of the Third Schedule to the Valuation and Rating (Scotland) Act, 1956, is not placed at a disadvantage as compared with teachers occupying such houses who are entitled to the reduction. Under a provision of that Act the teacher, like all other occupiers of houses, will be liable to pay the whole of the rates, including the part which was formerly the owner's share, but the effect of the existing definition is that he would have to do so without having any compensating adjustment made in the amount which is included in his salary in respect of the annual value of the school-house.

The purpose of the amendment in Regulation 3 is to make certain highly qualified teachers employed in secondary schools who are paid on one or other of the two highest salary scales ineligible for the addition to basic scales of £25 payable to certain less highly qualified teachers paid on lower scales.

1957 No. 356 (S. 17)

The Teachers (Superannuation) (Scotland) Regulations, 1957

Made - - - -	*5th March*, 1957
Laid before Parliament	*14th March*, 1957
Coming into Operation	*15th March*, 1957

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In the exercise of the powers conferred upon me by—

(1) section 99 of the Education (Scotland) Act, 1946,

(2) subsection (1) of section 101 of the said Act of 1946, as amended by section 10 of the Education (Scotland) Act, 1956,

(3) subsection (1) of section 108 of the said Act of 1946, as amended by subsection (1) of section 32 of the Teachers (Superannuation) Act, 1956, and section 13 of, and the First Schedule to, the Education (Scotland) Act, 1956,

(4) the Third Schedule to the said Act of 1946, as amended by sections 33, 34 and 35 of the Teachers (Superannuation) Act, 1956, Regulation 54 of the National Health Service (Scotland) (Superannuation) Regulations, 1948, and Regulation 3 of the Teachers' Pensions (National Insurance Modifications) (Scotland) Regulations, 1948,

and of all other powers enabling me in that behalf, I hereby make the following Regulations:—

PART I

GENERAL PROVISIONS

Interpretation

1.—(1) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

(2) References in these Regulations to any enactment, regulations, rules, scheme or other instrument shall, except where the context otherwise requires, be construed as references to the said enactment, regulations, rules, scheme or other instrument as amended by or under any other enactment, regulations, rules, scheme or instrument, including these Regulations.

(3) References in these Regulations to a Regulation or to a Part or to a Schedule shall, unless the context otherwise requires, be construed as references to a Regulation of these Regulations or to a Part of these Regulations or to a Schedule annexed to these Regulations, as the case may be.

General definitions

2.—(1) In these Regulations unless the context otherwise requires—

(*a*) "Act of 1898" means the Elementary School Teachers (Superannuation) Act, 1898;

(*b*) "Act of 1908" means the Education (Scotland) Act, 1908;

(*c*) "Act of 1918" means the Education (Scotland) Act, 1918;

(*d*) "Act of 1919" means the Education (Scotland) (Superannuation) Act, 1919;

(*e*) "Act of 1922" means the Education (Scotland) (Superannuation) Act, 1922;

(*f*) "Act of 1925" means the Education (Scotland) (Superannuation) Act, 1925;

(*g*) "Act of 1937" means the Local Government Superannuation (Scotland) Act, 1937;

(*h*) "Act of 1939" means the Education (Scotland) (War Service Superannuation) Act, 1939;

(*i*) "Act of 1945" means the Education (Scotland) Act, 1945;

(*j*) "Act of 1946" means the Education (Scotland) Act, 1946;

(*k*) "Act of 1956" means the Teachers (Superannuation) Act, 1956;

(*l*) "English teaching service" means "recognised service" or "contributory service" within the meaning of the Teachers (Superannuation) Acts, 1918 to 1956;

(*m*) "local government service" means service in—

(i) employment by virtue of which the person employed is or is deemed to be a contributory employee or local Act contributor within the meaning of the Act of 1937; or

(ii) employment, other than as aforesaid, by virtue of which the person employed is entitled to participate in any of the benefits of a superannuation fund maintained under a local Act scheme in Scotland;

(*n*) "National Insurance modifications" means the reduction in contributions and in pensions consequent upon the passing of the National Insurance Act, 1946, prescribed respectively in subsection (3) of section 103 of the Act of 1946 and in Regulations 22 and 42;

(*o*) "quarter" means a period of three months ending on 30th June, 30th September, 31st December or 31st March;

(*p*) "retiring allowance" means a yearly pension during life (hereinafter referred to as a "pension") and a lump sum calculated and paid or payable in accordance with the provisions of the Part under which the retiring allowance is awarded;

(*q*) "Scheme of 1911" means the Superannuation Scheme for Teachers made by the Scotch Education Department in pursuance of section 14 of the Act of 1908;

(*r*) "Scheme of 1919" means the Superannuation Scheme for Teachers in Scotland, dated 5th June, 1919;

(*s*) "Scheme of 1926" means the Superannuation Scheme for Teachers (Scotland), 1926;

(*t*) "Scheme of 1952" means the Superannuation Scheme for Teachers (Scotland), 1952;

(*u*) "Scottish Teachers' Superannuation Fund" means the superannuation fund constituted under section 14 of the Act of 1908;

(*v*) "Secretary of State" means one of Her Majesty's Principal Secretaries of State; provided that in relation to anything done before 4th September, 1939, the said words shall be construed as a reference to the Scottish Education Department as constituted before the said date;

(*w*) "service" includes "first class service", "second class service" and "third class service". The said expressions respectively mean the employments described in Regulations 5, 6 and 7 and any other employment or break in employment which by any Regulation is deemed to be, and directed to be recorded as, first class service, second class service or third class service, as the case may be;

(*x*) "whole-time paid employment" does not include employment for part of a day, whether such employment immediately precedes or immediately follows employment for a whole day or not;

(*y*) a reference to employment in Her Majesty's dominions shall be deemed to include a reference to employment in any country within the Commonwealth, or in any country in respect of which a mandate or a trust is being exercised by the Government of any part of the said dominions or of any country within the Commonwealth, or in any territory which is under Her Majesty's protection, or in any country not being a foreign country, provided that if the reference to Her Majesty's dominions specifically excludes Scotland, England, Wales and Northern Ireland or any of them, the extension of the reference

by this definition shall not have the effect of including a country so excluded.

(2) On and after the day upon which these Regulations come into operation references in Part IV of, and in the Third Schedule to, the Act of 1946 shall be construed as follows:—

(*a*) "service" shall mean "first class service";

(*b*) "teacher" in relation to a teacher to whom Part III applies, shall mean a teacher as defined in the said Part, and, in relation to a teacher to whom Part IV applies, a teacher as defined in the said Part; and

(*c*) "the said Scheme as modified by amendments taking effect on or after the said first day of April" shall mean Part IV and the provisions of Part I, Part II and Part V applicable thereto, and "the Scheme as amended before the said date" shall mean Part III and the provisions of Part I, Part II and Part V applicable thereto.

Application of Parts III and IV

3.—(1) Subject to the provisions of section 28 of the Act of 1956, Part III shall apply—

(*a*) to all teachers who discontinued first class service before 1st April, 1919, being teachers who immediately before the said day were in receipt of or entitled to a retiring allowance under the Scheme of 1911, or who, having made contributions to the Scottish Teachers' Superannuation Fund, had not applied for the return of such contributions before the said day;

(*b*) to all teachers who were in first class service at any time between 1st April, 1919, and 31st March, 1926, but have not been in first or second class service since the end of the said period;

(*c*) to any teacher who—

(i) was in first class service on 1st April, 1926, or was in first class service before the said day and returned or returns to such service after the said day; and

(ii) has given notice to the Secretary of State under the conditions and to the effect set forth in section 5 of the Act of 1925, or has given or gives similar notice under subsection (2) of section 100 of the Act of 1946; and

(*d*) to any teacher who—

(i) was in first class service at any time between 1st April, 1919, and 31st March, 1926; and

(ii) has not been in first class service but has been in second class service since the end of the said period:

Provided that he has applied to the Secretary of State to determine that the Scheme of 1926 or Part IV of the Scheme of 1952 or Part IV shall not apply to him and that the Secretary of State has so determined.

(2) Part IV shall apply—

(*a*) to all teachers who have been or are in first class service on or after 1st April, 1926, except teachers to whom Part III applies in accordance with sub-paragraph (*c*) of the last foregoing paragraph;

(*b*) to all teachers described in sub-paragraph (*d*) of the last foregoing paragraph to whom Part III does not apply; and

(*c*) to all teachers, other than teachers to whom Part III applies, who—

(i) were in first class service before 1st April, 1926; and

(ii) have not been in first class service but have been in second class service on or after the said date.

PART II

SERVICE

Recording of service

4. The Secretary of State shall maintain a record of the service of every teacher to whom these Regulations apply containing such information as he may consider necessary for the purposes of these Regulations. There shall be entered in the said record all service extending to one day or more. Service shall be recorded as being of one of the three classes described in the three next following Regulations.

Employments to be recorded as first class service

5.—(1) The employments described in this Regulation shall be recorded as first class service, that is to say whole-time paid employment before 1st October, 1956, of a teacher who had not attained the age of sixty-five years and whole-time paid employment after 30th September, 1956, of a teacher who has not attained the age of seventy years being in either case employment in any of the employments set forth in the next following paragraph or in any combination of any of the said employments:

Provided that—

(i) where the part of the salary of a teacher which vested in him in respect of a day of service after 31st March, 1952, is greater than one three-hundred-and-sixty-fifth of the annual rate of his salary on that day, the said day shall be recorded as a day and the same fraction of a day as the fraction whereby the said part exceeded one three-hundred-and-sixty-fifth 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 first day of April with a greater number of days of service than there are days in that year;

(ii) where with the special sanction of the Secretary of State a teacher to whom Part IV applies holds a conjoint appointment in an employment described in sub-paragraphs (*a*) to (*h*) of paragraph (2) of this Regulation and in an employment described in head (i) of sub-paragraph (*c*) of paragraph (2) of the next following Regulation, the time spent in the latter employment may be deemed to have been spent in the former employment for the purpose of determining whether the former employment is whole-time employment;

(iii) in the case of employment in a school to which sub-paragraph (*f*) of paragraph (2) of this Regulation relates, the efficiency of the school is maintained to the satisfaction of the Secretary of State and the conditions set forth in Regulation 14 continue to be fulfilled.

(2) The employments referred to in the last foregoing paragraph are:—

(*a*) employment in a day school as defined in section 34 of the Act of 1908 or in a public school or a grant-aided school;

(*b*) employment in a side school within the meaning of article 19 of the Schedule to the Day Schools (Scotland) Code Minute, 1939, or corresponding articles of earlier Codes and Regulations for day schools in Scotland;

(*c*) employment in a class recognised under the Evening Continuation School Code of the Scotch Education Department, or the Science and Art Directory in so far as related to evening classes in Scotland, or the Codes of Regulations for Continuation Classes in Scotland of 1915, 1926 or 1936, or the Adult Education (Scotland) Regulations, 1934, or in an institution approved under the Adult Education (Scotland) (Residential Institutions) Regulations Minute, 1938, or the Adult Education

(Scotland) (Residential Institutions) Grant Regulations, 1951, or, in a further education centre under the Further Education (Scotland) Code, 1952;

(*d*) employment in a certified reformatory or industrial school in Scotland or in an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1937;

(*e*) employment in a school conducted or aided by an education authority in terms of section 8 of the Act of 1918;

(*f*) employment in a school in receipt of or eligible for aid from an education authority in terms of subsection (1) of section 9 of the Act of 1918 or subsection (1) of section 25 of the Act of 1946 and inspected on behalf of the Secretary of State and found to be efficient;

(*g*) employment in or in connection with a Training Centre or a Training College;

(*h*) employment in or in connection with a Central Institution 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;

(*i*) employment in or in connection with a course of instruction conducted under section 13 of the Unemployment Act, 1934, or section 76 of the Unemployment Insurance Act, 1935;

(*j*) employment in any school which on 1st April, 1926, was recognised by the Scottish Education Department for the purposes of sub-paragraph (*d*) of paragraph (7) of article 1 of the Scheme of 1919;

(*k*) employment as a director of education, or as a deputy or assistant director of education, or as an organising or supervising teacher under an education authority, or as a teacher or organiser in any other capacity approved by the Secretary of State;

(*l*) employment in service recorded under the Education (Scotland) (War Service Superannuation) Act, 1914, or under the Act of 1939.

Employments to be recorded as second class service

6. The following employments shall be recorded as second class service provided that when the employment was before 1st October, 1956, the teacher had not attained the age of sixty-five years and when the employment was after 30th September, 1956, the teacher had not attained the age of seventy years, that is to say:—

(1) in the case of all such teachers—

(*a*) employment which is English teaching service;

(*b*) employment as a civil servant in a post in which in the opinion of the Secretary of State previous employment as a teacher was or was likely to be of value to him;

(*c*) other employment as a civil servant approved by the Secretary of State for the purposes of this Regulation.

(2) in the case of those of such teachers to whom Part IV applies—

(*a*) employment which is "recognised service" or "contributory service" within the meaning of the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956, (in these Regulations referred to as "Irish teaching service"), provided that such employment shall not be recorded in the case of a teacher who is excluded from the provisions of the Teachers' Superannuation (Reciprocal Arrangements) Scheme, 1929 (Northern Ireland);

(*b*) employment which is treated as approved external service for purposes of the Teachers (Superannuation) Acts, 1918 to 1956, by

virtue of any scheme made under paragraph (*c*) of subsection (1) of section 21 of the Teachers (Superannuation) Act, 1925;

(*c*) employment in respect of which contributions are payable under the Federated Superannuation System for Universities, being—

(i) employment in a university or university college in the United Kingdom; or

(ii) employment as a full-time teacher in the United Kingdom not being employment consisting wholly of service in a university or university college, and if such employment comprises both employment in a university or university college and employment of another kind this sub-paragraph applies only to such employment of another kind; or

(iii) employment in or in connection with a Central Institution; or

(iv) other employment not included in the three foregoing categories;

(*d*) employment as a full-time teacher in the Royal College of Art in respect of which contributions are payable under the Royal College of Art Staff Pension Scheme;

(*e*) employment as an educational officer or in any other educational capacity in the service of the British Broadcasting Corporation, being employment which is pensionable or in respect of which contributions are payable to a provident fund;

(*f*) employment as a full-time teacher in the Naval, Military or Air Forces of the Crown or in any of the Women's Services mentioned in the First Schedule to the Superannuation Act, 1946, being employment which is pensionable or in respect of which contributions are payable to a provident fund, but not being (i) service undertaken by virtue of an enlistment notice served under the National Service Act, 1948, or (ii) employment which is reckonable for the purposes of any scheme made under paragraph (*b*) of subsection (1) of section 21 of the Teachers (Superannuation) Act, 1925;

(*g*) employment as a social worker in respect of which contributions are payable to the Social Workers' Pension Fund;

(*h*) employment in the service of the British Council in respect of which contributions are payable under the British Council Overseas Service Pension Scheme;

(*i*) employment as an official of any association of teachers in Scotland approved by the Secretary of State for the purposes of this Regulation which is pensionable by the said association or in respect of which contributions are payable to a provident fund;

(*j*) employment in a university or university college in any part of Her Majesty's dominions outside the United Kingdom in respect of which contributions are payable under any general scheme applicable to such universities and colleges for providing benefits upon retirement;

(*k*) employment, approved by the Secretary of State for the purposes of this Regulation, as a civil servant in the service of the Government of any part of Her Majesty's dominions outside Great Britain, being employment which is pensionable by that Government but not being employment specified in sub-paragraph (*b*) of this paragraph;

(*l*) employment as a full-time teacher in the service of any such Government as aforesaid, in respect of which contributions are payable to a provident fund;

(*m*) employment as a full-time teacher in the service of a public authority in any part of Her Majesty's dominions outside Great Britain, being employment which is pensionable or in respect of which contributions are payable to a provident fund but not being employment specified in sub-paragraph (*b*) of this paragraph;

(*n*) employment as an officer of an employing authority within the meaning of the National Health Service (Superannuation) (Scotland) Regulations, 1955;

(*o*) employment in local government service of a person who has been employed in teaching service at any time before entering such employment and to whom Part II of the Superannuation (Teaching and Local Government) (Scotland) Rules, 1951, does not apply;

(*p*) pensionable employment in the service of a Public Board within the meaning of the Superannuation (Teaching and Public Boards) (Scotland) Rules, 1952, of a person who has been employed in teaching service at any time before entering such employment and to whom Part II of the said Rules does not apply;

(*q*) employment in the service of the Central Council for Health Education of a person who has been employed in teaching service at any time before entering such employment and in respect of which contributions are payable to the Staff Pension Fund of the Central Council;

(*r*) other employment which is "approved external service" within the meaning of the Teachers (Superannuation) Acts, 1918 to 1956, not being employment which is first class service;

(*s*) other pensionable employment approved by the Secretary of State for the purposes of this Regulation:

Provided that—

(i) the employment specified in sub-paragraphs (*o*), (*p*) and (*q*) of paragraph (2) of this Regulation shall not be deemed to be service for the purpose of paragraph (4) of Regulation 50; and

(ii) with the exception of employment specified in sub-paragraph (*b*) of paragraph (2) of this Regulation any such employment as is specified in the said paragraph (2) shall not be recorded as second class service if the teacher claims that it shall not be so recorded.

