STATUTORY INSTRUMENTS

1967 No. 1286

EDUCATION, ENGLAND AND WALES

The Teachers' (Part-time) Superannuation Regulations 1967

Made - - -	23*rd August* 1967
Laid before Parliament	31*st August* 1967
Coming into Operation	1*st September* 1967

The Secretary of State for Education and Science, with the consent of the Treasury and after consultation with representatives of local education authorities and of teachers appearing to him to be likely to be affected, in exercise of the powers conferred upon him by sections 1 and 11 of the Teachers' Superannuation Act 1967(a), hereby makes the following Regulations :—

Citation and Commencement

1. These Regulations may be cited as the Teachers' (Part-time) Superannuation Regulations 1967 and shall come into operation on 1st September 1967.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"part-time teacher" has the meaning assigned to it by regulation 4 and, where the context so requires, includes a person who has ceased to be such a teacher;

"part-time teaching service" means such service as is by virtue of regulation 3 of these Regulations part-time teaching service for the purposes of these Regulations;

"the principal Regulations" means the Teachers' Superannuation Regulations 1967(b);

"relief teacher" means a teacher employed in part-time teaching service of the kind specified in regulation 3(1)(*b*).

(2) Other expressions used in these Regulations to which meanings are assigned by the principal Regulations or the Education Acts 1944 to 1967 shall, unless the context otherwise requires, have the same respective meanings in these Regulations as in those Regulations or, as the case may be, in those Acts.

(3) References in these Regulations to the provisions of any enactment or regulations shall be construed, unless the context otherwise requires, as references to those provisions as amended, modified, affected, applied or re-enacted by or under any subsequent enactment, regulations or other instrument.

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

(a) 1967 c. 12. (b) 1967/489 (1967 I, p. 1562). (c) 52 & 53 Vict. c. 63.

Part-time Teaching Service

3.—(1) For the purposes of these Regulations part-time teaching service shall, subject as in paragraph (3) below provided, be service as a teacher of a kind specified in paragraph (2) below which is either :—

(*a*) service after the beginning of December 1967, under a contract providing for regular service of less than full-time ; or

(*b*) service after the beginning of March 1968 under a contract terminable without notice as a teacher employed temporarily in the place of a regularly employed teacher.

(2) The following are the kinds of teachers referred to in paragraph (1) above, that is to say—

(*a*) teacher of a kind specified in paragraphs 1, 2 and 3 of Schedule 1 to the principal Regulations ;

(*b*) teacher in a school which is an accepted school under Part II of Schedule 1 to the principal Regulations, not being a school conducted for private profit of which he is a proprietor or, by reason of being a director or shareholder of the company by which it is so conducted, is substantially in the position of a proprietor ; and

(*c*) teacher employed by a local education authority for the purpose of providing under section 56 of the Education Act 1944(**a**) primary or secondary education otherwise than at school.

(3) Service which is remunerated at an hourly rate or by capitation fees shall not be part-time teaching service for the purposes of these Regulations.

Application of Act and Principal Regulations

4.—(1) Subject to the modifications and exceptions hereafter in these Regulations specified the provisions of sections 3 to 5 of, and Schedule 1 to, the Act of 1967 and of Parts I to VI and XI of the principal Regulations shall apply in relation to a teacher employed in part-time teaching service as they apply to a teacher employed in reckonable service if he so elects by notice in writing to the Secretary of State.

(2) An election made by a teacher under paragraph (1) above shall, if accepted by the Secretary of State, be irrevocable and shall have effect from 1st December 1967 or the first day of the month next following that in which the teacher is notified by the Secretary of State of its acceptance, whichever shall be the later.

(3) A teacher employed in part-time teaching service to whom the provisions specified in paragraph (1) above apply by virtue of an election made under this regulation is in these Regulations referred to as a "part-time teacher".

Exceptions

5. The provisions specified in regulation 4 of these Regulations shall not, by virtue of that regulation, apply to a teacher employed in part-time teaching service—

(*a*) who is employed in reckonable service ;

(*b*) who, not being a relief teacher employed as such in reckonable service within one year before the beginning of December 1967, has not been employed for a period of, or for periods amounting in the aggregate to, at least one year in—

(i) reckonable service or service which, having been contributory or reckonable service, has ceased to be such service ;

(**a**) 1944 c. 31.

