STATUTORY INSTRUMENTS

1971 No. 679

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1971

Made - - -	*22nd April* 1971
Laid before Parliament	*30th April* 1971
Coming into Operation	*1st May* 1971

The Secretary of State for Education and Science, with the consent of the Minister for the Civil Service and after consultation with representatives of local education authorities and of teachers appearing to her to be likely to be affected, in exercise of the powers conferred on her by section 7 of the Teachers' Superannuation Act 1967(**a**) as read with the Minister for the Civil Service Order 1968(**b**) hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1971 and shall come into operation on 1st May 1971.

(2) The Teachers' Superannuation (Family Benefits) Regulations 1970(**c**) and these Regulations may be cited together as the Teachers' Superannuation (Family Benefits) Regulations 1970 and 1971.

2.—(1) In these Regulations the expression "the principal Regulations" means the Teachers' Superannuation (Family Benefits) Regulations 1970.

(2) The Interpretation Act 1889(**d**) 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, the 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 ; or

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

4. In regulation 27 of the principal Regulations (which relates to normal contributions) for paragraph (2) there shall be substituted the following paragraph :—

"(2) Normal contributions shall not be paid by a contributor who, after attaining pensionable age, has become entitled to be paid superannuation allowances unless, not having received repayment of his contributions by

(**a**) 1967 c. 12.
(**b**) S.I. 1968/1656 (1968 III, p. 4485).
(**c**) S.I. 1970/862 (1970 II, p. 2736).
(**d**) 1889 c. 63.

virtue of regulation 41(1)(*h*), he becomes after the termination of a subsequent period of employment in reckonable service entitled to a subsequent additional allowance and is then married to the same wife as when he first became entitled to be paid superannuation allowances after attaining pensionable age."

5. In regulation 33 of the principal Regulations (which relates to the payment of additional contributions by Method III) for paragraph (3) there shall be substituted the following paragraph :—

"(3) For the purposes of paragraph (2) the appropriate percentage shall be—

(*a*) in respect of any period of previous service of a contributor to whom the Scheme commenced to apply on a day before the beginning of April 1967 (other than any period which is previous service by virtue of an election made under regulation 29 and any period which, having become reckonable service by virtue of interchange rules, has been added to previous service under regulations 34(5), 34(6), 35(6) or 35(7)), that specified in column (2) of Schedule 2 opposite to his age on that day specified in column (1) thereof;

(*b*) in respect of any period of previous service of a contributor to whom the Scheme commenced to apply on a day after the beginning of April 1967 (other than any period of a kind excepted from sub-paragraph (*a*)), that specified in column (3) of Schedule 2 opposite to his age on that day specified in column (1) thereof;

(*c*) in respect of any period of previous service which is such by virtue of an election made by a contributor under regulation 29, that specified in column (3) of Schedule 2 opposite to his age on the day on which he made such election specified in column (1) thereof; and

(*d*) in respect of any period which, having become reckonable service by virtue of interchange rules, has been added to previous service under regulation 34(5), 34(6), 35(6) or 35(7), that specified in column (3) of Schedule 2 opposite to the age of the contributor on the day on which he again became employed in reckonable service specified in column (1) thereof."

6. In regulation 34 of the principal Regulations (which relates to additional contributions payable by re-instated contributors) for sub-paragraph (*a*) of paragraph (5) there shall be substituted the following sub-paragraph :—

"(*a*) the period of previous service in respect of which he was required or elected under regulations 28 and 29 to pay additional contributions by Method I or Method II, increased by any period of service which has since become reckonable service by virtue of interchange rules; and".

7. Regulation 35 of the principal Regulations (which relates to additional contributions payable by former external contributors) shall be amended as follows :—

(*a*) for sub-paragraph (*a*)(i) of paragraph (4) there shall be substituted the following :—

"(i) the period counting for benefit by reason of the receipt by the Secretary of State of a transfer value under regulation 55B or, if no such transfer value is received, the period or periods counting

for benefit under any external scheme previously applicable to him by reason of the payment by him of contributions corresponding to additional contributions by a method corresponding to either Method I or Method II, as ascertained from the appropriate authority in relation to that scheme ; and"

(*b*) for sub-paragraph (*b*)(i) of paragraph (6) there shall be substituted the following :—

"(i) the period of service in respect of which he was required or elected under the external scheme last applicable to him to pay contributions corresponding to additional contributions by a method corresponding to either Method I or Method II, increased by any period of service which has since become reckonable service by virtue of interchange rules ; and".

