STATUTORY INSTRUMENTS

# 1963 No. 2108

# EDUCATION, ENGLAND AND WALES

## The Teachers Superannuation (Allocation of Pension) Amending Rules 1963

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| *Made* - - - - | 19*th December* 1963 |
| *Laid before Parliament* | 31*st December* 1963 |
| *Coming into Operation* | 6*th January* 1964 |

The Minister of Education, with the consent of the Treasury, and after consultation with representatives of teachers affected, in exercise of the powers conferred upon him by section 1 of the Teachers (Superannuation) Act 1937(a), as amended by the Teachers (Superannuation) Act 1956(b), hereby makes the following Rules:—

**1.** These Rules may be cited as the Teachers Superannuation (Allocation of Pension) Amending Rules 1963, and shall come into operation on 6th January 1964.

**2.**—(1) The Teachers Superannuation (Allocation of Pension) Amending Rules 1960(c) are hereby revoked:

Provided that the said Rules shall continue to apply in relation to the period before the date of the coming into operation of these Rules in like manner as they would have applied if these Rules had not been made.

(2) Section 38(2) of the Interpretation Act 1889(d) (which relates to the effect of repeals) shall have effect in relation to the Rules revoked by these Rules as if those Rules were an enactment repealed by an Act.

**3.** For rule 8 of the Teachers Superannuation (Allocation of Pension) Rules 1956(e) there shall be substituted the following rule:—

" 8. A teacher shall not surrender—

(*a*) an amount of his annual superannuation allowance that is not an exact number of pounds ; or

(*b*) so much of his annual superannuation allowance as would result in his receiving, in relation to any period of contributory service after 5th January 1964 which is non-participating employment within the meaning of the National Insurance Act 1959(f), as amended by any subsequent Act, an amount less than that required to constitute the benefits in respect of that period equivalent pension benefits within the meaning of the said Act as so amended ; or

(*c*) more than one-third of his annual superannuation allowance before any deductions are made therefrom in pursuance of regulations made under section 69(4) of the National Insurance Act 1946(g) or under that section as extended by section 15 of the National Insurance Act 1959 ; or

(a) 1 Edw. 8 & 1 Geo. 6. c. 47.
(b) 4 & 5 Eliz. 2. c. 53.
(c) S.I. 1960/2240 (1960 I, p. 1304).
(d) 52 & 53 Vict. c. 63.
(e) S.I. 1956/1512 (1956 I, p. 718).
(f) 7 & 8 Eliz. 2. c. 47.
(g) 9 & 10 Geo. 6. c. 67.

(*d*) so much of his annual superannuation allowance as would result in the amount thereof continuing to be payable to him being, before any such deductions as aforesaid, less than the amount of the pension payable to the beneficiary ; or

(*e*) a smaller amount of his annual superannuation allowance than would secure for the beneficiary a pension equal to one-quarter of the amount of the annual superannuation allowance as reduced by any such deductions as aforesaid and by the amount surrendered."

Given under the Official Seal of the Minister of Education on 12th December 1963.

(L.S.)

*Edward C. G. Boyle,*
Minister of Education.

Concur

*Martin McLaren,*
*M. A. Hamilton,*
Two of the Lords Commissioners of Her Majesty's Treasury.

19th December 1963.

## EXPLANATORY NOTE

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

These rules, which are made in consequence of the National Insurance Acts 1959 to 1963, alter the limits on the amount of annual superannuation allowance which a teacher may surrender to obtain a pension for a spouse or other dependant.

In particular, the rules provide that where that part of a teacher's pension which is in respect of non-participating employment after 5th January 1964, is reduced by allocation, the amount remaining shall not be less than equivalent pension benefits within the meaning of the National Insurance Act 1959, as amended. They also provide that, subject to the above, the maximum amount which a teacher may allocate shall be related to the amount of his pension before any reduction on account of flat-rate and graduated National Insurance pension ; and that the minimum amount shall be related to the amount of his pension after any such reduction.