STATUTORY INSTRUMENTS

1974 No. 1388

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1974

Made - - -	*6th August* 1974
Laid before Parliament	*22nd August* 1974
Coming into Operation	*13th September* 1974

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 and with such representatives of other persons likely to be affected as appear to him to be appropriate, in exercise of the powers conferred on him by section 9 of the Superannuation Act 1972(**a**) hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1974; and these regulations and the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1973(**b**) may be cited together as the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1974.

(2) These regulations shall come into operation on 13th September 1974.

(3) In these regulations—

"the 1966 regulations" means the Teachers' Superannuation (Family Benefits) Regulations 1966(**c**);

"the 1970 regulations" means the Teachers' Superannuation (Family Benefits) Regulations 1970(**d**) as amended (**e**);

"the 1973 regulations" means the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1973(**f**);

other expressions have the meanings assigned to them by the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1973.

(4) The Interpretation Act 1889(**g**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(**a**) 1972 c. 11.
(**b**) S.I. 1970/862, 1971/679, 1972/360, 1092, 1960, 1973/936 (1970 II, p. 2736; 1971 I, p. 1787; 1972 I, p. 1425; II, p. 3223; III, p. 5853; 1973 II, p. 2816).
(**c**) S.I. 1966/357 (1966 I, p. 813). (**d**) S.I. 1970/862 (1970 II, p. 2736).
(**e**) The relevant amending instruments are S.I. 1971/679, 1972/1960, 1973/936 (1971 I, p. 1787; 1972 III, p. 5853; 1973 II, p. 2816).
(**f**) S.I. 1973/936 (1973 II, p. 2816). (**g**) 1889 c. 63.

Member's contributions

2. Regulation 5 of the 1973 regulations shall have effect with—

(*a*) the omission of paragraph (2);

(*b*) the substitution for paragraph (3) of the following paragraph:—

"(3) A member who elected to pay additional contributions by Method I or II shall pay contributions in respect of so much (if any) as he elects of his reckonable service before 1st April 1972, not exceeding 5/6ths of the length of the period by which the aggregate of the period in respect of which he elected to pay those contributions and his reckonable service between 1st April 1966 and 31st March 1972 exceeds his credited service (that is to say, 165·6 per cent. of the aggregate of his deemed normal service and his deemed additional service).";

(*c*) in paragraph (4), the substitution for the words "service counting for benefit for the purposes of these regulations" of the words "credited service" and the omission of the words "paragraph (2) as modified by".

Elections

3. Any election to pay contributions under regulation 5 of the 1973 regulations as originally made which was effective by virtue of regulation 8(2) or (4) of those regulations before 13th September 1974 shall be effective as from that date as an election for the purposes of regulation 5 of the 1973 regulations as amended by regulation 2 above.

Amount of pension for widow or adult beneficiary

4. Regulation 20 of the 1973 regulations shall have effect with—

(*a*) the insertion at the beginning of paragraph (1) of the words "Subject to paragraph (3) below,";

(*b*) the insertion immediately after paragraph (1) of the following as a new paragraph—

"(1A) The reckonable service of a teacher counting for benefit for the purposes of this regulation is so much of the service prescribed by paragraph (2) below as does not exceed the aggregate of his reckonable service between 1st April 1966 and 31st March 1972 and any service (whether reckonable or not) before 1st April 1966 in respect of which he could have elected to pay additional contributions under the 1966 regulations or the 1970 regulations.";

(*c*) in paragraph (2), the substitution for all the words before sub-paragraph (*a*) of the words "the service prescribed for the purposes of paragraph (1A) above is—" and the insertion after sub-paragraph (*c*) as a new sub-paragraph of—

"(*cc*) so much of his credited service (within the meaning of regulation 5(3) above) as exceeds the service prescribed by sub-paragraph (*c*) above"; and

(*d*) the addition at the end of the regulation of the following as a new paragraph—

"(3) Where the service prescribed by paragraph (2) above exceeds the period specified by paragraph (1A) above, paragraph (1) above shall be read with the substitution for the numerator of the fraction there specified of the number in years of the aggregate of the reckonable service of the teacher and the amount of the excess."