Employments to be recorded as third class service

7.—(1) The following employments shall be recorded as third class service, provided that where the employment was before 1st October, 1956, the teacher had not attained the age of sixty-five years and where the employment was after 30th September, 1956, the teacher had not attained the age of seventy years, that is to say:—

(*a*) employment as a teacher in any part of Her Majesty's dominions, if approved by the Secretary of State for the purpose, other than employment which is recorded as second class service under sub-paragraphs (*j*), (*k*), (*l*) or (*m*) of paragraph (2) of the last foregoing Regulation;

(*b*) war service to which the provisions of subsection (2) of section 5 of the Act of 1939 apply;

(*c*) other employment which is "qualifying service" within the meaning of the Teachers (Superannuation) Acts, 1918 to 1956, not being employment which is first class service or second class service.

(2) Employment of a teacher which would have been first class service or second class service if, being employed before 1st October, 1956, the teacher had not attained the age of sixty-five years, or if, being employed after 30th September, 1956, the teacher had not attained the age of seventy years, may be approved by the Secretary of State as third class service and be recorded as such.

Recording of employment not previously recordable

8.—(1) Where the Secretary of State in the exercise of the power conferred on him by sub-paragraph (*k*) of paragraph (2) of Regulation 5 approves any employment of a teacher by an education authority on or after 2nd July, 1945, as being first class service, the teacher, if he is one to whom Part IV applies, may make application to the Secretary of State within the prescribed time and in the prescribed manner that employment of a similar kind before the date upon which the approval begins to operate be treated as if it had been first class service, and the Secretary of State may direct accordingly:

Provided that if, when making such an application, the teacher requests that employment before any date specified by him shall not be so treated, his employment before that date shall not be so treated by virtue of this Regulation.

(2) Where a teacher makes an application under this Regulation which relates, whether wholly or in part, to employment after 31st May, 1922, he shall be liable to pay the appropriate contributions to the Secretary of State in respect of that employment in accordance with rules made by the Secretary of State; and no employment after the said date shall be treated as first class service within the meaning of these Regulations by virtue of this Regulation unless the appropriate contributions are so paid in respect thereof.

(3) For the purposes of this Regulation, the appropriate contributions are the contributions which would have been payable by the teacher in respect of the employment in question under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, or the Education (Scotland) Acts, 1939 to 1956, or any of the said Acts if the employment had been service or first class service, as the case may be, within the meaning of the Scheme of 1919 or the Scheme of 1926 or the Scheme of 1952 or these Regulations:

Provided that notwithstanding that the said teacher is a teacher of the first or second category within the meaning of Regulation 33, the said contribution shall not be reduced as provided in subsection (3) of section 103 of the Act of 1946.

(4) Where, in order to undertake war service, a teacher has ceased to be in employment which by virtue of this Regulation is treated as first class service within the meaning of these Regulations, the provisions of the Act of 1939 shall have effect with respect to his period of war service, including any such period which falls after 2nd July, 1945.

Recording of periods of experience of value to teachers

9.—(1) Where a teacher employed in first class service to whom Part IV applies satisfies the Secretary of State that after attaining the age of twenty-one years and before first becoming employed in first class service or in second class service he had gained experience which was or was likely to be of value to him as a teacher, the Secretary of State may approve the said experience and intimate to the teacher—

(*a*) the period or part of the period during which he was gaining such experience (in this Regulation referred to as a "period of experience") which may be deemed to be and may be recorded as first class service; **and**

(*b*) the purposes for which and the conditions upon which it may be so recorded.

If the teacher intimates to the Secretary of State in the prescribed manner and within the prescribed time his acceptance of the said conditions and undertakes in the prescribed manner to fulfil the said conditions, the said period of experience shall be deemed to be and shall be recorded as first class service:

Provided that—

(i) experience gained while undergoing whole-time education, or whole-time training for the teaching profession, or apprenticeship to a profession or trade, or during service by virtue of an enlistment notice or a training notice served under Part I of the National Service Act, 1948, or during any work or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector shall not be so approved;

(ii) the period of experience which may be recorded as first class service shall not exceed five years; and

(iii) the purposes for which the period of experience may be recorded as first class service shall not include the use of the said period in the calculation of the length of service of the teacher for the purpose of determining whether the teacher is qualified for the grant of a retiring allowance or a gratuity or his personal representatives are entitled to the grant of a death gratuity under these Regulations.

(2) It shall be a condition of the recording of a period of experience that in respect of each year and part of a year of the period of experience so recorded the teacher shall pay for the recording by Method A prescribed in paragraphs (3) to (9), both inclusive, of this Regulation, or by Method B prescribed in paragraphs (10) and (11) of this Regulation. The method to be adopted shall be at the option of the teacher.

Method A

(3) Where Method A is adopted an annual contribution additional to that payable under section 103 of the Act of 1946 or section 9 of the Teachers (Superannuation) Act, 1925, shall be paid to the Secretary of State by or on behalf of the teacher. The said additional annual contribution shall be payable in respect of the service of the teacher, being first class service or English teaching service, on and after the first day of the month next following the month in which the intimation and undertaking required by paragraph (1) of this Regulation is given by the teacher (which day is in this Regulation referred to as "the starting day"), and shall continue to be payable until the teacher attains the age of 60 years or until he retires in circumstances which qualify him for the grant of a retiring allowance under Regulation 40, or of a gratuity under Regulation 46, or of a superannuation allowance under paragraph (*d*) of subsection (1) of section 3 of the Teachers (Superannuation) Act, 1925, or a short service gratuity under section 4 of the said Act or until he dies, whichever is the earliest. The amount of the additional annual contribution in respect of each complete year of the period of experience so recorded shall be as follows:—

(*a*) where the teacher has not attained the age of fifty-five years before the starting day, a sum equal to the percentage of his salary for the time being shown in column (3) of the First Schedule opposite to the age in columns (1) and (2) which was the age of the teacher on the

starting day, subject to the deduction, where National Insurance modifications apply to the teacher, in respect of each £1 by which the teacher's pension falls to be reduced under Regulation 42, of the sum shown in column (4) or column (5), as the case may be, of the said Schedule opposite to the said age in the said columns which was the age of the teacher on the starting day, and of a proportionate sum in respect of a reduction of part of £1; and

(*b*) where the teacher has attained the age of fifty-five years before the starting day, a sum equal to such percentage of the teacher's salary for the time being as may be determined by the Government Actuary, subject to such deduction, where National Insurance modifications apply to the teacher, as may be so determined.

Where the period of experience so recorded is or includes a fraction of a year, the amount of the additional annual contribution shall be or include the same fraction of the additional annual contribution as would be or is payable by or on behalf of the teacher in respect of the recording of a complete year.

(4) For the purpose of the last foregoing paragraph, the teacher's salary for the time being shall be taken to be the salary upon which his contributions under section 103 of the Act of 1946 or section 9 of the Teachers (Superannuation) Act, 1925, for the time being are calculated.

(5) (*a*) If the aggregate of the following amounts, that is to say—

(i) the amount of the additional contribution payable by or on behalf of the teacher under paragraph (3) of this Regulation; and

(ii) the amount of the contribution payable by him under subsection (1) of section 103 of the Act of 1946; and

(iii) in the case of a teacher to whom National Insurance modifications apply, the amount of the reduction prescribed in subsection (3) of section 103 of the Act of 1946 in the contributions payable by the teacher under paragraph (*a*) of subsection (1) of the said section—

exceeds 15 per cent. of his salary, he shall not contribute at a rate of more than 15 per cent., but shall be liable to pay, either in one payment or by instalments as may be approved by the Secretary of State, such sum as is certified by the Government Actuary to represent the capital value of the excess.

(*b*) In calculating, for the purpose of the last foregoing sub-paragraph the amount of the contributions payable by or on behalf of the teacher, there shall not be included that part of the contributions paid by him under Regulation 12 which is not reckoned as contributions by the teacher.

(6) Where the first class service or the English teaching service of the teacher is discontinued and the period of such discontinuance is deemed to be and is recorded as first class service under Regulation 12 or is treated as a period during which the teacher was employed in contributory service under section 2 of the Teachers (Superannuation) Act, 1937, the additional annual contribution under paragraph (3) of this Regulation which would have been payable had he remained in first class service or in English teaching service shall continue to be payable, and in the application of the said paragraph (3) to the calculation of the amount of the additional annual contribution references to the teacher's salary at the date of discontinuance of service shall be substituted for references to his salary for the time being.

(7) Where the teacher, not having attained the age of sixty years, ceases to be employed in first class service or in English teaching service in circumstances other than those described in paragraph (3) of this Regulation, and where the period of discontinuance is not deemed to be and is not treated as first class service under Regulation 12 or, under section 2 of the Teachers (Superannuation) Act, 1937, as a period during which he was employed in contributory service, the teacher may, if he so desires, continue to pay the additional annual contribution until the expiry of a period of one year from the date upon which he ceases to be so employed or until he resumes first class service or English teaching service or until he reaches the said age, whichever is the earliest, and the provisions of the said paragraph (3) shall apply to the calculation of the amount of the said additional annual contribution with the substitution of references to the teacher's salary immediately before he ceased to be so employed for references to his salary for the time being:

Provided that where before the earliest of the said dates the teacher becomes employed in second class service other than English teaching service he may with the consent of the Secretary of State pay a final additional contribution of an amount certified by the Government Actuary to represent the capital value of the additional annual contribution which would have been payable if the teacher had continued to be employed in first class service or in English teaching service.

(8) The additional annual contribution payable by a teacher in first class service shall be collected by the Secretary of State from the education authority, governing body or other body of managers employing the teacher, either directly or by deduction from any grants that may accrue under any Regulations or Code made by the Secretary of State, and it shall be lawful for the education authority, governing body or other body of managers to deduct the amount of the additional annual contribution from the salary of the teacher. Where the teacher is not in first class service, the additional annual contribution shall be paid by or on behalf of the teacher to the Secretary of State. Any sum representing capital value payable under paragraph (5), any additional annual contribution payable under paragraph (6) and any additional annual contribution and final additional contribution payable under paragraph (7) of this Regulation shall be paid by or on behalf of the teacher to the Secretary of State. An additional annual contribution shall accrue to the Secretary of State from day to day and shall be payable by instalments on the last day of each month. Sums representing capital value payable under paragraph (5) and final additional contributions payable under paragraph (7) shall become payable on a day to be intimated by the Secretary of State to the teacher. If an instalment or sum is not paid on or before the expiry of two months from the date on which it becomes payable, the teacher shall, unless the Secretary of State in special circumstances otherwise directs, be deemed to have failed to fulfil a condition on which a period of experience has been recorded as first class service.

(9) Where a teacher to whom paragraph (7) of this Regulation applies does not elect to continue to pay additional annual contributions as provided in the said paragraph, or where a teacher fails to fulfil any of the conditions upon which a period of experience has been recorded as first class service, the period of experience shall be deleted from the teacher's record of service and the additional contributions collected or paid and any sums representing capital value paid under paragraph (5), together with compound interest thereon, shall be returned to the teacher. Paragraph (7) of Regulation 37 shall apply to the calculation of the said interest.

Method B

(10) Where Method B is adopted, the teacher shall pay to the Secretary of State before the first day of the month beginning not less than four weeks after the day on which the intimation and undertaking required by paragraph (1) of this Regulation is given by the teacher (in this Regulation referred to as " the date of payment ")—

(*a*) where the teacher has not attained the age of fifty-five years before the date of payment, a single contribution of an amount in respect of each year of the period of experience to be recorded under paragraph (1) of this Regulation equal to the percentage of his salary for the time being shown in column (6) of the First Schedule opposite to the age in columns (1) and (2) which was the age of the teacher at the date of payment, subject to the deduction, where National Insurance modifications apply to the teacher, in respect of each £1 by which the teacher's pension falls to be reduced under Regulation 42 of the sum shown in column (7) or column (8), as the case may be, of the said Schedule opposite to the said age in the said columns which was the age of the teacher on the date of payment, and of a proportionate sum in respect of a reduction of part of £1 ; or

(*b*) where the teacher has attained the age of fifty-five years before the date of payment, a single contribution of an amount in respect of each year of the period of experience to be recorded equal to such percentage of the teacher's salary for the time being as may be determined by the Government Actuary, subject to such deduction, where National Insurance modifications apply to the teacher, as may be so determined :

Provided that where the period of experience so recorded is or includes a fraction of a year, the single contribution shall be or include the appropriate percentage of the teacher's salary in respect of the said fraction.

(11) For the purpose of the last foregoing paragraph, the teacher's salary for the time being shall be taken to be the salary upon which his contributions under section 103 of the Act of 1946 are for the time being calculated :

Provided that where the teacher by reason of sickness is receiving part only of his salary, proviso (iii) to subsection (1) of the said section shall not apply.

Recording of periods of absence on sick leave

10. A period of absence from first class service on sick leave shall be treated as a period of first class service:

Provided that—

(i) if the teacher has been continuously absent for a period exceeding twelve months for reasons other than pulmonary tuberculosis, or, exceeding eighteen months because of pulmonary tuberculosis, only the first twelve or the first eighteen months, as the case may be, shall be so treated ;

(ii) if a medical certificate has been given which satisfies the Secretary of State that the teacher has become permanently incapable through infirmity of mind or body of serving efficiently as a teacher or is suffering from a disease which is likely to persist for a prolonged period or which makes it undesirable that he should be in close contact with children, only the part of the period up to and including the date upon which the said certificate was given or up to and including such other date as the Secretary of State may fix in any particular case shall be so treated ; and

(iii) if in respect of any part of the period no salary was receivable by the teacher or the salary receivable by him together with sickness benefit paid or payable under the National Insurance Act, 1946, was less than half the salary which he would have received had he not been so absent, that part of the period shall not be so treated.

