—

"(1A) Paragraph (1) shall apply to a teacher to whom contributions have been repaid before 1st June 1973 under section 2 of the Act of 1922, section 12 of the Act of 1925, section 13 of the Act of 1956 or regulation 34 if but only if those contributions have not previously been repaid to the Secretary of State under this regulation, or under any provision superseded

by this regulation which authorises the repayment of repaid contributions, after being repaid to the teacher under any of the provisions mentioned above; and except as provided above paragraph (1) shall not apply to a teacher to whom contributions have been repaid under any of those provisions."

Repayment of contributions on cessation of employment

9. For regulation 34 there shall be substituted the following—

"*Repayment of contributions on cessation of employment*

34.—(1) Subject to paragraph (2) below a teacher shall be entitled to be repaid by the Secretary of State a sum equal to the balance of his contributions computed as at the date of repayment, reduced in respect of any repayment after 5th April 1973 by a sum equal to the tax chargeable on that repayment under paragraph 2 of Part II of schedule 5 to the Finance Act 1970(**a**) (charge to tax on repayment of employee's contributions), if before attaining the age of seventy he has ceased or ceases to be employed in reckonable or external service and

(*a*) he neither—

(i) is qualified for any allowance or gratuity under these regulations; nor

(ii) has been employed since 31st March 1972 in periods of reckonable service, or of reckonable service and external service, amounting in the aggregate to five years; and

(*b*) (i) he continues not to be employed in reckonable service or external service for a continuous period amounting to three months, or such shorter period as the Secretary of State may accept for the purposes of this regulation in the case of a teacher who on ceasing to be employed ceases to be ordinarily resident within the British Isles; and

(ii) that period is not a period of absence to which regulation 13 applies.

(2) Paragraph (1) above shall not apply to a teacher whose salary in any year has exceeded the annual rate of £5,000; but any such teacher shall, if he has attained the age of sixty and would apart from this paragraph be entitled to be repaid any sum under that paragraph, be entitled to be paid by the Secretary of State an annuity equal to the amount determined by the Government Actuary as the actuarial equivalent of the balance of his contributions."

Repayment at age of seventy

10. At the beginning of regulation 35 there shall be inserted the words—

"(1) Subject to paragraph (2) below," and at the end there shall be added the words—

"reduced in respect of any repayment after 5th April 1972 by a sum equal to the tax chargeable on that repayment under paragraph 2 of Part II

(**a**) 1970 c. 24.

of Schedule 5 to the Finance Act 1970";

and after those words there shall be added as a new paragraph—

"(2) Paragraph (1) above shall not apply to a teacher whose salary in any year has exceeded the annual rate of £5,000; but any such teacher shall, if he would apart from this paragraph be entitled to be repaid any sum under that paragraph, be entitled to be paid by the Secretary of State an annuity equal to the amount determined by the Government Actuary as the actuarial equivalent of the balance of his contributions."

Repayment to pensioners after further service

11. At the end of regulation 40 there shall be added the words "together, if that service was for 365 days or more, with compound interest thereon calculated at three per cent. per annum with yearly rests, reduced (in either case) in respect of any repayment after 5th April 1973 by a sum equal to the tax chargeable on that repayment under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970".

Qualifications for superannuation allowances

12.—(1) For sub-paragraphs (*a*) and (*b*) of paragraph (1) of regulation 41 there shall be substituted the following sub-paragraphs—

"(*a*) has attained the age of sixty and either—

(i) was employed in reckonable service on 1st April 1972 and has been employed, whether before or after that date, in such service for a total of not less than five years; or

(ii) has been employed in reckonable service after 31st March 1972 for a total of not less than five years; or

(*b*) has attained the age of sixty and has been employed for a total of not less than ten years in reckonable service or service of a description specified in Schedule 1 to the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972; or

(*c*) before attaining the age of sixty becomes, in the opinion of the Secretary of State, permanently incapable through infirmity of mind or body of serving efficiently as a teacher in such service and either—

(i) has been so employed as is specified in sub-paragraph (*a*)(i) or (ii) above; or

(ii) has been employed in reckonable service after 31st March 1972 and has, whether before or after that date, been so employed as is specified in sub-paragraph (*b*) above.

