EXPLANATORY NOTE

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

These Amending Rules make the suspension of pension under the Elementary School Teachers (Superannuation) Act, 1898, discretionary, instead of obligatory, in the case of pensioners who are maintained out of public money.

The Teachers Superannuation (Army Education) Scheme, 1950

1950 No. 406

Made - - - - 21*st March*, 1950
Coming into Operation 23*rd March*, 1950

The Minister of Education, with the consent of the Treasury, in exercise of the powers conferred on him by Section 21 (1) (*b*) of the Teachers (Superannuation) Act, 1925(**a**), as amended by Section 9 of the Superannuation (Miscellaneous Provisions) Act, 1948(**b**), hereby makes the following Scheme :—

1. This Scheme may be cited as the Teachers Superannuation (Army Education) Scheme, 1950, and shall come into operation on the 23rd day of March, 1950.

2. The Interpretation Act, 1889(**c**), applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3. In this Scheme unless the context otherwise requires :—

"the Act of 1925" means the Teachers (Superannuation) Act, 1925, as amended by any subsequent enactment;

"approved external service" means service in Scotland which is approved external service under Section 13 of the Act of 1925 or service in Northern Ireland, the Isle of Man, Jersey or Guernsey which by virtue of any Scheme made under Section 21 (1) (*c*) of the Act of 1925 is treated for the purposes of that Act in the same manner as service in Scotland is treated;

"contributory service" means contributory service for the purposes of Part II of the Act of 1925;

"Army educational service" means full-time service in England or Wales or elsewhere, being service of the kind described in clause 4 of this Scheme, in the capacity of a teacher or in some other capacity which to a substantial extent involves the control or supervision of teachers, comprising service in or with the Royal Army Educational Corps and service by members of the Women's Royal Army Corps engaged on Physical Training duties;

"the Minister" means the Minister of Education.

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

4. This Scheme applies to persons of the following classes employed on or after the 1st April, 1950, in Army educational service other than service undertaken by virtue of an enlistment notice served under the National Service Act, 1948(a), that is to say—

(*a*) officers holding short service commissions in the Regular Army other than officers who are earning retired pay whilst holding such commissions; or

(*b*) officers of the Auxiliary Territorial Service commissioned under the extended service scheme; or

(*c*) persons serving on short service engagements in the Regular Army.

5.—(1) Where any person to whom this Scheme applies was employed in contributory service or approved external service before becoming employed in Army educational service, his employment in Army educational service on or after the 1st April, 1950, shall be treated as contributory service: provided that if he was employed in Army educational service on the 1st April, 1950, and immediately before that date, his said employment shall not be treated as contributory service if he gives notice in writing to the Minister within three months after the said date, or within such longer period as the Minister may allow in any particular case, that he does not wish it to be so treated.

(2) Where any person to whom this Scheme applies was not employed in contributory service or approved external service before becoming employed in Army educational service his employment in Army educational service on and after the date on which he gives notice to the Minister that he wishes that employment to be treated as contributory service, or on and after such other date as the Minister may agree in any particular case, being a date not earlier than the 1st April, 1950, shall be treated as contributory service.

6. Any person whose employment in Army educational service on the 1st April, 1950, is treated as contributory service under this Scheme shall also be entitled to have his previous employment, if any, in Army educational service after the 30th September, 1946, or such later date as he may choose, so treated if he gives notice to that effect in writing to the Minister not later than the 1st July, 1950, or such later date as the Minister may allow in any particular case.

7.—(1) Where the employment of any person in Army educational service is treated as contributory service under this Scheme:—

(*a*) contributions shall be payable in respect thereof in accordance with Section 9 of the Act of 1925 as modified by the National Insurance (Modification of Teachers Pensions) Regulations, 1948(b); and

(*b*) the salary in respect of that employment which the person is to be regarded as receiving for the purposes of Part II of the Act of 1925 shall be such salary, exclusive of any London Area Payment, as in the opinion of the Minister he would have received if during the period of his employment aforesaid he had been paid a salary in accordance with the terms of the reports of the Burnham Committees for the time being in force under Section 89 of the Education Act, 1944(c).

(a) 11 & 12 Geo. 6, c. 64. (b) S.I. 1948 (No. 889) I, p. 2851.
(c) 7 & 8 Geo. 6. c. 31.

(2) Where any contributions have been paid by reason of the fact that such previous employment as aforesaid was treated as contributory service under the Teachers Superannuation (War Service) Act, 1939(a), there shall be such an adjustment of contributions as is needed by reason of the fact that the previous employment is treated as contributory service under this Scheme.

8. In the case of a person whose employment in Army educational service is treated as contributory service under this Scheme, references in Section 9 (1) (*b*) of the Act of 1925, in the Teachers Superannuation Rules, 1926(b), and in the Teachers Superannuation (Employers' Contributions) Rules, 1928(c), to an "employer", shall be deemed to refer to the War Office.

9. The National Insurance (Modification of Teachers Pensions) Regulations, 1948, are hereby modified as follows: employment in Army educational service before the 1st April, 1950, which is treated as contributory service by virtue of this Scheme shall be disregarded for the purpose of determining whether the person having such service is an existing teacher within the meaning of Regulation 4 (*b*).

Given under the Official Seal of the Minister of Education this 21st day of March, 1950.

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

EXPLANATORY NOTE

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

The purpose of this Scheme is to enable certain teaching service in the Army which is not otherwise pensionable to be treated as contributory service under the Teachers (Superannuation) Acts. Under the powers of Section 9 (2) of the Superannuation (Miscellaneous Provisions) Act, 1948, the Scheme is applicable retrospectively at the option of the teacher, to service from 1st October, 1946 (the date on which the present arrangements in the Army for short-term engagements for teaching service were instituted).

The Teachers Superannuation (Foreign Office (German Section)) Amending Scheme, 1950

1950 No. 824

Made - - - - 22*nd May*, 1950
Coming into Operation 30*th May*, 1950

The Minister of Education, with the consent of the Treasury, in exercise of the powers conferred on him by Section 21 (1) (*b*) of the Teachers (Superannuation) Act, 1925(d), as amended by Section 9 (2) of the Superannuation

(a) 2 & 3 Geo. 6. c. 95.
(b) S.R. & O. 1926 (No. 415) p. 429.
(c) S.R. & O. 1928 (No. 200) p. 470.
(d) 15 & 16 Geo. 5. c. 59.