1965 No. 1166 (S.43)

EDUCATION, SCOTLAND

The Teachers (Superannuation) (Scotland) (Amendment) Regulations 1965

Made - - - -	*24th May* 1965
Laid before Parliament	*28th May* 1965
Coming into Operation	*29th May* 1965

In the exercise of the powers conferred upon me by section 102 of the Education (Scotland) Act 1962(a), and of all other powers enabling me in that behalf, and having, in accordance with the provisions of section 144(2) of the said Act, not less than 40 days before making these Regulations, caused a draft thereof to be published, and sent a copy to every education authority, and having had regard to the representations made, I hereby make the following Regulations:—

Citation, construction and commencement

1.—(1) These Regulations may be cited as the Teachers (Superannuation) (Scotland) (Amendment) Regulations 1965, and shall come into operation on 29th May 1965 but, in accordance with the provisions of section 102(2) of the Education (Scotland) Act 1962, shall then be deemed to have come into operation on 1st April 1965.

(2) These Regulations and the Teachers (Superannuation) (Scotland) Regulations 1957(b), as amended by the Teachers (Superannuation) (Scotland) (Amendment No. 1) Regulations 1958(c) and the National Insurance (Modification of Teachers Superannuation) (Scotland) Regulations 1963(d), (all hereinafter referred to as " the Principal Regulations ") shall be construed as one and may be cited together as the Teachers (Superannuation) (Scotland) Regulations 1957 to 1965.

Amendments in Part I of the Principal Regulations

2. Regulation 2(1) of the Principal Regulations shall be amended as follows:—

(1) after sub-paragraph (*y*) there shall be inserted: —

" (*z*) " half-day of employment ", in relation to primary education or secondary education or to primary education and secondary education, means employment on any day—

(i) for the whole of one " meeting " as defined in the Schools (Scotland) Code 1956(e); or

(ii) for a period or for the aggregate of periods of which the duration is not less than half of the duration of the school day on the said day—

(a) 10 & 11 Eliz. 2. c. 47.
(b) S.I. 1957/356 (1957 I, p. 733).
(c) S.I. 1958/1595 (1958 I, p. 1077).
(d) S.I. 1963/2111 (1963 III, p. 4685).
(e) S.I. 1956/894 (1956 I, p. 735).

or, in relation to employment in further education, means employment on any day—

(iii) for one "teacher-meeting" as defined in the Teachers' Salaries (Scotland) Provisional Regulations 1964(a); or

(iv) for a period or for the aggregate of periods of which the duration is not less than half of the duration of any two "teacher-meetings" held on the said day—

and the expressions "employed for half a day" and "employment for half a day" shall be construed accordingly:

Provided that the said employment does not constitute part of whole-time employment as defined in Part III or Part IV, as the case may be, of the Teachers' Salaries (Scotland) Provisional Regulations 1964;

(*aa*) "part-day of employment" means a period of employment which is less than a half-day of employment; and the expressions "employed for part of a day" and "employment for part of a day" shall be construed accordingly.";

(2) in sub-paragraph (*x*) after the words "employment for", where they first occur, there shall be inserted the words "half a day or".

Amendments in Part II of the Principal Regulations

3.—(1) In Regulation 4 of the Principal Regulations (which relates to the recording of service) for the words "one day or more" there shall be substituted the words "one half-day or more".

(2) In Regulation 5(1) of the Principal Regulations (which relates to employments to be recorded as first class service):—

(*a*) the words "being in either" shall be deleted;

(*b*) after the words "seventy years" there shall be inserted "and half-days of employment after 31st March 1965, of a teacher who has not attained the age of seventy years and who has elected, subject to the provisions of paragraph (3) of this Regulation, that his half-days of employment shall be recorded as first class service being in every";

(*c*) the following proviso shall be substituted for proviso (i)—

"(i) where the part of the salary of a teacher to which he is entitled in respect of his employment on any day after 31st March 1965—

(*a*) is greater than 1/365th of the annual rate of his salary on that day, the period of service that shall be recorded in respect of his employment on that day shall be a day and the same fraction of a day as the fraction whereby the said part exceeds 1/365th of the annual rate of his salary on that day; or

(*b*) is less than 1/365th of the annual rate of his salary on that day, the period of service that shall be recorded in respect of his employment on that day shall be the same fraction of a day as the said part is a fraction of 1/365th of the annual rate of his salary on that day—

so, however, that a teacher shall not be credited in any year beginning on the 1st April with a greater number of days of service than there are days in that year and that, in assessing the length of any period of service, a teacher shall not be credited with a greater number of days of service in respect of half-days of employment than is arrived at by adding together the days and fractions of days of service (calculated

(a) S.I. 1964/823 (1964 II, p. 1731).

to the third decimal place) recorded in respect of all the teacher's half-days of employment in the said period and correcting the total to the nearest whole number;"; and

(*d*) at the end of proviso (ii) there shall be inserted "or, as the case may be, a half-day of employment".

(3) In Regulation 5(2) of the Principal Regulations (which defines the employments to be recorded as first class service) the following sub-paragraph shall be inserted:—

"(*hh*) employment in or in connection with a university or an institution of university status being—

(i) employment in a post which before 1st April 1965 was designated as a post in or in connection with a central institution and not being second class service as described in head (ii) or head (iii) of sub-paragraph (*c*) of paragraph (2) of the next following Regulation; or

(ii) employment in any post undertaken subsequent to employment in or in connection with a university or an institution of university status in a post to which head (i) of this sub-paragraph applies; or

(iii) employment with the approval of the Secretary of State of a teacher whose record of service at the date of the commencement of the said employment includes a period of first class service:

Provided that where a teacher has claimed that a period of employment specified in sub-paragraph (*c*) of paragraph (2) of the next following Regulation shall not be recorded as second class service under that Regulation the said period of employment shall not be recorded as first class service under this Regulation;".

(4) The following paragraphs shall be inserted after Regulation 5(2) of the Principal Regulations:—

"(3) Where a teacher is at any time after 31st March 1965 employed for half a day in any of the employments set forth in the last foregoing paragraph or in any combination of any of the said employments he may give to the Secretary of State written notice in, or as nearly as may be in, the form set out in Schedule 8 to these Regulations that he elects that the said employment for half a day shall be recorded as first class service and, on such notice being given, the said employment for half a day and all employment for half a day rendered thereafter by the teacher in any of the said employments or in any combination of any of the said employments shall be deemed to be and shall be recorded as first class service:

Provided that notice from any teacher who is in employment for half a day as aforesaid during the period from 1st April 1965 to 31st May 1965 both inclusive shall be given not later than 30th June 1965 and from any teacher who takes up such employment on or after 1st June 1965 within 30 days of taking up such employment.

(4) The Secretary of State shall intimate his receipt of the notice of election to the teacher concerned and to the education authority, governing body or other body of managers by whom the teacher was employed on the said half-day."

(5) The following paragraph shall be inserted after Regulation 7(2) of the Principal Regulations (which relates to employments to be recorded as third class service):—

"(3) Employment for an equivalent period of a teacher after 31st March 1965 on any half-day which would have been recorded as a period of first class service if the teacher had previously given notice of election under paragraph (3) of Regulation 5."

(6) In Regulation 9 of the Principal Regulations (which relates to recording of periods of experience of value to teachers) the following paragraph shall be inserted after paragraph (9):—

"(9A) Where a teacher who has elected to pay additional annual contributions by adopting Method A enters employment in a university or an institution of university status and the said employment is recorded as second class service under Regulation 6(2)(*c*), it shall be lawful for him to continue to pay the said additional annual contributions:

Provided that, with effect from the date of his entry upon the said employment, the rate of salary by reference to which the amount of the additional annual contributions payable to the Secretary of State by him or on his behalf shall be calculated shall be the salary receivable by him in respect of the said employment."

Amendments in Part IV of the Principal Regulations

4.—(1) In Regulation 32 of the Principal Regulations (which relates to the meaning of "teacher" for the purposes of Part IV) the following paragraph shall be substituted for paragraph (3):—

"(3) persons who before 31st March 1965 held posts as directors, lecturers or teachers employed in or in connection with central institutions whose appointments were approved by the Secretary of State and persons who, after the said date, are appointed with the approval of the Secretary of State to posts as directors, lecturers or teachers as aforesaid or to posts in a university or an institution of university status and any person employed as a Principal of, or in a post on the teaching staff of, a college of education;".

(2) In Regulation 44(2) of the Principal Regulations (which relates to the exchange of part of pension for other benefits):—

(*a*) the following sub-paragraph shall be substituted for sub-paragraph (*d*):—

"(*d*) so much of the pension granted or to be granted to him as would make the amount of the said pension as reduced by the amount surrendered, but before any deductions as aforesaid, less than the amount of the pension payable to the beneficiary after the teacher's death."; and

(*b*) sub-paragraph (*e*) shall be deleted.

Additional Schedule

5. After Schedule 7 to the Principal Regulations there shall be inserted the Schedule to these Regulations.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
24th May 1965.

SCHEDULE

SCHEDULE ADDED TO THE PRINCIPAL REGULATIONS

Regulation 5(3)

SCHEDULE 8

HALF-DAYS OF EMPLOYMENT—FORM OF NOTICE OF ELECTION FOR RECORDING AS FIRST CLASS SERVICE

Prescribed Form of Notice to be given by a Teacher that he elects that half-days of employment should be recorded as first class service.

I, ...

Date of birth .....

Superannuation No. ..... being

a teacher who was employed for half a day on .....
(*Insert date*)

by .....
(*Insert name of employing body*)

at .....
(*Insert name of school or other educational establishment*)

hereby notify the Secretary of State that I elect that the said half-day of service and all half-days of service which I give thereafter in one or more of the employments set forth in Regulation 5(2) of the Teachers (Superannuation) (Scotland) Regulations 1957 to 1965 shall be recorded as first class service. I understand that contributions in respect of this service will be payable in accordance with section 105 of the Education (Scotland) Act 1962 and that this notice is irrevocable.

Date ..... Signed .....

Address .....

.....

EXPLANATORY NOTE

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

These Regulations provide that as from 1st April 1965 any teacher may elect that half-days of employment shall be recorded as first class service. Where a teacher does not so elect, any half-days of employment rendered after this date will be recorded as third class service.

The Regulations also provide that employment by teachers as from 1st April 1965 in university posts which, before that date, were designated as posts in central institutions and in which employment was recordable as first class service may be recorded as first class service.

Minor amendments to the Teachers (Superannuation) (Scotland) Regulations have been made, the main one of which removes the restriction on the minimum amount of pension which a teacher may surrender in exchange for other benefits.