For the purpose of these sub-paragraphs any period during which the teacher was employed in external service is to be treated as a period of reckonable service."

(2) In consequence of paragraph (1) above paragraph (2) of regulation 41 shall be omitted and the references in regulations 32(5)(*c*)(ii), 43(2), 47(3) and 53(1) to regulation 41(1)(*b*) are to be construed as references to regulation 41(1)(*c*) as substituted by this regulation.

Amount of annual superannuation allowances

13.—(1) For paragraph (3) of regulation 42 there shall be substituted the following—

"(3) Subject to paragraph (4), where a teacher (not being a teacher who, having been employed in both reckonable service and external service, is last employed in external service) becomes as a result of events occurring while he was employed in reckonable service entitled to an annual superannuation allowance by virtue of regulation 41(1)(*c*), the amount thereof shall be calculated as if he had completed the number of years service specified as applicable to his case by the following provisions:—

(*a*) in the case of a teacher who has completed less than ten years reckonable service, whichever is the less of twice the number of years of such service and the number of years in such service that he would have completed if he had remained in such service until he attained the age of sixty-five;

(*b*) in the case of a teacher who has completed ten years or more of reckonable service, whichever is the greater of—

(i) the number of years not exceeding forty which he would have completed in such service if he had been employed therein for an additional six years and 243 days or had remained in such service until he attained the age of sixty, whichever is the less; and

(ii) the number of years not exceeding twenty which he would have completed if he had remained in reckonable service until he attained the age of sixty-five.

For the purposes of these sub-paragraphs any period during which the teacher was employed in external service is to be treated as a period of reckonable service."

(2) At the end of the regulation there shall be added as new paragraphs—

"(4) Sub-paragraph (3) shall, as regards any teacher, apply only if the application for the allowance required by regulation 57 is made within six months after he was last employed in reckonable service or within such longer period as the Secretary of State may approve in the case of any teacher in respect of whom he is satisfied that the teacher could not reasonably have been expected to make the application within that period.

(5) In the application of this regulation to a teacher who becomes entitled to an annual superannuation allowance by virtue only of regulation 41(1)(*b*) the reference in paragraph (1) above to average salary shall be construed as a reference to average salary as defined in regulation 4 of the Teachers' Superannuation (Financial Provisions) Regulations 1972(**a**) as originally made, and accordingly the amendment of that provision made by regulation 2 of the Teachers' Superannuation (Financial Provisions and Family Benefits) (Amendment) Regulations 1972(**b**) shall be disregarded unless either—

(**a**) S.I. 1972/568 (1972 I, p. 1892). (**b**) S.I. 1972/1092 (1972 II, p. 3223).

(*a*) he attained the age of sixty after 31st March 1972; or

(*b*) having attained that age before 1st April 1972, he is employed in reckonable service or external service on or after that date."

Amount of additional allowances

14.—(1) For paragraph (4) of regulation 44 there shall be substituted the following—

"(4) Where a teacher (not being a teacher who, having been employed in both reckonable service and external service, is last employed in external service) becomes as a result of events occurring while he was employed in reckonable service entitled to an additional superannuation allowance by virtue of regulation 41(1)(*c*), the amount thereof shall be calculated as if he had completed the number of years service specified as applicable to his case by the following provisions:—

(*a*) in the case of a teacher who has completed less than ten years reckonable service, whichever is the less of twice the number of years of such service and the number of years in such service that he would have completed if he had remained in such service until he attained the age of sixty-five;

(*b*) in the case of a teacher who has completed ten years or more of reckonable service, whichever is the greater of—

(i) the number of years not exceeding forty which he would have completed in such service if he had been employed therein for an additional six years and 243 days or had remained in such service until he attained the age of sixty, whichever is the less; and

(ii) the number of years not exceeding twenty which he would have completed if he had remained in reckonable service until he attained the age of sixty-five.

