STATUTORY INSTRUMENTS

1974 No. 1993 (S.183)

EDUCATION, SCOTLAND

The Teachers Superannuation (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 1974

Made - - -	26*th November* 1974
Laid before Parliament	12*th December* 1974
Coming into Operation	2*nd January* 1975

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:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Teachers Superannuation (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 1974 and shall be included among the regulations which may be cited as the Teachers Superannuation (Scotland) Regulations 1969 to 1974.

(2) These regulations shall come into operation on 2nd January 1975.

(3) In these regulations—

"the Added Years and Interchange Regulations" means the Teachers Superannuation (Added Years and Interchange) (Scotland) Regulations 1974(**b**);

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

(4) The Interpretation Act 1889(**e**) 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. 1974/1135 (1974 II, p. 4315). (**c**) S.I. 1969/77 (1969 I, p. 133).
(**d**) S.I. 1969/659, 1971/1995, 1972/551, 1239, 1973/399, 547, 1974/376, 769, 1135 (1969 II, p. 1820; 1971 III, p. 5683; 1972 I, p. 1855, II, p. 3738; 1973 I, pp. 1349, 1738; 1974 I, p. 1198, II, pp. 3000, 4315).

(**e**) 1889 c. 63.

Adjustment of benefits of certain organisers

2.—(1) Where a lump sum benefit is paid under regulations made under section 220 of the Local Government (Scotland) Act 1973(**a**) (early retirement of certain officers) to an organiser (within the meaning of regulation 70(*a*)(i) of the principal Teachers Regulations) who is not then entitled to be paid an additional allowance under regulation 40(1) of the principal Teachers Regulations, an amount equal to so much of that benefit as is related to the reckonable service then credited to him shall be deducted from—

(*a*) any additional allowance, balance of contributions or death gratuity payable by virtue of regulation 40(1), 35 or 46 of the principal Teachers Regulations to or in respect of that organiser; or

(*b*) any transfer value in respect of reckonable service of that organiser which falls to be paid by the Secretary of State by virtue of interchange rules (within the meaning of the principal Teachers Regulations) or by virtue of regulation 24 of the Added Years and Interchange Regulations after that lump sum benefit was paid but before any such allowance becomes payable.

(2) Any amount deducted in pursuance of paragraph (1) of this regulation shall be paid by the Secretary of State to the local authority by whom the lump sum benefit was paid as soon as may be after—

(*a*) (in a case falling within paragraph (1)(*a*)) the additional allowance, balance of contributions or death gratuity becomes or would, apart from paragraph (1) of this regulation, have become payable to or in respect of the organiser; or

(*b*) (in a case falling within paragraph (1)(*b*)) the payment of the transfer value in question.

(3) An organiser to whom a lump sum benefit has been paid under regulations made under section 220 of the Local Government (Scotland) Act 1973 shall be treated for the purposes of regulation 32 (repayment of contributions on cessation of employment) and 33 (repayment at age of 70) of the principal Teachers Regulations as being qualified for an allowance or gratuity under the principal Teachers Regulations and accordingly shall not be entitled to be repaid any sum under regulations 32 or 33 of those regulations.

Added years and interchange regulations

3. The Added Years and Interchange Regulations shall have effect subject to the following amendments:—

(*a*) in regulation 3(4) (added years to count as reckonable service) after the words "Teachers Regulations" there shall be inserted the words "to a teacher who has reached pensionable age under the National Insurance Act 1965"(**b**);

(*b*) in regulation 12(1) (special provision for retired teachers) after the words "Teachers Regulations" there shall be inserted the words, "or benefits under regulation 5 of the Local Government Reorganisation (Retirement of Chief Officers) (Scotland) Regulations 1974"(**c**);

(**a**) 1973 c. 65.
(**b**) 1965 c. 51.
(**c**) S.I. 1974/1754 (1974 III, p. 6246).

(*c*) for regulation 23(*a*) (approved superannuation schemes) there shall be substituted the following:—

"a scheme established under section 1 of the Superannuation Act 1972(**a**) or the Superannuation (Northern Ireland) Order 1972(**b**) or other arrangements for superannuation maintained in pursuance of regulations made, or having effect as if made, under that Act or Order or section 1 of the Police Pensions Act 1948(**c**) or a Fireman's Pension Scheme made under section 26 of the Fire Services Act 1947(**d**) or section 25 of the Police Act (Northern Ireland) 1970(**e**) or a scheme made under section 17 of the Fire Services Act (Northern Ireland) 1969(**f**) ("a statutory scheme"); or";

(*d*) in the heading of the first column of both Part A and Part B of the Appendix to Schedule 4 after "7(*b*)(i)" there shall be added the words "or 7(*c*)(i)".

Principal teachers regulations

4. Regulation 32(1)(*b*)(ii) of the principal Teachers Regulations (repayment of contributions on cessation of employment) shall have effect with the insertion after the words "regulation 14" of the words "of these regulations or regulation 13 of the Teachers Superannuation (Added Years and Interchange) (Scotland) Regulations 1974".

William Ross,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

21st November 1974.

Consent of the Minister for the Civil Service given under his Official Seal on 26th November 1974.

L.S.

K. H. McNeill,

Authorised by the Minister for the Civil Service.

(**a**) 1972 c. 11.
(**b**) S.I. 1972, No. 1073 (N.I. 10).
(**c**) 1948 c. 24.
(**d**) 1947 c. 41.
(**e**) 1970 c. 9 (N.I.).
(**f**) 1969 c. 13 (N.I.).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

Regulation 2 of these Regulations provides for the adjustment of benefits payable under the Teachers Superannuation (Scotland) Regulations to certain chief officers to whom benefits are paid as a result of their early retirement in consequence of local government reorganisation. Regulations 3 and 4 make consequential and minor amendments to those Regulations.

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