STATUTORY INSTRUMENTS

1975 No. 1352 (S. 200)

EDUCATION, SCOTLAND

The Teachers Superannuation (Service Credit) (Scotland) Regulations 1975

Made - - -	*6th August* 1975
Laid before Parliament	*21st August* 1975
Coming into Operation	*11th September* 1975

In exercise of the powers conferred on me by section 9 of the Superannuation Act 1972(**a**) and of all other powers enabling me in that behalf, with the consent of the Minister for the Civil Service and after consultation with representatives of education authorities and of teachers and with such representatives of other persons likely to be affected as appear to me to be appropriate, I hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Teachers Superannuation (Service Credit) (Scotland) Regulations 1975 and these regulations and the Teachers Superannuation (Scotland) Regulations 1969 to 1974(**b**) may be cited together as the Teachers Superannuation (Scotland) Regulations 1969 to 1975.

(2) These regulations shall come into operation on 11th September 1975.

(3) Expressions used in these regulations which are used in the Teachers Superannuation (Scotland) Regulations 1969 to 1974 shall, as the context may require, have the meanings respectively assigned to them by those regulations.

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

Excess contributions paid by teachers

2.—(1) Except as is provided in regulation 3 of these regulations a teacher who paid contributions at the rate of 6½ per cent under regulation 5(2) (teacher's contribution) of the Teachers Superannuation (Financial Provisions) (Scotland) Regulations 1972(**d**) as amended by regulation 3(*a*) of the Teachers Superannuation (Financial Provisions and Family Benefits) (Scotland) Regulations 1972(**e**) during any period between 1st December 1973 and 31st March 1974 inclusive shall not, by reason of the Teachers Superannuation (Contributions) (Scotland) (No. 2) Regulations 1974(**f**) (which reduced the teacher's contributions from 6½ per cent to 6 per cent with effect from 1st December 1973) be entitled to be repaid the excess of his contributions over the amount which would have been paid by him at the rate of 6 per cent, but shall instead be treated in

(**a**) 1972 c. 11.

(**b**) S.I. 1969/77, 659, 1971/1995, 1972/551, 1239, 1973/547, 1974/1135, 1993, 1994 (1969 I, p. 133; II, p. 1820; 1971 III, p. 5683; 1972 I, p. 1855; II, p. 3738; 1973 I, p. 1738; 1974 II, p. 4315; III, pp. 6981, 6985).

(**c**) 1889 c. 63.

(**d**) S.I. 1972/ 551 (1972 I, p. 1855).

(**e**) S.I. 1972/1239 (1972 II, p. 3738).

(**f**) S.I. 1974/1994 (1974 III, p. 6985).

accordance with paragraph (2) of this regulation as having purchased added years for the purposes of regulation 3(1) of the Teachers Superannuation (Added Years and Interchange) (Scotland) Regulations 1974(a).

(2) A teacher who at any time between 1st December 1973 and 31st March 1974 inclusive was employed in reckonable service for any number of days of reckonable service specified in the first column below shall be treated as having purchased the number of days specified in the corresponding entry in the second column.

Less than 12	0
12– 35	1
36– 59	2
60– 83	3
84–107	4
more than 107	5

(3) This regulation shall have effect notwithstanding anything in regulation 2(2) (permitted maximum) of the Teachers Superannuation (Added Years and Interchange) (Scotland) Regulations 1974; but in any case where, by reason of the operation of paragraphs (1) and (2) of this regulation, the reckonable service of a teacher before he attains the age of 60 exceeds 40 years, the provisions for the payment of contributions contained in regulations 9, 10 or 11 (as the case may be) of those regulations shall be modified accordingly.

Exceptions to regulation 2

3.—(1) So much of the contributions paid during the period between 1st December 1973 and 31st March 1974 by a teacher under regulation 30 (intervals of service) of the Teachers Superannuation (Scotland) Regulations 1969(b) as amended(c) as are treated by virtue of paragraph (4) of that regulation as having been paid by way of teacher's contributions shall be treated as having been paid at the rate of 6 per cent of the teacher's salary (within the meaning of paragraph (2) of that regulation); and accordingly regulation 2 of these regulations shall not apply to a teacher in respect of any part of that period in respect of which he paid such contributions.

(2) Regulation 2 of these regulations shall not apply to any teacher who paid contributions at the rate of $6\frac{1}{2}$ per cent instead of at 6 per cent in respect of any period of reckonable service between 1st December 1973 and 31st March 1974 inclusive and who, before the operative date of these regulations, has received a repayment of his excess contributions.

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

New St. Andrew's House,
Edinburgh.

4th August 1975.

(a) S.I. 1974/1135 (1974 II, p. 4315). (b) S.I. 1969/77 (1969 I, p. 133).
(c) The relevant amending instrument is S.I. 1974/1135 (1974 II, p. 4315).

Consent of the Minister for the Civil Service given under his Official Seal on 6th August 1975.

K. H. McNeill,
Authorised by the Minister for the Civil Service.

(L.S.)

EXPLANATORY NOTE

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

These Regulations provide, with certain exceptions, for a teacher who was employed in reckonable service at any time during the period 1st December 1973 to 31st March 1974 to be credited with an addition to his reckonable service in lieu of receiving a repayment of the excess contributions paid by him during that period as a result of the alteration in the teacher's contribution rate provided for in the Teachers Superannuation (Contributions) (Scotland) (No. 2) Regulations 1974 (which had retrospective effect).

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