Recording of periods of absence owing to incapacity

11. Where a teacher to whom Part IV applies has been granted a retiring allowance under Regulation 40 or a gratuity under Regulation 46 and subsequently resumes first class service, the period of absence from first class service, or that part of the period for which in the opinion of the Secretary of State the teacher was incapacitated or was in a state of health which made it undesirable that he should be in close contact with children shall be deemed to be and shall be recorded as a period of third class service.

Recording of breaks in service

12.—(1) If the first class service of a teacher to whom Part IV applies is discontinued—

(*a*) for a period not exceeding five years or such longer period as the Secretary of State may direct in the case of a teacher who during that period is employed—

(i) as a teacher in any part of Her Majesty's dominions outside the United Kingdom; or

(ii) as a teacher in any school in a foreign country which is shown to the satisfaction of the Secretary of State to be a school in which it is expedient to facilitate the employment of British teachers; or

(iii) in an educational service outside the United Kingdom in employment which to a substantial extent involves the control or supervision of teachers; or

(iv) as a teacher in any school maintained within the United Kingdom by the Government of any part of Her Majesty's dominions outside the United Kingdom; or

(*b*) for such period not exceeding five years as the Secretary of State may approve for the purpose of enabling the teacher to gain experience of value in teaching; or

(*c*) for a period not exceeding one year in any other case—

the said teacher may pay to the Secretary of State with his consent in respect of such part of the period as is before 1st October, 1956, sums equal to ten per cent. of his salary at the date of discontinuing service, and in respect of such part of the period as is after 30th September, 1956, sums equal to the aggregate of the contributions which would have been payable in respect of the said part of the said period of absence if the teacher had continued throughout that part to be employed in first class service at the salary he was receiving at the date of discontinuing such service, and on payment of the said sums the said period shall be deemed to be and shall be recorded as a period of first class service:

Provided that of the sums paid by the teacher under this paragraph, a sum equal to the aggregate of the contributions which he would have paid if his service had not been discontinued and if his salary had remained as it was at the date on which his service was discontinued shall be reckoned as contributions by the teacher.

(2) In relation to a period during which the service of a teacher was discontinued, being a period after the date upon which National Insurance modifications first applied to him, any reference in this Regulation to a contribution shall be construed as a reference to a contribution reduced by an amount calculated at the rate of £4 16s. 0d. a year in the case of a teacher who is a man, and at the rate of £5 18s. 0d. a year in the case of a teacher who is a woman.

Independent superannuation schemes

13.—(1) Notwithstanding anything in any enactment, a teacher to whom Part IV applies, being a teacher employed in first class service, shall not be subject to an independent superannuation scheme in respect of that employment.

(2) Where a teacher who becomes employed in first class service—

(*a*) has, within one year before he became so employed, been subject to an independent superannuation scheme; and

(*b*) would, but for the fact that such employment is first class service, be subject to such a scheme in respect of such employment;

such employment shall not be treated as first class service, and he shall be subject to the independent superannuation scheme accordingly:

Provided that if any teacher who is subject to an independent superannuation scheme by virtue of the foregoing provisions of this paragraph elects, by notice in writing to the Secretary of State and to the body administering the scheme given within three months of his becoming employed in first class service, to withdraw from the said scheme, the said foregoing provisions shall not have effect in relation to any employment in which he is employed after the election takes effect.

(3) Where any teacher makes such an election, the election shall take effect as from the time when he entered the employment in which he is for the time being employed.

(4) Where any such election is made by a teacher who is a contributory employee or a local Act contributor as defined by the Act of 1937, he shall be entitled to receive out of the appropriate superannuation fund a sum equal to the aggregate amount of his contributions to that fund calculated in accordance with subsection (5) of section 10 of the said Act of 1937, or, as the case may be, in accordance with the corresponding provision of the local Act scheme, together with compound interest on those contributions, calculated to the date on which he ceases to be a contributory employee or a local Act contributor at the rate of three per cent. per annum with half-yearly rests.

(5) In this Regulation the expression "independent superannuation scheme" means:—

(*a*) any superannuation scheme (including a superannuation scheme established by or under any public general or local Act or provisional order confirmed by Parliament) which provides for the payment of contributions to a fund by any local authority or the persons responsible for the management of any educational establishment or other educational institution, and for the payment out of that fund, in respect of service rendered to the authority or to those persons, of benefits on disablement, retirement, attainment of any specified age, or death, but does not include the Scheme of 1919, the Scheme of 1926, the Scheme of 1952 or these Regulations; and

(*b*) any system of superannuation (not being a system established by or under any public general or local Act or provisional order confirmed by Parliament) operated jointly by the governing bodies of a number of educational establishments or other educational institutions for the purpose of providing such benefits as aforesaid in respect of the service of persons employed by them.

Special conditions applicable to certain schools

14.—(1) The conditions which shall continue to be fulfilled in terms of proviso (iii) to paragraph (1) of Regulation 5 by a school described in sub-paragraph (*j*) of paragraph (2) of the said Regulation to secure that employment therein shall continue to be recorded as first class service shall be as follows, that is to say:—

(*a*) such proportion of the pupils as the Secretary of State may consider reasonable shall each year be presented for the Scottish Leaving Certificate or shall give such other proof of having received efficient instruction as the Secretary of State may determine;

(*b*) the school shall be conducted by a responsible governing body constituted by and acting under a scheme, trust deed or other instrument which is accepted by the Secretary of State as satisfactory;

(*c*) the school shall not be conducted for private profit, provided that in the case of a school conducted by an incorporation this condition shall be deemed to be fulfilled if the articles of association provide that no dividend, bonus or other benefit in excess of a gross total of five per cent. per annum shall be paid upon the subscribed capital;

(*d*) subject to the provisions of Regulation 18 or Regulation 34, as the case may be, the salary of every teacher shall be paid at a fixed annual rate and shall not be dependent, in the case of a residential school, upon any income accruing in respect of boarding fees or, in the case of an incorporation, upon the amount of dividend, bonus or other benefit to be paid upon the subscribed capital; and

(*e*) the governing body shall furnish such returns and information as may from time to time be required by the Secretary of State, and such returns shall include the periodical submission of a certified statement of accounts.

(2) If a school ceases to be maintained to the satisfaction of the Secretary of State or to satisfy any of the conditions prescribed in the last foregoing paragraph, or if a formal application is made by the governing body to the Secretary of State that service in the school shall no longer be recorded as first class service under these Regulations, the Secretary of State may discontinue the recording of service as from such date as he may fix, but without prejudice to any interests under the Scheme of 1919, the Scheme of 1926, the Scheme of 1952 or these Regulations acquired by past and present teachers of the school.

PART III

Special Provisions Applicable to Certain Teachers with a Vested Interest in 1926

Interpretation

Interpretation of Part III

15. In this Part unless the context otherwise requires—

(1) "salary" has the meaning assigned to it in Regulation 18;

(2) "teacher" has the meaning assigned to it by Regulation 16.

TEACHERS

Meaning of "teacher" for the purposes of Part III

16. For the purposes of this Part unless the context otherwise requires the expression "teacher" means a person of any of the following classes, that is to say:—

(1) persons who are certificated teachers;

(2) persons not being certificated teachers who hold posts as directors, lecturers or teachers employed in or in connection with central institutions, training centres or training colleges and who possess qualifications approved by the Secretary of State as appropriate for holders of the respective posts; and

(3) persons who possess any other qualifications approved by the Secretary of State as appropriate for holders of the posts which they respectively hold.

Classification of teachers in relation to National Insurance

17.—(1) In connection with the passing of the National Insurance Act, 1946, teachers to whom this Part applies shall be classified in two categories, and teachers shall belong to the said categories as follows, that is to say:—

(*a*) teachers of the second category shall be those teachers who have given or give notice in the manner prescribed in article 2A of the Scheme of 1919 or in article 16 of the Scheme of 1952 or in this Regulation that they elect that National Insurance modifications shall apply to them:

Provided that it shall not be competent for a teacher who in pursuance of the provisions of paragraph (*a*) of subsection (3) of section 71 of the National Insurance Act, 1946, and of the National Insurance Act, 1946 (Appointed Day) Order, 1948, is deemed to attain pensionable age on 5th July, 1958, to give such notice; and

(*b*) teachers of the third category shall be those teachers who do not give such notice.

(2) A teacher in service on 1st July, 1948, (in this Part referred to as "the material date") shall remain of the third category unless he has given notice in the form prescribed in the Second Schedule on or before 30th September, 1948, or, if he was not in service on the material date, unless he has given or gives notice within three months after the date on which he first re-entered service or first class service, as the case may be, after the material date or re-enters first class service. Notice given under this paragraph shall be irrevocable.

(3) National Insurance modifications shall apply to teachers of the second category as from the material date where notice has been given before the said date, and as from the date of re-entry into first class service in any other case, provided that where a teacher, being a voluntary contributor for an old age pension, has given notice before the material date, the said modifications shall apply to him as from the material date or the date of re-entry into first class service whichever was the earlier.

SALARY

Calculation of salary

18.—(1) For the purposes of this Part "salary" means the aggregate of the emoluments, whether in money or in kind, receivable by a teacher in respect of employment which is recorded as first class service.

(2) The emoluments referred to in the last foregoing paragraph shall be deemed to include:—

(*a*) payments by way of bonus or allowance in respect of increased cost of living for any period after 31st March, 1944;

(*b*) the annual value (as entered in the valuation roll) of any house made available rent free to the teacher by his employers or the amount of any allowance paid in lieu thereof;

(*c*) the amount of occupier's rates in respect of the house occupied by the teacher, where the employers are under obligation to pay the said rates; and

(*d*) if the teacher and the Secretary of State so agree, payments to the teacher out of any bequest or endowment one of the objects of which is to secure special emoluments to any class of teachers or to teachers of any special locality.

(3) Where a teacher is absent on sick leave and there is deducted from his salary the amount of any sickness benefit paid or payable to him under the National Insurance Act, 1946, his salary for the purpose of calculating the sums payable in terms of section 103 of the Act of 1946 towards the cost of providing benefits under these Regulations shall be deemed to include the amount of the said deduction.

Calculation of pensionable salary

19. The number of years to be used in the calculation of pensionable salary shall be a continuous period of five years or periods amounting in the aggregate to five years:

Provided that where a teacher has not been in first class service or in first class service and second class service for a continuous period or an aggregate of five years, the period to be used in the calculation shall be the whole period of such service, whether continuous or not.

Retirement and Benefits

Retirement

20.—(1) Except where the Secretary of State otherwise determines on the application of the education authority or, in the case of a school or institution not under the management of an education authority, of the governing body of the said school or institution, and for good cause shown, every teacher shall retire on attaining the age of seventy years.

(2) Where a teacher is no longer in service, a retiring allowance may be granted to him—

(*a*) on or after attaining the age of sixty years; or

(*b*) on satisfying the Secretary of State that he has become permanently incapable owing to infirmity of mind or body of being an efficient teacher (regard being had to the nature of his employment):

Provided that—

(i) the teacher's completed years of service being first class service with or without second class service amount to not less than ten years;

(ii) where the teacher retires under sub-paragraph (*b*) of this paragraph, his infirmity was not caused by his own misconduct or default, and that he has been employed in first class service or in second class service within one year before the date on which he applies for a retiring allowance under this Regulation.

(3) Where a teacher to whom sub-paragraph (*b*) of the last foregoing paragraph applies is no longer in service—

(*a*) the pension shall be payable—

(i) from the day next following that on which the teacher ceased to be employed; or

(ii) from the day next following the last day in respect of which he was entitled to receive payment in respect of his employment;

whichever is the later, or, if the application for the allowance has been made after the later of the said dates, from the date of the application or from such earlier date as the Secretary of State, having regard to all the circumstances, thinks proper; and

(*b*) the teacher—

(i) shall, until he attains the age of sixty years, submit himself, when required by the Secretary of State at intervals of not more than three years, for examination by a qualified medical practitioner with a view to ascertaining whether he remains incapable of serving efficiently as a teacher;

(ii) may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher;

and if, as a result of any such medical examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher, the Secretary of State shall end the payment of the pension, and the teacher may return to first class service.

Calculation of retiring allowances

21. The retiring allowance to be granted to a teacher under the last foregoing Regulation shall be—

(1) a pension of an amount not exceeding one-eightieth of the pensionable salary of the teacher in respect of each completed year of first class service or one-half of his pensionable salary, whichever is the less; and

(2) a lump sum not exceeding an amount equal to one-thirtieth of the pensionable salary of the teacher in respect of each completed year of first class service, or to one-and-a-half times his pensionable salary, whichever is the less:

Provided that any person who is granted a superannuation allowance or a gratuity in respect of service in England and Wales recorded in terms of the Act of 1898, or the Teachers (Superannuation) Acts, 1918 to 1956, or (should the Secretary of State in any particular case so determine) in respect of service as an established civil servant of the Crown, shall be eligible, subject to such conditions as may be prescribed, for any benefit that would have been granted to him in respect of first class service in Scotland had he been in first class service within the meaning of these Regulations when the said superannuation allowance or gratuity was granted, and in reckoning such benefit his pensionable salary shall be deemed to be the salary on which the said superannuation allowance or gratuity was calculated.

Reduction of pensions in consequence of National Insurance

22. The pension payable under the last foregoing Regulation to a teacher of the second category within the meaning of Regulation 17 who has attained the age of sixty-five years, if a man, or sixty years, if a woman, shall, for each year of first class service after the date upon which National Insurance modifications first applied to him, be reduced by the sum set forth in

column (3) or column (4) as the case may be, of the Fourth Schedule opposite to the age of the teacher on the said date, as set forth in column (1) and column (2) of the said Schedule:

Provided that in computing any reduction years of first class service beyond forty years shall be ignored.

Supplements to pensions

23. If a pension under this Part does not exceed £52 per annum, and if the Secretary of State considers that some supplementary payment should be made, he may make such supplementary payment as he sees fit, not exceeding the amount required to bring the pension up to £52, having regard to the teacher's length of service, income from other public sources and any relevant considerations.

Gratuities to infirm teachers

24. Where a teacher who is not qualified for the grant of a pension—

(1) has been employed in first class service for not less than one year;

(2) has been so employed within one year before the date on which he applies for a gratuity under this Regulation; and

(3) has satisfied the Secretary of State that he has become permanently incapable owing to infirmity of mind or body of being an efficient teacher (regard being had to the nature of his employment) and that his infirmity has not been caused by his own misconduct or default—

the Secretary of State shall, subject to the provisions of these Regulations, grant to him a disablement gratuity of an amount not exceeding one-twelfth of his pensionable salary in respect of each completed year of first class service:

Provided that the teacher may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher, and if, as a result of any such medical examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher, the teacher may return to first class service.

Death gratuities

25. Where a teacher who has been employed in service being first class service with or without second class service for periods amounting in the aggregate to not less than five years—

(1) dies while in first class service; or

(2) dies after discontinuing first class service but before he has established a claim to a retiring allowance or to a gratuity under the last foregoing Regulation or, if he has established such a claim, before he has become entitled to receive payment of the said allowance or gratuity, and the Secretary of State is satisfied that there were special circumstances which made it reasonable that the teacher should not have established the said claim or become entitled to the said payment—

the Secretary of State shall, subject to the provisions of these Regulations, grant to the personal representatives of the said teacher a death gratuity of the greater of the two following sums, that is to say:—

(*a*) a sum not exceeding an amount equal to the pensionable salary of the teacher after deducting from such pensionable salary the amount of any lump sum or disablement gratuity previously paid to him, whether under the Scheme of 1919, the Scheme of 1952 or these Regulations or under the Teachers (Superannuation) Acts, 1918 to 1956; or

(*b*) a sum not exceeding the lump sum which the Secretary of State might have granted to him in terms of Regulation 21 hereof if at the date of his death or discontinuance of first class service he had become permanently incapable of serving efficiently as a teacher.