Amount of child's pension

5. Regulation 21 of the 1973 regulations shall have effect with the insertion at the beginning of paragraph (1) of the words "Subject to paragraph 3 below", and the addition at the end of the regulation of the following as a new paragraph—

"(3) Where the reckonable service of a teacher by reference to which any pension payable under this regulation is calculated exceeds the period specified by regulation 20(1A) above, the numerator of any fraction specified in this regulation shall be the number in years of the aggregate of the reckonable service of the teacher and the amount of the excess."

Increase in amount of pensions

6.—(1) The basic rate (within the meaning of section 17(1) of the Pensions (Increase) Act 1971(**a**)) of any pension to which this regulation applies shall be increased by 50 per cent. with effect from whichever is the later of 1st April 1973 and the date when the pension became, or as the case may be becomes, payable.

(2) For the purposes of the Pensions (Increase) Act 1971 the amount of any increase payable by virtue of this regulation shall be deemed to be an official pension (within the meaning of that Act) beginning on 1st April 1973; and section 8(2) of the Act shall have effect accordingly.

(3) This regulation applies to any pension payable under the 1966 regulations or the 1970 regulations in respect of a teacher who ceased to be employed in reckonable service before 1st April 1972 the amount of which is not increased by virtue of any such service on or after that date.

Minor and consequential amendments

7.—(1) Regulation 34 of the Teachers' Superannuation Regulations 1967(**b**) (as substituted by regulation 9 of the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972(**c**)) shall have effect with the insertion after the reference in paragraph (1)(*b*)(ii) to regulation 13 of the words "of these regulations or regulation 13 of the Teachers' Superannuation (Added Years and Interchange) Regulations 1974(**d**)."

(2) Regulation 39A(1) of the 1970 regulations (as added by paragraph 1 of schedule 2 to the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972) shall have effect with the insertion of the words "(if any)" immediately after first "amount".

(3) Regulation 7(1)(*a*) of the 1973 regulations shall have effect with the substitution for the words "on 26th June 1973, before 26th December 1973" of the words "at any time from 26th June 1973 to 1st May 1974, before 1st November 1974".

(4) Regulation 19(3)(*d*) of the 1973 regulations shall have effect with the substitution of the word "is" for the word "was".

(5) Table 1 of schedule 2 to the 1973 regulations shall have effect from 1st April 1974 with the addition of the following column:—

"9%
·32
·33
·335
·34
·345"

(**a**) 1971 c. 56.
(**b**) S.I. 1967/489 (1967 I, p. 1562).
(**c**) S.I. 1972/1960 (1972 III, p. 5853).
(**d**) S.I. 1974/260 (1974 I, p. 831).

Given under the Official Seal of the Secretary of State for Education and Science on 24th July 1974.

(L.S.) *Reginald E. Prentice,*
Secretary of State for Education and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 6th August 1974.

(L.S.) *W. G. Bristow,*
Authorised by the Minister
for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the provisions contained in the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1973 relating to the payment of pensions to the widows or widowers of teachers and their families and other dependants.

Regulation 2 amends, in the light of the valuation of the Teachers' Family Benefits Fund made in pursuance of regulation 4 of the Teachers' Superannuation (Miscellaneous Amendments) Regulations 1973, the provisions of the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1973 relating to the ascertainment of the service of teachers counting for benefit for the purposes of the latter regulations. Regulations 3 to 5 make consequential provision with regard to the payment of contributions and the calculation of benefits.

Regulation 6 increases by 50 per cent. the basic rate payable to the dependants of teachers who ceased to be employed in reckonable service before 1st April 1972 in cases where the pension was, or if the Teachers' Family Benefits Fund had not been wound up would have been, a liability of the Fund.

Regulations 3, 6 and 7(5) have retrospective effect by virtue of section 12(1) of the Superannuation Act 1972.

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