

ELIZABETH II



1968 CHAPTER 12

An Act to amend the law in Scotland relating to the superannuation and other benefits payable to or in respect of teachers and certain other persons employed in connection with the provision of educational services, and for connected purposes. [13th March, 1968]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

PERSONAL SUPERANNUATION BENEFITS

1.—(1) There shall be payable by the Secretary of State to or in respect of teachers such superannuation benefits as may, in accordance with this Part of this Act, be provided for by regulations made by him.

(2) Regulations so made shall make provision for determining the service which is to be reckonable service for the purpose of enabling teachers to qualify for superannuation benefits under the regulations or for other purposes of this Part of this Act, and the period of reckonable service which must be completed and any other requirements which must be fulfilled to entitle a teacher or his personal representatives to superannuation benefits.

(3) Subject to the last foregoing subsection, the regulations made for the purposes of this section shall provide—

- (a) for the payment of allowances in accordance with section 2 of this Act to retired teachers who have attained such age as may be prescribed for this purpose ; and

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- (b) for the payment of allowances in accordance with that section to retired teachers who, before attaining such age as may be prescribed for this purpose, have become, in the opinion of the Secretary of State, incapacitated ; and
- (c) for the payment of gratuities to retired teachers who, before attaining the age of seventy, have become, in the opinion of the Secretary of State, incapacitated, and are not entitled to the allowances above referred to ; and
- (d) for the payment of gratuities to the personal representatives of teachers who die while still employed in reckonable service or who die in such other circumstances as may be prescribed.

(4) The inclusion in the following provisions of this Act of any specific power to make regulations shall not be taken as prejudicing the generality of the power to make regulations under this section.

(5) For the purposes of this Part of this Act—

“retired teacher” means a teacher who has ceased to be employed in reckonable service ; and

“incapacitated” means permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

Annual and additional allowances.

2.—(1) The allowances payable to retired teachers in accordance with regulations made by virtue of section 1(3)(a) and (b) of this Act shall consist of an annual allowance for life and an additional allowance by way of lump sum payment, both allowances being calculated by reference to the period of the teacher's reckonable service and to his average salary.

(2) The rate of the annual allowance shall not exceed an amount equal to one-eightieth of the average salary multiplied by the number of years (subject to the maximum specified in subsection (4) of this section) of the reckonable service.

(3) The amount of the additional allowance shall not exceed an amount equal to the appropriate fraction of the average salary multiplied by the number of years (subject to the maximum specified in subsection (4) of this section) of the reckonable service, and the appropriate fraction is three-eightieths for service on or after 1st October 1956 and one-thirtieth for service before that date.

(4) Subject to subsection (5) of this section, for the purpose of calculating the amount of the annual allowance and of the

additional allowance, no account shall be taken of any reckonable service—

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- (a) beyond a total of forty-five years ; or
- (b) beyond a total of forty years before attaining the age of sixty years.

(5) For the purpose of calculating additional allowances in the case of teachers whose reckonable service includes service before 1st October 1956—

- (a) any service to be disregarded by virtue of subsection (4)(a) of this section shall be taken from the beginning of the period of the reckonable service ; and
- (b) subsection (4)(b) of this section shall not apply, but the amount of the additional allowance so far as attributable to service before attaining the age of sixty shall not exceed one-and-a-half times the average salary.

(6) Where a teacher becomes entitled to the allowances as having become incapacitated, and does so before attaining the age of sixty-five and without having completed twenty years of reckonable service, the allowances shall be calculated as if the teacher had completed such period of reckonable service not exceeding twenty years as may be prescribed, and (in order to determine the appropriate fraction for calculating the additional allowance) as if the additional period of reckonable service had been a continuous period immediately preceding the actual commencement of the reckonable service.

3.—(1) For the purpose of defraying the cost of superannuation benefits payable by the Secretary of State under this Part of this Act, contributions shall be paid to the Secretary of State by teachers and their employers in accordance with the following provisions of this section. Financing of benefits.

(2) Contributions under this section shall be payable only in respect of teachers to whom regulations made under this Part of this Act for the time being apply.

(3) Subject to the provisions of this Part of this Act, the contributions payable in respect of a teacher by the teacher shall be of an amount equal to six per cent. of his salary for the time being ; but regulations shall—

- (a) provide that, in such cases and on such conditions as may be prescribed, contributions paid by a teacher shall be repaid to him or to his personal representatives if he has ceased to be employed in reckonable service without any allowance or gratuity becoming payable to or in respect of him under this Part of this Act ; and
- (b) provide for determining the method by which the amount to be repaid in respect of those contributions and of interest thereon is to be ascertained.