Supplementary death gratuities

26. Where a teacher dies after having retired but before the aggregate amount of the sums received or receivable by him up to the time of his death on account of a retiring allowance awarded in respect of first class service and of any superannuation allowance (inclusive of any additional allowance) awarded in respect of second class service of the kinds specified in paragraph (1) of Regulation 6, is equal to the amount of his pensionable salary, then, provided that he was in first class service at the conclusion of the period which was taken into account in determining the amount of the said salary, the Secretary of State may grant to his personal representatives a supplementary death gratuity not exceeding the difference between the amount of the pensionable salary and the said aggregate amount.

Return of contributions to teachers

27.—(1) Subject to the provisions of the next following paragraph, every teacher who has made contributions to the Scottish Teachers' Superannuation Fund, and who on 1st April, 1919, was not in receipt of or entitled to a retiring allowance from that Fund, shall be entitled on application to the Secretary of State to have the full amount of his contributions returned, and on such return being made the teacher shall cease to have any claim upon the said Fund. If any such teacher entitled to the return of contributions shall die before payment is made to him, then payment of the amount due shall on application be made to his personal representatives.

(2) A teacher who has made contributions to the Scottish Teachers' Superannuation Fund and has discontinued first class service before 1st April, 1919, without applying for the return of his contributions may, if he sees fit, decline the return of his contributions under the last foregoing paragraph. If such a teacher does not resume first class service, and if before discontinuing he had been in service being first class service with or without second class service for not less than ten years, then, on attaining the age of sixty years, he shall be entitled to a retiring allowance to be calculated in terms of the Scheme of 1911.

(3) If any teacher satisfies the Secretary of State that it is impossible for him by reason of his age to complete ten years of service being first class service with or without second class service before attaining the age of sixty-five years—

(*a*) the provisions of section 103 of the Act of 1946 shall as from the date when he so satisfies the Secretary of State cease to apply to him; and

(*b*) he shall be entitled to have returned to him a sum equal to the aggregate amount of any contributions paid by him or on his behalf under the Act of 1922, the Act of 1925 or the Act of 1946 after deducting any sum previously received by him by way of benefit under the Scheme of 1919, the Scheme of 1952 or these Regulations.

(4) If—

(*a*) any teacher, being a woman, withdraws from first class service on or within one year after marriage and at any time thereafter satisfies the Secretary of State that she does not intend to resume first class service; or

(*b*) any teacher when he attains the age of sixty-five years is not qualified for a retiring allowance;

that teacher shall be entitled to have returned to him a sum equal to the aggregate amount of any contributions paid by him or on his behalf under the Act of 1922, the Act of 1925 or the Act of 1946 after deducting any sums previously received by him by way of benefit under the Scheme of 1919, the Scheme of 1952 or these Regulations.

(5) Where any teacher has had contributions returned to him under either of the last two foregoing paragraphs he shall cease to be qualified to receive any benefits under these Regulations save any deferred annuity payable in respect of contributions made in terms of the Act of 1898.

Return of contributions to personal representatives

28. Where a teacher dies without having received any benefits under the Scheme of 1919, the Scheme of 1952 or these Regulations, and without having had contributions returned to him, his personal representatives shall, if a death gratuity is not payable to them under these Regulations, be entitled to the payment of a sum equal to the aggregate amount of any contributions paid by or on behalf of the teacher under the Act of 1922, the Act of 1925 or the Act of 1946.

Deferred annuities

29.—(1) Where a teacher has made contributions under the Act of 1898 and is not in receipt of a disablement allowance under that Act or a retiring allowance in respect of disablement in terms of sub-paragraph (*b*) of paragraph (2) of Regulation 20, he shall, on making application to the Secretary of State, when he has attained the age of sixty-five years, receive the deferred annuity represented by such contributions in addition to the retiring allowance payable under these Regulations.

(2) Where a teacher has made such contributions and is in receipt of any such allowance, any annuity which he would have received under the last foregoing paragraph had he not been in receipt of the said allowance shall be paid into the Education (Scotland) Fund.

Resumption of service by retired teachers

30.—(1) Where a teacher returns to first class service under sub-paragraph (*b*) of paragraph (3) of Regulation 20, any lump sum payable on retirement after further first class service shall be calculated only on the years of service after resumption.

(2) Where a teacher returns to first class service under Regulation 24, any lump sum or gratuity payable to him on retirement after further first class service shall be reduced by the amount of the gratuity previously awarded.

(3) Where a teacher in receipt of a pension is employed by an education authority, or by the managers of any school or institution which is under Government inspection or in receipt of grants from public funds, the pension payable in respect of the period during which he is so employed shall be reduced by such amount as the Secretary of State shall determine:

Provided that—

(i) such reduction shall not cause his pension, together with the salary and emoluments of his employment and any superannuation benefit in respect of second class service, to be less than his terminal salary as taken into account in calculating such pension;

(ii) where National Insurance modifications apply to the teacher, the pension to be taken into account shall be the pension reduced as provided in Regulation 22.

PART IV

Provisions applicable to Teachers to whom the Special Provisions of Part III do not apply

Interpretation

Interpretation of Part IV

31. In this Part unless the context otherwise requires—

(1) "balance" in relation to a teacher's contributions, has the meaning assigned to it by Regulation 37;

(2) "Health Regulations" means the National Health Service (Superannuation) (Scotland) Regulations, 1955;

(3) "pension" in relation to the pension of a teacher to whom an additional pension has been granted under Regulation 45 means the pension exclusive of the additional pension;

(4) "salary" has the meaning assigned to it by Regulation 34;

(5) "teacher" has the meaning assigned to it by Regulation 32.

Teachers

Meaning of "teacher" for the purposes of Part IV

32. For the purposes of this Part unless the context otherwise requires the expression "teacher" means a person of any of the following classes, that is to say:—

(1) persons who are certificated teachers;

(2) persons who have been deemed to be teachers under paragraph (*a*) of section 1 of the Act of 1939;

(3) persons holding posts as directors, lecturers or teachers employed in or in connection with central institutions whose appointments have been approved by the Secretary of State, or in training centres or training colleges whose qualifications were, on their respective appointments, approved by the Secretary of State;

(4) persons holding posts as teachers, lecturers, instructors, tutors, wardens, leaders or organisers in or in connection with further education centres whose appointments have been approved by the Secretary of State;

(5) persons who are employed as teachers in schools in receipt of or eligible for aid from an education authority in terms of subsection (1) of section 25 of the Act of 1946 or in schools which on 1st April, 1926, were recognised by the Scottish Education Department for the purposes of sub-paragraph (*d*) of paragraph (7) of article 1 of the Scheme of 1919, provided that they satisfy the Secretary of State as to their qualifications, their practical experience of teaching and of their efficiency as teachers;

(6) persons who are headmasters or deputy headmasters of, or instructors, Grade I, in technical subjects in, approved schools within the meaning of the Children and Young Persons (Scotland) Act, 1937;

(7) persons who are employed by education authorities as organisers of school meals; and

(8) persons who possess any other qualification approved by the Secretary of State as appropriate for holders of the posts which they respectively hold.

Classification of teachers in relation to National Insurance

33.—(1) In connection with the passing of the National Insurance Act, 1946, teachers to whom this Part applies shall be classified in three categories, and teachers shall belong to the said categories as follows, that is to say :—

(*a*) teachers of the first category shall, subject to the provisions of this Regulation, be those teachers who have entered or enter upon first class service for the first time on or after 1st July, 1948 (hereinafter in this Part referred to as "the material date");

(*b*) teachers of the second category shall, subject to the provisions of this Regulation, be existing teachers who have given or give notice in the manner prescribed in this Regulation that they elect that National Insurance modifications shall apply to them :

Provided that it shall not be competent for an existing teacher who in pursuance of the provisions of paragraph (*a*) of subsection (3) of section 71 of the National Insurance Act, 1946, and of the National Insurance Act, 1946 (Appointed Day) Order, 1948, is deemed to attain pensionable age on 5th July, 1958, to give such notice ; and

(*c*) teachers of the third category shall, subject to the provisions of this Regulation, be existing teachers who do not give such notice.

(2) In this Regulation the expression "existing teacher" means—

(*a*) a teacher who was employed in first class service at any time before the material date, including any period of first class service claims in respect of which have been restored to the teacher on repayment by him of contributions returned to him or would have been so restored had such repayment been made, but excluding any period of employment which is treated as first class service under Regulation 8 and any period of experience which is recorded as first class service under Regulation 9 ; and

(*b*) a person who before 1st March, 1948, had completed a course of training for teachers approved for the purpose of this Regulation by the Secretary of State (hereinafter called "an approved course"), or was engaged on an approved course, or had been accepted or provisionally accepted for an approved course, or had applied to be accepted for and had as a result of that application subsequently become engaged on an approved course :

Provided that if any such person fails to enter upon first class service within six months after completing his approved course he shall at the expiration of that period cease to be an existing teacher, and any act which he may have performed by virtue of his being an existing teacher shall be deemed to have been void.

(3) An existing teacher in first class service on the material date shall remain of the third category unless he has given notice in the form prescribed in the Second Schedule on or before 30th September, 1948, or, if he was not in first class service on the material date, within three months after the date on which he first entered or enters or re-entered or re-enters first class service after the material date. Notice given under this paragraph shall be irrevocable.

(4) Where a person became or becomes employed in first class service within twelve months of ceasing to serve in the capacity of a civil servant and was or is entitled to have his employment as a civil servant treated as second class service, he shall be—

(*a*) a teacher of the first category if he was subject to the modified scheme of superannuation as a civil servant ; or

(*b*) a teacher of the second category if, being a person who was not subject to the modified scheme of superannuation as a civil servant, he gives notice (which shall be irrevocable) within three months after the date on which he becomes employed in first class service, in the form prescribed in the Third Schedule; or

(*c*) a teacher of the third category if, being a person of the description mentioned in the last foregoing sub-paragraph, he does not give such notice.

(5) Where a teacher re-entered or enters first class service after the material date, being a teacher—

(*a*) to whom sub-paragraph (*a*) of paragraph (1) of Regulation 6 applies in respect of employment in England and Wales or sub-paragraph (*a*) of paragraph (2) of the said Regulation applies in respect of employment in Northern Ireland; and

(*b*) whose position has been determined in relation to modifications made, in connection with the passing of the National Insurance Act, 1946, or of any corresponding enactment for Northern Ireland, upon the scheme for the provision of pensions for teachers in England and Wales or in Northern Ireland, as the case may be;

he shall on entering first class service belong to the category which in the opinion of the Secretary of State corresponds to his position in relation to the said modifications. Where his position has not been so determined, the provisions of paragraph (3) of this Regulation shall apply to him as they apply to a teacher who was not in first class service on the material date.

(6) Where a person to whom the provisions of Part II of the Health Regulations apply entered or enters first class service and thereupon became or becomes subject to the provisions of paragraph (1) of Regulation 75 of the said Regulations, he shall, if before 5th July, 1948, he became subject to the modifications for which Regulation 50 of the said Regulations provides, be a teacher of the second category, and if he became so subject on or after the said date, of the first category.

(7) National Insurance modifications shall apply to a teacher of the second category as from the material date where notice has been given before the said date, and as from the date of entry or re-entry into first class service in any other case, provided that where an existing teacher, being a voluntary contributor for an old age pension, has given notice before the material date, the said modifications shall apply to him as from the material date, or the date of entry or re-entry into first class service whichever is the earlier.

Salary and Contributions

Calculation of salary

34.—(1) For the purposes of this Part "salary" in relation to employment which is recorded as first class service means the aggregate of the emoluments, whether in money or in kind, receivable by a teacher in respect of such employment:

Provided that where the annual rate of salary exceeds £3,000, the excess shall not, for the purpose of calculating the pensionable salary, be included in the salary for any part of the period before 1st October, 1956, unless teacher's and employer's contributions on the excess are paid in respect of that part of the said period.

(2) The emoluments referred to in the last foregoing paragraph shall be deemed to include :—

(*a*) payments by way of bonus or allowances in respect of increased cost of living for any period after 31st March, 1944 ;

(*b*) the annual value (as entered in the valuation roll) of any house made available rent free to the teacher by his employers or the amount of any allowance paid in lieu thereof ;

(*c*) the amount of occupier's rates in respect of the house occupied by the teacher, where the employers are under obligation to pay the said rates ; and

(*d*) if the teacher and the Secretary of State so agree, payments to the teacher out of any bequest or endowment the object or one of the objects of which is to secure special emoluments to any class of teachers or to the teachers of any special locality.

(3) Notwithstanding anything in the last foregoing paragraph, if in relation to any teacher the Secretary of State is of opinion that, in respect of any period which is taken into account in calculating the teacher's pensionable salary and in which the salary of the teacher was not calculated under the Teachers Salaries (Scotland) Regulations, 1954, or the Teachers Salaries (Scotland) Regulations, 1956, the salary of the teacher shows an unreasonable increase, he may direct that the said salary during the said period shall be deemed to be such sum as he may fix.

(4) Where a teacher is absent on sick leave and there is deducted from his salary the amount of any sickness benefit paid or payable to him under the National Insurance Act, 1946, his salary for the purpose of calculating the sums payable in terms of section 103 of the Act of 1946 towards the cost of providing benefits under these Regulations shall be deemed to include the amount of the said deduction.

(5) Where benefit payable under these Regulations is calculated in whole or in part on salary paid in respect of employment which is recorded as second class service, the teacher's salary to be taken into account in the said calculation in respect of the said employment shall, unless the Secretary of State otherwise directs, be his salary as assessed by the authorities responsible for the administration of the pension scheme applicable to the employment.

Calculation of pensionable salary

35. The number of years to be used in the calculation of pensionable salary shall be—

(*a*) in relation to teachers who first entered service, whether first class service or second class service, after 30th September, 1956, a continuous period of three years or periods amounting in the aggregate to three years ; and

(*b*) in relation to teachers who first entered service, whether first class service or second class service, before 1st October, 1956, a continuous period of three years or of five years as the teacher may elect, or periods amounting in the aggregate to three years or to five years as the case may be :

Provided that—

(i) where a teacher has not been in first class service or in first class service and second class service for a continuous period or an aggregate of three years or of five years, as the case may be, the period to be used in the calculation shall be the whole period of such service, whether continuous or not ; and

(ii) the said years shall not include periods of second class service of the kind described in sub-paragraph (*c*) of paragraph (1) or in head (iv) of sub-paragraph (*c*) and in sub-paragraphs (*f*) to (*s*) of paragraph (2) of Regulation 6 or in the Teachers Superannuation (Colonial Reciprocity) Scheme, 1933, and other schemes extending the operation of the said Scheme to Colonies and Protectorates not named in the said Scheme.

Employer's contributions in respect of service not previously recorded

36.—(1) Subject to the provisions of this Regulation, where any employment after 15th May, 1923, including any period of war service, is treated as first class service within the meaning of these Regulations by virtue of Regulation 8, the contributions (in this Regulation referred to as " employer's contributions ") which would have been payable under the Act of 1922, the Act of 1925 or the Act of 1946 by the teacher's employer in respect of that employment shall be paid to the Secretary of State by the education authority by whom the teacher in question is employed in first class service when he first becomes entitled to make an application under Regulation 8.

(2) Where a teacher who has been a contributory employee or a local Act contributor, as defined by the Act of 1937, (in this Regulation referred to as " a Local Government Superannuation Act employee ") becomes, not more than one year after ceasing to be a Local Government Superannuation Act employee, entitled to make an application under Regulation 8, no employer's contributions shall be payable in respect of any employment which he was, immediately before he last ceased to be a Local Government Superannuation Act employee, entitled to reckon for superannuation purposes under the Act of 1937 or under any local Act scheme as defined by that Act.

