STATUTORY INSTRUMENTS

1967 No. 1736 (S.157)

EDUCATION, SCOTLAND

The Teachers Superannuation (Scotland) (Amendment) Regulations 1967

Made - - - -	*16th November* 1967
Laid before Parliament	*29th November* 1967
Coming into Operation	*6th December* 1967

In the exercise of the powers conferred upon me by sections 102 and 144(1) 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 before making these regulations caused a draft of the regulations to be published and sent a copy thereof to every education authority in order that representations might be made by education authorities and by any persons interested, I hereby make the following regulations:—

Citation, construction and commencement

1.—(1) These regulations may be cited as the Teachers Superannuation (Scotland) (Amendment) Regulations 1967, and shall come into operation on 6th December 1967, but, subject to the provisions of section 102(2) of the Education (Scotland) Act 1962, shall then be deemed to have had effect from and including 1st July 1967.

(2) These regulations, the Teachers (Superannuation) (Scotland) Regulations 1957(b), as amended (c) (hereinafter referred to as " the Principal Regulations"), the Teachers (Superannuation) (Scotland) Rules 1965(d) and the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1967(e) shall be construed as one and may be cited together as the Teachers Superannuation (Scotland) Regulations 1957 to 1967.

Amendments in Part IV of the Principal Regulations

2. In regulation 54 of the Principal Regulations (which relates to the pensions of teachers resuming service)—

(*a*) the following proviso shall be added to paragraph (1):—

" Provided that any teacher to whom this regulation applies, and who prior to 6th December 1967, has not elected that his pension shall be dealt with under Method B prescribed in paragraph (6) of this regulation, may elect, not later than one month after being given by the Secretary of State a fresh option to make such an election, that his pension shall be dealt with under the said Method B.";

(a) 1962 c. 47. (b) S.I. 1957/356 (1957 I, p. 733).
(c) S.I. 1958/1595, 1963/2111, 1965/1166, 1966/1229 (1958 I, p. 1077; 1963 III, p. 4685; 1965 II, p. 3284; 1966 III, p. 3295).
(d) S.I. 1965/1167 (1965 II, p. 3290). (e) S.I. 1967/901 (1967/II, p. 2653).

(*b*) in paragraph (6), proviso (i) shall be deleted and the following proviso shall be substituted:—

"(i) such reduction shall not cause the aggregate of the pension or the balance of pension (including any increase payable under the Pensions (Increase) Acts 1920 to 1965 or hereafter) and of any superannuation benefit in respect of second class service (including any increase payable under the said Pensions (Increase) Acts) and of his salary, to be less for the said quarter than the quarterly rate of the salary applicable or deemed to be applicable during the said quarter to a post and service equivalent to that for which the teacher was last remunerated before he was awarded a retiring allowance, or, if he had been re-employed before he was again awarded a retiring allowance, equivalent to that for which he was last remunerated before he was again awarded a retiring allowance, whichever quarterly rate is the greater; ";

(*c*) in paragraph (6), proviso (ii) shall be renumbered as proviso (iii) and the following new proviso (ii) inserted:—

"(ii) if the post from which the teacher last retired no longer exists the Secretary of State shall determine the notional salary to be adopted for the purposes of proviso (i) above; ";

(*d*) in paragraph (6), the existing proviso (iii) shall be deleted and the following proviso shall be substituted:—

"(iv) where the teacher has surrendered part of his pension under regulation 44 or under section 1 of the Teachers (Superannuation) Act 1937(**a**) or Part VI of the Teachers' Superannuation Regulations 1967(**b**) or section 14 of the Teachers (Superannuation) Act (Northern Ireland) 1950(**c**), as amended (**d**), the quarterly rate of the salary which is to be taken into account for the purposes of proviso (i) of this paragraph shall, for the purposes of the said proviso, be deemed to have been reduced by a quarter of the amount so surrendered.".

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

St. Andrew's House,
Edinburgh, 1.
16th November 1967.

(**a**) 1937 c. 47.
(**b**) S.I. 1967/489 (1967 I, p. 1562).
(**c**) 1950 c. 33 (N.I.).
(**d**) 1956 c. 22 (N.I.).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide that as from 1st July 1967 a retired teacher who is re-employed in teaching service, and who has elected not to qualify for the award of a revised pension, will be able to earn without abatement of pension an amount which will bring the total of his earnings and his pension up to the level of the current salary of the post from which he retired.