For the purposes of these sub-paragraphs any period during which the teacher was employed in external service is to be treated as a period of reckonable service."

(2) After paragraph (4) of regulation 44 as substituted by paragraph (1) of this regulation there shall be inserted as a new paragraph—

"(4A) For the purposes of paragraph (1) above any additional period which the teacher is to be treated as having served for the purposes of sub-paragraph (*a*) or (*b*) of paragraph (4) above shall be treated as a continuous period ending immediately before the commencement of his employment in reckonable service or external service; and in determining when that service commenced regulation 18 shall be disregarded."

(3) At the end of the regulation there shall be added as new paragraphs—

"(6) Sub-paragraph (4) shall, as regards any teacher, apply only if the application for the allowance required by regulation 57 is made within six months after he was last employed in reckonable service or within such

longer period as the Secretary of State may approve in the case of any teacher in respect of whom he is satisfied that the teacher could not reasonably have been expected to make the application within that period.

(7) In the application of this regulation to a teacher who becomes entitled to an additional superannuation allowance by virtue only of regulation 41(1)(*b*) the references in paragraphs (1) and (3) above to average salary shall be construed as references to average salary as defined in regulation 4 of the Teachers' Superannuation (Financial Provisions) Regulations 1972 as originally made, and accordingly the amendment of that provision made by regulation 2 of the Teachers' Superannuation (Financial Provisions and Family Benefits) (Amendment) Regulations 1972 shall be disregarded unless either—

(*a*) he attained the age of sixty after 31st March 1972; or

(*b*) having attained that age before 1st April 1972, he is employed in reckonable service or external service on or after that date."

Superannuation allowances of certain teachers in external service

15. In regulation 45—

(*a*) in paragraph (1), sub-paragraphs (*a*) and (*b*) shall be omitted and there shall be inserted the words "is entitled to reckon external service for the purpose of calculating a pension";

(*b*) in paragraph (2), for the words "class A external service and other external service" there shall be substituted the words "and external service" and for sub-paragraphs (*a*), (*b*) and (*c*) there shall be substituted the words "such a period as bears to the excess the same proportion as his reckonable service under sixty bears to his aggregate service under sixty";

(*c*) in paragraph (3), for the words "class A external service and other external service" there shall be substituted the words "and external service" and for sub-paragraphs (*a*), (*b*) and (*c*) there shall be substituted the words "such a period as bears to the excess the same proportion as his reckonable service bears to his aggregate service."

Short service gratuities

16. In paragraph (1)(*c*) of regulation 46, for the words "three years" there shall be substituted the words "one year".

Death gratuities

17. In regulation 47—

(*a*) in paragraph (1) there shall be omitted everything after the word "ill-health" in sub-paragraph (*a*);

(*b*) in paragraph (2), after the words "death gratuity" there shall be inserted the words "under paragraph (1)" and at the end of sub-paragraph (*b*) there shall be added the words "and if any external service credited to him had been reckonable service";

(*c*) after paragraph (2) there shall be inserted as new paragraphs—

"(2A) Except as in paragraph (3) below provided, a death gratuity

of an amount specified in paragraph (2B) below shall be paid by the Secretary of State to the personal representatives of a teacher who after leaving reckonable service on or after 1st April 1972 died having been immediately before his death credited with five years or more of such service and in respect of whom no death gratuity is payable under paragraph (1) of this regulation.

(2B) The amount of a death gratuity payable under paragraph (2A) above shall be an amount equal to the sum that would have been payable to the teacher by virtue of paragraphs (1) to (3) of regulation 44 if he had been entitled to an additional allowance in accordance with those provisions of that regulation."

Financing of benefits

18. In regulation 5(1) of the Teachers' Superannuation (Financial Provisions) Regulations 1972 after the words "Teachers' Regulations" there shall be inserted the words "and the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1972".