(3) In lieu of the employer's contributions which would have been payable in respect of any employment but for the last foregoing paragraph, there shall be paid to the Secretary of State in respect of that employment, out of the appropriate superannuation fund, a sum equivalent to the difference between the sum which has become or will become payable out of that fund in respect of the past contributions of the teacher who made the application (including any sum payable as interest upon such contributions) and the transfer value which would have been payable out of that fund under section 24 of the Act of 1937, if, after he last ceased to be entitled to participate in the benefits of the fund, the said teacher had forthwith become entitled to participate in the benefits of another superannuation fund maintained under that Act or under a local Act scheme as defined by that Act :

Provided that the sum paid to the Secretary of State by virtue of this paragraph in respect of any employment shall not exceed the aggregate amount of the contributions which would have been payable under the Act of 1922, the Act of 1925 and the Act of 1946, by the teacher's employer in respect of that employment.

(4) For the purpose of the last foregoing paragraph—

(*a*) the appropriate superannuation fund is the fund in the benefits of which the teacher in question was last entitled to participate as a Local Government Superannuation Act employee before becoming entitled to make the application under Regulation 8 ; and

(*b*) the expression " past contributions " in relation to a contributory employee includes all such contributions as are mentioned in subsection (5) of section 10 of the Act of 1937, and in relation to a local Act contributor shall be construed accordingly.

(5) Where a teacher ceased to be employed in any capacity in respect of which he was a Local Government Superannuation Act employee in order to undertake service which he was entitled to reckon for superannuation purposes by virtue of the Act of 1939, paragraphs (2), (3) and (4) of this Regulation shall have effect as if he had continued to be a Local Government Superannuation Act employee during the period of service which he was so entitled to reckon.

(6) Any reference in this Regulation to the contributions which would have been payable under the Act of 1922, the Act of 1925 or the Act of 1946 by the teacher's employer in respect of the employment of any teacher shall, in relation to a period of war service, be construed as a reference only to such employer's contributions as would have been payable in respect of his service during that period, if immediately before undertaking war service he had been employed by an education authority, governing body or other body of managers.

(7) In this Regulation, references to employment which is treated as first class service by virtue of Regulation 8 shall be deemed to include references to employment which was treated as service within the meaning of the Scheme of 1926 by virtue of article 3C of that Scheme.

Calculation of balance of contributions

37.—(1) For the purposes of this Part, "balance" in relation to a teacher's contributions at any date at which the balance is computed means the amount by which the aggregate of the contributions paid by him towards the cost of providing benefits under these Regulations (including any additional contributions paid under Regulation 9) together with compound interest on the said contributions to that date exceeds the aggregate of any sums paid or payable under these Regulations to him or to his personal representatives together with compound interest thereon to that date:

Provided that where the teacher has been employed in English teaching service or Irish teaching service as well as in first class service within the meaning of these Regulations, the balance shall be calculated as follows:—

(i) the contributions paid by him in respect of the said recognised or contributory service (including any additional contributions paid under section 19 of the Act of 1956) and the contributions paid by him under the Act of 1922, the Act of 1925 and the Act of 1946, together with compound interest on all of the said contributions up to the date as at which the balance is to be computed, shall be aggregated;

(ii) from the sum thus arrived at, there shall be deducted a sum equal to the aggregate of any sums paid or payable to him or to his personal representatives in respect of the said recognised or contributory service, and of any sums so paid under these Regulations together with compound interest up to that date on the sums so aggregated.

(2) In computing for the purposes of the last foregoing paragraph the aggregate of the contributions paid by the teacher, the aggregate of any contributions returned to the teacher and not repaid by him shall be left out of account, and in computing the aggregate of any sums paid to the teacher or to his personal representatives the aggregate of any sums paid in returning contributions shall be left out of account.

(3) Where any part of a lump sum, or of a death gratuity, or of contributions returnable or returned has been surrendered by or repaid by the teacher or by his personal representatives in exchange for other benefits payable under these Regulations, the said part shall be deemed to be a sum paid or payable

under these Regulations to the teacher or to his personal representatives, as the case may be.

(4) Where the teacher has surrendered part of his pension in accordance with the provisions of Regulation 44 or part of any superannuation allowance under the provisions of section 1 of the Teachers (Superannuation) Act, 1937, or of section 14 of the Teachers (Superannuation) Act (Northern Ireland), 1950, the sums payable under these Regulations to him or to his personal representatives (including any sums paid to him or them under the Teachers (Superannuation) Act, 1925, or the Teachers (Superannuation) Act (Northern Ireland), 1950), shall be taken to be the sums which would have been so payable but for the surrender.

(5) Where the teacher has been an officer to whom the Health Regulations applied and has become entitled to reckon any period of employment as first class service by virtue of Regulation 75 of the said Regulations the amount of his contributions within the meaning of the said Regulations shall for the purpose of computing the balance be added to the aggregate of the contributions paid by him towards the cost of providing benefits under these Regulations.

(6) Any contributions in respect of any period of service which is recorded as third class service in accordance with the provisions of paragraph (3) of Regulation 50 or under the Health Regulations shall be excluded in calculating the aggregate of the teacher's contributions unless the contributions have been repaid by the teacher and the period has again been recorded as first class service under the said paragraph.

(7) Compound interest on contributions paid by a teacher towards the cost of providing benefits under these Regulations and upon sums paid or payable to him or to his personal representatives shall be calculated at the rate of three per cent. per annum with yearly rests and, except where otherwise provided, shall begin to run from the date prescribed by Rules made under Regulation 57.

(8) Compound interest on contributions paid under the Health Regulations shall be calculated in the manner provided in Regulation 37 of the said Regulations up to the date upon which the teacher entered first class service within the meaning of these Regulations, or, if any such contributions were returned to him before that date, up to the date of such return.

Retirement

RETIREMENT AND BENEFITS

38.—(1) Except where the Secretary of State otherwise determines on the application of the education authority concerned, or, in the case of a school or institution not under the management of an education authority, of the governing body of such school or institution, and for good cause shown, every teacher shall retire on attaining the age of seventy years.

(2) Where a teacher holds a post of special responsibility within the meaning of the regulations for the time being in force made by the Secretary of State under section 79 of the Act of 1946 (which relates to the salaries of teachers) and will not on completion of forty-five years of first class service or of first class service and second class service have attained the age of seventy years, he shall be deemed to have offered to resign from the said post on the day on which he completes the said forty-five years, and to have retired from the said post on the said day if his resignation is accepted, provided that this paragraph shall not be construed as preventing the employer of the teacher whose resignation is accepted from offering, or the teacher from accepting, appointment to another post.

(3) Notwithstanding any other provision of these Regulations, no employment of a teacher after he has attained the age of 70 years shall be taken into account for the purpose of assessing benefits under this Part, and no award of benefit under this Part shall be made before the termination of the employment of the teacher.

Allowances on retirement through age

39. Subject to the provisions of these Regulations, the Secretary of State shall grant a retiring allowance to any teacher who is no longer employed in first class service or second class service and who—

(1) has attained the age of sixty years and has been employed in service being first class service with or without second class service and with or without third class service—

(*a*) in any case except one to which the next following sub-paragraph applies, for thirty years ; and

(*b*) in the case of a teacher who is or has been a married woman, for thirty years less the number not exceeding ten of completed years during which she was while married absent from first, second or third class service :

Provided that, in calculating the length of service, years of third class service in excess of twenty shall not be counted ; or

(2) being a teacher to whom the Act of 1898 applied on 1st April, 1919, or a holder of the Teacher's General Certificate to whom the Scheme of 1911 applied on the said date, has attained the age of sixty years and has been employed in service being first class service with or without second class service for periods equal in the aggregate to not less than half the period between the date on which he became certificated and the date on which he attained or will attain the age of sixty-five years ; or

(3) has attained the age of sixty years and has, either since the date of commencement of the first period during which he was employed in first or second class service or since the date of commencement of any later period during which he was so employed—

(*a*) been so employed for not less than ten years ; and

(*b*) been so employed for periods equal in the aggregate to not less than two-thirds of the period between the relevant date of commencement aforesaid and the date on which he attained or will attain the age of sixty-five years.

Allowances on retirement through infirmity

40.—(1) Subject to the provisions of these Regulations, the Secretary of State shall grant a retiring allowance to any teacher who, having been employed in service being first class service with or without second class service for not less than ten years and having been so employed within one year before the date on which he applies for a retiring allowance under this Regulation, satisfies the Secretary of State that before having satisfied conditions entitling him to the award of a retiring allowance under the last foregoing Regulation he has become permanently incapable through infirmity of mind or body of serving efficiently as a teacher (regard being had to the nature of his employment) or that he is suffering from a disease which is likely to persist for a prolonged period or which makes it undesirable that he should be in close contact with children, and that his infirmity or disease has not been caused by his own misconduct or default.

(2) Where a retiring allowance is granted to a teacher under the last foregoing paragraph the pension shall be payable—

(*a*) from the day next following that on which the teacher ceases to be so employed; or

(*b*) from the day next following the last day in respect of which he was entitled to receive payment in respect of such employment;

whichever is the later, or, if application for the allowance has been made after the later of the said dates, from the date of the application or from such earlier date as the Secretary of State, having regard to all the circumstances, thinks proper.

(3) A teacher to whom a retiring allowance is granted under paragraph (1) of this Regulation—

(*a*) shall, until he attains the age of sixty years, submit himself, when required by the Secretary of State at intervals of not more than three years, for examination by a qualified medical practitioner with a view to ascertaining whether he remains incapable of serving efficiently as a teacher or whether the disease which makes it undesirable that he should be in close contact with children still persists, as the case may be; and

(*b*) may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher or that such disease no longer persists, as the case may be—

and if, as a result of such medical examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher or that such disease no longer persists, as the case may be, he shall end the payment of the pension, and the teacher may return to first class service.

Calculation of retiring allowances

41.—(1) Subject to the provisions of the next following paragraph, the retiring allowances to be granted under Regulations 39 and 40 shall be—

(*a*) a pension not exceeding an amount calculated by reference to the whole period of the first class service of the teacher at the rate of one-eightieth of his pensionable salary for each year of first class service; and

(*b*) a lump sum not exceeding an amount calculated by reference to the whole period of the first class service of the teacher at the rate of three-eightieths of his pensionable salary for a year of first class service after 30th September, 1956, and at the rate of one-thirtieth of his pensionable salary for each year of first class service before 1st October, 1956:

Provided that—

(i) the total period of first class service which may be taken into account shall not exceed forty-five years of which for the purpose of calculating the pension not more than forty years may be years before the teacher attained the age of sixty years; and

(ii) where a period of first class service falls to be disregarded under the last foregoing paragraph of this proviso, the period to be disregarded shall be at the beginning of the teacher's first class service.

(2) Where the teacher to whom a retiring allowance under the last foregoing Regulation is to be granted is not a teacher to whom the next following paragraph applies and the teacher has not completed twenty years of first class service at the date of his retirement, he shall be deemed to have completed twenty years of such service or such shorter period of service as he would have completed if he had continued from the said date to be employed in such service until he attained the age of sixty-five years, and the additional service with which he is credited under this paragraph shall be deemed to have been in employment immediately before the teacher first entered first class service.

(3) Where a teacher to whom a retiring allowance under the last foregoing Regulation is to be granted is a teacher—

(*a*) whose service consists partly of first class service and partly of second class service ; and

(*b*) whose last service before the date upon which he retired was first class service ; and

(*c*) who has not completed an aggregate of twenty years of first class service and second class service—

he shall be deemed to have completed twenty years of first class service or such shorter period of first class service as he would have completed if he had continued from the said date to have been employed in first class service until he attained the age of sixty-five years, less, in either case—

(i) the period, if any, of his second class service which is English teaching service ; and

(ii) the period, if any, of his second class service, other than English teaching service, which was taken into account in completing the ten years of service necessary to qualify him for the grant of a retiring allowance.

The additional service with which he is credited under this paragraph shall be deemed to have been in employment immediately before the teacher first entered first class service or second class service, whichever was the earlier.

(4) In the calculation of the said retiring allowances any period reckoned in determining the amount of a superannuation or other allowance or gratuity granted under the Superannuation Acts 1834 to 1949, or of an award of naval or military or air force non-effective pay, or of any retiring allowance granted by a local education authority or other body in England or Wales, shall not be taken into account.

(5) Where a teacher is in receipt of benefits under a pension scheme other than these Regulations and where any period of first class service or second class service is added to the period taken into account for the purpose of calculating the said benefits, that period shall, unless the Secretary of State otherwise directs, be disregarded in the calculation of benefits under these Regulations.

(6) Where the actual period of a teacher's first class service when added to any period of second class service in respect of which a pension is payable exceeds the maximum number of completed years which may in his case be taken into account in calculating benefit under these Regulations, there shall be deducted from the actual period of first class service—

(*a*) where the whole of such second class service is of the kind specified in sub-paragraph (*a*) of paragraph (1) or sub-paragraphs (*a*), (*b*), (*k*), (*l*) or (*m*) of paragraph (2) of Regulation 6 or of any combination of these

kinds, a proportion of the excess equal to the proportion which the teacher's first class service bears to the aggregate of the periods of first and of such second class service;

(*b*) where the whole of such second class service is of the kind specified in sub-paragraphs (*b*) or (*c*) of paragraph (1) or in sub-paragraphs (*c*) to (*j*) or (*n*) to (*s*) of paragraph (2) of Regulation 6 or of any combination of these kinds, a period equal to such excess;

(*c*) where such second class service is partly of the kind referred to in sub-paragraph (*a*) of this paragraph and partly of the kind referred to in sub-paragraph (*b*) of this paragraph, a proportion of the excess equal to the proportion which the teacher's first class service bears to the aggregate of that service and of such second class service as is referred to in sub-paragraph (*a*) of this paragraph:

Provided that where a teacher's first class service and second class service in respect of which a pension is payable exceeds forty-five years after any deduction in respect of service in excess of forty years before attaining the age of sixty years has been made in accordance with proviso (i) to paragraph (1) of this Regulation, there shall be deducted a further period in the calculation of which the foregoing provisions of this paragraph shall apply.

Reduction of pensions in consequence of National Insurance

42.—(1) The pension payable under the last foregoing Regulation to a teacher of the first or second category within the meaning of Regulation 33 who has attained the age of sixty-five years, if a man, or sixty years, if a woman, shall be reduced as follows:—

(*a*) in the case of a teacher of the first category, for each year of first class service after the date upon which National Insurance modifications first applied to him, by the sum of £1 14s. 0d. and by a proportionate sum in respect of a part of a year; and

(*b*) in the case of a teacher of the second category, for each year of first class service after the date upon which National Insurance modifications first applied to him, by the sum set forth in column (3) or column (4), as the case may be, of the Fourth Schedule opposite to the age of the teacher on the said date, as set forth in column (1) and column (2) of the said Schedule and by a proportionate sum in respect of a part of a year:

Provided that—

(i) the total amount of the reduction shall in no case exceed £67 15s. 0d. per annum;

(ii) in computing any reduction years of first class service beyond forty years shall be ignored;

(iii) where additional service has been credited to the teacher under paragraph (2) or paragraph (3) of the last foregoing Regulation and the whole or any part of that additional service is deemed under either of the said paragraphs to have been before the material date the said additional service or the said part thereof, as the case may be, shall be deemed for the purposes of this Regulation to be service after the material date;

(iv) any period of first class service in respect of which contributions have been or are returned to the teacher under article 22 of the Scheme of 1919, or article 14 or article 14A of the Scheme of 1926, or article 49 or article 50 of the Scheme of 1952 or Regulation 50

and have not subsequently been repaid by him under paragraph (2) of article 14 of the Scheme of 1926 or paragraph (3) of article 49 of the Scheme of 1952 or paragraph (4) of Regulation 50 shall be excluded;

(v) where the teacher has been in second class service and in first class service, and his period of first class service is reduced by a deduction prescribed in paragraph (6) of Regulation 41 (which period as so reduced is herein called "the reduced period"), the period of first class service in respect of which his pension shall be reduced under this Regulation shall, if he is a teacher of the first category, be the reduced period, and if he is a teacher of the second category, be the reduced period less the period, if any, of his first class service before National Insurance modifications applied to him;

(vi) any period of employment, war service or national service which is reckonable under Regulation 75 of the Health Regulations, as first class service shall be treated as first class service for the purposes of this Regulation.