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(4) Subject to the provisions of this Part of this Act, the contributions payable in respect of a teacher by his employer shall be of an amount equal to six per cent. of the teacher's salary for the time being, together with any supplementary contributions required as mentioned in section 5(3) of this Act and calculated by reference to the teacher's salary for the time being.

Calculation of salary and average salary.

4.—(1) For the purposes of this Part of this Act, the salary of a teacher shall be taken, subject to subsection (2) of this section, to be the aggregate of the emoluments, whether in money or in kind, receivable by the teacher in respect of his employment in reckonable service, but shall exclude such moneys or other emoluments as may be prescribed :

Provided that the Secretary of State shall have power in such cases as he may think fit to make a direction disapplying any such exclusion.

(2) Where a teacher is by reason of sickness receiving less than his full salary, then, for the purpose of calculating the amounts payable by way of contributions in respect of him under section 3 of this Act, the amount which he is so receiving shall be deemed to be his salary.

(3) Subject to the following provisions of this section, the average salary of a teacher for the purposes of regulations under this Act shall be taken to be the average amount of his full salary calculated under subsection (1) of this section, in respect of his employment in reckonable service or other prescribed service during the three years of such service (whether continuous or not) next preceding the commencement of any annual allowance, or the grant of any additional allowance or gratuity, payable under this Part of this Act.

(4) If a teacher has not been employed in reckonable service or other prescribed service for three years or more, his average salary shall be calculated by reference to the period during which he has been so employed ; and regulations may provide that, in the case of a teacher who has completed forty-five years' service of a prescribed description, his average salary shall be calculated by reference to a period determined under the regulations instead of the period appropriate under subsection (3) of this section.

(5) If, in the opinion of the Secretary of State, the salary of a teacher has been unreasonably increased in respect of his employment during any period to be taken into account in calculating his average salary, the salary on which his average salary is to be computed shall be deemed to be such amount as the Secretary of State considers to be proper.

(6) Regulations may make provision containing such conditions as may be prescribed enabling a teacher who suffers a reduction in his salary while continuing to be employed, or upon being re-employed, in reckonable service, or upon being employed in reckonable service after employment in such other service as may be prescribed, to elect to be treated for the purposes of any obligation to pay contributions and any entitlement to superannuation benefits as if he were in receipt of the salary at which he was last employed before the reduction :

Provided that the teacher may at any time withdraw an election made under this subsection in such manner as may be prescribed.

5.—(1) An account shall be kept of the revenue and expenditure under this Part of this Act as provided by Part I of Schedule 1 to this Act. Accounts and actuarial inquiries.

(2) The Secretary of State shall cause an actuarial inquiry and report thereon to be made every five years, as provided by Part II of Schedule 1 to this Act, for the purpose of determining—

(a) whether, on the basis of the teachers superannuation account, the contributions payable under section 3 of this Act are sufficient, more than sufficient, or less than sufficient to support the expenditure required to be included in that account so far as attributable to service on or after 1st June 1922 ; and

(b) if those contributions are found, as provided by Part II of Schedule 1 to this Act, to be not sufficient, what supplementary contributions are required from employers to make good the deficiency as so provided.

(3) Where a report requires supplementary contributions to be paid by employers, such contributions shall be required in respect of any period after the expiry of the accounting period in which the report is made and before the expiry of the accounting period in which the next subsequent report is made in pursuance of this section.

(4) The Secretary of State shall cause to be laid before each House of Parliament the report made on each actuarial inquiry held in pursuance of this section.

6. Regulations may make any of the provisions specified in Schedule 2 to this Act, which relate to liability for contributions and to reducing, suspending, withholding or ending superannuation benefits under this Part of this Act in certain cases. Provisions relating to contributions and benefits.

PART II

PENSIONS FOR WIDOWS AND OTHER DEPENDANTS

Pensions for widows, widowers, children and dependants.

7.—(1) The Secretary of State may provide by regulations for the payment of pensions of such amounts, in such cases and subject to such conditions as may be prescribed, to or in respect of the widows or widowers and the children or other dependants of teachers who die on or after 1st April 1965.

