The Teachers Superannuation (National Service) Rules, 1949

1949 No. 468

Made - - - -	17*th March*, 1949
Laid before Parliament	18*th March*, 1949
Coming into Operation	1*st April*, 1949

The Minister of Education with the consent of the Treasury in exercise of the powers conferred upon him by Section 1 of the Superannuation (Miscellaneous Provisions) Act, 1948(**a**), hereby makes the following Rules :—

1.—(1) These rules may be cited as the Teachers Superannuation (National Service) Rules, 1949, and shall come into operation on the first day of April, 1949.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these rules as it applies to the interpretation of an Act of Parliament.

(3) In these rules, unless the context otherwise requires :—

(*a*) " the Act " means the Superannuation (Miscellaneous Provisions) Act, 1948 ;

" the Act of 1925 " means the Teachers (Superannuation) Act, 1925(**c**) ;

" the Act of 1937 " means the Teachers (Superannuation) Act, 1937(**d**) ;

" the Act of 1945 " means the Teachers (Superannuation) Act, 1945(**e**) ;

" the Act of 1946 " means the Teachers (Superannuation) Act, 1946(**f**) ;

" the Teachers Acts " means the Teachers (Superannuation) Acts, 1918 to 1946 ;

" former employer " means the person who last employs a teacher in contributory service before the date on which the teacher enters upon national service ;

" period of national service " means any period of service in any of the armed forces of the Crown undertaken by virtue of an enlistment notice or a training notice served under the National Service Act, 1948(**g**), or work or training in pursuance of an order of a tribunal under section 17 of the National Service Act, 1948, (which relates to conscientious objectors), and includes any period immediately following the termination thereof during which the teacher, with the consent of his former employer, continues in similar service, work, or training, and the expression " national service " shall be construed accordingly ;

(**a**) 11 & 12 Geo. 6. c. 33.
(**b**) 52 & 53 Vict. c. 63.
(**c**) 15 & 16 Geo. 5. c. 59.
(**d**) 1 Edw. 8 & 1 Geo. 6. c. 47.
(**e**) 8 & 9 Geo. 6. c. 14.
(**f**) 9 & 10 Geo. 6. c. 60.
(**g**) 11 & 12 Geo. 6. c. 64.

"the Scheme of 1926" means the Scheme made by the Board of Education on the 11th October, 1926(a), under Section 21 (1) (*a*) of the Act of 1925, as varied by the Scheme made by the Minister on the 21st March, 1946(b);

"the Scheme of 1948" means the Teachers Superannuation (Accepted Schools) Scheme, 1948(c);

"contributions" means contributions payable by or in respect of a teacher under the Teachers Acts;

"teacher" includes any person who is treated as a teacher for the purposes of the Teachers Acts;

"the Minister" means the Minister of Education; and

(*b*) other expressions which have meanings assigned to them by the Teachers Acts shall have the same respective meanings for the purposes of these rules.

2. These rules provide for the treatment of national service as contributory service or as approved external service under the Teachers Acts, and for the payment of contributions by or in respect of teachers whose national service is treated as contributory service.

3.—(1) Where, by virtue of these rules, any teacher's period of national service is treated as a period of contributory service or approved external service, the salary in respect of that period which the teacher is to be regarded as receiving for the purposes of Part II of the Act of 1925 and of these rules (hereinafter called "the estimated salary") shall be such salary as in the opinion of the Minister he would have received—

(*a*) if, being a teacher who was remunerated in accordance with the terms of the Reports of the Burnham Committee immediately before the commencement of the said period or a teacher to whom rule 6 (2) (*d*) of these rules applies, he had been paid during that period a salary in accordance with the terms of the said Reports for the time being in force; or

(*b*) if, being a teacher to whom paragraph (*a*) of this rule does not apply, he had been paid a salary by his former employer during that period.

(2) Where, by virtue of these rules, any teacher's period of national service is treated as a period of contributory service, then if that teacher is a new entrant or an existing teacher who elects for modification of the Teachers Acts and other instruments as provided by the National Insurance (Modification of Teachers Pensions) Regulations, 1948(d), the contributions payable by or in respect of him shall be modified as provided by those regulations for the said period as well as for other periods of contributory service.

(3) The foregoing provisions of this rule shall have effect for the purposes of the Scheme of 1926 or the Scheme of 1948, and for those purposes for references to the said Part II there shall be substituted references to the said Part II as applied by the Scheme in question.

4.—(1) The national service of a teacher who enters upon national service on or after the 1st April, 1949, and who, immediately before he enters upon such service, is employed in contributory service shall be treated

(a) S.R. & O. 1926 (No. 1314) p. 439.
(b) S.R. & O. 1946 (No. 415) I, p. 451.
(c) S.I. 1948 (No. 1740) I, p. 760.
(d) S.I. 1948 (No. 889) I, p. 2851.

as contributory service and contributions shall be payable under the Teachers Acts in respect thereof in accordance with the following provisions of this rule and of the next following rule.

(2) Where the teacher immediately before he so enters upon national service is employed in contributory service :—

(*a*) as defined in :—

(i) Section 1 of the Act of 1945 as amended by Regulation 54 (*b*) of the National Health Service (Superannuation) Regulations, 1947(**a**) ; or

(ii) Section 2 of the Act of 1945 ; or

(iii) Section 14 of the Act of 1925 ; or

(iv) Section 12 (1) of the Act ; or

(*b*) under any Scheme made under Section 21 (1) (*b*) of the Act of 1925—

the period of his national service shall be treated as contributory service for the purposes of Part II of the Act of 1925.

(3) Where a teacher immediately before he so enters upon national service is employed in contributory service under the Scheme of 1926, the period of his national service shall be treated as contributory service under that Scheme.