(2) In applying the Fourth Schedule to a teacher to whom paragraph (4) or paragraph (5) or paragraph (6) of Regulation 33 applies, the date when he first became subject to a scheme of superannuation modified under subsection (4) of section 69 of the National Insurance Act, 1946, shall be deemed to be the date when the National Insurance modifications first applied to him.

Supplements to pensions

43. If a pension under these Regulations does not amount to £52 per annum, and if the Secretary of State considers that some supplementary payment should be made, he may make such supplementary payment as he sees fit, not exceeding the amount required to bring the pension up to £52, having regard to the teacher's length of service, income from other public sources and any relevant considerations.

Exchange of part of pension for other benefits

44.—(1) Subject to the provisions of paragraph (2) of this Regulation and in such circumstances and subject to such conditions as to proof of good health and other matters as may be prescribed by rules made under Regulation 57, a teacher who has attained the age of sixty years may surrender as from the date of commencement of a pension granted or to be granted to him under Regulation 39 part of the said pension in return for the benefits set forth in sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph (3) of this Regulation:

Provided that where a teacher surrenders part of the pension to be granted to him—

(i) he shall if he dies in service be deemed to have been granted the pension which would have been granted to him if he had retired on the day before his death; and

(ii) it shall be assumed that there has been no change in the teacher's state of health between the date on which he makes the surrender and the date as from which the pension is granted or deemed to be granted.

(2) (*a*) A teacher shall not surrender—

(i) more than one-third of the pension granted or to be granted to him; or

(ii) 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 less than the amount of pension payable to the beneficiary after the teacher's death; or

(iii) a smaller amount of the pension granted or to be granted to him than would secure for the beneficiary after the death of the teacher a pension equal to one-fourth of the amount of the pension granted or to be granted to him as reduced by the amount surrendered; or

(iv) an amount of the pension granted or to be granted to him which is not an exact number of pounds.

(*b*) in the last foregoing sub-paragraph references to the pension granted or to be granted to a teacher to whom National Insurance modifications apply mean, in heads (i) and (ii), the pension as it would have been if it had not been reduced in accordance with the said modifications and, in head (iii), the pension as so reduced.

(3) In return for the surrender under paragraph (1) of this Regulation of part of a pension granted or to be granted to a teacher the Secretary of State shall grant, according as the teacher may in conformity with the rules elect, either—

(*a*) to the spouse or to a dependant of the teacher, a pension payable in respect of the period, if any, for which the spouse or dependant survives the teacher; or

(*b*) to the teacher, an annuity payable as from the date of commencement of the pension in respect of the period of the joint lives of himself and his spouse, and to the spouse, a pension at twice the rate of the annuity payable in respect of the period, if any, for which the spouse survives the teacher.

(4) Where, under paragraph (1) of this Regulation, a teacher has surrendered part of a pension to be granted to him, he may on retiring and subject to the conditions as to proof of good health and other matters referred to in the said paragraph surrender an additional part of the pension granted to him:

Provided that—

(i) the said additional part shall be of such an amount as will not result in the surrender of an aggregate which does not satisfy the conditions of paragraph (2) of this Regulation; and

(ii) the election already made by the teacher under paragraph (3) of this Regulation shall apply to the benefits to be granted in return for the surrender of the said additional part and to the persons to benefit thereby.

(5) The grant made under paragraph (3) of this Regulation in return for each £1 of the pension surrendered by the teacher shall be the actuarial equivalent of £1 and shall be ascertained, according to the age and sex of the teacher and to the age and sex of the beneficiary, by reference to the appropriate option table prepared by the Government Actuary in accordance with the provisions of proviso (ii) to sub-paragraph (8) of paragraph 2 of Part I of the Third Schedule to the Act of 1946 and in force at the date of commencement of the pension if the teacher is retiring, or, if the teacher is continuing in service, at the date on which his allocation declaration made under Rule 10 of the Superannuation Rules for Teachers (Scotland), 1952, reaches or is deemed to have reached the Secretary of State.

Exchange of lump sum for additional pension

45.—(1) A teacher when he applies for the grant of a retiring allowance may intimate to the Secretary of State that he desires in return for an additional pension to surrender—

(*a*) the whole of any lump sum that may be granted to him or so much of the said lump sum as remains after any deduction therefrom under

any provisions included in these Regulations in the exercise of the power conferred by subsection (2) of section 99 of, and by paragraph 3B of Part II of the Third Schedule to, the Act of 1946 (which relates to the payment of pensions to the widows or widowers and children or other dependants of teachers); and

(*b*) any additional sum to which he may become entitled if a new lump sum is granted to him under Regulation 54 on the termination of any subsequent employment in first class service.

The Secretary of State in calculating the teacher's retiring allowance shall substitute an additional pension for the lump sum surrendered, and the value of the additional pension shall be calculated in accordance with the Fifth Schedule.

(2) Where the teacher has been a contributory employee within the meaning of the Act of 1937, and is entitled to receive a superannuation allowance under that Act which falls to be reduced under section 15 of that Act by the amount receivable by him by virtue of the Teachers Acts, the said amount shall be deemed not to include the additional pension granted to him under this Regulation, but, for the purpose of paragraph (*b*) of the proviso to the said section, to include the lump sum surrendered under this Regulation.

(3) In calculating the amount of the authorised increase of the pension of a teacher to whom an additional pension has been granted under this Regulation, references to the pension in paragraph 2 and paragraph 3 of the Second Schedule to the Pensions (Increase) Act, 1944, and in paragraph 2 of the Second Schedule to the Pensions (Increase) Act, 1952, shall be construed as excluding the said additional pension.

(4) In the definition of "basic rate" in subsection (1) of section 11 of the Pensions (Increase) Act, 1956, the reference to the annual rate of the pension shall be construed in relation to a teacher to whom an additional pension has been granted under this Regulation as excluding the said additional pension.

Gratuities to infirm teachers

46. Where a teacher who is not qualified for the grant of a pension—

(1) has been employed in service being first class service with or without second class service for not less than one year;

(2) has been so employed within one year before the date on which he applies for a gratuity under this Regulation; and

(3) has satisfied the Secretary of State that he has become permanently incapable owing to infirmity of mind or body of being an efficient teacher (regard being had to the nature of his employment) or that he is suffering from a disease which is likely to persist for a prolonged period or which makes it undesirable that he should be in close contact with children, and that his infirmity or disease has not been caused by his own misconduct or default—

the Secretary of State shall, subject to the provisions of these Regulations, grant to him a disablement gratuity in respect of the whole period of his service at the rate of one-twelfth of his pensionable salary in respect of each year of first class service:

Provided that the said person may at any time submit himself for examination by a qualified medical practitioner with a view to satisfying the Secretary of State that he has ceased to be incapable of serving efficiently as a teacher or that the disease which made it undesirable that he should be in close contact with children no longer persists and if, as a result of any such medical

examination, the Secretary of State is satisfied that the teacher has ceased to be incapable of serving efficiently as a teacher or that such disease no longer persists, as the case may be, the teacher may return to first class service.

Death gratuities

47.—(1) Where a teacher who has been employed in service being first class service with or without second class service for periods amounting in the aggregate to not less than five years—

(*a*) dies while in first class service; or

(*b*) dies after discontinuing first class service but before he has established a claim to a retiring allowance under Regulation 39 or Regulation 40 or to a gratuity under the last foregoing Regulation or, if he has established such a claim, before he has become entitled to receive payment of the said allowance or gratuity, and the Secretary of State is satisfied that there were special circumstances which made it reasonable that the teacher should not have established the said claim or become entitled to the said payment—

the Secretary of State shall, subject to the provisions of these Regulations, grant to the personal representatives of the said teacher a death gratuity of the greater of the two following sums, that is to say:—

(i) a sum not exceeding an amount equal to the pensionable salary of the teacher after deducting from such pensionable salary the amount of any lump sum previously granted to him (whether the said lump sum has been surrendered in whole or in part in return for other benefits under these Regulations or not), or any disablement gratuity previously paid to him, whether under the Scheme of 1919, the Scheme of 1926, the Scheme of 1952, or these Regulations or under the Teachers (Superannuation) Acts, 1918 to 1956, a superannuation scheme framed under the Education Act (Northern Ireland), 1923, or the Teachers (Superannuation) Acts (Northern Ireland), 1950 to 1956; or

(ii) a sum not exceeding the lump sum which the Secretary of State might have granted to him in terms of Regulation 41 if at the date of his death or discontinuance of first class service he had become permanently incapable of serving efficiently as a teacher.

(2) If, after a death gratuity had been paid to the personal representatives of a teacher under this Regulation, a balance of contributions would also be payable under Regulation 51, the death gratuity shall not be payable.

Supplementary death gratuities

48.—(1) Where a teacher dies after having become qualified for a pension and the aggregate amount of the sums paid to him and to his personal representatives by way of pension and lump sum, whether under the Scheme of 1919, the Scheme of 1926, the Scheme of 1952, or these Regulations, or by way of superannuation benefit in respect of second class service of the kinds specified in paragraph (1), or sub-paragraph (*a*) of paragraph (2), of Regulation 6, is less than the amount of his pensionable salary, then, provided that he was in first class service at the conclusion of the period which was taken into account in determining the amount of the said salary, the Secretary of State shall grant to his personal representatives a supplementary death gratuity not exceeding the difference between the amount of the said salary and the said aggregate amount.

(2) Where the teacher has surrendered part of the pension or the whole or part of the lump sum granted to him under these Regulations or any part of the superannuation allowances granted to him under the Teachers (Superannuation) Acts, 1918 to 1956, or the Teachers (Superannuation) Acts

(Northern Ireland), 1950 to 1956, in return for other benefits available under these Regulations or under the said Acts the sums paid to him and to his personal representatives by way of pension or lump sum shall, for the purpose of calculating the amount of any supplementary death gratuity, be taken to be the sums which would have been so paid but for the surrender.

Special provision as to approved conjoint appointments

49. Where a teacher has held an approved conjoint post in an employment described in sub-paragraphs (*a*) to (*h*) of paragraph (2) of Regulation 5 (which relates to teaching employment in Scotland) and in an employment described in head (i) of sub-paragraph (*c*) of paragraph (2) of Regulation 6 (which relates to University employment), any benefit under these Regulations shall be calculated separately in relation to his service in such post and in relation to any other first class service. For the purpose of the former calculation his pensionable salary shall be deemed to be the average amount of the salary in respect of which contributions have been paid under these Regulations during the last three years of his service in the conjoint post or, if he has not held the post for three years, the average amount of such salary during his tenure thereof. These Regulations shall apply with any necessary modifications to the calculation of benefits in respect of the said other first class service.

Return of contributions to teachers

50.—(1) Every teacher who has contributed to the Scottish Teachers' Superannuation Fund and who on 1st April, 1919, was not in receipt of or entitled to a retiring allowance from that Fund, shall be entitled on application to the Secretary of State to have the full amount of those contributions returned to him and on such return being made the teacher shall cease to have any claim upon the said Fund. If any such teacher entitled to the return of contributions dies before payment is made to him, payment of the amount due shall, on application, be made to his personal representatives.

(2) Where a teacher who is not qualified for a retiring allowance or a gratuity under these Regulations ceases to be employed in first class service and is not employed in second class service, he shall, if he continues not to be so employed for a continuous period amounting to one year or for such shorter period as in special circumstances the Secretary of State may approve, be entitled to have returned to him a sum equal to the balance of his contributions computed as at the date of return, provided that when he applies for the said return he is not employed in first or second class service.

(3) After contributions have been returned under the last foregoing paragraph the service in respect of which the contributions were paid shall be deemed to be and shall be recorded as third class service:

Provided that where the said contributions included additional contribution paid under Regulation 9 in respect of the recording of a period of experience, the period of experience shall not be deemed to be third class service and shall be deleted from the teacher's record of service.

(4) Where—

(*a*) a teacher to whom contributions have been returned under any of the following paragraphs is subsequently employed in first class service or in second class service, that is to say—

(i) under sub-paragraph (*a*) of paragraph (2) of article 14 of the Scheme of 1926, or

(ii) under paragraph (2) of article 49 of the Scheme of 1952, or

(iii) under paragraph (4) of the last mentioned article where the teacher has attained the age of sixty-five years and has failed to qualify for a retiring allowance, or

(iv) under paragraph (2) of this Regulation ; or

(*b*) a teacher, having become an officer to whom the Health Regulations applied, received a return of contributions under the said Regulations on or after ceasing to be such an officer and the contributions so returned included contributions paid by him towards the cost of providing benefits under the Scheme of 1926, or the Scheme of 1952, or these Regulations, then, if he enters first class service more than twelve months after ceasing to be so employed or if, having ceased to be so employed in order to undertake national service within the meaning of the Health Regulations, he enters first class service more than six months after ceasing to be engaged in such national service ;

he may at any time while he is employed in first class service or in second class service, if he satisfies the Secretary of State in the prescribed manner of his physical capacity, repay to the Secretary of State that part of the sum so returned to him which was in respect of his contributions towards the cost of providing benefits under the Scheme of 1926, or the Scheme of 1952, or these Regulations, not being additional contributions paid under paragraph (3) of Regulation 9, together with compound interest thereon from the date of return calculated at the rate of three-and-a-half per cent. per annum with yearly rests, and thereupon the service of which the record was cancelled under sub-paragraph (*b*) of paragraph (2) of the said article 14 or the service which was deemed to be third class service, as the case may be, shall again be recorded as first class service, provided that in cases to which sub-paragraph (*b*) of this Regulation applies such repayment shall not restore any claims in respect of service within the meaning of Regulation 18 of the Health Regulations.

(5) A teacher who on attaining the age of seventy years has failed to become qualified for a retiring allowance under these Regulations or who at any time is refused such an allowance in terms of Regulation 56 hereof shall be entitled to have returned to him a sum equal to the balance of his contributions computed as at the date on which the said contributions are returned or as at the date on which he attained the age of seventy years, whichever is the earlier.

(6) Where a teacher who has retired resumes first class service, is employed in such service after 30th September, 1956, and again retires, and where the teacher is not entitled as a result of his additional service to an increased pension or to an additional payment of lump sum or gratuity, he shall be entitled to have returned to him a sum equal to the balance of his contributions in respect of his additional service after 30th September, 1956, computed as at the date on which the said balance is returned to him:

Provided that if a teacher is again employed in first class service or English teaching service he may repay to the Secretary of State the sum so returned to him together with compound interest thereon from the date of return calculated at the rate of three-and-a-half per cent. per annum with yearly rests and, on such payment being made, the service in respect of which the contributions were originally paid shall again be recorded as first class service.