(2) Regulations under this section shall provide for the establishment of a fund—

- (a) into which shall be paid all contributions received by the Secretary of State as mentioned in section 8 of this Act and such other sums as may be prescribed; and
- (b) out of which shall be paid the pensions referred to in subsection (1) of this section and such other sums as may be prescribed.

(3) Regulations under this section—

- (a) shall provide for the establishment of a board of management to undertake the management of the fund and to exercise such other powers and functions in relation to the pensions referred to in subsection (1) of this section as may be determined in accordance with the regulations; and
- (b) shall provide for the payment by the Secretary of State of any administrative expenses incurred for the purposes of this Part of this Act and the payment by him, to the members of the board of management, of such travelling, subsistence and other allowances as he may, with the consent of the Treasury, determine.

Contributions to finance pensions for widows and other dependants.

8.—(1) Regulations made under section 7 of this Act shall require the payment to the Secretary of State, in such cases as may be prescribed,—

- (a) of contributions by teachers of such amounts as may be determined in accordance with the regulations;
- (b) of a single contribution, by or in respect of a teacher, of such amount as may be so determined.

(2) Except where the regulations otherwise provide, they shall require any such payment as is referred to in subsection (1)(b) of this section to be made by the surrender of the whole or a proportion of any additional allowance or gratuity payable under Part I of this Act to or in respect of the teacher in question, or of any sum payable to or in respect of him by way of return of personal superannuation contributions.

(3) Regulations under section 7 of this Act shall provide that, in such cases and on such conditions as may be prescribed, all or part of the contributions paid by a teacher as mentioned in subsection (1)(a) of this section shall be repaid to him or his personal representatives, and shall also provide for determining the method by which the amount to be repaid in respect of those contributions and of interest thereon is to be ascertained.

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(4) Any amounts required to be repaid as mentioned in subsection (3) of this section shall be repaid out of the fund referred to in section 7 of this Act.

9.—(1) Where, in such cases as may be prescribed, a person becomes employed in reckonable service after having been engaged in employment in relation to which provision is made for payments to be made to or for the benefit of the dependants of persons engaged in that employment, provision may be made by regulations under section 7 of this Act for the payment into the fund referred to in that section of a payment in respect of some or all of his previous employment.

Preservation of benefits on transfer of employment.

(2) Where, in such cases as may be prescribed, a teacher ceases to be employed in reckonable service and takes up other employment in relation to which provision is made for such payments as are mentioned in subsection (1) of this section, then for the purpose of enabling some or all of the teacher's employment in reckonable service to be taken into account in determining the amount of any such payment which may become payable to or in respect of his dependants, provision may be made by regulations under section 7 of this Act for the payment, out of the fund referred to in that section, of such sum as may be determined in accordance with the regulations.

PART III

MISCELLANEOUS AND GENERAL

10.—(1) Regulations under this section may provide that such provisions of this Act and of regulations made under this Act as may be prescribed shall apply in relation to such teachers or other persons to whom this section applies as may be prescribed.

Application of Act to teachers not engaged in reckonable service and others.

(2) Any application, by virtue of subsection (1) of this section, of any provision of this Act or of regulations made thereunder may be made subject to any modifications or exceptions specified in the regulations.

(3) This section applies to teachers who are not for the time being engaged in reckonable service and to persons who are not teachers but who are engaged in employment which involves the performance of duties in connection with the provision of education or of services ancillary to education.

PART III

Application of Act to part-time teachers and teachers whose reckonable service is temporarily discontinued.

11.—(1) In their application to teachers who are not full-time teachers, the provisions of sections 3 to 5 of and Schedule 1 to this Act and of regulations made under this Act shall have effect subject to such modifications and exceptions as may be specified in the regulations.

(2) Provision may be made by regulations enabling a teacher whose employment in reckonable service is discontinued for a period, not exceeding such maximum period as may be determined in accordance with the regulations to be appropriate in his case, to pay contributions in respect of that period of such amounts as may be so determined; and the regulations may provide that any period during which such contributions are paid shall be treated as a period of reckonable service for the purposes of such provisions of sections 3 to 5 of and Schedule 1 to this Act and of regulations made under this Act as may be prescribed.

Collection of contributions.

12.—(1) Regulations may provide that, in such cases as may be prescribed, sums payable by teachers in respect of contributions shall be deducted from their salaries by their employers.

