STATUTORY INSTRUMENTS

1968 No. 1353

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (Amending) Regulations 1968

Made - - -	22*nd August* 1968
Laid before Parliament	30*th August* 1968
Coming into Operation	1*st September* 1968

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 of the powers conferred upon him by section 1 of the Teachers' Superannuation Act 1967(a), hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Amending) Regulations 1968 and shall come into operation on 1st September 1968.

(2) The Teachers' Superannuation Regulations 1967(b), the Teachers' Superannuation (Amending) Regulations 1967(c), the Teachers' (Part-time) Superannuation Regulations 1967(d) and these Regulations may be cited together as the Teachers' Superannuation Regulations 1967 and 1968.

2.—(1) In these Regulations the expression "the principal Regulations" means the Teachers' Superannuation Regulations 1967 and these Regulations shall be construed as one with those Regulations.

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

3. Except as in these Regulations expressly provided, amendment of the principal Regulations by these Regulations shall not—

(*a*) affect the previous operation of the principal Regulations or anything duly done or suffered under those Regulations ;

(*b*) affect any right, obligation or liability acquired, accrued or incurred under the principal Regulations before the coming into operation of these Regulations; or

(*c*) cause any annual superannuation allowance, additional superannuation allowance, gratuity or other benefit, or any increase thereof, to be payable from a date earlier than that on which these Regulations come into operation.

(a) 1967 c. 12. (b) S.I. 1967/489 (1967 I, p. 1562).
(c) S.I. 1967/948 (1967 II, p. 2904) (d) 1967/1286 (1967 II, p. 3721).
(e) 1889 c. 63.

4. In regulation 7 of the principal Regulations (which relates to the employments and occupations which are qualifying service for the purposes of those Regulations) after paragraph (*b*) there shall be inserted the following paragraph:—

"(bb) any employment or occupation which, having been reckonable service or external service or reckonable as such, has ceased for any reason to be such service or to be so reckonable".

5.—(1) In regulation 16 of the principal Regulations (which relates to exclusion from reckonable service) sub-paragraph (*b*) of paragraph (1) shall cease to have effect.

(2) In the case of a person who immediately before 1st April 1967 was employed in services which was not treated as contributory service by virtue of section 3(2) of the Act of 1945—

(*a*) his service in the same employment shall not be reckonable service; and

(*b*) any other service as a teacher of a kind specified in Part I of Schedule 1 to the principal Regulations—

(i) in which he becomes employed not more than one year after leaving that employment or after leaving any subsequent employment not treated as reckonable service by virtue of this regulation; and

(ii) in respect of which he would, but for an election made under this paragraph, be subject to a superannuation scheme of a kind specified in paragraph 2(2) of Schedule 2 to the Act of 1967

shall not be reckonable service unless within three months of becoming employed therein he otherwise elects by notice in writing to the Secretary of State and the body administering the superannuation scheme to which he would otherwise be subject.

(3) A person who—

(*a*) immediately before 1st April 1967 was employed in service which was not treated as contributory service by virtue of section 3(2) of the Act of 1945;

(*b*) before the coming into operation of these Regulations became employed in other service as a teacher of a kind specified in Part I of Schedule 1 to the principal Regulations; and

(*c*) could, if paragraph (2) above had been included in the principal Regulations and regulation 16(1)(*b*) omitted therefrom, have continued by virtue of that paragraph to be subject to a superannuation scheme of a kind therein mentioned

may within three months of the date of the coming into operation of these Regulations elect by notice in writing to the Secretary of State that his service shall from that date not be reckonable service.

6.—In Regulation 24 of the principal Regulations (which relates to emoluments) for paragraph (*a*) there shall be substituted the following paragraph:—

"(*a*) the value (not exceeding one-sixth of the cash salary of the teacher) of a dwelling-house or other residential accommodation provided free of rent and the value of any heat, light, water or other services supplied free in connection therewith which, in the opinion of the Secretary of State, it is not practicable or convenient to convert into a cash salary;"

7.—In regulation 43 of the principal Regulations (which relates to the duration of annual superannuation allowances) for paragraph (2) there shall be substituted the following paragraph:—

"(2) An annual superannuation allowance payable to a teacher by virtue of regulation 41(1)(*b*) shall begin to accrue on whichever of the following two days shall be the later, that is to say—

(*a*) the day following that on which the teacher ceases to be employed in reckonable service or external service ; or

(*b*) the day six months before the date of the last report of a duly qualified medical practitioner of which the Secretary of State took account in forming the opinion that the teacher had become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service."