Return of contributions to personal representatives

51.—(1) When a teacher who is or has been in first class service dies, his personal representatives shall be entitled to receive a sum equal to the balance, if any, of his contributions computed as at the date of his death.

(2) When a teacher entitled to have returned to him the balance of his contributions under paragraph (6) of Regulation 50 dies before the said return is made, payment of the said balance shall be made to his personal representatives.

Deferred annuities

52. When a teacher who has made contributions under the Act of 1898 attains the age of sixty-five years or retires, whichever is the later, he shall receive the deferred annuity represented by such contributions in addition to any retiring allowance payable under these Regulations.

Resumption of service by retired teachers

53. A teacher to whom a retiring allowance has been granted under Regulation 39 may resume first class service at any time before he attains the age of seventy years. A teacher to whom a retiring allowance has been granted under Regulation 40 or to whom a disablement gratuity has been granted under Regulation 46 may, provided that he has not attained the age of seventy years, resume first class service only after he has satisfied the Secretary of State, as provided in Regulation 40 or Regulation 46, as the case may be, that he has ceased to be incapable of serving efficiently as a teacher or that the disease which made it desirable that he should not be in close contact with children no longer persists.

Pensions of teachers resuming service

54.—(1) Where a teacher in receipt of a pension or of the balance of a pension remaining after part has been surrendered under Regulation 44 is for the first time after 30th September, 1956, and after the commencement of the pension, employed in any of the following services, that is to say, first class service, or English teaching service or Irish teaching service, he may intimate to the Secretary of State in the prescribed manner and within the prescribed time after these Regulations come into operation or after the commencement of the said period of such employment, whichever is the later, that he elects that his pension shall be dealt with under Method B prescribed in paragraph (6) of this Regulation. An election made under this paragraph shall be irrevocable and shall apply to all periods of employment of the teacher in any of the said services occurring after 30th September, 1956, and after the commencement of the pension.

Method A

(2) Where a teacher has not elected in accordance with the provisions of the last foregoing paragraph that his pension shall be dealt with under Method B, the Secretary of State shall—

(*a*) ascertain in relation to each period or part of a period of employment in any of the said services the total salary paid to the teacher, the number of days in the period or part in respect of which salary was payable, the annual rate of the salary and the fraction of the said annual rate which vests in the teacher in respect of a day; and

(*b*) estimate the total salary which would have been payable to the teacher for the same number of days if the annual rate of his salary had been the same as it was immediately before he was awarded a retiring allowance or, if the teacher has previously been re-employed, before he was again awarded a retiring allowance, whichever annual rate was the greater.

If the total salary, ascertained under sub-paragraph (*a*) is not less than that estimated under sub-paragraph (*b*), the pension or balance of pension which would have been payable in respect of that number of days shall not be

paid; and if the total salary so ascertained is less than the total salary so estimated, so much only of the pension or balance of pension payable in respect of that number of days shall be paid as will not cause the aggregate of the salary so ascertained and of the pension or balance paid and of any retiring allowance in respect of English teaching service or Irish teaching service to exceed the total salary so estimated:

Provided that—

(i) where the fraction ascertained under sub-paragraph (*a*) is more than one three-hundred-and-sixty-fifth, each day ascertained under the said sub-paragraph shall, for the purposes of this paragraph, be reckoned as a day and a fraction of a day, and the said fraction of a day shall be the same as the fraction representing the difference between one three-hundred-and-sixty-fifth of the annual rate of salary and the fraction of the annual rate of salary which vests in the teacher in respect of each day of such employment, and where the total number of days so reckoned includes part of a day the said part shall be disregarded;

(ii) where the teacher has surrendered part of his pension under Regulation 44 or under section 1 of the Teachers (Superannuation) Act, 1937, or section 14 of the Teachers (Superannuation) Act (Northern Ireland), 1950, the annual rate of the salary at which he was employed immediately before retirement shall for the purposes of this paragraph be deemed to have been reduced by the amount so surrendered;

(iii) where after the end of any period in respect of which an instalment of pension was paid or would have been paid but for the provisions of this paragraph the Secretary of State is satisfied that any error has occurred in ascertaining any fact or making any estimate for the purpose of this paragraph, he shall make such additional payment as is due to the teacher or shall recover from any sum subsequently payable to the teacher or to his personal representative such over-payment as has been made; and

(iv) if the Secretary of State is of opinion that it would be inequitable that the pension or balance should not be paid or should be reduced or that the reduction should be as much as is required under this paragraph, he may, to such extent as he thinks just, disregard for the purposes of this paragraph the whole or part of the sum ascertained under sub-paragraph (*a*).

(3) Where the teacher ceases to be employed in first class service, or English teaching service or Irish teaching service after having been so employed for a period of less than twelve months or for periods amounting in the aggregate to less than twelve months, the Secretary of State shall restore his pension or the balance of his pension, as the case may be.

(4) Where the said teacher ceases to be employed in first class service, or English teaching service or Irish teaching service after having been so employed for a period of twelve months or more or for periods amounting in the aggregate to twelve months or more the Secretary of State may grant a new retiring allowance to the teacher, and the provisions of Regulation 41 shall apply, subject to the provisions of paragraph (3) of Regulation 38 and to the following modifications:—

(*a*) the new pension shall be not less than the pension last granted to the teacher;

(*b*) where part of the pension last granted was surrendered under Regulation 44 a sum equal to the said part shall be deducted from the new pension;

(*c*) where the new lump sum is greater than the lump sum last granted to the teacher there shall be paid to the teacher in respect of lump sum only the sum whereby the new lump sum exceeds that last granted;

(*d*) where the new lump sum is equal to or less than the lump sum last granted no payment in respect of the lump sum shall be due to the teacher.

(5) For the purpose of determining under the two last foregoing paragraphs whether a teacher who attained the age of sixty-five years before 1st October, 1956, has or has not been re-employed in first class service, or in English teaching service or Irish teaching service for a period of twelve months or of more than twelve months or less than twelve months, any employment before the said date which would have been employment in the said services if the teacher had not attained the age of sixty-five years shall be deemed to have been employment in that service.

Method B

(6) Where a teacher in receipt of a pension or of a balance of pension is employed—

(*a*) in first class service, or in English teaching service or Irish teaching service and has elected under paragraph (1) of this Regulation that his pension shall be dealt with under Method B prescribed in this paragraph; or

(*b*) in any employment other than one of the said services, and the remuneration for such employment is paid out of the Consolidated Fund or out of moneys provided by Parliament or out of the Education (Scotland) Fund or is remuneration in respect of which a grant is made out of such moneys, or out of the Education (Scotland) Fund, or out of any fund under the control of the Government of Northern Ireland or in respect of which a grant is made out of such moneys—

the pension or the balance of pension payable in respect of any quarter during which he is so employed shall, unless the Secretary of State considers that reduction would be inequitable, be reduced by such amount as the Secretary of State may determine:

Provided that—

(i) such reduction shall not cause the quarterly rate of the aggregate of the pension or the balance of pension, of his salary and of any superannuation benefit in respect of second class service to be less for any such period than the quarterly rate of the salary at which he was last employed in so far as the said salary was taken into account in calculating his pensionable salary;

(ii) where National Insurance modifications apply to the teacher, the pension to be taken into account shall be the pension reduced as provided in Regulation 42; and

(iii) where the teacher has surrendered part of his pension under Regulation 44 or under section 1 of the Teachers (Superannuation) Act, 1937, or section 14 of the Teachers (Superannuation) Act (Northern Ireland), 1950, the quarterly rate of the salary at which he was last employed in so far as the said salary was taken into account in calculating his pensionable salary shall for the purposes of proviso (i) of this paragraph be deemed to have been reduced by a quarter of the amount so surrendered.

(7) Where, under Regulation 45 or under section 10 of the Teachers (Superannuation) Act, 1956, or section 12 of the Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956, a teacher has surrendered the whole or part of his lump sum or of his additional allowance, as the case may be, in return for an additional pension, no account shall be taken of the said additional pension under this Regulation.

Retirement of teachers re-employed after period of disablement

55.—(1) Where a teacher whose pension has been ended under paragraph (3) of article 40 of the Scheme of 1952 or under paragraph (3) of Regulation 40 or a teacher to whom a disablement gratuity has been granted under article 45 of the Scheme of 1952 or Regulation 46 is again employed in first class service or in English teaching service or Irish teaching service, remains in the said services for a period of twelve months or more or for periods amounting in the aggregate to twelve months or more, and again ceases to be so employed, the Secretary of State may grant a retiring allowance or a disablement gratuity, as the case may be:

Provided that the teacher is qualified therefor under the relevant provisions of these Regulations, and that there shall be deducted from any lump sum or disablement gratuity an amount equal to the disablement gratuity last granted to him.

(2) Paragraph (5) of the last foregoing Regulation shall apply to a teacher to whom this Regulation applies as it applies to a teacher to whom the last foregoing Regulation applies.

PART V

Supplementary Provisions

Refusal or reduction of benefits

56. Where the certificate of a teacher who has applied for a retiring allowance or a gratuity, or in respect of whom a death gratuity has been applied for, has been withdrawn or is suspended, or where the teacher has been dismissed or has otherwise ceased to serve as a teacher in consequence of grave misconduct, or has been guilty of such misconduct as, in the opinion of the Secretary of State, has accelerated his death or retirement, the Secretary of State may either refuse a retiring allowance or gratuity or grant a retiring allowance or gratuity at a reduced rate, provided that he may at any time thereafter, if he is of opinion that for any reason it is proper so to do, either grant the allowance or gratuity or pay it in full.

General powers of the Secretary of State

57.—(1) The Secretary of State may from time to time make rules for the purpose of giving effect to the provisions of Part IV of the Act of 1946 and of these Regulations.

(2) The Secretary of State may extend any time within which anything is required to be done under these Regulations if he considers that there are reasonable grounds for so doing.

(3) Any question which arises as to the application of any part of these Regulations to any person, or as to the amount of any retiring allowance, pension, lump sum, gratuity, annuity or payment, or as to the return of contributions, or as to the payment, refusal, reduction or suspension of any retiring allowance, pension, lump sum, gratuity, annuity or payment, or as to the recording of any service or the amount of any salary or pensionable salary shall be decided by the Secretary of State, whose decision shall be final.

Proof of title of personal representatives

58.—(1) Where any sum not exceeding £200 is payable under these Regulations to the personal representatives of a teacher or of any other person who has died, confirmation or other proof of title of the personal representatives may be dispensed with, and the sum may be paid or distributed to the person or among the persons appearing to the Secretary of State to be beneficially entitled to the estate of the said teacher or other person.

(2) Where these Regulations authorise any sum to be paid to the personal representatives of a teacher or other person who has died, or where any teacher or other person to whom any sum is payable under these Regulations has died before payment thereof and there are no personal representatives of such teacher or other person, it shall be in the power of the Secretary of State to pay the said sum or any part thereof to any dependant of such deceased teacher or other person.

The Scottish Teachers' Superannuation Fund

59.—(1) The National Debt Commissioners shall continue to hold the Scottish Teachers' Superannuation Fund. The moneys of the Fund may be reinvested by the Commissioners in any securities which are for the time being authorised by Parliament as investments for Savings Banks funds.

(2) The Commissioners shall pay out of the Fund to the Secretary of State the sums required for the return of teachers' contributions in terms of paragraph (1) of Regulation 27 and paragraph (1) of Regulation 50.

(3) The interest and dividends arising from the Fund in any year shall be paid by the Commissioners to the Secretary of State, who shall apply the same in the reduction of the charge that would otherwise fall upon the Education (Scotland) Fund.

Protection of benefits against diligence of creditors

60. Every assignation of or charge on any retiring allowance, pension, lump sum, gratuity, annuity or other sum payable under these Regulations to a teacher or his personal representatives or to the spouse or dependant of the teacher or to the personal representatives of the said spouse or dependant shall be void, and no such allowance, pension, lump sum, gratuity, annuity or other sum shall be liable to arrestment or shall, on the sequestration of a person entitled thereto or on the appointment of a judicial factor on his estate under section 163 of the Bankruptcy (Scotland) Act, 1913, pass to the trustee or judicial factor, without prejudice, however, to the making of an Order under section 148 of the said Act or under any similar enactment extending to England and Wales or to Northern Ireland.

Special provision as to women teachers who marry

61. Where National Insurance modifications apply to a woman teacher, they shall continue to apply to that teacher notwithstanding that she marries and elects thereafter to qualify for retirement pension under the National Insurance Act, 1946, by virtue of her husband's insurance.

Application of provisions relating to Northern Ireland

62.—(1) The provisions of these Regulations relating specifically to Northern Ireland shall not apply with respect to any allowance, pension or gratuity which became payable, or would if these provisions had been in operation have become payable, before 1st April, 1929.

(2) The Secretary of State shall accept as final any decision by the Ministry of Finance as to a teacher's service in Northern Ireland.

Revocation

63. The Order, Scheme and Rules set forth in the Sixth Schedule to these Regulations are hereby revoked to the extent specified in column (3) of the said Schedule:

Provided that—

(i) without prejudice to the provisions of section 38 of the Interpretation Act, 1889, any rule, award or grant made, or any certificate, notice, direction or approval given, or any thing done under any provision of the Scheme or Rules hereby revoked shall, if in force immediately before the date upon which these Regulations come into operation, continue in force notwithstanding such revocation in like manner as if it had been made, given, or done under these Regulations, and in so far as it could have been made, given, or done under a particular provision of these Regulations, shall be deemed to have been made, given, or done under that provision;

(ii) any vested interest acquired under any provision of the Scheme or Rules hereby revoked shall not be affected by such revocation;

(iii) where any provision of these Regulations confers a benefit upon any teacher or other person which was not conferred by the Scheme or Rules hereby revoked or which is more beneficial to a teacher or other person than a corresponding provision of the Scheme or Rules so revoked, the said provision of these Regulations shall not be construed as relating to any period before these Regulations come into operation unless the said provision specifically authorises retrospective effect to be given to it or unless the context otherwise requires.

Citation, commencement and retrospective effect

64.—(1) These Regulations may be cited as the Teachers (Superannuation) (Scotland) Regulations, 1957.

(2) These Regulations shall come into operation on 15th March, 1957, but, subject to the provisions of subsection (2) of section 101 of the Act of 1946, as amended by section 10 of the Education (Scotland) Act, 1956, shall then be deemed to have had effect from and including 1st October, 1956.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrews House,
Edinburgh, 1.

5th March, 1957.

