STATUTORY INSTRUMENTS

1975 No. 872 (S. 155)

EDUCATION, SCOTLAND

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

Made - - - -	*15th May* 1975
Laid before Parliament	*29th May* 1975
Coming into Operation	*20th June* 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 bodies likely to be affected as appear to me to be appropriate, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Teachers Superannuation (War Service) (Scotland) Regulations 1975 and shall come into operation on 20th June 1975.

Interpretation

2.—(1) In these regulations—

"the Added Years and Interchange Regulations" means the Teachers Superannuation (Added Years and Interchange) (Scotland) Regulations 1974(**b**), as amended(**c**);

"the Family Benefits Amendment Regulations" means the Teachers Superannuation (Family Benefits) (Scotland) Amendment Regulations 1973(**d**), as amended(**e**);

"war service" means such service over the age of 18 as is mentioned in section 1 of the Superannuation Act 1946(**f**) at any time between 1st September 1939 and 31st March 1949 (both dates inclusive), but does not include any service which was, or is, reckonable service, or was, or is treated as, contributory service (within the meaning of the Teachers' Superannuation Regulations 1967–1974(**g**)) or in respect of which a naval pension, a service pension (within the meaning of the Recall of Army and Air Force Pensioners Act 1948(**h**)) or retired pay is payable;

(**a**) 1972 c. 11.
(**b**) S.I. 1974/1135 (1974 II, p. 4315).
(**c**) The amending instrument is not relevant to the subject matter of these Regulations.
(**d**) S.I. 1973/2078 (1973 III, p. 7164).
(**e**) The relevant amending instrument is S.I. 1975/98 (1975 I, p. 292).
(**f**) 1946 c. 60.
(**g**) S.I. 1967/489, 1286, 1968/1353, 1969/80, 1970/10, 753, 1971/403, 1972/568, 1092, 1960, 1974/260, 390 (1967 I, p. 1562; II, p. 3721; 1968 II, p. 3753; 1969 I, p. 241; 1970 I, p. 11; II, p. 2394; 1971 I, p. 1206; 1972 I, p. 1892; II, p. 3223; III, p. 5853; 1974 I, pp. 831; 1227).
(**h**) 12, 13 & 14 Geo. 6. c. 8.

and other expressions used in these regulations which are used in the Teachers Superannuation (Scotland) Regulations 1969 to 1974(**a**) or the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971 to 1975(**b**) shall, as the context may require, have the meanings respectively assigned to them by those regulations.

(2) References in these regulations to a regulation or to a paragraph shall, unless the context otherwise requires, be construed as references to a regulation of these regulations, or to a paragraph of that regulation in which the paragraph occurs, as the case may be.

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

War service to count for benefits

3.—(1) Subject to paragraph (2) and regulation 6, any war service of a teacher to whom this regulation applies shall be treated as half that period of reckonable service for the purpose of calculating—

(*a*) the amount of any allowance or gratuity payable by virtue of the Teachers Superannuation (Scotland) Regulations 1969 to 1974;

(*b*) any transfer value payable by virtue of regulation 24 of the Added Years and Interchange Regulations; and

(*c*) in a case to which regulation 8 applies, any pension payable by virtue of the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1971 to 1975 to which that regulation applies—

being an allowance (other than an additional allowance), gratuity, transfer value or pension payable after 31st August 1974 or an additional allowance whenever paid or payable.

(2) This regulation does not apply if the first period of reckonable service referred to in regulation 4 is not treated as reckonable service for the purpose of calculating any such allowance, gratuity, transfer value or pension as is mentioned in paragraph (1).

Application of regulation 3

4.—(1) Regulation 3 applies to any teacher who, after war service and without having first been employed in service which is or was pensionable under a scheme for the superannuation of teachers in any other part of the British Islands, was first employed in reckonable service—

(*a*) before 1st July 1950; or

(*b*) after 30th June 1950 on the completion of a course leading to certification as a teacher under the Regulations for the Preliminary Education, Training and Certification of Teachers for Various Grades of Schools (Scotland) 1931(**d**), as amended(**e**), being—

(**a**) 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).

(**b**) S.I. 1971/1775, 1972/442, 1239, 1973/547, 2078, 1974/1135, 1975/98 (1971 III, p. 4813; 1972 I, p. 1644; II, p. 3738; 1973 I, p. 1738; III, p. 7164; 1974 II, p. 4315; 1975 I, p. 292).

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

(**d**) S.R. & O. 1931/180 (Rev. VI, p. 758: 1931, p. 363).

(**e**) S.R. & O. 1940/1728, 1943/726, 1503, 1947/128, S.I. 1949/1909 (Rev. VI, p. 758: 1940 I, p. 378; 1943 I, p. 253; Rev.VI, p. 776; I, p. 254; 1947 I, p. 629; 1949 I, p. 1565).

(i) a course provided under the Supply of Teachers (Emergency Arrangements) (Scotland) Regulations 1947(**a**); or the scheme for the emergency recruitment and training of teachers established by the Ministry of Education; or any scheme to like effect established by the Ministry of Education, Northern Ireland; or

(ii) a course in respect of which grants were paid to him under the Further Education and Training Scheme administered by the Scottish Education Department or under the Ministry of Education (Further Education and Training) Grant Regulations 1946(**b**) for the purpose of training him for a teaching career; or

(iii) a course which he had begun before 1st July 1950; or

(iv) if he had begun the final year of the course before 1st November 1950, any such course as is mentioned in regulation 30(1) (four year first degree and teacher training courses) of the Training of Teachers Grant Regulations 1948(**c**).