8. Regulation 38 of the principal Regulations (which relates to the payment of outstanding contributions) shall be amended as follows :—

(*a*) for sub-paragraph (*b*) of paragraph (1) there shall be substituted the following sub-paragraph :—

"(*b*) any amount payable under an external scheme by a former external contributor in respect of contributions corresponding to such contributions as aforesaid which have not been paid in accordance with the provisions of such scheme at the time a transfer value in respect of him is received by the Secretary of State under regulation 55B."

(*b*) for paragraph (4) there shall be substituted the following paragraph :—

"(4) Any sum due from a contributor in respect of outstanding contributions which is not paid in accordance with the foregoing provisions of this regulation, together with compound interest thereon calculated at four per cent. per annum with yearly rests from such day as the Secretary of State shall notify to him in writing, shall be paid to the Secretary of State either—

(*a*) in such manner as may be agreed ; or

(*b*) by the surrender of the whole or a portion of any terminal sum payable to or in respect of the contributor."

9. For regulation 40 of the principal Regulations there shall be substituted the following regulation :—

"Service Counting for Benefit

40.—(1) For the purposes of the Scheme the service counting for benefit of a contributor and of a deceased teacher shall be ascertained in accordance with the following provisions of this regulation.

(2) The service counting for benefit of a contributor other than a re-instated contributor and a former external contributor shall be—

(*a*) any period of reckonable service in respect of which the full amount of normal contributions is held in the Fund ; and

(*b*) any period of previous service in respect of which the full amount of additional contributions is held in the Fund.

(3) The service counting for benefit of a re-instated contributor shall be—

(*a*) any period of reckonable service in respect of which the full amount of normal contributions is held in the Fund ;

(*b*) any period to be treated as service counting for benefit as notified by the Secretary of State under regulation 34(3)(*a*); and

(*c*) any other period of previous service in respect of which the full amount of additional contributions is held in the Fund.

(4) The service counting for benefit of a contributor who is a former external contributor shall be :—

(*a*) any period of reckonable service in respect of which the full amount of normal contributions is held in the Fund ;

(*b*) any period in respect of which contributions paid under an external scheme have been taken into account for the purpose of calculating the amount of a transfer value in respect of him received by the Secretary of State under regulation 55B, reduced by any period in respect of which such contributions have been repaid ;

(*c*) any period in respect of which contributions corresponding to normal contributions under an external scheme, having been repaid to him, have been paid to the Secretary of State under regulation 45(1) ;

(*d*) any period counting for benefit for the purposes of an external scheme ;

(*e*) any period to be treated as service counting for benefit by virtue of regulation 35(4)(*a*)(ii) ; and

(*f*) any other period of previous service in respect of which the full amount of additional contributions is held in the Fund.

(5) The service counting for benefit of a deceased teacher shall be any period in respect of which the full amount of the contributions required to be paid by regulation 39 is held in the Fund.

(6) Any period in respect of which normal contributions or additional contributions paid by a transferred contributor within the meaning of regulation 55A have been taken into account for the purpose of calculating the amount of a transfer value paid by the Secretary of State under that regulation shall not be service counting for benefit of that contributor otherwise than under paragraph (4)(*b*).

(7) Where additional contributions are payable by a contributor by Method III and the amount of any terminal sum due to him is insufficient to enable payment to be made in full, then, unless payment of the deficiency is made in some other manner, so much only of the period of service in respect of which the contributions were payable as would under regulation 33 have required the surrender of an amount equal to the terminal sum shall be service counting for benefit."

10. Regulation 41 of the principal Regulations (which specifies the circumstances in which contributions are repayable) shall be amended as follows :—

(*a*) the following sub-paragraph shall be added after sub-paragraph (*g*) of paragraph (1) :—

"(*h*) on his becoming entitled to be paid superannuation allowances under regulation 41(1)(*a*) of the principal Teachers' Regulations if he then has a wife and his service counting for benefit is less than ten years."

