Now, therefore, His Majesty in pursuance of the said sections is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. It is hereby declared that the thirty-first day of March, nineteen hundred and forty-nine, is the date on which the emergency that was the occasion of the passing of the Teachers Superannuation (War Service) Act, 1939, and the emergency that was the occasion of the passing of the Education (Scotland) (War Service Superannuation) Act, 1939, came to an end.

2. This Order may be cited as the Teachers Superannuation (War Service) (End of Emergency) Order, 1949

E. C. E. Leadbitter.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

The Teachers Superannuation (War Service) Act, 1939, and the Education (Scotland) (War Service Superannuation) Act, 1939, make provision with respect to the superannuation rights of teachers and certain other persons who undertake war service. War service is defined in these Acts as meaning service during the period of the present emergency in any of the armed forces and certain other approved service during that period. Persons who leave teaching for compulsory national service after the Order comes into operation will no longer come under the provisions of the Acts; they will be subject to Rules under the Superannuation (Miscellaneous Provisions) Act, 1948(**a**). The position of persons who are in war service when the Order comes into operation is regulated by paragraph 3 of Part II and paragraphs 2 and 3 of Part III of the Schedule to the last mentioned Act.

(ii) RULES

The Teachers Superannuation (Approved External Service) Rules, 1949

1949 No. 1393

Made - - - -	*22nd July*, 1949
Laid before Parliament	*26th July*, 1949
Coming into Operation	*1st August*, 1949

The Minister of Education with the consent of the Treasury in exercise of the powers conferred upon him by Sections 2 and 11 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), hereby makes the following rules:—

1.—(1) These rules may be cited as the Teachers Superannuation (Approved External Service) Rules, 1949, and shall come into operation on the first day of August, 1949.

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

(**a**) 11 & 12 Geo. 6. c. 33. (**b**) 52 & 53 Vict. c. 63.

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

(*a*) "the Act" means the Superannuation (Miscellaneous Provisions) Act, 1948;

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

"employment in the capacity of a full-time teacher" means, where the context permits, either employment as a full-time teacher or full-time employment which to a substantial extent involves the control or supervision of teachers;

(*b*) other expressions which have meanings assigned to them by the Teachers (Superannuation) Acts, 1918 to 1946, shall have the same respective meanings for the purposes of these rules.

2. Employment, whether before or after the passing of the Act, in any of the following categories of service shall, if it is pensionable or if in respect of it contributions are payable to a provident fund and if it either precedes or follows any period of employment in contributory service, be treated as approved external service for the purposes of Section 13 of the Act of 1925, that is to say—

(*a*) employment in the capacity of a full-time teacher, other than service in a university or university college, in England, Wales or Scotland in respect of which contributions are payable under the Federated superannuation System for Universities;

(*b*) employment in the capacity of a full-time teacher in Northern Ireland in respect of which contributions are payable under the Federated Superannuation System for Universities;

(*c*) employment in the Royal College of Art in the capacity of a full-time teacher in respect of which contributions are payable under the Royal College of Art Staff Pension Scheme;

(*d*) employment as an educational officer or in some other educational capacity in the service of the British Broadcasting Corporation;

(*e*) employment as a Civil Servant, whether in the capacity of a teacher or otherwise, in the service of the Government of any part of His Majesty's dominions outside England, Wales and Scotland, being employment which is pensionable by that Government but not being employment which is reckonable for the purposes of any Scheme made under Section 21 (1) (*c*) of the Act of 1925;

(*f*) employment in the capacity of a full-time teacher in the service of any such Government as aforesaid, in respect of which contributions are payable to a provident fund;

(*g*) employment in the capacity of a full-time teacher in the service of a public authority in any part of His Majesty's dominions outside England, Wales and Scotland, being employment which is pensionable or in respect of which contributions are payable to a provident fund but not being employment which is reckonable for the purposes of any Scheme made under Section 21 (1) (*c*) of the Act of 1925;

(a) 15 & 16 Geo. 5. c. 59.

(*h*) employment by a person holding a permanent commission in the Naval, Military or Air Forces of the Crown or in any of the Women's Services mentioned in the First Schedule to the Superannuation Act, 1946(a), in the capacity of a full-time teacher ; and

(*i*) employment as a social worker in respect of which contributions are payable to the Social Workers' Pension Fund:

Provided that—

(i) except as respects employment in the first four categories of service aforesaid, the provisions of Part II of the Act of 1925 with respect to the calculation of the average salary of a teacher shall have effect as if the reference therein to contributory and recognised service did not include a reference to service which is treated as approved external service by virtue of these rules ; and

(ii) as respects employment in the categories covered by paragraphs (*e*), (*f*) and (*g*), the provisions of paragraphs (*d*) (ii) and (*e*) of Section 13 (2) of the Act of 1925 shall apply as they apply to the category of approved external service therein referred to ; and

(iii) employment in any of the categories aforesaid shall not be treated as approved external service if the person employed claims that it shall not be so treated.

3. Nothing in these rules shall cause any pension or any increase of pension to be payable from a date earlier than the date on which these rules come into operation.

Given under the Official Seal of the Minister of Education this 22nd day of July, 1949.

(L.S.) *Geo. Tomlinson,*
Minister of Education.

EXPLANATORY NOTE.

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

The purpose of these Rules is to enable service of the kinds specified therein to be taken into account in deciding the eligibility of a teacher for pension in respect of his contributory service under the Teachers (Superannuation) Acts.

(a) 9 & 10 Geo. 6. c. 60.