1977 No. 1808 (S. 139)

EDUCATION, SCOTLAND

The Teachers' Superannuation (Scotland) Amendment Regulations 1977

Made - - - -	*2nd November* 1977
Laid before Parliament	*9th November* 1977
Coming into Operation	*1st December* 1977

In exercise of the powers conferred on me by sections 9 and 12(1) 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, extent, commencement and interpretation

1.—(1) These regulations may be cited as the Teachers' Superannuation (Scotland) Amendment Regulations 1977, shall extend to Scotland only, shall come into operation on 1st December 1977 and, except for regulation 2, shall have effect from 1st August 1977.

(2) In these regulations "the principal regulations" means the Teachers' Superannuation (Scotland) Regulations 1977(**b**).

(3) Expressions used in these regulations which are used in the principal regulations shall, unless the context otherwise requires, have the meanings respectively assigned to them by those regulations.

(4) References in these regulations to the provisions of any enactment or regulation shall, unless the context otherwise requires, be construed as references to those provisions as amended, modified, extended, applied or re-enacted by any subsequent enactment or regulation.

(5) The Interpretation Act 1889(**c**) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

Reckoning of excluded service

2. After regulation 6 of the principal regulations there shall be inserted the following regulation:—

"*Reckoning of excluded service*

6A.—(1) Where a teacher whose service is not reckonable service in respect that he will be entitled to adequate benefits on his retirement or death by means of insurance policies, elects within 3 months after 30th November 1977 or within such longer period as the Secretary of State may in any particular case allow, that this regulation shall apply to him, these regulations shall apply to him as from 1st December 1977 or from the date of his election, whichever is the later.

(**a**) 1972 c. 11. (**b**) S.I. 1977/1360 (1977 II, p. 3981). (**c**) 1889 c. 63.

(2) If a teacher to whom paragraph (1) applies surrenders to his employer the insurance policies by means of which he will be entitled to benefits he shall be credited with service calculated in accordance with the provisions of paragraphs (3) and (4).

(3) Notwithstanding the definition of reckonable service in regulation 4(1) where a teacher surrenders his insurance polices in accordance with paragraph (2) the employment in respect of which those policies were fully maintained shall be reckonable as service—

(*a*) at its full length for the purpose of determining whether any benefit is payable in respect of him under these regulations; and

(*b*) in accordance with the provisions of paragraph (4) for the purpose of calculating such benefit.

(4) In calculating the service reckonable under the provisions of this regulation—

(*a*) any period of service during which the whole of the relevant insurance policies have been fully maintained up to the date of surrender to the employer shall, subject to the provisions of sub-paragraph (*b*), be reckonable service under these regulations in the proportion of 9 years' reckonable service for every 10 years of the said period up to 31st March 1972, and in the like proportion for the remainder of the said period, shorter periods being reckoned proportionately;

(*b*) any period of part-time service shall be treated as full-time service for a period which bears the same proportion to the period of part-time service as the number of days which bears to 365 the same proportion as the amount of salary paid to the teacher bears to the annual rate of salary appropriate thereto; and

(*c*) any period of service during which less than the full insurance premiums have been paid on all relevant policies shall be reduced to a length which bears the same proportion to the whole of such period as the amount of insurance premiums paid bears to the full insurance premiums payable.

(5) The benefits in respect of the service reckonable under the provisions of this regulation shall be reduced in accordance with the provisions of paragraph 4(1) of Schedule 12 and the periods of employment referred to in paragraph (4) shall not be treated as participating employment for the purposes of that Schedule.

(6) Where a teacher elects that this regulation shall apply to him any payments made by him towards the maintenance of the insurance policies shall be treated for the purposes of Part V as if they were superannuation contributions.

(7) Where in accordance with paragraph (2) the insurance policies are surrendered by a teacher to his employer that employer shall, in turn, and as soon as may be, surrender the said policies to the Secretary of State for the purposes of realisation and of payment of the proceeds of that realisation into the teachers' superannuation account which he keeps in accordance with regulation 76.".

Contributions in respect of teacher on reduced salary

3. In regulation 12(3) of the principal regulations the word "price" shall be deleted and the word "part" shall be substituted.

Benefits after further service

4. In regulation 59(6) of the principal regulations the words "the references to the age of 60 shall be read as references to the age of 65" shall be deleted and there shall be substituted the words "the reference to the age of 60 shall be read as a reference to the age of 65".

Short-term pensions

5. In regulation 63(3) of the principal regulations the words "either table 2 or table 3 of Schedule 7, whichever is more favourable." shall be deleted and there shall be substituted the words "table 2 and table 3 of Schedule 7.".

Consequential amendment of enactments

6. In regulation 90(2) of the principal regulations the word 'person" shall be deleted and the word "pension" shall be substituted.

Bruce Millan,

One of Her Majesty's Principal Secretaries of State.

New St Andrew's House,
Edinburgh.

31st October 1977.

Consent of the Minister for the Civil Service given under his Official Seal on 2nd November 1977.

K. H. McNeill,

Authorised by the Minister for the Civil Service.

(L.S.)

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations enable certain teachers whose retirement benefits are provided through the proceeds of insurance policies to elect to join the teachers' superannuation scheme with back-service credit (Regulation 2). Regulations 3 to 6 correct minor drafting defects in the principal regulations and have retrospective effect under Section 12(1) of the Superannuation Act 1972.

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