(4) Where a teacher immediately before he so enters upon national service is employed in contributory service under the Scheme of 1948, the period of his national service shall be treated as contributory service under that Scheme.

5. Where, in accordance with the last foregoing rule, a teacher's period of national service is treated as contributory service, contributions shall be payable on the estimated salary during the period of his national service at the following rates :—

(*a*) 6¼ per cent. by the teacher and 6¼ per cent. by his former employer in the case of a teacher to whom paragraph (4) of the last foregoing rule applies ; and

(*b*) 5 per cent. by the teacher and 5 per cent. by the former employer in the case of any other teacher to whom the last foregoing rule applies.

6.—(1) Section 2 of the Act of 1937, which provides for the payment of contributions during intervals of service, shall not apply to any period of national service.

(2) Where a teacher immediately before he enters upon national service is treated under Section 2 of the Act of 1937 as employed in contributory service, the period of his national service shall be treated as contributory service and contributions shall be payable in respect thereof in accordance with the following provisions of this rule, that is to say—

(*a*) where, immediately before the period covered by the said Section 2, the teacher was employed in contributory service under Part II of the Act of 1925 and continues in the employment of his former employer, his period of national service shall be treated as contributory service for the purpose of Part II of the Act of 1925 and contributions at the rate of 5 per cent. of his estimated salary shall be payable both by him and by that employer ;

(**a**) S.R. & O. 1947 (No. 1755) I, p. 1373.

(*b*) where, immediately before the period covered by the said Section 2, the teacher was employed in contributory service under the Scheme of 1926 and continues in the employment of his former employer, his period of national service shall be treated as contributory service under the said Scheme and contributions at the rate of 5 per cent. of his estimated salary shall be payable both by him and by that employer;

(*c*) where, immediately before the period covered by the said Section 2, the teacher was employed in contributory service under the Scheme of 1948 and continues in the employment of his former employer his period of national service shall be treated as contributory service under the said Scheme and contributions at the rate of 6¼ per cent. of his estimated salary shall be payable both by him and by that employer; and

(*d*) in any other case the teacher's period of national service shall be treated as contributory service under Part II of the Act of 1925 and contributions at the rate of 7½ per cent. of his estimated salary shall be payable by the teacher; contributions so paid shall be treated as having been paid as to two-thirds by way of teacher's contributions and one-third by way of employer's contributions.

(3) A teacher who is subject to sub-paragraphs (*a*), (*b*) or (*c*), of paragraph (2) of this rule shall—

(*a*) if a new entrant for the purposes of the National Insurance (Modification of Teachers Pensions) Regulations, 1948, be subject to the modifications as respects contributions for which regulation 6 of those regulations provides for his period of national service as well as for his other periods of contributory service;

(*b*) if an existing teacher who elects for modification as provided by those regulations, be subject to the modifications as respects contributions for which regulation 9 of those regulations provides for his period of national service as well as for his other periods of contributory service.

(4) A teacher who is subject to subparagraph (*d*) of paragraph (2) of this rule, shall be subject to the provisions of regulation 15 of the National Insurance (Modification of Teachers Pensions) Regulations, 1948, for his period of national service as well as for his other periods of contributory service.

7. Where a period of national service of a teacher is treated as contributory service by virtue of these rules, rule 16 of the Teachers Superannuation Rules, 1926(a), which prescribes the latest date for the payment of contributions and provides for the payment of interest where that date is extended by the Minister under those rules, shall apply with the following modifications:—

(*a*) the substitution in paragraph (1) of the words "two years after the date on which the teacher's national service ends" for the words "the 30th September in the financial year after that in which the period terminated"; and

(*b*) the substitution in paragraph (2) of the words "the date next following the date prescribed for payment" for the words "the 1st October next following the date prescribed".

(a) S.R. & O. 1926 (No. 415), p. 429.

8. Where a teacher, immediately before he enters upon national service is employed in approved external service of the kind dealt with by Section 13 of the Act of 1925, the Act of 1946, or Section 11 (1) of the Act, or by any Scheme made under Section 21 (1) (*c*) of the Act of 1925, his period of national service shall be treated as approved external service of that kind.

9. National service which is treated as contributory service by virtue of these rules or which is treated as service, as defined in the Scottish Teachers Superannuation Scheme, by virtue of rules made by the Secretary of State with the consent of the Treasury under Section 1 of the Act, shall also be treated as if it were a period of service as a teacher in a capacity approved by the Minister for the purposes of Section 14 of the Act of 1925, Section 2 of the Act of 1945, or Section 12 of the Act.

Given under the Official Seal of the Minister of Education this 17th day of March, 1949.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

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

The principal purpose of these Rules is to enable a teacher who is called up for national service to continue as a contributor under the Teachers (Superannuation) Acts and so to reckon his national service as if it were pensionable service as a teacher. Provision is also made to secure that where a teacher is called up from other approved employment counting towards qualification for pension his national service shall be reckoned in the same way as that other employment.

(iii) SCHEMES

The Teachers Superannuation (Guernsey) Scheme, 1949

1949 No. 1570

Made - - - - 22*nd August*, 1949
Coming into Operation 23*rd August*, 1949

The Minister of Education in exercise of the powers conferred on him by Section 21 (1) (*c*) of the Teachers (Superannuation) Act, 1925(a), as amended by Section 9 (2) of the Superannuation (Miscellaneous Provisions) Act, 1948(b), hereby makes the following Scheme :—

1. This Scheme may be cited as the Teachers Superannuation (Guernsey) Scheme, 1949, and shall come into operation on the 23rd day of August, 1949.

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