(*b*) the following paragraph shall be added after paragraph (2):—

"(3) in the case of a former external contributor in respect of whom the Secretary of State has received a transfer value under regulation 55B—

(*a*) the references in the three regulations next following to normal contributions and additional contributions include references to contributions corresponding under an external scheme to normal contributions and additional contributions; and

(*b*) the reference in regulation 44(*a*) to the Scheme includes a reference to an external scheme."

11. In regulation 45 of the principal Regulations (which relates to the repayment of repaid normal contributions) for paragraph (1) there shall be substituted the following paragraph:—

"(1) A re-instated contributor and a former external contributor may, within three months of repaying superannuation contributions repaid to him, pay to the Secretary of State any sum (including any interest comprised therein) paid to him by way of repayment of normal contributions or of contributions corresponding under an external scheme to normal contributions, together with compound interest on that sum calculated at three and a half per cent. per annum with yearly rests from the day of its payment to him."

12. In regulation 46 of the principal Regulations (which relates to a widow's pension) for paragraph (2) there shall be substituted the following paragraph:—

"(2) A widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he became entitled to be paid superannuation allowances unless he became so entitled by reason of infirmity of mind or body and subsequently again became employed in reckonable service."

13. Regulation 47 of the principal Regulations (which relates to the amount of a widow's pension) shall be amended as follows:—

(*a*) in paragraph (1) for the words "unless her husband was at any time a contributor under an external scheme" there shall be substituted the words "except in a case to which regulation 55 applies";

(*b*) for paragraph (2) there shall be substituted the following paragraph:—

"(2) Except in the cases specified in paragraph (3), the annual amount of a widow's pension shall be not less than—

(*a*) £115, if her husband, before 10th December 1968, ceased to be employed in reckonable service or died while so employed;

(*b*) £125, if her husband, on or after 10th December 1968 and before 1st May 1971 so ceased or so died; or

(*c*) £141, if her husband, on or after 1st May 1971 so ceased or so died"; and

(*c*) in paragraph (7) for the words "but not at any time a contributor under an external scheme" there shall be substituted the words "and in whose case regulation 55 does not apply".

14. In regulation 49 of the principal Regulations (which relates to a short service widow's pension) for paragraph (2) there shall be substituted the following paragraph :—

"(2) A short service widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he became entitled to be paid superannuation allowances or a short service gratuity unless, in the case of a contributor who became entitled to such allowances by reason of infirmity of mind or body or to a short service gratuity, he subsequently again became employed in reckonable service."

15. For regulation 50 of the principal Regulations there shall be substituted the following regulation :—

"Amount of Short Service Widow's Pension

50. Subject as in regulation 55 provided, the annual amount of a short service widow's pension shall be the amount which, opposite to the number of the years of service counting for benefit of her husband specified in column (1) of the following Table, is specified—

(*a*) in column (2) thereof, in the case of a widow whose husband, before 10th December 1968, ceased to be employed in reckonable service or Class A external service or died while so employed ;

(*b*) in column (3) thereof, in the case of a widow whose husband, on or after 10th December 1968 and before 1st May 1971, so ceased or so died ; or

(*c*) in column (4) thereof, in the case of a widow whose husband, on or after 1st May 1971, so ceased or so died :—

TABLE

(1) Years of Service	(2) Annual Amount	(3) Annual Amount	(4) Annual Amount
3	£58	£63	£72
4	£66	£71	£81
5	£74	£80	£90
6	£82	£89	£102
7	£90	£98	£111
8	£98	£107	£120
9	£106	£116	£132

"

16. In regulation 53 of the principal Regulations (which relates to the amount of a children's pension) for paragraph (1) there shall be substituted the following paragraph :—

"(1) Subject as hereafter in this regulation and in regulation 55 provided, the annual amount of a children's pension shall be the amount which, opposite to the number of eligible children to or in respect of whom it is

for the time being payable specified in column (1) of the following Table, is specified in column (2) or column (3) thereof, whichever column shall for the time being be appropriate—

