

## SCHEDULES.

### FIRST SCHEDULE

Section 52.

#### ARTICLES INCORPORATED IN THE TEACHERS SUPERANNUATION SCHEME.

- 1 (1) Where/for the purpose of enabling a teacher to gain special experience of value in teaching, his service is discontinued for such period exceeding one year but not exceeding five years as the Secretary of State may approve, being a period beginning on or after the first day of January nineteen hundred and, forty-two, the teacher may pay into the Education (Scotland) Fund with the consent of the Secretary of State in respect of such period sums equal to ten per centum of his salary as at the date of discontinuing service, so that the said period may be reckoned as a period of service within the meaning of this Scheme.
- (2) The Secretary of State may determine the amount of such payments which shall be reckoned as contributions by the teacher.
- 2 (1) Notwithstanding anything in any enactment, a teacher employed in service within the meaning of this Scheme shall not be subject to an independent superannuation scheme in respect of that service.
- (2) Where a teacher who becomes employed in service within the meaning of this Scheme at or after the, appointed day—
  - (a) has, not more than one year before he so becomes employed in such service, been subject to an independent superannuation scheme, and
  - (b) would, but for the foregoing paragraph, be subject to such a scheme in respect of the service in which he so becomes employed,the service in which he so becomes employed shall not be treated as service within the meaning of this Scheme, 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 within the prescribed time and in the prescribed manner to withdraw from the scheme, the said provisions shall not have effect in relation to any service 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 appointed day, or as from the time when he entered the service in which he is for the time being employed, whichever is the later.
- (4) Where any such election is made by a teacher who is a contributory employee or a local Act contributor as defined by the Local Government Superannuation (Scotland) Act, 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 ten 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

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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 article the expression "independent superannuation scheme " means :—
- (a) any superannuation scheme other than this Scheme (including a superannuation scheme established by or under any public general or local Act of Parliament 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 ; and
  - (b) any system of superannuation (not being a system established by or under any public general or local Act of Parliament or provisional order confirmed by Parliament) operated jointly by 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.
- 3 (1) Subject to the provisions of this article, where a teacher who is employed in service within the meaning of this Scheme after the appointed day by an education authority has before the appointed day been in whole-time paid employment in connection with education in Scotland, such employment shall, if he makes application to the Secretary of State for that purpose within the prescribed time and in the prescribed manner, be treated for the purposes of this Scheme as if it had been service within the meaning thereof:
- Provided that if upon making such an application he requests that his employment before any date specified by him shall not be treated as if it had been service within the meaning of this Scheme, his said employment before that date shall not be so treated by virtue of this article.
- (2) Where an application made by a teacher under this article relates, whether wholly or in part, to employment after the thirty-first day of May, nineteen hundred and twenty-two, 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 service within the meaning of this Scheme by virtue of this article unless the appropriate contributions are so paid in respect thereof.
  - (3) For the purposes of this article, 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, if that service had been service within the meaning of this Scheme.
  - (4) Where a teacher has ceased to be in employment which is treated as service within the meaning of this Scheme by virtue of this article in order to undertake war service, the provisions of the Education (Scotland) (War Service Superannuation) Act, 1939, shall have effect accordingly with respect to his period of war service, including any such period which falls after the appointed day.
- 4 (1) Subject to the provisions of this article, where any period of employment after the fifteenth day of May, nineteen hundred and twenty-three, including any period of war service, is treated as service within the meaning of this Scheme by virtue of the last foregoing article, the contributions (hereinafter referred to as " employer's

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contributions ") which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, 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 service within the meaning of this Scheme when he first becomes entitled to make an application under the last foregoing article.

- (2) Where a teacher who has been a contributory employee or a local Act contributor as defined by the Local Government (Scotland) Superannuation Act, 1937, (hereinafter 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 the last foregoing article, 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 said 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 twenty-four of the Local Government Superannuation (Scotland) Act, 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 some other 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 Education (Scotland) (Superannuation) Acts, 1919 to 1939, 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 the last foregoing article ; and
  - (b) the expression " past contributions " includes in relation to a contributory employee all such contributions as are mentioned in subsection (5) of section ten of the Local Government Superannuation (Scotland) Act, 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 Education (Scotland) (War Service Superannuation) Act, 1939, paragraphs (2), (3) and (4) of this article 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.

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- (6) Any reference in this article to the contributions which would have been payable under the Education (Scotland) (Superannuation) Acts, 1919 to 1939, 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 to such employer's contributions only 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.
- 5 (1) Where by virtue of section one of the Education (Scotland) (War Service Superannuation) Act, 1939, a teacher's period of war service is treated as if it were a period of service within the meaning of this Scheme, he may at any time during that period require the Secretary of State to repay to him a sum equal to the balance of his contributions computed as at the date of repayment.
- (2) Where any teacher makes such a requirement, his period of war service after the requirement is made shall not be treated as if it were a period of service within the meaning of this Scheme by virtue of the said Act of 1939.
- (3) Where the balance of any teacher's contributions is repaid under this article, the provisions of paragraphs (a) and (b) of subsection (1) of section four of the Education (Scotland) (Superannuation) Act, 1925, shall have effect as if a repayment had been made under the said paragraph (a).
- (4) The balance of a teacher's contributions shall be calculated for the purposes of this article as it is calculated for the purposes of section four of the said Act of 1925.
- 6 A death gratuity shall not be payable to the legal personal representative of a teacher where the amount thereof would be less than the amount of the contributions made by the teacher in terms of the Education (Scotland) (Superannuation) Acts, 1919 to 1939, together with compound interest on each contribution as from the prescribed date calculated at the rate of three per centum per annum with yearly rests, but under deduction of—
- (a) any contributions returned to the teacher and not repaid by him, and
  - (b) any other sums paid or payable under this scheme to him or to his legal personal representative.