(ii) service of a kind to which Part VII, VIII, IX or X of the principal Regulations applies ;

(iii) service of any kind specified in Part I of Schedule 2 to the principal Regulations ;

(iv) service which was contributory service for the purposes of the Teachers Superannuation (Independent Schools) Scheme 1963(a) or a scheme revoked by that Scheme ;

(v) service of any kind specified in Part III of Schedule 1 to the principal Regulations ;

(vi) service which would have been contributory service but for section 3(2) of the Act of 1945 ; or

(vii) service which would have been reckonable service but for regulation 16(1)(*b*) of the principal Regulations ;

(*c*) to whom an annual superannuation allowance payable by virtue of regulation 41(1)(*a*) of the principal Regulations or of the provisions of the Acts of 1918 to 1956 corresponding thereto has begun to accrue, unless, after the last such allowance began or begins to accrue and before the beginning of December 1967, he has been temporarily employed in reckonable service in the place of a regularly employed teacher under a contract terminable without notice and has not been repaid the contributions paid by him in respect of that employment ;

(*d*) to whom an annual superannuation allowance payable by virtue of regulation 41(1)(*b*) of the principal Regulations or of the provisions of the Acts of 1918 to 1956 corresponding thereto has begun to accrue, unless that allowance is for the time being suspended under regulation 53 of the principal Regulations or, as the case may be, suspended or determined under section 8 of the Act of 1925 ; or

(*e*) who is, or is deemed to be, a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act 1937(b).

Reckoning of Service

6.—(1) Subject as hereafter in this regulation provided, for the purposes of the provisions specified in regulation 4 of these Regulations there shall, in respect of a part-time teacher, in any financial year be reckoned as reckonable service such number of days as bears to three hundred and sixty-five the same proportion as the amount of the salary payable to him in respect of his part-time teaching service during that year bears to the amount which would have been payable to him if he had been employed full-time throughout that year in the same service at the salary appropriate thereto.

(2) Any allowances or additional payments shall be deemed to be excluded both from the salary payable to a part-time teacher and from the salary appropriate to full-time employment in the same service if such exclusion would result in an increase in the number of days to be reckoned as reckonable service under paragraph (1) above.

(3) In determining the period to be reckoned as reckonable service under this regulation—

(*a*) any reduction of salary during a period of absence from part-time teaching service on grounds of sickness shall be disregarded if regulation 9(1) of the principal Regulations applies to such period ;

(a) S.I. 1963/577 (1963 I, p. 668). (b) 1937 c. 68.

(*b*) a half or greater fraction of a day shall be reckoned as a day and a fraction of a day less than a half shall be disregarded; and

(*c*) the total reckonable service of a person in any financial year shall not exceed three hundred and sixty-five days.

(4) Any question arising under this regulation as to the amount of the salary which would have been payable to a part-time teacher if he had been employed full-time in the same service at the salary appropriate thereto shall be decided by the Secretary of State and his decision thereon shall be final.

Modification of Principal Regulations

7.—(1) In relation to a part-time teacher—

(*a*) regulations 13, 14, 15, 29, 31 and 32 of the principal Regulations shall not apply;

(*b*) in regulation 43(1) of the principal Regulations part-time teaching service shall be added to the kinds of service there specified;

(*c*) for the purpose of determining his last salary or notional salary under regulation 50(2) of the principal Regulations his salary in respect of a period of employment in part-time teaching service shall be deemed to be the amount which would have been payable to him by way of salary if he had been employed full-time during that period in the same service at the salary appropriate thereto; and

(*d*) in regulation 88(1)(*e*) of the principal Regulations for the reference to full-time service there shall be substituted a reference to part-time teaching service.

(2) In relation to a teacher who, before becoming entitled to superannuation allowances, was last employed in the capacity of a part-time teacher regulations 41(1)(*b*) and 53 of the principal Regulations shall have effect subject to the modification that for references to serving efficiently as a teacher in reckonable service there shall be substituted references to serving efficiently as a teacher in part-time teaching service.

Provisions in connection with National Insurance

8.—(1) In relation to a teacher who is employed in part-time teaching service of the kind specified in regulation 3(1)(*a*) and to whom sub-paragraph (1) of paragraph 2 of Schedule 5 to the principal Regulations applies subsections (3) and (4) of section 3 of the Act of 1967 shall have effect subject to the modification that the contributions payable thereunder both by the teacher and by his employer shall be reduced, in the case of a woman, by £1 10s. a year and, in the case of a man, by £1 4s. a year.

(2) An annual superannuation allowance payable to a part-time teacher shall, so far as attributable to any part-time teaching service which is non-participating employment within the meaning of the National Insurance Act 1965(a) (exclusive of any period of such employment in respect of which a payment in lieu of contributions has been made under that Act), be not less than that required to constitute the benefits in respect of that service equivalent pension benefits for the purposes of that Act.