PART III

FAMILY BENEFITS

Interpretation of Part III

19. In this Part—

"child" means a person who has not attained the age of seventeen or who, having attained that age, is receiving full-time education or attending a course of not less than two years full-time training for a trade, profession or calling;

"non-contributor" means a teacher to whom regulation 23 of the Family Benefits Regulations does not apply;

"the Family Benefits Regulations" means the Teachers' Superannuation (Family Benefits) Regulations 1970(**a**) as amended(**b**).

Widow's short term pension

20.—(1) There shall be paid for three months to the widow of every teacher who dies after 31st March 1972 while employed in reckonable service a pension at an annual rate equal to the annual rate of his salary immediately before his death.

(2) There shall be paid a pension at an annual rate equal to the annual rate of the teacher's salary immediately before his death—

(*a*) to the widow of every teacher who dies after 31st March 1972 while employed in reckonable service without having completed five years of such service; and

(*b*) to a widow to whom a pension would have been payable under regulation 24 if she had not elected that that paragraph should not apply—

(**a**) S.I. 1970/862 (1970 II, p. 2736).

(**b**) S.I. 1971/679, 1972/360 (1971 I, p. 1787; 1972 I, p. 1425).

if the teacher leaves a widow and one child, for one and a half months and if he leaves a widow and more than one child, for three months.

Any pension payable to a widow under this paragraph shall be in addition to any pension payable to her under paragraph (1) and shall begin to accrue on the termination of that pension.

Retired teacher's widow's short term pension

21. There shall be paid for three months to any woman to whom on the death of her husband after 31st March 1972 after being employed in reckonable service after that date a pension is payable by virtue of either the Family Benefits Regulations or regulation 25 below a pension at an annual rate equal to the annual superannuation allowance payable to him immediately before his death.

Children's short term pension

22. There shall be paid in respect of every teacher who dies after 31st March 1972 while employed in reckonable service without having completed five years of such service and leaving a child but no widow a pension at an annual rate equal to the annual rate of his salary immediately before his death—

(*a*) if he leaves one child, for two months to or for the benefit of that child; and

(*b*) if he leaves more than one child, for four months to or for the joint benefit of those children.

Payment of short term pensions

23. The pension under regulation 20(1), 21 or 22 shall begin to accrue on the day after the death of the teacher.

Non-contributor's widow's pension

24.—(1) Unless she elects that this paragraph shall not apply there shall, subject to regulation 26 below, be paid a pension of the amount determined in accordance with paragraph (2) below to—

(*a*) the widow of a non-contributor who dies after 31st March 1972 while employed in reckonable service having completed five years of such service;

(*b*) the widow of a non-contributor employed in reckonable service after 31st March 1972 who, having become qualified for superannuation allowances by virtue of regulation 41 of the Teachers' Regulations, dies before the service of a notice on him under regulation 25(2) below or (if such a notice has been served) before the time specified in the notice without having elected that on his death a pension is to be paid to his widow.

(2) The annual amount of a widow's pension under paragraph (1)(*a*) shall be one half of the annual superannuation allowance that would have been payable to the teacher if on the day of his death he had qualified for such an allowance by virtue of regulation 41(1)(*c*) of the Teachers' Regulations and under paragraph (1)(*b*) shall be one half of the annual superannuation allowance payable to the teacher immediately before his death.

(3) A pension under this regulation shall, if a short term pension is payable to the widow under the preceding provisions of these regulations, begin to accrue on the termination of that pension and, if no such pension is payable, on the day following the death of the teacher.

Retired non-contributor's widow's pension

25.—(1) Subject to regulation 26 below there shall be paid to the widow of a retired non-contributor to whom this regulation applies a pension equal to one half of the annual superannuation allowance payable to the teacher immediately before his death.

(2) This regulation applies to a non-contributor employed in reckonable service after 31st March 1972 who, on becoming qualified for superannuation allowances by virtue of regulation 41 of the Teachers' Regulations, elects within such time as may be specified in a notice in writing served on him by the Secretary of State that on his death a pension is to be paid to his widow.

(3) For the purpose of this regulation any reduction of the annual superannuation allowance payable to the teacher made by virtue of regulation 55 of the Teachers' Regulations shall be disregarded.

