STATUTORY INSTRUMENTS

1973 No. 2078 (S.153)

EDUCATION, SCOTLAND

The Teachers Superannuation (Family Benefits) (Scotland) Amendment Regulations 1973

Made - - -	*6th December* 1973
Laid before Parliament	*18th December* 1973
Coming into Operation	*8th January* 1974

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In exercise of the powers conferred upon me by section 9 of the Superannuation Act 1972(**a**) and of all other powers enabling me in that behalf, with the consent of the Minister for the Civil Service and after consultation with representatives of education authorities and of teachers and with such representatives of other persons likely to be affected as appear to me to be appropriate, I hereby make the following regulations:—

INTRODUCTORY

Citation and Commencement

1.—(1) These regulations may be cited as the Teachers Superannuation (Family Benefits) (Scotland) Amendment Regulations 1973.

(2) The Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971 to 1973(**b**) and these regulations may be cited together as the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971 to 1973.

(3) These regulations shall come into operation on 8th January 1974.

Interpretation

2.—(1) In these regulations, except where the context otherwise requires—

"The Actuary" means the Government Actuary;

"child" means, in reference to the child of a person, a child (including an illegitimate child or adopted child) of that person, or a child accepted by that person as a member of the family, and wholly or mainly dependent on him, who has not attained the age of 17 or, having attained the age of 17, is receiving full-time education or attending a course of not less than 2 years full-time training for a trade, profession or calling but does not include a married woman nor a person who is for the time being in receipt of a disqualifying income;

"deemed additional service" has the meaning assigned to it by regulation 3(1)(*b*);

"deemed normal service" has the meaning assigned to it by regulation 3(1)(*a*);

"disqualifying income" means remuneration payable to a person attending a course of full-time training at a rate not less than the annual rate for the time being payable of an official pension (within the meaning of the Pensions (Increase) Act 1971(**c**)) which began on 1st April 1972 at the annual rate of £250;

(**a**) 1972 c. 11.
(**b**) S.I. 1971/1775, 1972/442, 1239, 1973/547 (1971 III, p.4813; 1972 I, p. 1644; II, p. 3738; 1973 I, p. 1738).
(**c**) 1971 c. 56.

"member" means a teacher employed in reckonable service on or after 1st April 1972 who, immediately before that date, had service counting for benefit within the meaning of regulation 37 of the Family Benefits Regulations;

"non-member" means a teacher employed in reckonable service on or after 1st April 1972 who, immediately before that date, had no such service counting for benefit as is referred to above;

"notional service" has the meaning assigned to it by regulation 3(1)(*c*);

"the Family Benefits Regulations" means the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971(**a**) as amended(**b**);

"the Teachers Regulations" means the Teachers Superannuation (Scotland) Regulations 1969(**c**) as amended (**d**);

"the Teachers and Teachers Families Regulations" means the Superannuation (Teachers and Teachers' Families) (Scotland) Regulations 1973(**e**);

other expressions have the meanings assigned to them by the Family Benefits Regulations.

(2) References to a teacher's widow do not include a woman who married him after the day on which he was last employed in reckonable service.

(3) In these regulations, unless the context otherwise requires any reference to a regulation or schedule, shall be construed as a reference to a regulation or schedule contained therein, any reference in a regulation or schedule to a paragraph shall be construed as a reference to a paragraph of that regulation or schedule, and any reference in a paragraph to a sub-paragraph shall be construed as a reference to a sub-paragraph of that paragraph.

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

Service before 1st April 1972

3.—(1) Subject to paragraph (2) the service before 1st April 1972 counting for benefit for the purposes of these regulations of a member shall, unless he retires without making an election for those purposes within the time prescribed by regulation 7(1), be the aggregate of—

(*a*) two-thirds of any such service in respect of which the full amount of normal contributions is held in the Fund ("deemed normal service");

(*b*) the number of years determined in accordance with Schedule 1 as the actuarial value of any additional contributions held in the Fund on 31st March 1972 in respect of such service ("deemed additional service"); and

(*c*) the number of years determined by the Actuary as the actuarial value of his interest in the balance (so determined) of the Fund as at 31st March 1972 ("notional service").