(3) A part-time teacher who—

(*a*) if a man, on the sixty-fifth anniversary of his birth, or, if a woman, on the sixtieth anniversary of her birth, is employed in reckonable service, service of a kind to which Part VII, VIII, IX or X of the principal Regulations applies or as a part-time teacher; and

(a) 1965 c. 51.

(*b*) is not otherwise qualified for the payment of superannuation allowances under regulation 41 of the principal Regulations or for the resumption of an annual superannuation allowance under regulation 53 of those Regulations

shall be paid, in respect of any such service as aforesaid after 2nd April 1961 which is non-participating employment within the meaning of the National Insurance Act 1965, (exclusive of any period of such employment in respect of which a payment in lieu of contributions has been made under that Act) an annual pension not less than that required to constitute the benefits in respect of that service equivalent pension benefits for the purposes of that Act.

(4) An annual pension payable to a part-time teacher by virtue of paragraph (3) above shall begin to accrue on the day following that on which he ceases to be employed in service of any kind specified in sub-paragraph (*a*) thereof, class A or class B external service or in service which would, if he had not attained the age of seventy, be such service.

(5) The provisions of regulations 50, 57, 89, 90 and 91 of the principal Regulations shall apply in relation to an annual pension payable by virtue of paragraph (3) above as they apply in relation to an annual superannuation allowance.

(6) A part-time teacher to whom paragraph (3) above applies shall be entitled to be paid by the Secretary of State a sum equal to the balance of his contributions computed as at the date of repayment and for that purpose the provisions of Part IV of the principal Regulations shall apply subject to the modification that the balance of his contributions as determined thereunder shall be reduced by an amount equal to half of the actuarial value of the annual pension payable to him.

(7) Any question arising under this regulation as to the amount by which the balance of contributions payable to a part-time teacher is to be reduced under paragraph (6) above shall be decided by the Secretary of State and his decision thereon shall be final.

Amendment of Principal Regulations

9.—(1) The provisions of the principal Regulations relating to reckonable service and qualifying service shall have effect subject to the provisions in this regulation contained.

(2) Service as a relief teacher after the beginning of March 1968 which is part-time teaching service shall not be reckonable service.

(3) The following service shall be qualifying service—

(*a*) in relation to a part-time teacher employed in part-time teaching service of the kind specified in regulation 3(1)(*a*) of these Regulations, so much of any period of such employment as is not reckoned as reckonable service under regulation 6 of these Regulations ; and

(*b*) in relation to a relief teacher who is not a part-time teacher, so much of any period of employment as such teacher as would, if he were a part-time teacher, be reckoned as reckonable service under regulation 6 of these Regulations.

(4) Paragraph 2 of Schedule 3 to the principal Regulations (which specifies as qualifying service certain service in a school or other educational estab-

lishment) is hereby amended by the substitution of "one-third time" tor "half-time".

Given under the Official Seal of the Secretary of State for Education and Science on 21st August 1967.

(L.S.) *Herbert Andrew,*
Permanent Under-Secretary of State for Education and Science.

We concur

E. Alan Fitch,
Harry Gourlay,
Two of the Lords Commissioners of Her Majesty's Treasury.

23rd August 1967.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations provide for the introduction from 1st December 1967 of optional superannuation arrangements in the case of part-time teachers serving in primary and secondary schools and certain independent schools.

Subject to certain modifications and exceptions, the provisions of the principal Regulations (the Teachers' Superannuation Regulations 1967) which relate to full-time teachers are applied by these regulations to regular part-time teachers who have previously done at least a year's full-time service pensionable under teachers' superannuation and who elect that the regulations shall apply to them. An election is irrevocable and applies to all regular part-time teaching service done after the election takes effect; it does not apply to part-time service done after superannuation allowances on the ground of age have been awarded. The amount of pensionable service credited to a part-time teacher in any year is proportional to the fraction of the full annual salary paid. To satisfy the provisions of the National Insurance Act 1965 an annual pension in respect of contracted-out employment as a teacher of an amount not less than that which constitutes equivalent pension benefits under that Act is awarded to a teacher to whom these regulations apply if he is in service at National Insurance retirement age and subsequently retires without qualifying for superannuation allowances under the principal Regulations.

The Regulations also amend the principal Regulations so that after 28th February 1967 the service of relief teachers in the above types of schools is not automatically pensionable. Instead, the service of such teachers is, by virtue of these Regulations, treated as pensionable on a voluntary basis and is, in general, subject to the same provisions as regular part-time service.

In addition the Regulations make minor amendments to the conditions under which part-time service is treated as qualifying, i.e. non-pensionable, service.