(*a*) under letter A, where the pension is payable to or in respect of a child or children of a contributor or deceased teacher who, before 10th December 1968, ceased to be employed in reckonable service or class A external service or died while so employed ;

(*b*) under letter B, where such contributor or deceased teacher, on or after 10th December 1968 and before 1st May 1971, so ceased or so died ; or

(*c*) under letter C, where such contributor or deceased teacher, on or after 1st May 1971, so ceased or so died :—

TABLE

(1) Number of Eligible Children	(2) Annual Amount of Pension where there is a Surviving Widow of the Contributor or Deceased Teacher			(3) Annual Amount of Pension where there is not a Surviving Widow of the Contributor or Deceased Teacher		
	A	B	C	A	B	C
1	£60	£65	£75	£85	£95	£111
2	£110	£120	£135	£165	£180	£204
3	£160	£175	£201	£245	£265	£300
4 or more	£210	£230	£261	£325	£355	£405

"

17. After regulation 55 of the principal Regulations there shall be inserted the following regulations :—

"Transfer to External Scheme

55A.—(1) In this regulation "transferred contributor" means a person who—

(*a*) has ceased to be a contributor ;

(*b*) has not since last ceasing to be a contributor—

(i) been paid by way of repayment of contributions such a sum as is prescribed by regulation 42 ; or

(ii) been paid superannuation allowances under regulation 41(1)(*a*) of the principal Teachers' Regulations ; and

(*c*) has become a contributor under an external scheme in force in Scotland or Northern Ireland.

(2) In respect of a transferred contributor the Secretary of State shall, out of the Fund, pay to the authority exercising in relation to the external scheme under which he has become a contributor functions corresponding to those of the Secretary of State under these Regulations a transfer value of an amount calculated in accordance with the following provisions of this regulation.

(3) Except in the cases specified in paragraph (5) and subject as hereafter in this regulation provided, a transfer value shall be an amount equal to the aggregate of—

(*a*) the amount ascertained by multiplying the length in years of the period for which normal contributions were paid by 1·75% of the annual rate of his salary when last employed in reckonable service ; and

(*b*) the appropriate percentage of the amount ascertained by multiplying—

(i) the length in years of any period during which additional contributions were paid by the transferred contributor by either Method I or Method II, by

(ii) the percentage of his salary payable by way of such additional contributions, by

(iii) the annual rate of his salary when last employed in reckonable service.

(4) For the purpose of paragraph (3)(*b*) the appropriate percentage shall be that which in column (2) or column (3) of the following Table, whichever column shall be applicable, is specified opposite to the age of the transferred contributor on the day from which additional contributions commenced to be payable by him specified in column (1) thereof :—

TABLE

(1) Age	(2) Method I	(3) Method II
Under 30	100%	100%
30 and under 40	90%	87½%
40 and over	80%	75%

(5) A transfer value shall not be determined in accordance with the provisions of paragraph (3) but shall be such amount as shall be actuarially appropriate in the case of :—

(*a*) a transferred contributor who—

(i) while employed in reckonable service paid additional contributions by either Method I or Method II ; and

(ii) at the time of becoming a contributor under an external scheme has discontinued the payment of such contributions for a period of more than one year ;

(*b*) a transferred contributor who was previously a re-instated contributor to whom regulation 34(3) applied ; and

(*c*) a transferred contributor who was previously a former external contributor.

(6) In the case of a transferred contributor by whom additional contributions have been paid by Method III on his being paid superannuation allowances under regulation 41(1)(*b*) of the principal Teachers' Regulations or a short service gratuity the amount of the transfer value shall be

increased by the amount of such contributions and by compound interest thereon calculated at three and a half per cent. per annum with yearly rests from the date on which they were paid.

(7) In the case of a transferred contributor to whom such a sum as is prescribed by regulation 44 has been paid by way of repayment of contributions, the amount of the transfer value shall be reduced by the amount so paid.

(8) In the case of a transferred contributor from whom outstanding contributions within the meaning of regulation 38 are due at the time the transfer value is paid the amount of the transfer value—

(*a*) shall be calculated as if such outstanding contributions had been paid ; and

(*b*) shall be reduced by the amount thereof.