SCHEDULES

REGULATION 9

FIRST SCHEDULE

PERIODS OF EXPERIENCE—ADDITIONAL CONTRIBUTIONS

Age at date of undertaking		Annual Contributions			Single Contribution		
Age attained	Age not attained	Additional percentage of salary payable	Deduction from additional contribution		Additional percentage of salary payable	Deduction from single contribution	
			Men	Women		Men	Women
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			£ s. d.	£ s. d.		£ s. d.	£ s. d.
21	25	·30	2 5	3 8	8·80	2 6 –	2 13 –
25	26	·31	2 7	3 11	8·63	2 8 –	2 16 –
26	27	·32	2 9	4 3	8·62	2 10 –	3 1 –
27	28	·33	2 10	4 6	8·61	2 13 –	3 6 –
28	29	·35	3 –	4 10	8·62	2 15 –	3 11 –
29	30	·36	3 2	5 2	8·64	2 17 –	3 17 –
30	31	·38	3 5	5 6	8·66	3 – –	4 3 –
31	32	·39	3 7	5 11	8·71	3 2 –	4 9 –
32	33	·41	3 10	6 4	8·76	3 4 –	4 16 –
33	34	·43	4 –	6 9	8·83	3 7 –	5 2 –
34	35	·45	4 3	7 2	8·91	3 10 –	5 8 –
35	36	·47	4 7	7 8	9·01	3 12 –	5 15 –
36	37	·50	4 10	8 3	9·11	3 15 –	6 1 –
37	38	·53	5 2	8 10	9·23	3 18 –	6 7 –
38	39	·56	5 6	9 5	9·36	4 1 –	6 14 –
39	40	·59	5 11	10 2	9·50	4 4 –	7 – –
40	41	·63	6 5	10 11	9·66	4 7 –	7 6 –
41	42	·67	6 11	11 9	9·83	4 11 –	7 13 –
42	43	·72	7 5	12 9	10·03	4 14 –	7 19 –
43	44	·78	8 –	13 9	10·24	4 18 –	8 5 –
44	45	·84	8 9	15 –	10·47	5 1 –	8 12 –
45	46	·91	9 7	16 5	10·70	5 5 –	8 18 –
46	47	·99	10 6	18 –	10·96	5 9 –	9 5 –
47	48	1·09	11 7	19 10	11·22	5 13 –	9 12 –
48	49	1·20	12 10	1 2 –	11·50	5 18 –	9 19 –
49	50	1·33	14 5	1 4 7	11·79	6 2 –	10 7 –
50	51	1·49	16 3	1 7 10	12·10	6 7 –	10 14 –
51	52	1·69	18 7	1 11 9	12·41	6 12 –	11 2 –
52	53	1·95	1 1 6	1 16 8	12·73	6 17 –	11 11 –
53	54	2·28	1 5 4	2 3 2	13·06	7 2 –	12 – –
54	55	2·73	1 10 7	2 11 11	13·40	7 8 –	12 9 –

Regulations 17 and 33 SECOND SCHEDULE

NATIONAL INSURANCE MODIFICATIONS—FORM OF NOTICE BY EXISTING TEACHERS

PRESCRIBED FORM OF NOTICE TO BE GIVEN BY AN EXISTING TEACHER THAT HE DESIRES NATIONAL INSURANCE MODIFICATIONS OF THE PROVISIONS OF THE EDUCATION (SCOTLAND) ACT, 1946, AND THE TEACHERS (SUPERANNUATION) (SCOTLAND) REGULATIONS, 1957, AND OTHER INSTRUMENTS TO APPLY TO HIM.

I, ...

Date of birth .....

Superannuation No. .....

being

* (i) a teacher to whom Part III of the Teachers (Superannuation) (Scotland) Regulations, 1957, applies,

* (ii) an existing teacher within the meaning of Regulation 33 of the Teachers (Superannuation) (Scotland) Regulations, 1957,

hereby notify the Secretary of State that I desire to be classed as a teacher of the second category within the meaning of Regulation 17 or Regulation 33 of the said Regulations. I understand that the modifications of the Education (Scotland) Act, 1946, the said Regulations and other instruments relating to the superannuation of teachers made in consequence of the passing of the National Insurance Act, 1946, will apply to me, and that this notice is irrevocable.

Signed .....

Date .....

Address .....

.....

.....

* Delete whichever is inapplicable.

Regulation 33 THIRD SCHEDULE

NATIONAL INSURANCE MODIFICATIONS—FORM OF NOTICE BY CIVIL SERVANTS

PRESCRIBED FORM OF NOTICE TO BE GIVEN BY A PERSON WHO BECOMES EMPLOYED IN FIRST CLASS SERVICE WITHIN TWELVE MONTHS OF CEASING TO SERVE IN THE CAPACITY OF A CIVIL SERVANT THAT HE DESIRES NATIONAL INSURANCE MODIFICATIONS OF THE PROVISIONS OF THE EDUCATION (SCOTLAND) ACT, 1946, THE TEACHERS (SUPERANNUATION) (SCOTLAND) REGULATIONS, 1957, AND OTHER INSTRUMENTS TO APPLY TO HIM.

I, ...

Date of birth .....

Superannuation No. .....

being a person who has become employed in first class service within the meaning of the Teachers (Superannuation) (Scotland) Regulations, 1957, within twelve months of ceasing to serve in the capacity of a civil servant and has not been subject to the modified scheme of superannuation as a civil servant, hereby notify the Secretary of State that I desire to be classed as a teacher of the second category within the meaning of Regulation 33 of the said Regulations. I understand that the modifications of the Education (Scotland) Act, 1946, the said Regulations and other instruments relating to the superannuation of teachers made in consequence of the passing of the National Insurance Act, 1946, will apply to me, and that this notice is irrevocable.

Signed .....

Date .....

Address .....

.....

.....

Regulations 22 and 42 **FOURTH SCHEDULE**

NATIONAL INSURANCE MODIFICATIONS—REDUCTIONS IN PENSIONS

Age of existing teacher at date on which National Insurance modifications first applied to him		Reduction of pension for each year of first class service after National Insurance modifications first applied to the teacher	
Age attained (1)	Age not attained (2)	Men (3)	Women (4)
		£ s. d.	£ s. d.
	21	1 14 0	1 14 0
21	22	1 13 0	1 12 0
22	23	1 12 0	1 10 6
23	24	1 11 0	1 9 0
24	25	1 10 0	1 7 6
25	26	1 9 6	1 6 0
26	27	1 9 0	1 4 6
27	28	1 8 6	1 3 6
28	29	1 8 0	1 2 6
29	30	1 7 0	1 1 6
30	31	1 6 6	1 0 6
31	32	1 6 0	19 6
32	33	1 5 6	19 0
33	34	1 5 0	18 6
34	35	1 4 6	18 0
35	36	1 4 0	17 6
36	37	1 3 6	17 0
37	38	1 3 0	16 6
38	39	1 2 6	16 0
39	40	1 2 0	15 6
40	41	1 1 6	15 0
41	42	1 1 6	14 6
42	43	1 1 0	14 6
43	44	1 0 6	14 0
44	45	1 0 0	14 0
45	46	19 6	13 6
46	47	19 0	13 0
47	48	19 0	13 0
48	49	18 6	12 6
49	50	18 6	12 6
50 and over		18 6	12 0

Regulation 45

FIFTH SCHEDULE

EXCHANGE OF LUMP SUM FOR ADDITIONAL PENSION

Age at date of retirement		Additional pension for each £100 of lump sum awarded	
Age attained (1)	Age not attained (2)	Men (3)	Women (4)
		£ s. d.	£ s. d.
	35	4 16 4	4 11 11
35	40	5 2 7	4 16 10
40	45	5 10 2	5 2 10
45	50	6 0 10	5 10 6
50	55	6 14 8	6 0 6
55	56	7 5 5	6 8 2
56	57	7 9 3	6 11 2
57	58	7 13 10	6 14 3
58	59	7 18 1	6 17 5
59	60	8 2 7	7 1 4
60	61	8 8 1	7 4 11
61	62	8 13 2	7 9 3
62	63	8 19 4	7 13 10
63	64	9 5 2	7 18 9
64	65	9 11 4	8 3 11
65	66	9 19 0	8 9 6
66	67	10 6 2	8 15 5
67	68	10 13 11	9 1 10
68	69	11 3 6	9 8 8
69	70	11 12 7	9 17 0

Regulation 63

SIXTH SCHEDULE

REVOCATIONS

Registered Number (1)	Description (2)	Extent of Revocation (3)
S.I. 1951/292 (1951 II, p. 173).	The Superannuation (Teaching and Local Government) (Scotland) Rules, 1951.	Rule 24.
S.I. 1951/1355 (1951 II, p. 170).	The Superannuation (Teaching and Health Education) (Scotland) Rules, 1951.	Rule 4.
S.I. 1952/464 (1952 I, p. 873).	The Superannuation Scheme for Teachers (Scotland), 1952, Approval Order, 1952.	The whole Order and Scheme.
S.I. 1952/2149 (1952 I, p. 919).	The Superannuation (Teaching and Public Boards) (Scotland) Rules, 1952.	Rule 16.

APPENDIX

TABLE OF STATUTES, STATUTORY RULES AND ORDERS, AND STATUTORY INSTRUMENTS REFERRED TO IN THESE REGULATIONS

Statutes

Short Title	Session and Chapter
The Interpretation Act, 1889	52 & 53 Vict. c. 63.
The Elementary School Teachers (Superannuation) Act, 1898	61 & 62 Vict. c. 57.
The Education (Scotland) Act, 1908	8 Edw. 7. c. 63.
The Bankruptcy (Scotland) Act, 1913	3 & 4 Geo. 5. c. 20.
The Education (Scotland) (War Service Superannuation) Act, 1914	4 & 5 Geo. 5. c. 67.
The Education (Scotland) Act, 1918	8 & 9 Geo. 5. c. 48.
The Education (Scotland) (Superannuation) Act, 1919	9 & 10 Geo. 5. c. 17.
The Education (Scotland) (Superannuation) Act, 1922	12 & 13 Geo. 5. c. 48.
The Education Act (Northern Ireland), 1923	13 & 14 Geo. 5. c. 21 (N.I.).
The Education (Scotland) (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 55.
The Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
The Unemployment Act, 1934	24 & 25 Geo. 5. c. 29.
The Unemployment Insurance Act, 1935	25 & 26 Geo. 5. c. 8.
The Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
The Teachers (Superannuation) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 47.
The Local Government Superannuation (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 69.
The Education (Scotland) (War Service Superannuation) Act, 1939	2 & 3 Geo. 6. c. 96.
The Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
The Education (Scotland) Act, 1945	8 & 9 Geo. 6. c. 37.
The Superannuation Act, 1946	9 & 10 Geo. 6. c. 60.
The National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
The Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
The National Service Act, 1948	11 & 12 Geo. 6. c. 64.
The Teachers (Superannuation) Act (Northern Ireland), 1950	14 & 15 Geo. 6. c. 33 (N.I.).
The Pensions (Increase) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 45.
The Pensions (Increase) Act, 1956	4 & 5 Eliz. 2. c. 39.
The Teachers (Superannuation) Act, 1956	4 & 5 Eliz. 2. c. 53.
The Education (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 75.
The Teachers (Superannuation) (Amendment) Act (Northern Ireland), 1956	5 Eliz. 2. c. 22 (N.I.).

Statutory Rules and Orders, and Statutory Instruments

Short Title	Year, Number and Volume Reference
The Superannuation Scheme for Teachers in Scotland, 1919	See S.R. & O. 1919/1105 (1919 I, p. 688).
The Code of Regulations for Continuation Classes in Scotland, 1926	S.R. & O. 1925/1366 (1925, p. 313).
The Superannuation Scheme for Teachers (Scotland), 1926	See S.R. & O. 1926/363 (1926 p. 449).

Short Title	Year, Number and Volume Reference
The Teachers' Superannuation (Reciprocal Arrangements) Scheme, 1929 (Northern Ireland) ...	S.R. & O. (N.I.) 1929/54.
The Teachers Superannuation (Colonial Reciprocity) Scheme, 1933	S.R. & O. 1933/422 (Rev. VI, p. 463: 1933 p. 781).
The Adult Education (Scotland) Regulations, 1934	S.R. & O. 1934/1343 (Rev. VI, p. 617: 1934 I, p. 549).
The Code of Regulations for Continuation Classes in Scotland, 1936	S.R. & O. 1936/791 (Rev. VI, p. 627: 1936 I, p. 911).
The Adult Education (Scotland) (Residential Institutions) Regulations Minute, 1938	S.R. & O. 1938/811 (Rev. VI, p. 621: 1938 I, p. 1188).
The Day Schools (Scotland) Code Minute, 1939	S.R. & O. 1939/422 (Rev. VI, p. 638: 1939 I, p. 695).
The National Insurance Act, 1946 (Appointed Day) Order, 1948	S.I. 1948/54 (Rev. XVI, p. 1: 1948 I, p. 2615).
The National Health Service (Scotland) (Superannuation) Regulations, 1948	S.I. 1948/412 (Rev. XV, p. 1050: 1948 I, p. 2478).
The National Insurance (Modification of Teachers Pensions) Regulations, 1948	S.I. 1948/889 (Rev. XVI, p. 298: 1948 I, p. 2851).
The Teachers' Pensions (National Insurance Modifications) (Scotland) Regulations, 1948	S.I. 1948/944 (Rev. VI, p. 823: 1948 I, p. 812).
The Superannuation (Teaching and Local Government) (Scotland) Rules, 1951	S.I. 1951/292 (1951 II, p. 173).
The Adult Education (Scotland) (Residential Institutions) Grant Regulations, 1951	S.I. 1951/740 (1951 I, p. 605).
The Superannuation Scheme for Teachers (Scotland), 1952	See S.I. 1952/464 (1952 I, p. 873).
The Superannuation Rules for Teachers (Scotland) 1952	S.I. 1952/567 (1952 I, p. 865).
The Superannuation (Teaching and Public Boards) (Scotland) Rules, 1952	S.I. 1952/2149 (1952 I, p. 919).
The Further Education (Scotland) Code, 1952 ...	S.I. 1952/2201 (1952 I, p. 854).
The Teachers' Salaries (Scotland) Regulations, 1954	S.I. 1954/403 (1954 I, p. 765).
The National Health Service (Superannuation) (Scotland) Regulations, 1955	S.I. 1955/1143 (1955 I, p. 1470).
The Teachers' Salaries (Scotland) Regulations, 1956	S.I. 1956/1656 (1956 I, p. 768).

EXPLANATORY NOTE

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

These Regulations revoke the Superannuation Scheme for Teachers (Scotland), 1952. They repeat the provisions of that Scheme with the amendments (other than the inclusion of provisions for the payment of pensions to the widows or widowers and the children or other dependants of teachers) provided for in sections 33, 34 and 35 of the Teachers (Superannuation) Act, 1956, and consequential amendments.

The principal changes are—pensionable salary becomes the average salary for the last three years of service instead of the last five years; the maximum age of retirement is raised from 65 to 70; the maximum number of years of service which may be counted in the calculation of pension is raised from 40 to 45 and within that maximum the total service which may be counted is no longer restricted to completed years; the maximum number of years which may be counted in the calculation of lump sum remains 45, but the rate for each year of service after 30th September, 1956, is raised from 1/30th to 3/80ths of pensionable salary; although a teacher to whom a retiring allowance is awarded on grounds of infirmity has not completed 20 years of service his pension and lump sum are calculated on a period of 20 years or such shorter period as he could have completed if he had remained in service until he had reached the age of 65; by paying additional contributions a teacher may secure that a period during which, before entering service, he was gaining experience which, in the opinion of the Secretary of State, is of value to him as a teacher is treated as service for the purpose of calculating his pension; the surrender of part of a pension in exchange for benefits for spouse and dependants can be arranged when the teacher reaches the age of 60 instead of when he retires, and the benefits are payable although the teacher's health deteriorates before he retires or although he dies in service; a lump sum may be surrendered in exchange for additional pension; and a teacher returning to service after retirement is able to draw so much of his pension as, with his salary, is equal to his salary on retirement.

In exercise of the power given by subsection (2) of section 101 of the Education (Scotland) Act, 1946, as amended by section 10 of the Education (Scotland) Act, 1956, the Secretary of State has prescribed that the Regulations shall come into operation retrospectively with effect from 1st October, 1956, the date upon which the Teachers (Superannuation) Act, 1956, came into operation.

1957 No. 583 (S. 29)

The Teachers (Superannuation) (Scotland) Rules, 1957

Made - - - - 4*th April*, 1957
Coming into Operation 12*th April*, 1957

ARRANGEMENT OF RULES

Introductory

Rule

1. Interpretation.
2. Definitions.

General Rules

3. Evidence of age.
4. Evidence of physical capacity.
5. Extension of time limits.
6. Use of forms.