3. Service on or after the 1st March, 1949, as a full-time teacher in a Remand Home in respect of which a grant is made out of moneys provided by Parliament under the Children and Young Persons Act, 1933(**a**), shall be treated as contributory service for the purposes of Part II of the Teachers (Superannuation) Act, 1925, as amended by any subsequent enactment, if the teacher—

(*a*) was previously employed in recognised or contributory service before becoming employed in a Remand Home as aforesaid; or

(*b*) is a qualified teacher; or

(*c*) is recognised by the Home Office as duly qualified to teach in a Remand Home as aforesaid.

4. The Teachers Superannuation (Remand Homes) Scheme, 1934(**b**), is hereby revoked but so that its revocation shall not affect its operation as respects any period before the date on which this Scheme comes into operation.

Given under the Official Seal of the Minister of Education this 13th day of June, 1949.

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

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

The Scheme of 1934 enabled teaching service in a Remand Home to be treated as pensionable only if the teacher had previously been in pensionable service under the Teachers (Superannuation) Acts. The purpose of this Amending Scheme is to extend pensionability to teachers who have appropriate qualifications for service in Remand Homes but may not previously have been in pensionable service.

The Teachers Superannuation (Royal Air Force Education) Scheme, 1949

1949 No. 2007

Made - - - - *27th October,* 1949
Coming into Operation *1st November,* 1949

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

1. This Scheme may be cited as the Teachers Superannuation (Royal Air Force Education) Scheme, 1949, and shall come into operation on the first day of November, 1949.

(**a**) 23 & 24 Geo. 5. c. 12.
(**b**) S.R. & O. 1934 (No. 622) I, 537.
(**c**) 15 & 16 Geo. 5. c. 59.
(**d**) 11 & 12 Geo. 6. c. 33.

2. The Interpretation Act, 1889(a), applies to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

3. In this Scheme unless the context otherwise requires:—

"the Act of 1925" means the Teachers (Superannuation) Act, 1925, as amended by any subsequent enactment;

"approved external service" means service in Scotland which is approved external service under Section 13 of the Act of 1925 or service in Northern Ireland, the Isle of Man, Jersey or Guernsey which by virtue of any Scheme made under Section 21 (1) (*c*) of the Act of 1925 is treated for the purposes of that Act in the same manner as service in Scotland is treated;

"contributory service" means contributory service for the purposes of Part II of the Act of 1925;

"the Minister" means the Minister of Education;

"Education Branch" means the Royal Air Force Education Branch;

"Physical Fitness Branch" means the Royal Air Force Physical Fitness Branch;

"Royal Air Force educational service" means full-time service in England or Wales or elsewhere, being service of the kind described in clause 4 of this Scheme, in the capacity of a teacher or in some other capacity which to a substantial extent involves the control or supervision of teachers, either in the Education Branch or in the Physical Fitness Branch as the context requires; and

"the Scheme of 1930" means the Scheme made on the 2nd May, 1930(b), by the Board of Education with the consent of the Treasury under Section 21 (1) (*b*) of the Act of 1925 relating to teachers in the employment of the Air Council as varied by the Teachers Superannuation (Section 21 (1) (*b*) Varying Scheme), 1946(c).

4. This Scheme applies to persons of the following classes employed on or after the 1st November, 1949, in Royal Air Force educational service other than service undertaken by virtue of an enlistment notice served under the National Service Act, 1948(d), that is to say—

(*a*) officers holding short service commissions or extended service commissions in the Education Branch or the Physical Fitness Branch; or

(*b*) officers holding temporary commissions in the Education Branch who before being appointed to those commissions were permanent members of the former Royal Air Force Educational Service and were in contributory service under the Scheme of 1930; or

(*c*) women officers holding short service commissions or temporary commissions in the Royal Air Force and officers holding extended service commissions in the Women's Auxiliary Air Force who are serving in the Education Branch or the Physical Fitness Branch; or

(*d*) officers holding temporary commissions in the Education Branch who have given notice to the Board of Education or the Minister under the provisions of clause 2 of the Scheme of 1930 that they do not desire to be included in that Scheme; or

(*e*) civilian education officers under the Directorate of Educational Services who have given notice to the Board of Education or the Minister under the provisions of clause 2 of the Scheme of 1930 that they do not desire to be included in that Scheme.

(a) 52 & 53 Vict. c. 63.
(b) S.R. & O. 1930 (No. 309) p. 486.
(c) S.R. & O. 1946 (No. 457) I, p. 452.
(d) 11 & 12 Geo. 6. c. 64.