(9) For the purposes of this regulation any period which is less than a complete year shall be expressed as a fraction of a year, of which fraction the denominator shall be twelve and the numerator shall be the number of months of thirty days comprised in the period, any number of days exceeding fourteen which remains being reckoned as a month.

Transfer from External Scheme

55B. In respect of a contributor who is a former external contributor the Secretary of State shall receive from the authority exercising in relation to the external scheme under which he was last a contributor functions corresponding to those of the Secretary of State under these Regulations a transfer value payable under, and of an amount calculated in accordance with, provisions of that scheme corresponding to, and having the like effect as, regulation 55A."

18. Regulation 58 of the principal Regulations (which relates to the nomination of dependants by teachers for the purposes of the Teachers' Dependants' Pension Scheme) shall be amended as follows :—

(*a*) for the sum of £230 specified in sub-paragraph (*a*)(iii) of the proviso to paragraph (5) there shall be substituted the sum of £260 ;

(*b*) for the sum of £60 specified in sub-paragraph (*a*)(iv) of the proviso to paragraph (5) there shall be substituted the sum of £70 ;

(*c*) for the sum of £350 specified in sub-paragraph (*b*)(ii) of the proviso to paragraph (5) there shall be substituted the sum of £400 ; and

(*d*) for the sum of £80 a year specified in sub-paragraph (*b*)(iii) of the proviso to paragraph (5) there shall be substituted the sum of £100.

19. Regulation 69 of the principal Regulations (which relates to the amounts of dependants' pensions) shall be amended as follows :—

(*a*) for the sum of £30 specified in paragraph (1)(*a*) there shall be substituted the sum of £40 ; and

(*b*) for the sums of £30, £40, £50 and £60 specified in paragraph (1)(*c*) there shall be substituted the sums of £40, £50, £60 and £70 respectively.

20. Regulation 71 of the principal Regulations (which relates to the functions of the Secretary of State and employers) shall be amended as follows:—

(*a*) for the word "contributions" in paragraph (1)(*b*) there shall be substituted the word "sums"; and

(*b*) for the words "such contributions" in paragraph (1)(*d*) there shall be substituted the words "sums received".

21. In regulation 72 of the principal Regulations (which contains supplementary provisions as to contributions) the following paragraph shall be added after paragraph (3):—

"(4) Notwithstanding anything in this regulation before contained, regulation 27 of the principal Teachers' Regulations shall not apply in relation to interest payable under regulation 38."

22. Regulation 74 of the principal Regulations (which relates to interest on repaid contributions) shall be amended as follows:—

(*a*) for the expression "paragraph of regulation 41" there shall be substituted the expression "sub-paragraph of regulation 41(1)";

(*b*) to the heading of column (1) of the Table there shall be added the words "or Sub-paragraph";

(*c*) for each reference in column (1) of the Table to a paragraph of regulation 41 there shall be substituted a reference to the corresponding sub-paragraph of regulation 41(1); and

(*d*) at the foot of column (1) of the Table there shall be inserted the words "Sub-paragraph (*h*) of regulation 41(1)" and opposite thereto in column (2) there shall be inserted the words "The day on which the person by whom the contributions were paid becomes entitled to be paid superannuation allowances."

23. In regulation 83 of the principal Regulations (which relates to the determination of questions) the following paragraph shall be added after paragraph (*f*):—

"(*g*) the amount of a transfer value payable in a case to which regulation 55A(5) applies."

Given under the Official Seal of the Secretary of State for Education and Science on 20th April 1971.

(L.S.)

Margaret H. Thatcher,
Secretary of State for
Education and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 22nd April 1971.

(L.S.)

K. H. McNeill,
Authorised by the Minister
for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Teachers' Superannuation (Family Benefits) Regulations 1970 by raising the minimum of a widow's pension and increasing a short service widow's pension and a children's pension which commence after they come into operation.

The Regulations also provide that, where teachers transfer to or from service in Scotland or Northern Ireland in which they are subject to a similar scheme, sums shall be paid and may be received by way of transfer value; and that, where such a sum is received, service taken into account in calculating its amount shall be service counting for benefit.

In addition the Regulations make some minor and consequential amendments to, and correct some defects in, the Regulations of 1970.