(2) For the purposes of these regulations the service before 1st April 1972 counting for benefit of a member who retired on pension after 31st March 1972 and before 8th January 1974, or after that date but without making

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(a) S.I. 1971/1775 (1971 III, p. 4813).
(b) The relevant amending instrument is S.I. 1973/547 (1973 I, p. 1738).
(c) S.I. 1969/77 (1969 I, p. 133).
(d) The relevant amending instruments are S.I. 1972/551, 1973/547 (1972 I, p. 1855; 1973 I, p. 1738).
(e) S.I. 1973/547 (1973 I, p. 1738). **(f)** 1889 c. 63.

an election for those purposes within the time prescribed by regulation 7(1), shall be the aggregate of—

(*a*) two-thirds of any such service in respect of which contributions were paid to the Fund; and

(*b*) twice his notional service.

Non-member's Contributions

4.—(1) Subject to paragraph (2), a non-member shall, if he so elects, pay contributions in accordance with these regulations, in respect of his reckonable service before 1st April 1972.

(2) Any election for the purposes of this regulation shall relate to the whole of the reckonable service of the teacher before 1st April 1972 or, if that service amounts to 5 years or more, 5 or more complete years of that service, as he may elect.

Member's Contributions

5.—(1) As from 1st May 1974 contributions payable by teachers for the purposes of family benefits in respect of service before 1st April 1972 may, and as from 1st November 1974 shall, be paid in accordance with this regulation and not in accordance with regulations 29, 30, 31 and 36 of the Family Benefits Regulations.

(2) A member shall pay contributions in accordance with these regulations in respect of so much (if any) as he elects of his reckonable service before 1st April 1972 as exceeds the aggregate of his deemed normal service, his notional service, his deemed additional service (if any) and one-sixth of the period of previous service in respect of which prior to that date he paid or elected to pay family benefits contributions.

(3) A member who elected to pay additional contributions in respect of his previous service by Method III may, if he is employed in reckonable service on 1st May 1974, by notice in writing delivered to the Secretary of State before 1st November 1974, revoke his election to pay such contributions; and any such member who is not so employed or does not so revoke that election shall pay contributions in accordance with paragraph (2).

Retired Member's Contributions

6. A member who, having been employed in reckonable service on or after 1st April 1972 retires from such service before 8th January 1974, or after that date but without making an election for the purposes of these regulations within the time prescribed by regulation 7(1), shall, if he so elects, pay contributions in the form of a lump sum equal to the actuarial equivalent of the contributions payable in respect of so much of his service before 1st April 1972 as does not exceed one-half of the amount by which one-third of the service in respect of which normal and additional contributions are held in the Fund on 31st March 1972 exceeds twice his notional service.

ELECTIONS

Time for Making Elections

7.—(1) Subject to paragraph (3), the first election for the purposes of regulation 4, 5 or 6 shall be made so as to be received by the Secretary of State—

(*a*) for the purposes of regulation 4, if the teacher is employed in reckonable service on 8th January 1974, before 8th July 1974;

(*b*) for the purposes of regulation 5, if the teacher is employed in reckonable service on 1st May 1974, before 1st November 1974;

(*c*) for the purposes of regulation 6, before 1st November 1974; and

(*d*) for the purposes of regulation 4 and 5 in any case not falling within sub-paragraph (*a*) or (*b*), not later than 6 months from the date of the teacher becoming employed or as the case may be again employed in reckonable service or of the award to him of superannuation allowances under the Teachers Regulations.

(2) For the purposes of regulation 6, the election may, if the member dies before 1st November 1974, be made by his widow and the provisions of these regulations relating to the payment of contributions for the purposes of that regulation shall be construed accordingly.

(3) A man teacher who does not make an election within the time specified by paragraph (1) may, notwithstanding that paragraph, make a first election for the purposes of regulation 4 or 5 within the 6 months next following the first to occur of any of the following events—

(i) his marriage if he is then employed in reckonable service;

(ii) his becoming again employed in reckonable service after his marriage while not so employed;

(iii) the nomination by him of an adult dependant under regulation 18;

and a woman teacher who does not make an election within the time specified by paragraph (1) may, notwithstanding that paragraph, make a first election for the purposes of regulation 4 or 5 within the 6 months next following the nomination by her of an adult dependant under regulation 18.

Form of Elections

8.—(1) The first election by any teacher for the purposes of these regulations shall specify—

(*a*) the number of years in respect of which the teacher elects to pay contributions; and

(*b*) the rate at which the teacher elects to pay contributions expressed as a percentage, being a whole number not exceeding 8, of the rate of his salary from time to time.