(4) Notwithstanding regulation 64(7) of the Teachers' Regulations, a teacher who makes an election under paragraph (2) above may at the same time cancel any allocation declaration made by him under Part VI of those regulations before any notice was served on him under paragraph (2) above; and in that event the allowance payable to him by virtue of regulation 41 of those regulations shall be paid as if no such declaration had been made.

(5) A pension under this regulation shall, if a short term pension is payable to the widow under the preceding provisions of these regulations, begin to accrue on the termination of that pension and, if no such pension is payable, on the day following the death of the teacher.

(6) A pension shall not be paid under this regulation to a widow whose marriage to the teacher took place after the day on which he was last employed in reckonable service.

Adjustment of terminal sum

26.—(1) Where a pension is payable by virtue of regulation 24 or 25 above, then, if the amount determined by the Government Actuary as the sum necessary to finance the pension in so far as it relates to the teacher's reckonable service before 1st April 1972 exceeds the amount so determined as the actuarial equivalent of the further contributions which would have been payable by the teacher if he had remained in such service until he attained the age of sixty, the terminal sum payable to or in respect of the teacher shall be reduced by the amount of the excess.

(2) Any reduction authorised by paragraph (1) shall be made by deduction from the terminal sum or by payment to the Secretary of State in such manner as may be agreed.

Modification of Family Benefits Scheme

27. Schedule 2 to these regulations shall apply for the modification of the Family Benefits Regulations in their application to any teacher who—

(*a*) was before 1st April 1972 a contributor to the Teachers', Widows' and Children's Pension Scheme; and

(*b*) retires from, or dies in, reckonable service after 31st March 1972 without having had his contributions under that scheme repaid to him.

Children's Pension

28.—(1) There shall be paid to the child of any teacher to whose widow a pension is payable under regulation 24 or 25 of these regulations or regulation 46 or 49 of the Family Benefits Regulations a pension—

(*a*) if the teacher leaves one child, of an annual amount equal to one half of the widow's pension during her life and to two thirds of that amount after her death; and

(*b*) if he leaves more than one child, of an annual amount equal to the widow's pension during her life and to four thirds of that amount after her death.

(2) There shall be paid to or for the benefit of the child of a teacher in respect of whom if he had left a widow there would have been payable to her a pension under regulation 24 or 25 of these regulations or regulation 46 or 49 of the Family Benefits Regulations, a pension of an annual amount equal—

(*a*) if he leaves one child, to two thirds of the pension which would have been payable to the widow; and

(*b*) if he leaves two or more children, to four thirds of that pension.

(3) A pension under this regulation shall, if a short term pension is payable under the preceding provisions of these regulations, begin to accrue on the termination of that pension and, if no such pension is payable, on the day following the death of the teacher.

Notices

29. Any notice served by the Secretary of State by virtue of these regulations shall inform the person to whom it is addressed of his right to make an election and shall set out—

(*a*) the amounts of the pensions between which the person is entitled to elect; and

(*b*) the amounts (if any) by which the terminal sum is required to be reduced or, as the case may be, further reduced.

Supplementary

30. The provisions of regulations 22 (elections) and 54 (duration of children's pension) and Part VI (Miscellaneous and Supplementary) of the Family Benefits Regulations shall, with the necessary modifications, apply for the purposes of these regulations as they apply for the purposes of those regulations.

Regulations 5 and 12 SCHEDULE 1

NON-RECKONABLE SERVICE COUNTING TOWARDS ENTITLEMENT TO ALLOWANCES

1. Employment in the British Isles in a university or university college or as a full-time teacher in respect of which contributions are payable under the Federated System of Superannuation for Universities.

2. Employment as an inspector appointed under Section 77(2) of the Education Act 1944**(a)** of a person whose previous teaching service had before 14th January 1973 been approved by the Secretary of State for the purpose of paragraph 9 of schedule 2.

3. Employment of any person as a civil servant in a post to which paragraph 10 of schedule 2 was before 14th January 1973 applicable in his case.