(2) In this regulation "teacher" includes a person who was in reckonable service, or in receipt of allowances under the Teachers Superannuation (Scotland) Regulations 1969–1974, at any time from 1st September 1974 until 20th June 1975 (both dates inclusive).

(3) Any question arising under this regulation as to whether a teacher became employed in reckonable service on completion of a course to which paragraph (1) applies shall be decided by the Secretary of State and his decision shall be final.

Contributions in respect of war service

5.—(1) For the purpose of defraying the costs of the increase in any benefits which is payable by virtue of regulation 3(1)(*a*) or (*b*), there shall be deducted from the additional allowance or gratuity payable to or in respect of the teacher an amount equal to the aggregate of—

(*a*) $3\frac{3}{4}$ per cent. of the aggregate remuneration in respect of war service which would have been received by a teacher in receipt of a salary at an annual rate of £200 (if the teacher is a man) or £175 (if the teacher is a woman) during that period; and

(*b*) compound interest on that sum at the rate of $3\frac{1}{2}$ per cent. per annum with yearly rests from 1st July 1950 until what is in the case of that teacher the relevant date as provided by paragraph (2).

(2) The relevant date as regards any teacher is—

(*a*) the date of the payment of the allowance or gratuity from which the deduction falls to be made; or

(*b*) in the case of a teacher in respect of whom after 31st August 1974 a transfer value falls to be paid by the Secretary of State under regulation 24 (payment of transfer values) of the Added Years and Interchange Regulations, the date on which he becomes subject to the approved superannuation scheme mentioned in paragraph (1) of that regulation; or

(*c*) in the case of a teacher who on 1st September 1974 was in receipt of allowances awarded to him on or before that date, 1st September 1974.

(**a**) S.I. 1947/127 (1947 I, p. 631).
(**b**) S.R. & O. 1946/1291 (Rev. VI, p. 518: 1946 I, p. 392).
(**c**) S.I. 1948/1704 (Rev. VI, p. 570: 1948 I, p. 736).

Exception

6. Unless regulation 8 applies, regulations 3 and 5 shall not apply to any period of war service of a teacher if, apart from this regulation, the annual allowance payable to or in respect of him would not be more, or the death gratuity payable in respect of him would be less, than it would have been if those regulations had not applied to that period.

Elections

7.—(1) A teacher may—

(*a*) notwithstanding the provisions of regulation 7 of the Family Benefits Amendment Regulations make a first election for the purposes of regulations 4, 5 or 6 of those regulations;

(*b*) notwithstanding the provisions of regulation 7 of the Added Years and Interchange Regulations, but subject to regulation 6(1) of those regulations, make a first or further election for the purposes of regulation 6 or 12 of those regulations.

(2) A further election made in pursuance of paragraph (1)(*b*) may not reduce the number of added years which the teacher elected to purchase by more than half his war service.

(3) Any election made by virtue of this regulation shall be made not later than 19th December 1975 and shall otherwise comply with the provisions above referred to relating to such elections.

Family Benefits

8.—(1) If a teacher to whom this regulation applies so elects, regulation 3 shall apply for the calculation of the amount of pension payable in respect of him under regulation 19 (amount of pension for widow or adult beneficiary) and 20 (amount of child's pension) of the Family Benefits Amendment Regulations.

(2) This regulation applies to—

(*a*) any teacher the whole of whose reckonable service would in the event of his death count for benefit for the purposes of regulation 19 of the Family Benefits Amendment Regulations;

(*b*) any teacher in receipt of an annual allowance awarded after 31st March 1965 who either—

(i) paid additional contributions under the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1965(**a**), or 1967(**b**), or 1969(**c**), or 1971(**d**) in respect of the whole of his past or previous service as respectively defined in those regulations; or

(ii) elected under regulation 24(2) of the Superannuation (Teachers and Teachers' Families) (Scotland) Regulations 1973(**e**) as originally made that on his death a pension was to be paid to his widow.

(3) In any case where a teacher makes an election for the purposes of this regulation the allowance or gratuity payable to or in respect of him shall be further reduced by the amount determined by the Government Actuary as the

(**a**) S.I. 1965/680 (1965 I, p. 2104).
(**b**) S.I. 1967/901 (1967 II, p. 2653).
(**c**) S.I. 1969/78 (1969 I, p. 192).
(**d**) S.I. 1971/1775 (1971 III, p. 4813).
(**e**) S.I. 1973/547 (1973 I, p. 1738).

actuarial cost of the increase in the amount of any pension which is payable by virtue of this regulation.

(4) An election for the purposes of this regulation shall be made in writing and delivered to the Secretary of State so as to be received by him before the payment of the allowance or gratuity from which the reduction falls to be made.

(5) If the teacher dies without having made an election, the election may be made by his widow and paragraphs (3) and (4) shall apply with the necessary modifications accordingly.

William Ross,

One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
15th May 1975.

Consent of the Minister for the Civil Service given under his Official Seal on 15th May 1975.

(L.S.)

K. H. McNeill,

Authorised by the Minister for the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These Regulations provide for specific types of war service of certain teachers who became employed in teaching after completing that service to count for the purpose of calculating the superannuation benefits payable to or in respect of them.

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