(2) Regulations may make provision for—

- (a) the collection of sums deducted as mentioned in subsection (1) of this section and of employers' contributions by deductions from grants payable out of moneys provided by Parliament;
- (b) the charging of interest at such rate as may from time to time be prescribed on contributions which have not been duly paid to the Secretary of State for the purposes of this Act.

Payment of deferred annuities.
1898 c. 57.

13. All deferred annuities payable in respect of Scottish contributions to the deferred annuity fund established under the Elementary School Teachers (Superannuation) Act 1898 shall be paid by the Secretary of State; and any sums required by the Secretary of State for making payments under this section shall be charged on and issued out of the Consolidated Fund.

Payment of benefits on death.

14. Regulations may authorise the payment, without confirmation or other proof of title, of any sum due under this Act in respect of a teacher or any other person who has died, to his personal representatives or such other persons as may be prescribed.

Protection of benefits from creditors.

15. Provision may be made by regulations rendering void any assignment of or charge on, or any agreement to assign or charge, any allowance, gratuity or pension payable under this Act, and the regulations may provide that, on the sequestration of the estate of a person entitled to such allowance, gratuity or

pension, no part thereof shall pass to any trustee or other person acting on behalf of the creditors except in accordance with an order made by a court in pursuance of any enactment specified in the regulations.

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16.—(1) Any person who, by means of any false representation, statement or document which he knows to be false, or by personation or other fraudulent means, obtains or attempts to obtain, for himself or any other person,— Offences relating to obtaining superannuation benefits.

- (a) any benefit or payment to which this section applies, or
- (b) any increase in, or any sum in respect of, a benefit or payment to which this section applies,

shall be liable on conviction on indictment to imprisonment for a term not exceeding two years or to a fine or both, and on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding £100 or both.

(2) In subsection (1) of this section—

- (a) any reference to a benefit to which this section applies is a reference to any allowance, gratuity or pension payable under any provision of this Act or any regulations made thereunder, and
- (b) any reference to a payment to which this section applies is a reference to the payment of any sum by way of return of contributions.

17. In addition to the functions conferred on the Government Actuary or the Deputy Government Actuary by Schedule 1 to this Act, regulations may confer on them such other functions for the purposes of this Act as may be prescribed. Functions of Government Actuary.

18.—(1) Any reference in this Act to regulations is a reference to regulations made by the Secretary of State with the consent of the Treasury. Regulations.

(2) Regulations so made may provide for the reference to the Secretary of State of questions arising under the Teachers Superannuation Scheme and under any regulations made or deemed to have been made under the Act of 1962 or made under this Act and may provide that his decision on any question so referred shall be final.

(3) Regulations so made may contain such incidental, supplementary and consequential provisions as appear to the Secretary of State to be necessary or expedient, including provision requiring the giving of information and the production of documents.

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(4) Regulations so made may provide for the making by the Secretary of State of rules for the purpose of giving effect to the provisions of this Act or of any regulations made thereunder.

(5) Before making regulations under any provision of this Act, the Secretary of State shall consult with representatives of education authorities, teachers and other bodies appearing to him to be likely to be affected by the proposed regulations.

(6) Regulations so made and rules made in pursuance of subsection (4) of this section shall be made by statutory instrument, and such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Regulations so made shall prescribe the date upon which the regulations are to come into operation, and different dates may be prescribed for different parts of the regulations, and any date so prescribed may be a date earlier than the date upon which the regulations are made, so, however, that so much of any regulations as provides that any provision thereof is to have effect from a date prior to the making of any regulations shall not place any teacher affected by them in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

Financial provisions.

19.—(1) Except as provided by section 7(2)(a) of this Act, any sums received by the Secretary of State by virtue of any provision of this Act or of regulations made thereunder shall be paid into the Exchequer.

(2) Except as provided by section 7(2)(b) of this Act, there shall be paid out of moneys provided by Parliament any expenses incurred by the Secretary of State in the payment of any allowance, gratuity or other sum which is payable to or in respect of a teacher or any other person in consequence of any provision of this Act or of regulations made thereunder.

(3) There shall be paid out of moneys provided by Parliament all other expenses, so far as they are not met under section 1(2) of the Reorganisation of Offices (Scotland) Act 1939, which are incurred by the Secretary of State in the exercise of his functions under this Act.

1939 c. 20.

Interpretation.

20.—(1) In this Act, except in so far as the context otherwise requires,—

1962 c. 47.