4. Service as a member of the House of Commons which is reckonable service within the meaning of the Parliamentary and Other Pensions Act 1972**(b)**.

5. Employment in England, Wales or Scotland as a civil servant which is not covered by paragraph 3 above.

6. Pensionable employment in Northern Ireland, the Isle of Man or the Channel Islands as a civil servant.

7. Employment which is contributory service for the purposes of the Overseas Service Pensions (Scheme and Fund) Regulations 1966**(c)**.

8. Employment in any country specified in section 1(3) of the British Nationality Act 1948**(d)** or any other country forming part of Her Majesty's dominions outside the British Isles which is or was pensionable under any law for the time being in force in that country or which is employment by the Government of that country or by a public authority therein in respect of which contributions are or were payable to a provident fund, being employment—

(*a*) as a full-time teacher;

(*b*) involving to a substantial extent the control or supervision of teachers; or

(*c*) as a civil servant.

9. Pensionable employment in a university or university college in any country specified in section 1(3) of the British Nationality Act 1948 or any other country forming part of Her Majesty's dominions outside the British Isles.

10. Employment in the Republic of South Africa or in the mandated territory of South West Africa of a kind specified in paragraph 8 or 9 above, being employment of a person who at any time during the three months immediately preceding 31st May 1962 was employed in that Republic or in that territory in service which was approved external service within the meaning of section 13 of the Act of 1925.

11. Employment as a full-time teacher of a person holding a commission in the naval, military or air forces of the Crown or of any of the women's services mentioned in schedule 4 to the Superannuation Act 1965**(e)**, being employment in respect of which retired pay is being earned.

(a) 1944 c. 31.
(b) 1972 c. 48.
(c) S.I. 1966/1629 (1966 III, p. 5076).
(d) 1948 c. 56.
(e) 1965 c. 74.

12. Employment in respect of which contributions are payable to the Social Workers' Pension Fund.

13. Employment, other than employment to which paragraph 1 above applies, in respect of which contributions are payable under the Federated System of Superannuation for Universities.

14. Employment in the service of the British Council in respect of which contributions are payable under the British Council Overseas Service Pensions Scheme.

15. Employment as an officer of an employing authority within the meaning of the National Health Service (Superannuation) Regulations 1961(a).

16. Employment in respect of which contributions are payable under the Federated Superannuation Scheme for Nurses and Hospital Officers—

(*a*) to which either the National Health Service (Superannuation) Regulations 1961 or the National Health Service (Superannuation) (Scotland) Regulations 1961(b) apply;

(*b*) by an employing authority or a local Act authority within the meaning of the Local Government Superannuation Act 1937 or the Local Government Superannuation (Scotland) Act 1937(c);

(*c*) to which are applicable any regulations or scheme made under section 2 or section 5A of the Local Government (Superannuation) Act (Northern Ireland) 1950(d), as amended by the Local Government (Superannuation) (Amendment) Act (Northern Ireland) 1951(e), or under section 61 of the Health Services Act (Northern Ireland) 1948(f); or

(*d*) in a civil service in the British Isles.

17. Employment after reckonable service in employment to which interchange rules made by the Secretary of State for the time being apply.

18. Employment in reckonable service to which interchange rules have applied, being employment of a person to whom the Scheme of 1963 or Part VIII of the regulations has applied.

19. Pensionable employment by a body representing teachers.

20. Pensionable service as a clerk in holy orders or as a regular minister of any religious denomination.

SCHEDULE 2 Regulation 27

MODIFICATION OF FAMILY BENEFITS REGULATIONS

1. In regulation 26 (payment of contributions) there shall be inserted immediately after paragraph (*a*):—

"(*aa*) In respect of every contributor who dies after 31st March 1972, such supplementary contributions as are prescribed by regulation 39A."

