1956 No. 1512

The Teachers Superannuation (Allocation of Pension) Rules, 1956

Made - - - -	21*st September*, 1956
Laid before Parliament	28*th September*, 1956
Coming into Operation	1*st October*, 1956

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) Rules, 1956, and shall come into operation on the first day of October, 1956.

2. The Interpretation Act, 1889(**c**), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

3.—(1) In these rules, unless the context otherwise requires—

" the Act of 1925 " means the Teachers (Superannuation) Act, 1925(**d**);

" the Minister " means the Minister of Education;

" annual superannuation allowance " means an annual superannuation allowance granted, otherwise than by reason of infirmity of mind or body, under the School Teachers (Superannuation) Act, 1918(**e**), or under the Act of 1925 (including any annual payment to the teacher under paragraph (*a*) or paragraph (*b*) of sub-section (3) of Section 14 of the Act of 1925), or under a Scheme made under Section 21 of the Act of 1925;

" make an allocation " means surrender part of an annual superannuation allowance by making an allocation declaration in accordance with these rules;

" beneficiary " means the person in whose favour an allocation is to be made;

" Option Tables " means the tables, prepared by the Government Actuary under Section 1 of the Teachers (Superannuation) Act, 1937, for the time being in force;

" retiring teacher " means a teacher to whom an annual superannuation allowance is granted;

" continuing teacher " means a teacher who, if he retired from his employment, would be entitled to an annual superannuation allowance;

(**a**) 1 Edw. 8 & 1 Geo. 6. c. 47. (**b**) 4 & 5 Eliz. 2. c. 53. (**c**) 52 & 53 Vict. c. 63.
(**d**) 15 & 16 Geo. 5. c. 59. (**e**) 8 & 9 Geo. 5. c. 55.

"closing date" means—

(*a*) in relation to a retiring teacher, the day before the date of commencement of his annual superannuation allowance, or the day three months after the date on which he was supplied with a form of application for allocation under these rules, whichever is the later; and

(*b*) in relation to a continuing teacher, means the day three months after the date on which he was supplied with a form of application for allocation under these rules.

(2) In relation to a continuing teacher a reference to his annual superannuation allowance shall include a reference to that allowance as estimated under the provisions of rule 10 (3).

(3) A reference to the date on which a teacher becomes eligible to make an allocation shall be to the date on which he would become entitled to an annual superannuation allowance if he were to retire from employment on that date.

4. A teacher, not being a teacher to whom a superannuation allowance has at any previous time been payable otherwise than by reason of infirmity of mind or body, may make an allocation in accordance with the provisions of these rules in return for the benefits provided for by these rules.

5.—(1) Benefit granted under these rules in respect of a spouse may, at the option of the teacher, be either—

(*a*) a pension payable to the spouse in respect of the period, if any, for which the spouse survives the teacher (option A); or

(*b*) an annuity payable to the teacher in respect of the period of their joint lives from the date of commencement of the teacher's annual superannuation allowance, and a pension payable to the spouse in respect of the period, if any, for which the spouse survives the teacher, and the rate of pension payable to the spouse shall be twice the rate of the aforesaid annuity payable to the teacher (option B).

(2) A pension granted under these rules in respect of a dependant (other than a spouse) shall be in accordance with option A, that is to say, it shall be payable to the dependant in respect of the period, if any, for which the dependant survives the teacher.

6. The amount of pension or annuity payable in return for each £1 of the teacher's annual superannuation allowance surrendered by him shall be the amount, according to the age and sex of the teacher and the age and sex of the beneficiary, shown in the appropriate Option Table in force, in the case of a retiring teacher, at the date of commencement of his annual superannuation allowance, or, in the case of a continuing teacher, at the date on which his allocation declaration is lodged with the Minister.

7. Any annuity payable to a teacher under these rules, and any pension payable to a beneficiary thereunder, shall be payable in arrear in the same manner as the teacher's annual superannuation allowance is or would have been payable.

8. A teacher shall not surrender

(*a*) more than one-third of his annual superannuation allowance; or

(*b*) so much of his allowance as would make the amount of the allowance (as reduced by the amount surrendered) payable to him less than the amount of pension payable to the beneficiary after the teacher's death; or

(*c*) a smaller *amount* of the allowance than would secure for the beneficiary after the *death* of the teacher a pension equal to one-fourth of the amount of the allowance (as reduced by the amount surrendered) payable to the teacher; or

(*d*) an amount of the allowance that is not an exact number of pounds.

