(ii) SCHEMES

The Teachers Superannuation (Accepted Schools) Scheme, 1948

1948 No. 1740

Made - - - - *27th July*, 1948
Coming into Operation *1st August*, 1948

The Minister of Education in exercise of his powers under Section 21 (1) (*a*) of the Teachers (Superannuation) Act, 1925(**a**), as amended by Section 9 (2) of the Superannuation (Miscellaneous Provisions) Act, 1948(**b**), hereby makes the following Scheme:—

INTRODUCTORY

1. This Scheme may be cited as the Teachers Superannuation (Accepted Schools) Scheme, 1948, and shall come into operation on the 1st day of August, 1948.

2. The Interpretation Act, 1889(**c**), applies for the purpose of the interpretation of this Scheme as it applies for the purpose of the interpretation of an Act of Parliament.

3. In this Scheme, unless the context otherwise requires—

" the 1925 Act " means the Teachers (Superannuation) Act, 1925;

1 Edw. 8. & 1 Geo. 6. c. 47. " the 1937 Act " means the Teachers (Superannuation) Act, 1937;

2 & 3 Geo. 6. c. 95. " the 1939 Act " means the Teachers Superannuation (War Service) Act, 1939;

8 & 9 Geo. 6. c. 14. " the 1945 Act " means the Teachers (Superannuation) Act, 1945;

" the Minister " means the Minister of Education;

" the 1926 Scheme " means the Scheme made by the Minister on 11th October, 1926(**d**), under Section 21 (1) (*a*) of the 1925 Act as varied by the Scheme made by the Minister on 21st March, 1946(**e**);

" accepted " means accepted by the Minister for the purposes of this Scheme; and

" acceptance " shall be construed accordingly.

SCHOOLS WHICH MAY BE ACCEPTED

4. Schools which may be accepted by the Minister for the purposes of this Scheme shall not include any schools or institutions, service in which is contributory service under paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*f*), (*g*) or (*i*) of Section 1 (1) of the 1945 Act, but subject thereto shall include—

(*a*) schools of the following classes which are recognised as efficient under Rules made from time to time by the Minister relating to such recognition

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(**a**) 15 & 16 Geo. 5. c. 59. (**b**) 11 & 12 Geo. 6. c. 33.
(**c**) 52 & 53 Vict. c. 63. (**d**) S.R. & O. 1926 (No. 1314), p. 439.
(**e**) S.R. & O. 1946 (No. 415), p. 451.

or under any conditions which the Minister may prescribe for the purposes of the Scheme—

(i) Primary Schools;

(ii) Secondary Schools;

(iii) Establishments for Further Education; and

(iv) Training Colleges other than Training Colleges forming part of a University or University College;

and

(*b*) any schools of other types specially approved by the Minister for the purpose.

5.—(1) Application for the acceptance of a school shall be made by the Governing Body or proprietors of the school and the Governing Body or proprietors shall, when application is made, give an undertaking that the payment of contributions shall be a condition of the service of all teachers, other than those excluded from contributory service as hereinafter provided, who shall be appointed to full-time service in the school after the date on which the Governing Body or proprietors of the school receive notification by the Minister of acceptance of the school.

(2) In the event of any breach of undertaking as aforesaid, future service in the school in question shall, as from such subsequent date as may be determined by the Minister, cease to be contributory service under the Scheme, but without prejudice to the power of the Minister to accept the school again on a fresh undertaking.

6.—(1) If a school is accepted it shall become subject to the provisions of this Scheme as from the date of acceptance for that school.

(2) The date of acceptance for any school shall, unless some later date be approved for the purpose of that school by the Minister, be—

(*a*) in any case where application for acceptance of the school is made not later than three months after the date on which this Scheme comes into operation, the 1st January, 1948; or

(*b*) in any other case, the first day of the term in which application is made for acceptance, for which purpose a term shall be a period of four months beginning with the 1st January, 1st May, or 1st September as the case may be.

(3) A school which is for the time being subject to the 1926 Scheme may be accepted for the purposes of this Scheme and as from the date of acceptance the 1926 Scheme shall, notwithstanding anything to the contrary therein, without further formality cease to apply to that school.

Persons within Scheme

7. As from the date of acceptance of a school, persons employed as teachers in full-time service in that school shall become subject to the provisions of this Scheme with the exception of—

(*a*) the proprietor of a school conducted for private profit or person who, in the opinion of the Minister, should be treated as a proprietor;

(*b*) a teacher subject to a pension scheme in operation in an accepted school who does not withdraw from the provisions of that Scheme; provided that the exception for which this paragraph provides shall apply to the teacher only so long as he continues in service in that school;

(*c*) a teacher, employed at the date of acceptance of the school, who notifies the Minister within three months after that date or within such further period as may be approved by the Minister, that he does not desire to be regarded as in contributory service;

(*d*) a teacher who becomes employed after the date of acceptance of the school but before the date on which the Governing Body or proprietors receive notification by the Minister of such acceptance and who notifies the Minister within three months after becoming so employed or within such further period as may be approved by the Minister that he does not desire to be regarded as in contributory service;

(*e*) a teacher who has been guilty of such misconduct as would, in the opinion of the Minister, have disqualified him for recognition in grant-aided service and who is for that reason excluded by the Minister from the benefit of this Scheme; and

(*f*) a teacher who has not previously been employed in recognised or contributory service whether under the 1926 Scheme or otherwise (including approved external service in Scotland or service which is treated in the same manner as such last-mentioned service under any Scheme made under Section 21 (1) (*c*) of the 1925 Act) and who fails to satisfy the Minister of his physical capacity.

Application of Acts as modified

8. The provisions of Part II of the 1925 Act as amended by the 1945 Act, and such of the provisions of the 1937 Act and the 1939 Act as are expressed to apply to a Scheme made under Section 21 of the 1925 Act shall apply in the case of any person to whom this Scheme applies subject to the following modifications.

Contributions

9.—(1) Section 9 (1) of the 1925 Act which provides for the payment of contributions by teachers and employers shall have effect with the substitution in paragraphs (*a*) and (*b*) thereof of six-and-a-quarter per cent. for five per cent. being a percentage of the amount of the teacher's salary for the time being.

(2) Section 2 (1) of the 1937 Act which provides for the payment of contributions by a teacher during intervals of service, shall have effect with the substitution of twelve-and-a-half per cent. instead of ten per cent. of the amount of the teacher's salary.

Average Salary

10. Section 10 (2) of the 1925 Act shall apply with the modification that the average salary of a teacher shall be taken to be the average amount of the teacher's full salary, as calculated under that section in respect of the last five years of his employment in contributory service under this Scheme, or, if the teacher has not been so employed for five years, then the average amount of salary during the period for which he has been so employed.

Accounting and Valuation

11. In respect of service under this Scheme the following provisions shall be substituted for the provisions of Section 15 of the 1925 Act—

(1) There shall be kept in accordance with the directions contained in the Schedule to this Scheme an account in such form and prepared in such manner as may be provided for by regulations made by the Treasury, of

all revenue and expenditure (including any sums which are under the said Schedule to be deemed to be revenue and expenditure) under the Scheme, and at the expiration of such period after the commencement of this Scheme as the Treasury think practicable and at the expiration of every subsequent period of seven years, the Treasury shall cause an actuarial inquiry to be made for the purpose of determining whether on the basis of the said account the contributions payable under the Scheme are sufficient, or more than sufficient or less than sufficient, to support the benefits payable thereunder in respect of those contributions.

(2) The Treasury shall cause a report of every inquiry made under these provisions to be laid before both Houses of Parliament.

Consultation

12. Section 17 (1) of the 1925 Act which provides for consultation by the Minister with representatives of Local Education Authorities and of teachers affected shall have effect with the modification that the words " employers of accepted schools " shall be substituted for the words " Local Education Authorities ".