(a) S.I. 1961/1441 (1961 II, p. 2824). (b) S.I. 1961/1398 (1961 II, p. 2697).
(c) 1937 c. 69. (d) 1950 c. 10. (N.I.). (e) 1951 c. 9. (N.I.).
(f) 1948 c. 3. (N.I.).

and after regulation 39 there shall be inserted as a new regulation—

"*Supplementary contributions*

39—A(1) In respect of every contributor who dies after 31st March 1972 there shall be payable a contribution equal to the amount determined by the Government Actuary as the amount by which the cost of defraying the pension payable to his widow under regulation 46 is increased by reason of the amendment made to regulation 47 by paragraph 3 of schedule 2 to the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972.

(2) A contribution payable under paragraph (1) shall be paid by deduction from the terminal sum payable in respect of the teacher or in such manner as may be agreed."

2. In regulation 46(1) (service counting for benefit) for the words "ten years" there shall be substituted the words "five years".

3. In regulation 47 (amount of widow's pension) paragraphs (2), (3) and (4)(*c*) shall not apply and in sub-paragraphs (*a*), (*b*) and (*d*) of paragraph (4) for the references to one third of the annual superannuation allowance there shall be substituted references to the aggregate of (*a*) whichever the widow shall elect within such time as may be specified in a notice in writing served on her by the Secretary of State of one third or one half of so much of the annual superannuation allowance as relates to reckonable service before 1st April 1972 and (*b*) one half of so much of that allowance as relates to reckonable service after 31st March 1972.

4. In regulation 48(1) (duration of widow's pension), the reference to the day following the death of the husband shall, in the case of any teacher in respect of whom a short term pension is payable to his widow under regulation 20 or 21 of these regulations, be construed as a reference to the day following the termination of that pension.

5. In regulation 49(1)(*a*) (service counting for benefit), for the words "ten years" there shall be substituted the words "five years".

6. In regulation 50 (amount of short service widow's pension), for the table there shall be substituted the following table—

(1) Years of Service	(2) Annual Amount
3	£78
4	£90

7. Regulation 53 (amount of children's pension) shall not apply.

8. In regulation 54(1) (duration of children's pension), the reference to the day following the death of the contributor or deceased teacher shall, in the case of any teacher to whose child or children a short term pension is payable under regulation 22 of these regulations, be construed as a reference to the day following the termination of that pension.

Given under the Official Seal of the Secretary of State for Education and Science on 14th December 1972.

(L.S.) *Margaret Thatcher,*

Secretary of State for Education and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 14th December 1972.

(L.S.) *K. H. McNeill,*

Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the provisions relating to the superannuation of teachers and the payment of pensions and other benefits to their dependants contained in the Teachers' Superannuation Regulations 1967 to 1972 and the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1972.

The principal amendments of the first set of regulations are—

(*a*) the elimination of most categories of external service (regulation 5);

(*b*) the revocation of the provisions for qualifying service (regulation 6);

(*c*) the alteration of the qualifying periods for age and infirmity allowances (regulation 12), short service gratuities (regulation 16) and death gratuities (regulation 17);

(*d*) the provision of new conditions of enhancement of benefits for certain teachers who, while employed, become incapable of employment (regulations 13 and 14);

(*e*) the introduction, in connection with the preservation by regulations 12 and 17 of certain contingent rights to benefit, of restrictions on the repayment of contributions (regulations 8 and 9).

Part III of the regulations provides for the payment of short term pensions to widows and children (regulations 20 to 23) and amends the second set of regulations referred to by (in particular) enabling, subject in each case to the teacher having completed five years service, —

(*a*) the widow of a non-member of the existing scheme who has served after 31st March 1972 to receive a pension subject to the payment of contributions in respect of service on or before that date (regulation 24);

(*b*) a teacher who retires following reckonable service after 31st March 1972 to elect to pay contributions in respect of service on or before that date so as to secure for his widow a pension based on his entire service (regulation 25); and

(*c*) the widow of a member of the existing scheme who dies in reckonable service after 31st March 1972 to elect that, subject to any necessary payment of contributions, that part of her pension referable to his service up to that date shall be at one half (instead of one third) of his pension.

The regulations have retrospective effect by virtue of section 12(1) of the Superannuation Act 1972.

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