9. A teacher who has made an allocation as a continuing teacher may make a further allocation so long as

(*a*) the total amount of the allowance surrendered is in accordance with the provisions of the preceding rule;

(*b*) the further allocation is in favour of the same beneficiary and in accordance with the same option as before;

(*c*) the further allocation is made in all respects in accordance with these rules except that the Minister may in his discretion dispense with a further medical examination.

Procedure

10.—(1) A teacher may notify the Minister in writing of his desire to consider the question of making an allocation not earlier than four months before the date on which he becomes eligible to make an allocation; and in the case of a retiring teacher such notification shall as far as possible be given at the time when he applies for his annual superanuation allowance.

(2) As soon as practicable after the receipt of the notification the Minister shall furnish the teacher with:—

(*a*) a copy of a form of application for allocation;

(*b*) a copy of these rules and of the Option Tables for the time being in force;

(*c*) the name and address of a medical officer nominated by the Minister; and

(*d*) a statement of the closing date for the purposes of these rules.

(3) The Minister shall also furnish—

(*a*) to a retiring teacher a statement of the amount of the annual superannuation allowance and additional allowance which it is estimated will be payable to him at the date specified in the statement; and

(*b*) to a continuing teacher a statement of the amount of the annual superannuation allowance and additional allowance which it is estimated would be payable to him if he were to retire on a date specified, which date shall be approximately three months after the day the statement is sent to him.

11. The teacher shall, if he desires to make an allocation, furnish to the Minister on the form of application for allocation the particulars required in respect of the beneficiary, who shall write his signature in the appointed space of that form; and the teacher shall, if so required, furnish to the Minister certified copies of the certificates of birth and marriage of the beneficiary and himself, or such evidence and information with regard to these and other matters as the Minister may consider necessary.

12. The Minister may require such independent verification as he may think fit of the particulars given by the teacher with regard to the beneficiary and for this purpose he may require the beneficiary to make a declaration in the presence of, and to be attested by, a witness other than the teacher stating the beneficiary's date of birth and (where appropriate) particulars of his marriage, his relationship to the teacher and whether he is wholly or partially dependent on the teacher.

13.—(1) For the purpose of satisfying the Minister that he is of good health, regard being had to his age, the teacher shall submit himself for examination to a medical officer nominated by the Minister in accordance with rule 10 (2) (*c*).

(2) If, as a result of that examination, the Minister is not satisfied that the teacher is of good health, he shall notify him accordingly and shall offer him an opportunity for a further medical examination by a medical officer nominated by the Minister.

(3) The decision of the Minister upon the question whether a teacher is of good health shall be conclusive.

14. If the date of commencement of a retiring teacher's annual superannuation allowance is postponed to a date more than three months after the date of the medical examination as a result of which the Minister was satisfied that he was of good health the Minister may, if he thinks fit, require the teacher to undergo such further medical examination as he may direct.

15. If the Minister is satisfied that the teacher is of good health and is also satisfied with the evidence and particulars furnished in accordance with rules 11 and 12, he shall notify the teacher that he may make an allocation declaration.

16.—(1) Every allocation declaration shall be made in the form set out in the Schedule to these rules and shall be lodged with the Minister before midnight on the closing date.

(2) An allocation declaration which is not lodged with the Minister before midnight on the closing date, or which does not comply with these rules, shall be invalid.

17.—(1) As soon as possible after the receipt of an allocation declaration, the Minister shall inform the teacher whether such declaration is valid or invalid, and if the latter shall state the grounds upon which the declaration has been held to be invalid.

(2) If the declaration is valid the Minister shall furnish—

(*a*) to a retiring teacher a statement or estimate of the amount of his annual superannuation allowance and of the annuity, if any, which will be payable to him and the pension which will be payable to the beneficiary; and

(*b*) to a continuing teacher a statement of the amount by which his annual superannuation allowance will be reduced on account of his making the allocation, and of the amount of the annuity, if any, which will be payable to him, and of the pension which will be payable to the beneficiary.

18.—(1) A teacher may cancel or amend his allocation declaration by notice in writing lodged with the Minister on the form provided for the purpose at any time before midnight on the day before the date of commencement of his annual superannuation allowance, if he is a retiring teacher, or before midnight on the day before he becomes eligible to make an allocation if he is a continuing teacher.

