EXPLANATORY NOTE

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

Teachers' contributions for pensionable service are normally payable by the 30th September in the financial year following that in which the service is rendered, late payments involving the payment of interest from 1st October. These Amending Rules are designed to extend the time for payment without interest in respect of contributions for pensionable periods of war service, so that in no case will interest become payable before the 1st April, 1951.

The Teachers Superannuation (Approved External Service) Rules, 1951

1951 No. 720

Made - - - -	*24th April*, 1951
Laid before Parliament	*25th April*, 1951
Coming into Operation	*1st May*, 1951

The Minister of Education with the consent of the Treasury in exercise of the powers conferred upon him by Sections 2, 11 and 15 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, 1951, and shall come into operation on the first day of May, 1951.

(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.

(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(c);

"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, as amended by any subsequent enactment shall have the same respective meanings for the purposes of these rules.

2. These rules are made—

(*a*) under Section 2 of the Act in so far as they deal only with persons transferring to or from employment in contributory service;

(*b*) under Section 11 of the Act in so far as they deal only with persons transferring from employment in recognised service or to or from employment in the service of the government of, or of any public authority in, any part of His Majesty's dominions; and

(*c*) under both Section 2 and Section 11 of the Act in so far as they deal otherwise with persons transferring from one employment to another employment.

(a) 11 & 12 Geo. 6. c. 33. (b) 52 & 53 Vict. c. 63.
(c) 15 & 16 Geo. 5. c. 59.

3. 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, be treated as approved external service for the purposes of Section 13 of the Act of 1925, that is to say—

(1) employment in any of the following categories of service if it precedes or follows any period of employment in contributory service—

(*a*) employment in the capacity of a full-time teacher in England, Wales or Scotland in respect of which contributions are payable under the Federated Superannuation System for Universities not being employment consisting wholly of service in a university or university college, and if such employment comprises both service in a university or university college and service of another kind this rule applies only to such service of another kind ;

(*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 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 ;

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

(*g*) employment in respect of which contributions are payable under the Federated Superannuation System for Universities, not being employment in any of the categories covered by paragraphs (*a*) and (*b*) of this Rule or by Section 13 (1) (*c*) of the Act of 1925 ;

(*h*) employment in the service of the British Council in respect of which contributions are payable under the British Council Overseas Service Pensions Scheme ;

(*i*) employment in a university or university college in any part of His Majesty's dominions outside the United Kingdom in respect of which contributions are payable under any general scheme applicable to such universities and colleges for providing benefits upon retirement ; or

(2) employment in any of the following categories of service if it precedes or follows any period of employment in contributory service or follows any period of employment in recognised service—

(*j*) 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 ;

(*k*) 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 ;

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

(*l*) 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:

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 any of the categories covered by paragraph (2), 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.

4.—(1) The Teachers Superannuation (Approved External Service) Rules, 1949(**a**), are hereby revoked as from the date on which these rules come into operation, but such revocation shall not affect their operation as respects periods before that date.

(2) Without prejudice to the operation of the foregoing paragraph of this rule, 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.

Concur.

R. J. Taylor,
Wm. Hannan,
Two of the Lords Commissioners of
His Majesty's Treasury.

23rd April, 1951

Given under the Official Seal of the Minister of Education this 24th day of April, 1951.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

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

These Rules revoke the Teachers Superannuation (Approved External Service) Rules, 1949, under which certain kinds of service could be taken into account in deciding the eligibility of a teacher for pension in respect of his contributory service under the Teachers Superannuation Acts and reproduce their provisions with the additional categories of service mentioned in paragraphs (*g*), (*h*) and (*i*) of Rule 3 (1). The reckonability of the kinds of service mentioned in Rule 3 (2) is extended to cases where the person left teaching service before April, 1926.

(a) S.I. 1949 (No. 1393) I, 1530.