Modifications as respects Contributory Service

13.—(1) Subject to the provisions hereinbefore contained, contributory service under this Scheme shall be treated as if it were contributory service under the 1925 Act as amended by the 1945 Act, provided that, except so far as may be otherwise prescribed under the 1925 Act, it shall not be so treated for the purpose of—

(*a*) determining for the purposes of Section 2 (1) (*a*) (iv) of the 1925 Act whether a teacher has been in some other form of contributory service; or

(*b*) calculating the amount of any superannuation allowance or gratuity in respect of recognised or contributory service under the 1925 Act, the 1945 Act, or the 1926 Scheme; or

(*c*) the proviso to Section 13 (2) (*b*) of the 1925 Act; or

(*d*) determining whether a teacher died in contributory service under the 1925 Act, the 1945 Act, or the 1926 Scheme.

(2) Contributory service under the 1925 Act, the 1945 Act, or the 1926 Scheme shall not be reckoned for determining whether a teacher dies in contributory service under this Scheme.

Modifications for National Insurance

14. The modifications of the Teachers Acts and other instruments for which the National Insurance (Modification of Teachers Pensions) Regulations, 1948(a), provide shall apply to teachers in contributory service by virtue of this Scheme as they apply to other teachers in contributory service.

SCHEDULE

(Clause 11)

DIRECTIONS AS TO ACCOUNT

(1) The accounting periods for which the account shall be made up shall be from the 1st day of April in each year to the 31st day of March in the next year.

(2) There shall be treated as having been paid into the revenue for each accounting period—

(*a*) the amount of contributions attributable to the period;

(a) S.I. 1948 No. 889, p. 2851 below.

(*b*) a sum representing interest at the rate of 3½ per cent. per annum on the mean balance, if any, of revenue over expenditure during the period; such mean balance being calculated by adding together one half of the balance (exclusive of any interest under this paragraph) remaining at the end of the period, and one half of the balance, if any, carried forward from the last preceding accounting period;

(*c*) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period; and

(*d*) any other revenue attributable to the period.

Given under the Official Seal of the Minister of Education this 27th day of July, 1948.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

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

The purpose of this Scheme is to enable teaching service in schools which are efficient but not grant-aided to be pensionable on a scale approximating to the benefits payable under the Teachers (Superannuation) Act, 1925, in respect of service in grant-aided schools.

The Scheme is an alternative to the Scheme for non-grant-aided schools made in 1926. Under that Scheme the contributions are, as under the Act of 1925, at the rate of 10 per cent.; but, in order to comply with the requirement of Section 21 (1) (*a*) of the Act that the Scheme should be self-supporting, benefits under it are on a lower scale than those payable under the Act in respect of service in grant-aided schools.

The present Scheme provides benefits more nearly approximating to those payable under the Act in respect of service in grant-aided schools, but, in order to comply with the requirement that the Scheme should be self-supporting, the rates of contribution are fixed at 12½ per cent. instead of 10 per cent.

The Teachers Superannuation (Foreign Office (German Section)) Scheme, 1948

1948 No. 2333

Made - - - - 22*nd October,* 1948
Coming into Operation 23*rd October,* 1948

The Minister of Education in exercise of the powers conferred upon him by Section 21 (1) (*b*) of the Teachers (Superannuation) Act, 1925(**a**), hereby makes the following Scheme:—

1. This Scheme may be cited as the Teachers Superannuation (Foreign Office (German Section)) Scheme, 1948, and shall come into operation on the twenty-third day of October, 1948.

2. The Interpretation Act, 1889(**b**), applies for the purpose of the interpretation of this Scheme as it applies for the purpose of the interpretation of an Act of Parliament.

(**a**) 15 & 16 Geo. 5. c. 59. (**b**) 52 & 53 Vict. c. 63.