EXPLANATORY NOTE

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

Under this Order all grades of teaching staff in establishments for further education will be able to receive increments in respect of industrial, commercial or professional experience, or research work, hitherto available to the assistant grades only.

TEACHERS SUPERANNUATION

1957 No. 1717

The Superannuation (Teaching and Public Boards) Amending Rules, 1957

Made - - - -	*27th September,* 1957
Laid before Parliament	*4th October,* 1957
Coming into Operation	*5th October,* 1957

The Minister of Education, with the consent of the Treasury, in exercise of the powers conferred upon him by Sections 2 and 15 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), hereby makes Rules 1 to 10 of the following Rules, and, in exercise of the powers conferred upon him by Sections 11 and 15 of that Act, hereby makes Rules 1 to 3 and 11 of the following Rules:—

1. These Rules may be cited as the Superannuation (Teaching and Public Boards) Amending Rules, 1957, and shall come into operation on the 5th day of October, 1957.

2. The existing Rules hereby amended are the Superannuation (Teaching and Public Boards) Rules, 1951(**b**), as amended by the Superannuation (Teaching and Public Boards) Amending Rules, 1952(**c**), hereinafter called "the principal Rules".

3. In Rule 1 (3) (*a*) of the principal Rules, for the definitions of "the appropriate superannuation fund", "national service", "Public Board", "Public Board pension scheme" and "Public Board employment" there shall be respectively substituted the following definitions:—

"the appropriate superannuation fund" means, in relation to any person to whom Part II or Part III of these Rules applies, the fund maintained in connection with the Public Board pension scheme to which he is or was last subject, as the case may be;

"national service" means, in relation to any person, service of a description specified in the First Schedule to the Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951(**d**), and includes any period immediately following the termination thereof during which the person, with the consent of the body or person by whom he was employed before undertaking that service, continues in similar service;

"Public Board" means the National Coal Board, the Gas Council, an Area Gas Board, the Port of London Authority, the United Kingdom

---

(a) 11 & 12 Geo. 6. c. 33.
(b) S.I. 1951/1852 (1951 II, p. 187).
(c) S.I. 1952/1012 (1952 I, p. 838).
(d) 14 & 15 Geo. 6. c. 65.

Atomic Energy Authority, the Nature Conservancy, an Electricity Board in England and Wales, the South of Scotland Electricity Board, the North of Scotland Hydro Electric Board or the Electricity Council;

"Public Board pension scheme" means, in relation to any person, the pension scheme to which that person is or was subject in respect of his Public Board employment, being a pension scheme administered by the Public Board or in which a Public Board participates;

"Public Board employment" means employment in service pensionable under a Public Board pension scheme, and "pensionable employee of a Public Board" and "pensionable employee" mean a person so employed.

4. In Rule 1 (3) (*a*) of the principal Rules the definition of "the Regulations of 1939" is hereby revoked.

5. In Rule 3 of the principal Rules (which requires the payment by the Minister of transfer values in respect of persons transferring from employment in contributory service to Public Board employment) the following paragraph shall be inserted:—

"(3) Where a person has been employed in service which is treated as contributory service by virtue of Rule 7 of the Teachers Superannuation (Accepted Schools) Rules, 1956(**a**), no transfer value shall be payable by the Minister under this Rule in respect of that service unless the person becomes a pensionable employee of a Public Board on or after 1st October, 1956."

6. In Rules 10 and 18 of the principal Rules (which define the amount of transfer values), for the references to the Regulations of 1939 there shall be substituted references to the Local Government Superannuation (Transfer Value) Regulations, 1954(**b**).

7. In Rule 10 (1) of the principal Rules, for the third proviso there shall be substituted the following proviso:—

"(iii) Royal Air Force teaching service, Royal Navy teaching service and service as a civilian teacher in an Army children's school which is reckoned as recognised or contributory service at one-and-a-half times its actual length under Schemes made on 2 May 1930(**c**) and 23 May 1956(**d** and **e**) under Section 21 (1) (*b*) of the Act of 1925 shall be computed in like manner for the purposes of this Rule."

8. In Rule 11 (1) of the principal Rules (which relates to transfer from Public Board employment to employment in contributory service) for the words "the Public Board pension scheme to which he was last a contributor" there shall be substituted the words "the Public Board pension scheme to which he was last subject".