(2) An election shall be made in writing and delivered to the Secretary of State and shall be effective from the date of its receipt by him.

(3) In so far as it specifies the number of years in respect of which contributions are to be paid an election shall be irrevocable; but in so far as it specifies the rate at which contributions are to be paid it may from time to time be varied by a subsequent election to pay contributions at a higher rate (expressed as is specified in paragraph (1)(*b*)) taking effect from 1st April in the year following the end of the year in which that subsequent election is received by the Secretary of State.

(4) The Secretary of State may treat as an election made for the purposes of this regulation any notification in writing received from a teacher before 8th January 1974 which

(*a*) states the teacher's intention to pay contributions in respect of any such benefits as are payable under these regulations; and

(*b*) specifies the matters required by this regulation to be specified by an election—

and any notification so treated shall be effective as such an election from 8th January 1974.

Effect of Elections

9.—(1) Subject to paragraph (2), regulations 23, 24 and 26 of the Teachers and Teachers' Families Regulations shall, as regards any teacher, cease to have effect as from the date upon which any election by him under regulation 8 is effective or the time specified by regulation 7(1) for the making of election expires without his having made an election.

(2) The Secretary of State may, having regard to the special circumstances of a particular teacher, direct that paragraph (1) shall not apply to him; and in any such case regulations 23, 24 and 26 of the Teachers and Teachers' Families Regulations shall continue to apply in relation to that teacher until such time as is specified in the direction.

CONTRIBUTIONS

Payment of Contributions

10. Subject to regulation 14 contributions shall be paid, at the rate for the time being specified by the teacher in an election under these regulations, for so long as he continues to be employed, or is for purposes of the Teachers Regulations treated as if he were employed in reckonable service.

Restriction on Amount of Contributions

11. Regulation 72 of the Family Benefits Regulations shall be construed as if the contributions specified in paragraph (1) included contributions payable under these regulations and for the references in paragraph (2)(*a*)(ii) to 6 per cent and 13 per cent there were substituted references to $6\frac{1}{2}$ per cent and $14\frac{1}{2}$ per cent respectively.

Determination of Contributions, etc.

12.—(1) The Secretary of State shall as soon as may be after the receipt of any election made by a teacher for the purposes of these regulations determine—

(*a*) in accordance with table 1 of Schedule 2 the period for which contributions are required to be paid by the teacher; and

(*b*) the amount (if any) of any deduction that will fall to be made from the terminal sum payable to or in respect of the teacher under regulation 15 by reason of the fact that the teacher will attain the age of sixty before the end of the period determined under sub-paragraph (*a*).

(2) A determination under paragraph (1) may be varied by a subsequent determination, and shall be so varied if—

(*a*) payment of contributions is interrupted by a break in service; or

(*b*) the amount of his contributions is reduced by reason of the teacher being for the time being employed in part-time reckonable service or (in the case of a teacher so employed) being so employed for a smaller proportion of his time; or

(*c*) a contribution payable in accordance with regulation 10 is not paid.

Notices

13. The Secretary of State shall as soon as may be after making a determination under regulation 12 serve a notice in writing on the teacher specifying as may be appropriate—

(*a*) the day on which, in accordance with regulation 14, the payment of contributions is to begin;

(*b*) the period determined under regulation 12 for which contributions are required to be paid;

(*c*) any liability of the teacher to a deduction from the terminal sum payable to or in respect of him by virtue of regulation 15.

Duration of Contributions

14. Contributions shall begin to be paid by a teacher on the first day of the month next following the date of the notice served on him by the Secretary of State under regulation 13 and shall cease to be paid on whichever is the earlier of the day he retires from reckonable service and the day specified in that notice as the last day on which contributions are required to be paid by him.

Deduction from Terminal Sum

15.—(1) If a member who elected to pay contributions under Method III and did not revoke his election to pay such contributions either—

(*a*) does not elect to pay contributions under regulation 5(2); or

(*b*) elects to pay such contributions in respect of a period which is less than two-thirds of the period in respect of which he elected to pay contributions under Method III—

there shall be deducted from the terminal sum payable to or in respect of him the amount determined by the Actuary as the sum necessary to defray the cost of the benefits payable under these regulations in so far as they relate to his reckonable service before 1st April 1972.

(2) If, as regards any teacher, the period determined under regulation 12 ends after whichever is the later of his 60th birthday and the award to him of allowances under regulation 40(1)(*a*) or (*b*) of the Teachers Regulations there shall be deducted from the terminal sum payable to or in respect of him the amount determined in accordance with table 2 of Schedule 2 as outstanding for payment.

(3) There shall be deducted from any terminal sum payable to or in respect of a teacher before his 60th birthday the amount determined by the Actuary as the actuarial equivalent of the amount which would have been outstanding for payment on that birthday if he had continued to pay contributions at the last rate specified by him until he attained the age of 60; and if any such teacher becomes again employed in reckonable service he shall be treated as having paid those contributions.

BENEFITS

Service Counting for Pension

16.—(1) A pension shall be paid in accordance with regulations 17 to 21 upon the death of any person who was employed in reckonable service on or after 1st April 1972 and whose service to which this regulation applies amounts to not less than five years.

(2) This regulation applies to—

(*a*) any reckonable service on or after 1st April 1972;

(*b*) any such service before 1st April 1972 in respect of which the person elected to pay contributions under regulation 4 or 5 or paid or elected to pay contributions under the Family Benefits Regulations.

Entitlement to Pension

17. A pension shall be paid under these regulations—

(*a*) in respect of a man teacher—

(i) if he is survived by his wife, to her in accordance with regulation 19;

(ii) if he is survived by a child or children, subject to regulation 21(6) to or for the benefit of that child or those children in accordance with regulation 20 below;

(iii) if he is not survived by his wife or a child of his but is survived by a person nominated by him in pursuance of regulation 18 ("the nominated beneficiary"), to the nominated beneficiary in accordance with regulation 19 (if the beneficiary is an adult) or in accordance with regulation 20 (if the beneficiary is a child).

(*b*) in respect of a woman teacher—

(i) if she is survived by her husband and he is the nominated beneficiary, to him in accordance with regulation 19;

(ii) if she is survived by a child or children, subject to regulation 21(6) to or for the benefit of that child or those children in accordance with regulation 20;

(iii) if she is not survived by her husband or a child, but is survived by the nominated beneficiary, to the nominated beneficiary in accordance with regulation 19 (if the beneficiary is an adult) or in accordance with regulation 20 (if the beneficiary is a child).

Nomination of Beneficiaries

18.—(1) A teacher to whom this regulation applies may at any time when—

(*a*) he is employed in reckonable service; and

(*b*) there is not in force a nomination made by him for the purposes of Part V of the Family Benefits Regulations;

nominate to receive a pension under these regulations a person who at the time of the nomination is wholly or mainly dependent on the teacher and is—

(i) the teacher's parent; or

(ii) an unmarried descendant of either of the teacher's parents; or

(iii) the teacher's widowed stepmother or stepfather; or

(iv) any unmarried descendant of the deceased wife of a man teacher; or

(v) the husband of a woman teacher.

(2) This regulation applies to a man teacher who is unmarried and to any woman teacher.

(3) The nomination of a beneficiary under this regulation shall become void—

(*a*) on the receipt by the Secretary of State of a written notice of revocation by the teacher;

(*b*) on the death or marriage of the nominated beneficiary;

(*c*) if the teacher is a man, on his marriage;

(*d*) if the beneficiary was a child, on his ceasing to be a child.

Amount of Pension for Widow or Adult Beneficiary

19.—(1) The annual amount of a pension payable to a widow or an adult nominated beneficiary shall be equal to one one-hundred and sixtieth of the teacher's average salary in respect of every year of his reckonable service counting for benefit for the purposes of this regulation.

(2) The reckonable service of a teacher counting for benefit for the purposes of this regulation is—

(*a*) his reckonable service on or after 1st April 1972;

(*b*) any reckonable service before 1st April 1972 in respect of which the teacher elects to pay contributions under regulation 4;

(*c*) his deemed normal service, or its equivalent in a case to which regulation 3(2) applies;

(*d*) his deemed additional service, or its equivalent in a case to which regulation 3(2) applies;

(*e*) twice his notional service;

(*f*) any period of service as is specified in an election by him to pay contributions under regulation 5 or regulation 6;

(*g*) (i) Where the teacher has elected to pay contributions under regulation 5, one-fifth of the period of service in respect of which the teacher has so elected but not exceeding one-fifth of the maximum period for which the teacher could have elected to pay under regulation 5 if his reckonable service prior to 1st April 1972 had not exceeded the period of the previous service in respect of which prior to that date he paid, or elected to pay, family benefits contributions, or

(ii) Where the teacher has elected to pay contributions under regulation 6, a period equal to the period of service in respect of which the teacher has elected to pay such contributions.

(*h*) if the teacher died while employed in reckonable service or while in receipt of an annual allowance to which he became entitled by virtue of regulation 40(1)(*c*) of the Teachers Regulations, such number of years as bears to any period which was or could have been added to his reckonable service by virtue of regulation 41 of the Teachers Regulations the same proportion as the aggregate number of years of his reckonable service under sub-paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) of paragraph (2) bears to his total reckonable service.

Amount of Child's Pension

20.—(1) The annual amount of a pension payable to or for the benefit of a child or children shall be—

(*a*) if the teacher is survived by a widow or dependent husband—

(i) for so long as there are two or more children, an amount equal to one one-hundred and sixtieth of the teacher's average salary for every year of the teacher's service counting for benefit for the purposes of regulation 19;

(ii) for so long as there is one child, an amount equal to one three-hundred and twentieth of the teacher's average salary for each such year;

(*b*) if (in the case of a man teacher) he is not survived by his wife or (in the case of a woman teacher) immediately before her death she was not married—

(i) for so long as there are two or more children, an amount equal to one one-hundred and twentieth of the teacher's average salary for every year of his reckonable service counting for benefit for the purposes of this regulation;

(ii) for so long as there is one child, an amount equal to one two-hundred and fortieth of the teacher's average salary for each such year.

(2) The reckonable service of a teacher counting for benefit for the purposes of this regulation is—

(*a*) his reckonable service; and

(*b*) if the teacher died while employed in reckonable service or while in receipt of an annual allowance to which he became entitled by virtue of regulation 40(1)(*c*) of the Teachers Regulations such number of years as bears to any period which was or could have been added to his reckonable service by virtue of regulation 41 of the Teachers Regulations the same proportion as the aggregate number of years of his reckonable service under sub-paragraphs (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) of paragraph (2) of regulation 19 bears to his total reckonable service.

Duration of Pensions

21.—(1) A pension payable to a teacher's widow or widower, or to a nominated beneficiary, shall subject to paragraph (2), if a short term pension is payable under regulation 19 or 20 of the Teachers and Teachers' Families Regulations, begin to accrue on the termination of that pension and, if no such pension is payable under those regulations, on the day following the death of the teacher.

(2) If the annual rate of the pension payable to a widow or widower under these regulations exceeds the annual rate of the pension payable under regulation 19 or 20 of the Teachers and Teachers' Families Regulations the pension provided for by these regulations shall be paid in substitution for the pension payable under those regulations.

(3) The amount payable to or for the benefit of a child by virtue of regulation 20(1)(*a*) shall, if a short term pension is payable under regulation 19 or 20 of the Teachers and Teachers' Families Regulations to the child's parent, begin to accrue on the termination of the short term pension and, if no such short term pension is payable, on the day following the death of the teacher.

(4) A pension payable to or for the benefit of a child of a teacher shall, if the teacher is survived by a widow or widower, begin to accrue on the day following the death of that widow or widower and otherwise on the day following the death of the teacher.

(5) Subject to paragraph (6) a pension payable under these regulations or under regulation 23 or 24 of the Teachers and Teachers' Families Regulations shall cease to be paid upon the death of the person to whom it is payable or, unless the Secretary of State otherwise directs, upon that person marrying or

commencing to cohabit with a person to whom he or she is not married; but any pension which has ceased to be payable under the above provisions by reason of marriage or cohabitation may, if the Secretary of State so decides, be paid upon the person again becoming a widow or widower or as the case may be ceasing to cohabit.

(6) A pension payable to or for the benefit of a child shall cease on the death of the child or when the child ceases to be a child within the meaning of these regulations, whichever first occurs.

MISCELLANEOUS AND SUPPLEMENTARY

Special Provision for Widows of Certain Non-members

22.—(1) A pension of an amount specified in paragraph (2) may be paid to the widow of any non-member who dies without having made an election for the purposes of regulation 4 if a death gratuity is payable to his personal representatives under regulation 46(2A) of the Teachers Regulations.

(2) The amount of a pension under paragraph (1) shall be equal to one one-hundred and sixtieth of the teacher's average salary for every year of the service by reference to which the gratuity under regulation 46(2A) of the Teachers Regulations falls to be calculated.

(3) There shall be deducted from the terminal sum payable to or in respect of the teacher, or paid to the Secretary of State in such manner as may be agreed, the actuarial equivalent of the pension paid under this regulation.

(4) Paragraphs (1) and (5) of regulation 21 shall apply to a pension paid under this regulation.

Application of Family Benefits Regulations

23. Except in so far as other provision is made by these regulations Part VI (Miscellaneous and Supplementary) of the Family Benefits Regulations shall, with the necessary modifications, apply for the purposes of these regulations as it applies for the purposes of those regulations.

Repayment of Contributions

24.—(1) There shall, as soon as may be, be repaid the amount, together with compound interest thereon calculated at three per cent per annum with yearly rests, certified by the Actuary as the amount by which the contributions paid under regulation 36A(1) of the Family Benefits Regulations before the commencement of these regulations exceeds the amount payable under that provision as affected by these regulations.

(2) If a teacher to whom regulation 5 applies does not elect to pay contributions under that regulation, such sums as are prescribed by regulations 39 to 41 of the Family Benefits Regulations, reduced in any case by a sum equal to the tax chargeable on that repayment under paragraph 2 of Part II of Schedule 5 to the Finance Act 1970(**a**) (charge to tax on repayment of employee's contributions) shall be paid to him by way of repayment of contributions paid by him—

(*a*) on his being repaid his superannuation contributions after ceasing to be employed in reckonable service;

(*b*) on his transfer to other employment if interchange rules apply to him on that transfer;

(*c*) on his becoming eligible for allowances if on his death no pension will

(**a**) 1970 c. 24.

be payable to his widow, or other adult beneficiary nominated by him, under any provision relating to the superannuation of teachers except a provision contained in Part VI of the Teachers Regulations.

Special Provision for Teachers with Certain External Service

25.—(1) On the death of a teacher or former teacher who is a former external contributor to an external scheme relating to such service as is mentioned in paragraph 1 (England and Wales) or 2 (Northern Ireland) of Schedule 2 to the Teachers Regulations the Secretary of State may in accordance with this regulation pay a pension to or for the benefit of any widow, widower, child or other nominated beneficiary of that teacher to or for whose benefit a pension is payable under the preceding provisions of these regulations.

(2) The annual amount of a pension payable under this regulation shall be equal to the amount that would have been payable under those provisions of the external scheme which correspond to these regulations if that part of the election under regulation 8(1)(*a*) as is made in pursuance of paragraph 2(1) of Schedule 3 had formed part of an election to the like effect for the purposes of the external scheme.

(3) There shall be deducted from the terminal sum payable to or in respect of the teacher, or paid to the Secretary of State in such manner as may be agreed, an amount equal to the sum of any contributions outstanding for payment in respect of the service to which the part of the election referred to in paragraph (2) relates.

(4) In connection with the provisions of the preceding paragraphs of this regulation, Schedule 3 shall have effect for the modification—

(*a*) in accordance with paragraph 1 of that Schedule, of the Teachers and Teachers' Families Regulations in their application to a former external contributor to such a scheme as is mentioned in paragraph (1) who dies within the time prescribed for making an election under regulation 8(1)(*a*) above without making such an election; and

(*b*) in accordance with paragraph 2 of that Schedule, of these regulations in their application to a teacher or former teacher to whom paragraph (1) applies.

Short Term Pensions for Dependants of Women Teachers

26. Regulations 19 (Widow's Short Term Pension) and 20 (Retired Teacher's Widow's Short Term Pension) of the Teachers and Teachers' Families Regulations shall with the necessary modifications apply on the death after 31st March 1972 of a woman teacher whose husband is her nominated beneficiary as they apply on the death of a man teacher; and regulation 21 (Children's Short Term Pension) of those regulations shall so apply on the death after 31st March 1972, survived by a child or children, of a woman teacher who immediately before her death was not married as it applies on the death of a man teacher survived by a child or children.

Minor and Consequential Amendments and Revocations

27. The minor and consequential amendments and revocations specified in Schedule 4 shall have effect.

Gordon Campbell,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh.
3rd December 1973.

Consent of the Minister for the Civil Service given under his Official Seal on 6th December 1973.

(L.S.)

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

SCHEDULE 1 Regulation 3(1)(b)

DEEMED ADDITIONAL SERVICE

The deemed additional service of any teacher shall be determined in accordance with the formula $\frac{ab}{c}$ — where—

a is the factor shown in the appropriate entry of column B of the table below

b is the amount (in pounds) of his additional contributions held in the Fund at 31st March 1972; and

c is the amount (in pounds) of his annual salary at that date.

A *Age of teacher at last birthday before 1st April 1972*	B *Factor*	A *Age of teacher at last birthday before 1st April 1972*	B *Factor*
18	21·4	45	49·4
19	23·9	46	49·3
20	26·2	47	49·2
21	28·4	48	49·1
22	30·6	49	49·0
23	32·6		
24	34·5	50	49·0
		51	49·0
25	36·3	52	49·0
26	38·0	53	48·9
27	39·6	54	48·9
28	41·1		
29	42·6	55	48·8
		56	48·8
30	43·9	57	48·7
31	45·2	58	48·7
32	46·4	59	48·6
33	47·4		
34	48·4	60 and over	48·6
35	49·2		
36	49·8		
37	50·0		
38	50·2		
39	50·3		
40	50·3		
41	50·2		
42	50·0		
43	49·8		
44	49·6		

Regulations 12 and 15

SCHEDULE 2

CONTRIBUTIONS AND DEDUCTIONS

TABLE 1

CONTRIBUTIONS

Age on the date from which additional contributions begin to be paid	Period in years for which contributions are required to be paid in respect of each year of service (regulation 8(1)(*a*))								
	Rate of contributions elected (regulation 8(1)(*b*))	1%	2%	3%	4%	5%	6%	7%	8%
32 and under		3·15	1·58	1·05	·79	·63	·525	·45	·395
33—37		3·20	1·60	1·07	·80	·64	·535	·46	·40
38—42		3·30	1·65	1·10	·82	·66	·55	·47	·41
43—47		3·35	1·68	1·12	·84	·67	·56	·48	·42
48 and over		3·40	1·70	1·13	·85	·68	·565	·485	·425

NOTES:

1. A teacher who before the day specified in relation to him under regulation 13(*a*) pays in accordance with the Family Benefits Regulations additional contributions so payable after 31st March 1972 shall be taken to have paid contributions in accordance with regulation 5 at the rate specified by him in accordance with regulation 8(1)(*b*) for the number of years equal to the fraction of which the denominator is that rate and the numerator is the amount of those contributions expressed as a percentage of his annual salary on the day specified; and, as regards any such teacher, that number shall accordingly be deducted from the period determined in accordance with the table above.

2. The necessary interpolations are to be made where the period elected under regulation 8(1)(*a*) is not an exact number of years.

Regulations 12 and 15

TABLE 2

DEDUCTIONS

As regards any teacher the deduction to be made is the annual amount of his contributions at the last rate payable multiplied by the factor shown in column B against the entry in column A which specifies the number of further years during which contributions would have been payable.

A *Number of further years during which contributions would have been payable*	B *Rate of deduction per £ of contribution at last rate payable*
1	·990
2	1·961
3	2·913
4	3·846
5	4·760
6	5·657
7	6·536
8	7·398
9	8·244
10	9·072
11	9·884
12	10·681
13	11·461
14	12·227
15	12·977
16	13·713
17	14·434
18	15·141
19	15·835
20	16·514

Note: The necessary interpolations are to be made where the further period for which contributions would have been payable is not an exact number of years.

SCHEDULE 3 Regulation 25

MODIFICATIONS RELATING TO TEACHERS WITH SERVICE IN ENGLAND, WALES OR NORTHERN IRELAND

Modifications of the Teachers and Teachers' Families Regulations

1.—(1) In computing the period of service of a non-contributor for the purposes of regulation 23(1)(*a*) (Non-contributor's Widow's Pension) any period of external service in England, Wales or Northern Ireland shall be treated as a period of reckonable service.

(2) The reference in regulations 23(1) (Non-contributor's Widow's Pension) and 24(1) (Retired Non-contributor's Widow's Pension) to the annual allowance payable to the teacher shall, if his widow so elects, be construed as including references to the allowance that would have been payable to the teacher if in computing it any external service in England, Wales or Northern Ireland had been treated as reckonable service.

(3) The reference in regulation 25(1) (Adjustment of Terminal Sum) to the teacher's reckonable service before 1st April 1972 shall, if his widow has so elected as is mentioned in sub-paragraph (2) be construed as including a reference to his external service in England, Wales or Northern Ireland.

Modifications of the Regulations

2.—(1) Any election under regulation 8(1) shall in addition specify the period of external service in England, Wales or Northern Ireland which the teacher elects to be treated as reckonable service for the purposes of regulation 19 in the event of his death in, or after retirement from, reckonable service.

(2) There shall be added at the end of regulation 15 as a new paragraph—

"(4) There shall be deducted from the terminal sum payable to or in respect of the teacher, or paid to the Secretary of State in such manner as may be agreed, the actuarial equivalent of the cost of defraying any pension payable in pursuance of regulation 25."

(3) The references in sub-paragraph (*a*) of each of regulations 16(2) and 19(2) to reckonable service on or after 1st April 1972 shall be construed as including references to external service on or after that date in England, Wales or Northern Ireland; and the references in sub-paragraph (*b*) of each of those provisions to reckonable service before 1st April 1972 shall be construed as including references to such external service as is specified in that part of an election under regulation 8(1) of these regulations as is made in pursuance of paragraph 2(1).

Regulation 27

SCHEDULE 4

Minor and Consequential Amendments and Revocations

Amount of Pensions under the Teachers' Widows' and Children's Scheme

1. The words "and before 24th April 1973" shall be inserted immediately after the words "after 24th March 1972" in regulation 44(2)(*d*) (Amount of Widow's Pension), 47(*d*) (Amount of Short Service Widow's Pension) and 50(1)(*d*) (Amount of Children's Pension) of the Family Benefits Regulations.

Additional Contributions

2. No contributions shall be payable by a teacher under regulations 29, 30, 31 and 36 of the Family Benefits Regulations as from any date before 1st November 1974 upon which he commences to pay contributions in accordance with regulation 5 above or, as the case may be, revokes his election to pay contributions under regulation 31 of the Family Benefits Regulations; and regulations 29, 30, 31 and 36 of those regulations shall cease to have effect on 1st November 1974.

Nomination of Dependants

3. Regulation 57 (Nomination of Dependants) of the Family Benefits Regulations shall cease to have effect, but without prejudice to the validity of any nomination made under that regulation which had not become void before the commencement of these regulations.

Teacher's Contribution

4. Regulation 5(2) (Teacher's Contribution towards Financing of Benefits) of the Teachers Superannuation (Financial Provisions) (Scotland) Regulations 1972**(a)** as amended by regulation 3 of the Teachers Superannuation (Financial Provisions and Family Benefits) (Scotland) Regulations 1972**(b)** shall have effect subject to the substitution for the words "6½ per cent of his salary for the time being" of the words—

"the aggregate of—

(*a*) 6½ per cent of his salary for the time being; and

(*b*) any contributions which he has elected to pay under Part V of the Family Benefits Regulations or under the Teachers Superannuation (Family Benefits) (Scotland) Amendment Regulations 1973."

Short Term Pensions

5.—(1) In regulation 19 (Widow's Short-term Pension) and 20 (Retired Teacher's Widow's Short-term Pension) of the Teachers and Teachers' Families Regulations references to the annual rate of a teacher's salary are to be construed as references to his salary as calculated under regulation 3(1) of the Teachers Superannuation (Financial Provisions) (Scotland) Regulations 1972.

(a) S.I. 1972/551 (1972 I, p. 1855). **(b)** S.I. 1972/1239 (1972 II, p. 3738).

(2) In regulation 19 of the Teachers and Teachers' Families Regulations paragraph 2(*b*) shall be deleted and there shall be substituted the following:—

"(*b*) to a widow to whom a pension would have been payable under regulation 23 if she had not elected that that paragraph should not apply—

in either case if the teacher leaves a widow and one child, for one and a half months and if he leaves a widow and more than one child, for three months."

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations amend the provisions contained in the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971 to 1973 relating to the payment of pensions to the widows or widowers of teachers and their families and other dependants.

The Regulations enable all teachers employed in reckonable service on or after 1st April 1972 to elect to pay contributions or, as the case may be, further contributions in respect of their reckonable service before that date and make new provision with respect to the amount of pensions payable.

Special provision is made with regard to teachers with external service in England, Wales or Northern Ireland (Regulation 25). The Regulations also make a number of minor amendments to the existing Regulations.

Regulation 26 has retrospective effect by virtue of section 12(1) of the Superannuation Act 1972.

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