5.—(1) Where any person to whom this Scheme applies, not being a person described in paragraph (*d*) or (*e*) of the last foregoing clause, was employed in contributory service or approved external service before becoming employed in Royal Air Force educational service, his employment in Royal Air Force educational service on or after the 1st November, 1949, shall be treated as contributory service: provided that if he was employed in Royal Air Force educational service on the 1st November, 1949, and immediately before that date, his said employment shall not be treated as contributory service if he gives notice in writing to the Minister within three months after the said date, or within such longer period as the Minister may allow in any particular case, that he does not wish it to be so treated.

(2) Where any person to whom this Scheme applies—

(*a*) was not employed in contributory service or approved external service before becoming employed in Royal Air Force educational service; or

(*b*) is a person described in paragraph (*d*) or (*e*) of clause 4 of this Scheme

his employment in Royal Air Force educational service on and after the date on which he gives notice to the Minister that he wishes that employment to be treated as contributory service, or on and after such other date as the Minister may agree in any particular case, being a date not earlier than the 1st November, 1949, shall be treated as contributory service.

6. Any person whose employment in Royal Air Force educational service on the 1st November, 1949, is treated as contributory service under this Scheme shall also be entitled to have his previous employment, if any, in Royal Air Force educational service after the 30th September, 1946, or such later date as he may choose, so treated if he gives notice to that effect in writing to the Minister not later than the 31st January, 1950, or such later date as the Minister may allow in any particular case.

7.—(1) Where the employment of any person in Royal Air Force educational service is treated as contributory service under this Scheme:—

(*a*) contributions shall be payable in respect thereof in accordance with Section 9 of the Act of 1925 as modified by the National Insurance (Modification of Teachers Pensions) Regulations, 1948(**a**); and

(*b*) the salary in respect of that employment which the person is to be regarded as receiving for the purpose of Part II of the Act of 1925—

(i) in the case of such an officer as is described in paragraph (*a*) or (*c*) of clause 4 of this Scheme shall be such salary, exclusive of any London Area payment, as in the opinion of the Minister he would have received if during the period of his service in either of the Branches aforesaid he had been paid salary in accordance with the terms of the reports of the Burnham Committees for the time being in force (under Section 89 of the Education Act, 1944(**b**));

(ii) in the case of such an officer as is described in paragraph (*b*) or (*d*) of the said clause shall be his service pay and certain allowances, that is to say in the case of a married officer, his pay, marriage allowance, and ration allowance at the United Kingdom rate, or in the case of a single officer, his pay, lodging allowance at the United Kingdom rate and ration allowance at the United Kingdom rate; and

(iii) in the case of such a person as is described in paragraph (*e*) of the said clause shall be his salary as computed under Section 10 of the Act of 1925.

(a) S.I. 1948 (No. 889) I, p. 2851. (b) 7 & 8 Geo. 6. c. 31.

(2) For the purposes of this Scheme—

(*a*) an officer who receives rations in lieu of ration allowance shall be deemed to receive ration allowance at the United Kingdom rate; and

(*b*) a single officer who is provided with public accommodation shall be deemed to receive lodging allowance at the United Kingdom rate.

(3) Where any contributions have been paid by reason of the fact that such previous employment as aforesaid was treated as contributory service under the Teachers Superannuation (War Service) Act, 1939(a), there shall be such an adjustment of contributions as is needed by reason of the fact that the previous employment is treated as contributory service under this Scheme.

8. In the case of an officer holding a commission who is subject to the provisions of this Scheme, references in Section 9 (1) (*b*) of the Act of 1925, in the Teachers Superannuation Rules, 1926(b), and in the Teachers Superannuation (Employers' Contributions) Rules, 1928(c), to an "employer" shall be deemed to refer to the Air Ministry.

9. The National Insurance (Modification of Teachers Pensions) Regulations, 1948, are hereby modified as follows: employment in Royal Air Force educational service before the 1st November, 1949, which is treated as contributory service by virtue of this Scheme shall be disregarded for the purpose of determining whether the person having such service is an existing teacher within the meaning of Regulation 4 (*b*).

Given under the Official Seal of the Minister of Education this 27th day of October, 1949.

(L.S.)

Geo. Tomlinson,
Minister of Education.

EXPLANATORY NOTE

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

The purpose of this Scheme is to enable teaching service in the Royal Air Force to be treated as contributory service under the Teachers (Superannuation) Acts in certain cases where it cannot be so treated by virtue of the Scheme of 1930. The latter Scheme applies only to persons who are engaged under civilian contracts. Under the powers of Section 9 (2) of the Superannuation (Miscellaneous Provisions) Act, 1948, the Scheme is applicable retrospectively, at the option of the teacher, to service from 1st October, 1946 (the date on which the Royal Air Force Education Branch was set up on a Service basis).

(a) 2 & 3 Geo. 6. c. 95. (b) S.R. & O. 1926 (No. 415) p. 429.
(c) S.R. & O. 1928 (No. 200) p. 470.