(2) A retiring teacher who has made a valid allocation declaration and who is subsequently notified by the Minister of an alteration in the amount or the estimated amount of his annual superannuation allowance less than fourteen days before the closing date, or after the closing date but within six months after the date of the commencement of the allowance, may

amend his declaration by notice in writing on the form provided for the purpose lodged with the Minister before midnight of the fourteenth day after the receipt of the notification:

Provided that no notice of an amendment of an allocation declaration may be lodged with the Minister after the closing date except for the purpose of increasing or decreasing the amount of annual superannuation allowance to be surrendered by an amount not exceeding the increase or decrease (to the nearest pound) in the amount of the allowance previously notified to such teacher in accordance with rule 10 of these rules.

(3) Save as is provided in this rule, an allocation declaration which is lodged with the Minister may not be cancelled or amended.

(4) An amendment of an allocation declaration shall not be valid if the allocation declaration as so amended does not comply with these rules.

19. Where a retiring teacher has been informed in pursuance of rule 17 of these rules that an allocation declaration made by him is valid, that declaration shall remain valid, unless cancelled or amended by him in the manner and within the period permitted by these rules, notwithstanding that, as a result of a subsequent alteration in the amount, or estimated amount, of his annual superannuation allowance, the amount of the allowance to be surrendered no longer complies with paragraphs (*b*) and (*c*) of rule 8 of these rules.

20.—(1) An allocation declaration made by a retiring teacher shall become void if either he or the beneficiary dies before midnight on the day before the date of commencement of the teacher's annual superannuation allowance, or before midnight on the day on which the declaration is lodged with the Minister, whichever is later.

(2) An allocation declaration made by a continuing teacher shall become void if either he or the beneficiary dies before midnight on the day before the date on which he becomes eligible to make an allocation, or before midnight on the day on which the declaration is lodged with the Minister, whichever is later.

(3) Where, as the result of an allocation declaration being lodged with the Minister on or after the date of commencement of the teacher's annual superannuation allowance, any overpayment has been made to the teacher, the overpayment shall be brought into account on the next payment or payments due to him.

21. Where a teacher is living at a place outside the United Kingdom and the Minister is satisfied that he will not on that account have a reasonable opportunity of carrying through in due time all the steps necessary to enable him to make an allocation, the Minister may appoint a special closing date for that teacher.

22. Any fees or other expenses incurred by any person in connection with a medical examination under these rules or in satisfying the Minister as to any claim to benefits or other question arising thereunder shall be paid by or on behalf of that person.

23. If any notice, declaration or other document is sent through the post it shall not be deemed to be lodged with the Minister within the time prescribed by these rules unless it is posted at a time which will normally ensure its due delivery within the time so prescribed.

24. The Teachers Superannuation (Allocation of Pension) Rules, 1937(a), are hereby revoked.

(a) S.R. & O. 1937/874 (Rev. VI, p. 477: 1937, p. 690).

SCHEDULE

Rule 16. ALLOCATION DECLARATION UNDER THE TEACHERS SUPERANNUATION (ALLOCATION OF PENSION) RULES, 1956

Name in full. I ..... hereby declare that I desire to surrender £..... of my annual superannuation allowance under the Teachers Superannuation (Allocation of Pension) Rules, 1956, in return for the grant of

Name in full. *(*a*) a pension payable in accordance with Option A to....., the beneficiary named by me on Form .....;

or

Name in full. *(*b*) an annuity payable to me and a pension payable to....., the beneficiary named by me on Form....., in accordance with Option B.

Signature .....

Date .....

Reference No. .....

* Strike out either paragraph (*a*) or (*b*) whichever is inapplicable.

Concur

Martin Redmayne,
Gerald Wills,
Two of the Lords Commissioners of Her Majesty's Treasury.

21st September, 1956.

Given under the Official Seal of the Minister of Education this 20th day of September, 1956.

(L.S.)

David Eccles,
Minister of Education.

EXPLANATORY NOTE

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

Under Section 1 of the Teachers (Superannuation) Act, 1937, a teacher may, in accordance with rules made under the Act, surrender on retirement a part of his pension and obtain a pension for his spouse or other dependent, and the Teachers Superannuation (Allocation of Pension) Rules, 1937, were made under that Act. Section 9 of the Teachers (Superannuation) Act, 1956, has extended the provisions of Section 1 of the 1937 Act so as to give the same right to a continuing teacher, that is to say a teacher who does not retire from his employment but who would have become entitled to a pension if he had done so. The above rules accordingly revoke and re-enact the provisions of the 1937 rules with additions to cover the case of the continuing teacher, who will be able to make his surrender at the date he becomes entitled to retire on pension, or at any time thereafter.