“ the Act of 1962 ” means the Education (Scotland) Act 1962 ;

“ the appointed day ” means such day as may be appointed for the purposes of section 21 of this Act by regulations ;

- “ contributions ” means contributions payable under section 3 of this Act (including any supplementary contributions so payable) or under regulations made under any provision of this Act ;
- “ personal superannuation contributions ” means all contributions other than those which, by virtue of regulations under Part II or Part III of this Act, are required to be paid into the fund established as mentioned in section 7 of this Act ;
- “ prescribed ” means prescribed by regulations made by the Secretary of State ;
- “ reckonable service ” means service which, in accordance with regulations made by virtue of section 1(2) of this Act, is to be reckonable service for the purposes mentioned in that section ;
- “ the teachers superannuation account ” means the account required to be kept under section 5(1) of this Act ;
- “ the Teachers Superannuation Scheme ” has the same meaning as in section 145(47) of the Act of 1962 ;
- “ the Teachers (Superannuation) Regulations ” has the same meaning as in section 145(48) of the Act of 1962.

(2) For the purposes of this Act, the employer of a teacher shall include an education authority, governing body or other body of managers by whom a teacher is employed.

(3) Except in so far as the context otherwise requires, any reference in this Act to any other enactment shall be taken as referring to that enactment as amended by or under any other enactment, including this Act.

21.—(1) Subject to the following provisions of this section, on the appointed day—

- (a) such provisions of the enactments specified in Schedule 3 to this Act as are specified in column 3 of that Schedule shall cease to have effect ;
- (b) any regulations and rules made under any of the provisions referred to in the foregoing paragraph which are in force immediately before the appointed day shall cease to have effect.

Provisions consequential on coming into force of regulations and transitional provisions.

(2) Except as may be provided by regulations, nothing in this section or in any regulations made under any provision of this Act shall affect the operation of any provision of Part IV of the Act of 1962 or of any such regulations or rules as are

PART III referred to in paragraph (b) of the foregoing subsection in relation to—

- (a) any benefit or deferred annuity payable under that Act or under any such regulations or rules before the appointed day ;
- (b) any liability to pay contributions in respect of the person to or in respect of whom any such benefit or deferred annuity is payable.

(3) Regulations may make provision extending, in any case specified in the regulations—

- (a) any reference in any enactment to service as defined in the Teachers Superannuation Scheme or to first class service so as to include a reference to reckonable service ; and
- (b) any reference in any enactment to benefits, or to sums paid or payable, under the Teachers Superannuation Scheme or the Teachers (Superannuation) Regulations, so as to include a reference to superannuation benefits of a prescribed description, or, as the case may be, to sums paid or payable under regulations made under any provision of this Act.

(4) Any actuarial inquiry which immediately before the appointed day is in the course of being made under section 107 of the Act of 1962 shall be treated as if it were being made under section 5 of this Act, and the provisions of the said section 5 shall apply accordingly.

Repeals.

22. The enactments specified in Schedule 3 to this Act are hereby repealed as from the appointed day to the extent specified in column 3 of that Schedule.

Short title,
citation
and extent.
1939 c. 96.
1956 c. 53.

23.—(1) This Act may be cited as the Teachers Superannuation (Scotland) Act 1968.

(2) The Education (Scotland) (War Service Superannuation) Act 1939, the Teachers (Superannuation) Act 1956 and this Act may be cited together as the Teachers Superannuation (Scotland) Acts 1939 to 1968.

(3) This Act shall extend to Scotland only.

SCHEDULES

SCHEDULE 1

Sections 5, 11.

ACCOUNTS AND ACTUARIAL INQUIRIES

PART I

TEACHERS SUPERANNUATION ACCOUNT

1. The accounting period for which the teachers superannuation account is to be made up shall be the period of twelve months beginning on 1st April in each year.

2. The teachers superannuation account shall be kept in such form and prepared in such manner as may be determined by the Secretary of State after consultation with the Treasury.