8. In regulation 52 of the principal Regulations (which relates to avoidance of duplicate pensions) for the reference in paragraph (4)(*b*) to regulation 42 there shall be substituted a reference to regulation 43.

9. Regulation 70 of the principal Regulations (which relates to organisers) shall be amended as follows :—

(*a*) the existing regulation, amended as in this regulation provided, shall be paragraph (1) ;

(*b*) at the end of sub-paragraph (*a*) of paragraph (1) there shall be added the following :—

"(iii) a person employed by a body specified in paragraph (2) below who, before becoming so employed, was employed for not less than three years in reckonable service or class A external service and who, within three months of becoming so employed, with the agreement of the Secretary of State and his employer, elects by notice in writing to the Secretary of State that this Part shall apply to him ;" and

(*c*) after paragraph (1) there shall be added the following paragraph :—

"(2) The following are the bodies referred to in paragraph (1)(*a*)(iii) above, that is to say—

The City and Guilds of London Institute
The Associated Examining Board."

10. In regulation 74 of the principal Regulations (which relates to teachers in admitted schools) for the reference in paragraph (3) to paragraph (2)(*e*) there shall be substituted a reference to paragraph (2)(*a*).

11. For regulation 86 of the principal Regulations there shall be substituted the following regulations :—

"Contributions

86.—(1) The contributions payable by a services education officer shall be the aggregate of the contributions payable in respect of him under sections 3 and 5 of the Act of 1967 and no contributions shall be payable by any person as the employer of such an officer.

(2) For the purposes of determining the amount of the contributions payable by a services education officer his salary for any period shall be such salary, exclusive of any London allowance, as he would have received in respect of that period if he were affected by an order made under section 2 of the Remuneration of Teachers Act 1965(**a**).

(**a**) 1965 c. 3.

(3) So much of the contributions paid by a services education officer as is equal to six per cent of his salary shall be treated as contributions paid by a teacher and the remainder shall be treated as contributions paid by an employer.

(4) Any question arising under this regulation as to the amount of the salary for any period of a services education officer shall be decided by the Secretary of State and his decision thereon shall be final."

12. In Part I of Schedule 2 to the principal Regulations (which Part specifies the kinds of service which are class A external service for the purposes of those Regulations) for paragraph 1 there shall, with effect from the date on which regulations made under section 1 of the Teachers' Superannuation (Scotland) Act 1968(a) come into operation, be substituted the following paragraph :—

"1. Reckonable service within the meaning of regulations made under section 1 of the Teachers' Superannuation (Scotland) Act 1968."

13. Part III of Schedule 2 to the principal Regulations (which Part specifies the kinds of service which are class C external service for the purposes of those Regulations) shall be amended as follows :—

(*a*) for paragraph 24 there shall be substituted the following paragraph :—
"24. Employment after reckonable service in employment to which interchange rules made by the Secretary of State for the time being apply" ; and

(*b*) at the end there shall be added the following paragraph :—
"27. Pensionable service as a clerk in holy orders or as a regular minister of any religious denomination."

14. In Schedule 3 to the principal Regulations (which specifies the employments and occupations which are qualifying service for the purposes of those Regulations) paragraph 1 shall cease to have effect.

Given under the Official Seal of the Secretary of State for Education and Science on 14th August 1968.

(L.S.)

G. H. Andrew,
Permanent Under-Secretary of State
for Education and Science.

We concur.
22nd August 1968.

E. Alan Fitch,
B. K. O'Malley,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations improve, and correct minor defects in, the Teachers' Superannuation Regulations 1967. In particular, Regulation 5 allows teachers who under earlier legislation had been permitted to remain subject to local government superannuation to continue to do so notwithstanding a change of employment.

(a) 1968 c. 12