9. In Rule 17 of the Principal Rules (which relates to the application of the National Insurance (Modification of Teachers Pensions) Regulations, 1948(**f**), to transfers from Public Board employment to employment in contributory service) the following paragraph is hereby inserted:—

"(4) Notwithstanding anything contained in paragraphs (2) and (3) of this Rule, where this Part of these Rules applies to a person who has been a pensionable employee of the Gas Council or an Area Gas Board

(**a**) S.I. 1956/1481 (1956 I, p. 715). (**b**) S.I. 1954/1212 (1954 II, p. 1723).
(**c**) S.R. & O. 1930/309 (Rev. VI, p. 454: 1930 p. 486).
(**d**) S.I. 1956/771 (1956 I, p. 731). (**e**) S.I. 1956/770 (1956 I, p. 727).
(**f**) S.I. 1948/889 (Rev. XVI, p. 298: 1948 I, p. 2851).

the modification for which the Teachers Modification Regulations provide—

(*a*) shall not apply if—

(i) his pensionable service for the purpose of the Public Board pension scheme commenced or is deemed to have commenced on or before 5th July 1948 ; or

(ii) he had previously been in employment in respect of which he was entitled to benefit under a pension scheme to which Regulations made under Section 69 (4) of the National Insurance Act, 1946, or a Scheme Modification Provision applied but had not been subject to any provision of such Regulations or Scheme Modification Provision modifying the benefits provided by the pension scheme ;

(*b*) shall apply as it applies to a new entrant if—

(i) he had previously been in employment in respect of which he was entitled to benefit under a pension scheme to which Regulations made under Section 69 (4) of the National Insurance Act, 1946, or a Scheme Modification Provision applied and had been subject to the provisions of such Regulations or Scheme Modification Provision modifying the benefits provided by the pension scheme in the manner applicable to persons entering upon that employment after the 5th July, 1948 ; or

(ii) his pensionable service for the purpose of the Public Board pension scheme commenced or is deemed to have commenced after 5th July, 1948 and he does not fall within either of the categories specified in sub-paragraphs (*a*) (ii) and (*c*) of this paragraph.

(*c*) shall apply as it applies to an existing teacher if he had previously been in employment in respect of which he was entitled to benefit under a pension scheme to which Regulations made under Section 69 (4) of the National Insurance Act, 1946, or a Scheme Modification Provision applied and had been subject to the provisions of such Regulations or Scheme Modification Provision modifying the benefits provided by the pension scheme in relation to persons entering upon that employment on or before the 5th July, 1948 by reference to a table and their respective ages at given dates :

Provided that in the case of a person to whom the foregoing sub-paragraph (*c*) applies the Teachers Modification Regulations shall have effect as if the reference therein to that person's age at a given date were a reference to his age at the date which was relevant for the purposes of the appropriate Regulations made under Section 69 (4) of the National Insurance Act, 1946 or of the appropriate Scheme Modification Provision, as the case may be."

10. For the purpose of the application of the principal Rules, as amended by these Rules, to any person by reason of the making of these Rules, references to the date of the coming into operation of these Rules shall be substituted for the references to the date of the coming into operation of the principal Rules in Rules 3, 10, 11 and 18 of the principal Rules.

11. For Rule 20 of the principal Rules there shall be substituted the following Rule :—

" 20.—(1) The Public Board employment of a person shall (unless he claims that it shall not be so treated) be treated as approved external service for the purposes of Section 13 of the Act of 1925—

(*a*) if that person is a person to whom Part II of these Rules applies and has been employed in contributory service under a Scheme made

under Section 21 (1) (*a*) of the Act of 1925 at any time before entering Public Board employment, in which case his employment so treated as approved external service shall include his recognised or contributory service in respect of which a transfer value has been paid by the Minister to a Public Board ; or

(*b*) if that person is a person to whom Part II of these Rules does not apply, but who has been employed in contributory service whether under a Scheme as aforesaid or otherwise at any time before entering Public Board employment.

(2) Where the Public Board employment of a person is treated as approved external service by virtue of this Rule—

(*a*) no period of such service shall be deemed to be contributory service in determining for the purposes of paragraph (*a*) (iv) of sub-section (1) of Section 2 of the Act of 1925 whether the teacher has been employed in some other form of contributory service ; and

(*b*) paragraphs 1 and 2 of the Second Schedule to the Teachers (Superannuation) Act, 1956(a), shall apply as if such employment were approved external service of the kind referred to in paragraph (*b*) of sub-section (1) of Section 13 of the Act of 1925.

(3) Public Board employment which is treated as approved external service by virtue of this Rule shall not be deemed to be—

(*a*) contributory service for the purposes of the proviso to Section 12 (2) of the Act of 1925, or

(*b*) recognised or contributory service for the purpose of calculating the average salary of a teacher under the provisions of Part II of the Act of 1925."

Concur

Edward Wakefield,
Anthony Barber,
Two of the Lords Commissioners of Her Majesty's Treasury.

27th September, 1957.

Given under the Official Seal of the Minister of Education this 24th day of September, 1957.

(L.S.)

Geoffrey Lloyd,
Minister of Education.

EXPLANATORY NOTE

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

These Rules amend the Superannuation (Teaching and Public Boards) Rules, 1951, which provide for the preservation of the superannuation rights of persons who transfer from pensionable service under the Teachers (Superannuation) Acts to pensionable service under a Public Board, or vice versa. They add the Electricity Council, the South of Scotland Electricity Board, the Gas Council, the Area Gas Boards, the United Kingdom Atomic Energy Authority, and the Nature Conservancy to the list of bodies which are to be treated as Public Boards for the purpose of the principal Rules. The Coal Industry Social Welfare Organisation will also be brought within their scope. There are other minor and consequential amendments to the principal Rules.

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