3. There shall be treated as having been paid into the revenue of the teachers superannuation account for each accounting period—

- (a) by teachers the amount of personal superannuation contributions paid by them which are attributable to the period ;
- (b) by the employers of teachers, the amount of personal superannuation contributions (including supplementary contributions) paid by them which are attributable to the period ;
- (c) out of moneys provided by Parliament a sum equal to the expenditure during the period upon superannuation and other allowances attributable to service before 1st June 1922 ;
- (d) a sum representing interest at such rate as may be determined in accordance with regulations on the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period, and a further sum representing interest at such rate as may be determined as aforesaid on any balance of revenue (other than that further sum) over expenditure during the accounting period in question, and any such regulations may make different provision for different balances and different accounting periods and may provide as respects any balance to which the regulations relate—
 - (i) for the determination of the rate of interest on that balance on the basis of a notional investment of that balance, or of any part or parts thereof, made after consultation with the Government Actuary ; and
 - (ii) for different rates of interest, or different methods of determining the rates of interest, for different parts of that balance ;
- (e) the amount of any balance of revenue over expenditure remaining at the end of the last preceding accounting period ; and
- (f) any other revenue attributable to the period.

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4. Expenditure upon superannuation and other allowances attributable to service before 1st June 1922 shall be shown separately from expenditure, attributable to service on or after 1st June 1922, on allowances, gratuities and the return of contributions.

PART II

ACTUARIAL INQUIRIES

5. Every such actuarial inquiry as is referred to in section 5 of this Act and the report upon each inquiry shall be made by the Government Actuary or the Deputy Government Actuary.

6. The first such inquiry after the commencement of this Act shall be made at the end of the accounting period ending 31st March 1971 and subsequent inquiries shall be held at the end of every fifth subsequent accounting period of the teachers superannuation account.

7. An inquiry made in pursuance of section 5 of this Act shall determine whether the value, at the end of the period for which the inquiry is made, of the expenditure (attributable to service on or after 1st June 1922) required to be included in the teachers superannuation account after the end of that period in respect of teachers who then were employed in reckonable service or had previously been employed in reckonable service exceeds the aggregate of—

- (a) the value at the end of that period of the personal superannuation contributions payable after the end of that period in respect of such teachers and of the sums falling to be credited to the teachers superannuation account after the end of that period in accordance with paragraphs (d) and (f) of paragraph 3 of this Schedule ; and
- (b) the balance of revenue over expenditure remaining in the teachers superannuation account at the end of that period.

8. Where an actuarial inquiry reveals such a deficiency as is mentioned in paragraph 7 of this Schedule, the report of the inquiry shall specify the rate per cent. (being a rate of one-quarter of one per cent. or a multiple of one-quarter of one per cent.) at which supplementary contributions are required in respect of the salaries of teachers to whom regulations under section 3(2) of this Act apply in order to make good the deficiency by the expiry of a period of forty years beginning with the accounting period next after that in which the report is made.

SCHEDULE 2

Section 6.

PROVISIONS RELATING TO CONTRIBUTIONS AND BENEFITS

Provisions affecting liability for contributions

1. Provision for securing that no contributions are payable in respect of a teacher for any period after he has completed forty-five years' service of a prescribed description.

2. Provision for securing that any teacher in reckonable service shall not in respect of that service be liable to pay personal superannuation contributions or be entitled to receive superannuation benefits otherwise than under this Act or regulations made under this Act.

Provisions reducing or suspending benefits etc.

3. Provision for reducing the amount of any allowance or gratuity payable under Part I of this Act to or in respect of a teacher in such cases as may be prescribed where a period of reckonable service counts towards superannuation benefits payable otherwise than under this Act as well as an allowance or gratuity payable under Part I of this Act.

4. Provision for reducing or suspending allowances payable to or in respect of teachers who take up employment after such allowances become payable.

5. Provision for suspending or ending allowances payable to teachers who have ceased to be employed in reckonable service by reason of infirmity, if they recover from their infirmity.

6. Provision for withholding, or reducing the amount of, any allowance or gratuity payable to or in respect of a teacher who 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 may be determined in accordance with the regulations to have accelerated his death or retirement and, in such cases as may be so determined, for granting any allowance or gratuity which has been so withheld or paying in full the amount of any allowance or gratuity which has been so reduced.

Sections 21, 22.

SCHEDULE 3

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2. c. 47.	The Education (Scotland) Act 1962.	Section 75(1)(b). Part IV. Schedules 3 to 6.
1963 c. 21.	The Education (Scotland) Act 1963.	Section 3.
1965 c. 7.	The Education (Scotland) Act 1965.	The whole Act.
1967 c. 28.	The Superannuation (Miscellaneous Provi- sions) Act 1967.	Section 16.

PRINTED IN ENGLAND BY HARRY PITCHFORTH

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament