
STATUTORY INSTRUMENTS

1966 No. 357**EDUCATION, ENGLAND AND WALES****The Teachers' Superannuation (Family Benefits) Regulations 1966***Made* - - - 30th March 1966*Coming into Operation* 1st April 1966** To be laid before Parliament***ARRANGEMENT OF REGULATIONS****PART I
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THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE, with the consent of the Treasury and after consultation with representatives of local education authorities and of teachers appearing to him to be likely to be affected, in exercise of the powers conferred upon him by sections 1 and 3 of the Teachers' Superannuation Act 1965(a), hereby makes the following Regulations—

PART I
GENERAL

Citation and Commencement

1. These Regulations may be cited as the Teachers' Superannuation (Family Benefits) Regulations 1966 and shall come into operation on 1st April 1966.

Interpretation

2.—(1) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(2) References in these Regulations to the provisions of any enactment, regulations or rules shall be construed, unless the context otherwise requires, as references to those provisions as amended, modified, affected, applied or re-enacted by or under any subsequent enactment, regulations, rules or other instrument.

(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, or to a Part of, or to a Schedule to, these Regulations, as the case may be.

Definitions

3. In these Regulations, unless the context otherwise requires—

“ the Act of 1925 ” means the Teachers (Superannuation) Act 1925(b);

“ the Acts ” means the Teachers (Superannuation) Acts 1925 to 1956;

“ additional allowance ” means the additional allowance payable under the Acts or under superannuation regulations to a teacher who has ceased to be employed in reckonable service;

“ additional contributions ” means the contributions required to be paid by regulation 28;

“ annual superannuation allowance ” means the annual superannuation allowance payable under the Acts or under superannuation regulations to a teacher who has ceased to be employed in reckonable service;

“ the Board ” means the board of management established in accordance with the provisions of Part II;

“ child ” means—

(a) in Part IV a person who—

(i) has not attained the age of sixteen; or

(ii) having attained the age of sixteen, is receiving full-time education or undergoing full-time training for a trade, profession or calling, which training is of a duration of not less than two years; or

(iii) having attained the age of sixteen, is an incapacitated person by reason of an infirmity which arose either before he attained that age or while receiving such education or undergoing such training as aforesaid; and

(b) in Part V a person who has not attained the age of sixteen;

“ contributor ” has the meaning assigned to it by regulation 23;

“ death gratuity ” means a gratuity payable under the Acts or superannuation regulations to the personal representatives of a teacher who dies while employed in reckonable service;

“deceased teacher” has the meaning assigned to it by regulation 25;

“dependant” in Part V has the meaning assigned to it by regulation 56;

“eligible child” means a child, not being a married woman, who is—

(a) a legitimate child of a contributor, born before the contributor dies or becomes entitled to be paid superannuation allowances or within one year of his death or becoming so entitled;

(b) an adopted child of a contributor, adopted before the contributor dies or becomes entitled to be paid superannuation allowances;

(c) a legitimate or adopted child of a deceased teacher; or

(d) a step-child or illegitimate child of a contributor or deceased teacher, or an adopted child of the wife of a contributor or deceased teacher, and wholly or mainly dependent on the contributor before he becomes entitled to be paid superannuation allowances and at the time of his death or on the deceased teacher at the time of his death, as the case may be;

“former Scottish contributor” means a person who has been a contributor within the meaning of the Scottish Regulations;

“the Fund” means the fund established in accordance with the provisions of Part III;

“incapacitated person” means a person who, in the opinion of the Secretary of State, is incapable by reason of infirmity of mind or body of earning a livelihood and who is not wholly or mainly supported out of money provided by Parliament or raised by a rate; and “incapacitated” shall be interpreted accordingly;

“life pension” in Part V has the meaning assigned to it by regulation 67;

“Method I”, “Method II” and “Method III” mean the methods of paying additional contributions prescribed by regulation 30, 31 and 32 respectively;

“normal contributions” means the contributions required to be paid by regulation 27;

“Northern Ireland teaching service” means recognised or contributory service within the meaning of the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1956(a) not being service undertaken by a teacher excluded from the provisions of the Teachers’ Superannuation (Reciprocal Arrangements) Scheme 1929 (Northern Ireland)(b);

“previous service”, in relation to a contributor or deceased teacher, means employment before the Scheme established by Part IV becomes, or again becomes, applicable to him in—

(a) reckonable service;

(b) Northern Ireland teaching service; and

(c) Scottish teaching service, being either—

(i) service before 1st April 1965, if he has not been employed in such service on or after that date; or

(ii) service at any time if, not having been a contributor within the meaning of the Scottish Regulations, he was unmarried either throughout such service after 31st March 1965 or throughout such service other than the last three months thereof and married during the said three months, or after the termination

(a) (N.I.) 1950 c. 33; 1951 c. 10; 1956 c. 22.

(b) S. R. & O. (N.I.) 1929/54 (1929, p. 72).

of such service and before becoming employed in reckonable service or while employed in reckonable service;

“ reckonable service ” means—

(a) recognised or contributory service within the meaning of the Acts, other than such service in respect of which superannuation contributions have been returned by the Secretary of State and not subsequently repaid to him;

(b) service which is treated as recognised or contributory service within the meaning of the Acts other than—

(i) service which is so treated under section 13(2)(g) of the Act of 1925;

(ii) service which is so treated under any scheme made under section 21(1)(c) of the Act of 1925;

(iii) service which is so treated merely for the purpose of determining whether the teacher in question has completed the period of service required by the Acts as necessary for superannuation allowances to be paid to or in respect of him or merely for that purpose and for the purpose of assessing his average salary under the Acts; and

(c) service which is reckonable service for the purposes of superannuation regulations or which is treated as such;

“ re-instated contributor ” means a person who is a contributor by virtue of regulation 23(1)(c);

“ salary ”, in relation to any period, means the amount of the salary of a teacher by reference to which superannuation contributions payable by him in respect of that period are calculated;

“ the Schemes ” means the Teachers’ Widows’ and Children’s Pension Scheme and the Teachers’ Dependents’ Pension Scheme established by Part IV and Part V respectively;

“ Scottish reckonable service ” means reckonable service within the meaning of the Scottish Regulations;

“ the Scottish Regulations ” means the Teachers (Superannuation) (Family Benefits) (Scotland) Regulations 1965(a);

“ Scottish teaching service ” means service which is first class service for the purposes of the Teachers (Superannuation) (Scotland) Regulations 1957(b);

“ the Secretary of State ” means the Secretary of State for Education and Science;

“ service counting for benefit ” has the meaning assigned to it by regulation 40;

“ superannuation allowances ” means annual superannuation allowances and additional allowances;

“ superannuation contributions ” means the contributions payable by a teacher under the Acts or under superannuation regulations;

“ superannuation regulations ” means regulations made under section 1(1) of the Teachers’ Superannuation Act 1965, other than regulations making any such provision as is referred to in section 3(1) of that Act;

“ teacher ” means a person employed in reckonable service and, where the context so requires, includes a person who has ceased to be so employed;

“ temporary pension ” in Part V has the meaning assigned to it by regulation 67.

(a) S.I. 1965/680 (1965 I, p. 2104).

(b) 1957/356 (1957 I, p. 733).

PART II
BOARD OF MANAGEMENT
CONSTITUTION AND PROCEDURE OF BOARD

Establishment of Board

4. For the purpose of exercising the powers and functions conferred on it by these Regulations in relation to the Schemes there shall be established a Board of Management which shall be a body corporate with perpetual succession and a common seal.

Constitution of Board

5.—(1) The Board shall consist of nineteen members, to be appointed—

- one by the Association of Agricultural Education Staffs of Local Authorities,
- one by the Association of Education Committees,
- one by the Association of Municipal Corporations,
- one by the Association of Principals of Technical Institutions,
- one by the Association of Teachers in Colleges and Departments of Education,
- one by the Association of Teachers in Technical Institutions,
- one by the Association of University Teachers,
- one by the County Councils Association,
- one jointly by the Incorporated Association of Headmasters and the Incorporated Association of Assistant Masters,
- one jointly by the Association of Headmistresses, Incorporated, and the Association of Assistant Mistresses, Incorporated,
- one by the Inner London Education Authority,
- one by the National Association of Head Teachers,
- one by the National Association of Schoolmasters,
- one by the National Society for Art Education,
- three by the National Union of Teachers,
- one by the Welsh Joint Education Committee and one (hereinafter referred to as “ an additional member ”), in place of the Chairman for the time being of the Board, by the body by which the chairman was appointed to be a member.

(2) A member of the Board appointed by a body specified in paragraph (1) above need not be a member of that body.

(3) Members of the Board, other than an additional member, shall be appointed each for a term of three years. An additional member shall be appointed for a term of office ending on the date on which the chairman in whose place he was appointed ceases to be chairman.

(4) Any member of the Board who—

- (a) communicates in writing to the Board a wish to resign;
- (b) is absent from all meetings of the Board during a period of one year;
- (c) is adjudicated a bankrupt or makes a composition or arrangement with his creditors;
- (d) is compulsorily admitted to hospital or received into guardianship under Part IV, or becomes a patient within the meaning of Part VIII, of the Mental Health Act 1959(a); or
- (e) is convicted of an offence and ordered to be imprisoned for a period of not less than three months without the option of a fine

shall thereupon cease to be a member of the Board.

(5) Every vacancy in the office of member of the Board shall as soon as possible be notified to the proper appointing body. Any competent person may be reappointed to be a member of the Board.

Chairman and Vice-Chairman

6. The Board shall, at its first meeting and thereafter whenever it sees fit, elect from among its members a chairman and vice-chairman each of whom shall hold office until his resignation, his ceasing to be a member of the Board or the appointment of his successor, whichever shall first occur. Any member of the Board who has previously held office as chairman or vice-chairman shall be eligible for re-election as such.

Proceedings of Board

7.—(1) The Board shall hold ordinary meetings at least twice in each year. A special meeting may at any time be summoned by the chairman or by four members of the Board upon seven clear days' notice being given to the other members of the matters to be discussed.

(2) There shall be a quorum when not less than one-third of the members of the Board are present at a meeting.

(3) The chairman, or in his absence the vice-chairman, shall preside at meetings of the Board but, if both are absent from any meeting or from any part of a meeting, a chairman of that meeting or of that part of a meeting shall be appointed by the members present before any other business is transacted.

(4) Every matter shall be determined by a majority of the members of the Board present at a meeting and voting on the question. In the case of equality of votes on any matter the person presiding as chairman shall have a second or casting vote.

(5) The proceedings of the Board shall not be invalidated by any vacancy in its membership or by any defect in the appointment or qualification of any member.

Committees

8. The Board may appoint such committees as it thinks fit consisting either wholly or partly of members thereof and may delegate the exercise of any of its powers or functions, except the appointment and removal of a trustee or trustees under regulation 13, to such a committee.

Assessor

9. The Secretary of State may appoint a person to be assessor for him at the meetings of the Board and of any committee thereof, and such assessor (or in his absence from any meeting such other person as may be nominated by the Secretary of State for the purpose of that meeting) shall be entitled to attend and speak, but not to vote, at the meetings of the Board and of any committee.

Conduct of Business

10. Within the limits prescribed by the foregoing provisions of this Part the Board shall conduct its proceedings and manage its business in such manner as it may from time to time determine.

Expenses of Board

11.—(1) The Board shall, in such manner and for such period as the Secretary of State may from time to time require, prepare estimates of its administrative expenses, including any fees payable to the trustee or trustees appointed under

regulation 13, and submit such estimates for the approval of the Secretary of State.

(2) The Board shall not, except with the consent of the Secretary of State, incur administrative expenses in excess of the amount of the estimates approved by him.

(3) Subject to the foregoing provisions of this regulation, the administrative expenses of the Board shall be paid by the Secretary of State.

(4) The Secretary of State shall pay to members of the Board such travelling, subsistence and other allowances as he may, with the consent of the Treasury, determine.

FUNCTIONS OF THE BOARD

Review of Schemes

12. It shall be the duty of the Board to keep the Schemes under review and, where it appears to it to be desirable, to make recommendations to the Secretary of State with respect to any matter, including questions of administrative policy, concerning the Schemes or either of them and, in particular, with respect to any matter—

- (a) which has been referred to the Board by the Secretary of State; or
- (b) which has been the subject of representations made to the Board by or on behalf of any person or body interested in, or affected by, the Schemes or either of them, or by a body representing local education authorities or teachers.

Appointment of Trustee

13. The Board may, with the approval of the Secretary of State, appoint and remove a trustee or trustees who shall be responsible, in accordance with the general directions of the Board, for the investment of moneys forming part of the Fund which are in accordance with the provisions of Part III to be invested and for the realisation, re-investment and the general management of the investments forming part of the Fund.

Power to Borrow

14. The Board may whenever it thinks it necessary or expedient so to do raise or borrow any sum or sums of money and may secure the repayment thereof in such manner and upon such terms and conditions in all respects as it may think fit.

PART III THE FUND

Establishment of Fund

15.—(1) For the purposes of the Schemes the Board shall establish and manage a fund, to be called the Teachers' Family Benefits Fund, in respect of which there shall be maintained two accounts to be called respectively the General Account and the Investment Account.

(2) Payments made into or from the Fund shall be excluded from the account kept under section 15 of the Act of 1925.

General Account

16.—(1) There shall be credited to the General Account—

- (a) all sums paid to the Secretary of State under Parts IV and V; and

(b) such sums as the Board may from time to time authorise to be transferred from the Investment Account for the purpose of avoiding a deficiency in the General Account.

(2) There shall be debited to the General Account the benefits and other sums payable under Parts IV and V.

Investment Account

17.—(1) There shall be credited to the Investment Account—

- (a) any surplus in the General Account;
- (b) all dividends, interest and other moneys accruing from the investment of moneys forming part of the Fund;
- (c) sums realised on the disposal of investments; and
- (d) any other sums received by the Board and not required to be credited to the General Account.

(2) There shall be debited to the Investment Account—

- (a) such sums as the Board may from time to time authorise to be transferred to the General Account for the purpose of avoiding a deficiency in that account;
- (b) sums expended in the acquisition of investments; and
- (c) any expenses incurred in connection with investments, excluding any fees payable to the trustee or trustees appointed under regulation 13.

Investments

18. Any moneys for the time being standing to the credit of the Investment Account and not needed as a balance for working purposes may, whether at the time in a state of investment or not, be invested in any manner specified in Parts I, II and III of Schedule 1 to the Trustee Investments Act 1961(a).

Provided that no investment shall be made if it would result in—

- (a) more than one-half of the total value at cost of the assets of the Fund being invested in preference, preferred or ordinary stocks or shares; or
- (b) more than one-tenth of the total value at cost of the assets of the Fund being invested in securities the price of which is not quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act 1958(b) or the Belfast stock exchange.

Accounts and Audit

19.—(1) In each year there shall be prepared all proper accounts relating to the Fund and such accounts shall be audited under arrangements to be made or approved by the Secretary of State.

(2) After the accounts have been audited they shall be published by the Board, together with any reports of the auditor, the Secretary of State and the Board on matters within their respective competence, and copies thereof shall be made available without charge to any persons paying contributions or entitled to benefits under either Part IV or Part V who apply for them.

Quinquennial Valuations

20.—(1) The Government Actuary or Deputy Government Actuary shall make an actuarial valuation as at 1st April 1971 and as at 1st April in each fifth

(a) 1961 c. 62.

(b) 1958 c. 45.

year thereafter of the assets and liabilities of the Fund and shall report to the Secretary of State and the Board thereon and on the sufficiency or otherwise of the contributions being made to the Fund to support the benefits payable therefrom.

(2) The Government Actuary or Deputy Government Actuary shall include in his report recommendations for the making good of any deficiency or for the disposal of any surplus, as the case may be.

(3) After consideration of the report of the Government Actuary or Deputy Government Actuary the Board shall make to the Secretary of State such proposals, if any, as it considers appropriate for the amendment of these Regulations and for the alteration of either the benefits or the contributions payable thereunder, or of both such benefits and such contributions.

PART IV

TEACHERS' WIDOWS' AND CHILDREN'S PENSION SCHEME

PRELIMINARY

Establishment of Scheme

21. This Part makes provision for the establishment of a scheme for securing the payment of pensions to or in respect of the widows and children of teachers who die, or who have died after 22nd December 1965, which scheme shall be known as the Teachers' Widows' and Children's Pension Scheme and is in this Part referred to as "the Scheme".

Elections

22. Any election required or authorised to be made under the provisions of this Part shall—

- (a) be made in writing and sent by post to the Secretary of State; and
- (b) if accepted by the Secretary of State, be irrevocable.

APPLICATION

Teachers to whom Scheme Applies

23.—(1) The Scheme shall apply to men teachers who—

- (a) not having been employed in reckonable service, Scottish teaching service or Northern Ireland teaching service before 1st April 1969, become employed in reckonable service on or after that date;
- (b) being former Scottish contributors—
 - (i) are employed in reckonable service on 1st April 1966; or
 - (ii) become so employed after that date;
- (c) having been contributors and ceased to be employed in reckonable service, become re-employed in such service and liable to pay super-annuation contributions.

(2) Subject as hereinafter provided the Scheme shall also apply to men teachers, other than those specified in paragraph (1) above, of any description specified in column (1) of the following table who elect that it shall apply to them within the period defined in column (2) thereof in relation to that description:—

TABLE

(1) Description of Teachers	(2) Period
Teachers employed in reckonable service on 1st April 1966	3 months from 1st April 1966
Teachers becoming employed in reckonable service after 1st April 1966, other than teachers previously employed in Scottish teaching service after 31st March 1965 who are not former Scottish contributors.	3 months from the date of becoming employed in reckonable service.
Teachers who marry while employed in reckonable service.	3 months from the date of marriage.
Teachers who, having been employed in reckonable service or Scottish teaching service, neither were contributors nor are former Scottish contributors, marry after ceasing to be so employed and subsequently become employed or re-employed in reckonable service and liable to pay superannuation contributions.	3 months from the date of becoming employed or re-employed in reckonable service.

(3) Teachers of any description specified in column (1) of the Table contained in paragraph (2) above shall not elect that the Scheme shall apply to them if, at the commencement of the period when they may so elect, they have attained the age of sixty and are entitled to be paid superannuation allowances.

(4) A teacher to whom the Scheme applies by virtue of this regulation is in this Part referred to as a "contributor".

Commencement of Application

24. The date on which the Scheme shall commence to apply to a contributor shall—

- (a) in a case to which regulation 23(1)(b)(i) applies, be 1st April 1966;
- (b) in any other case to which regulation 23(1) applies, be the date on which he becomes employed or re-employed, as the case may be, in reckonable service; and
- (c) in a case to which regulation 23(2) applies, be the date of the commencement of the period during which he may elect that it shall apply to him.

Application to Deceased Teachers

25.—(1) The Scheme shall apply to men teachers who—

- (a) die or have died after 22nd December 1965 and before 1st April 1966; or
- (b) before the expiry of the period during which they may elect that the Scheme shall apply to them, die without having so elected; or
- (c) within three months of the expiry of the said period, die without having so elected, if the Secretary of State is satisfied that by reason of sickness or unavoidable cause they have been unable so to elect.

(2) Notwithstanding anything contained in paragraph (1) above the Scheme shall not by reason of that paragraph apply—

- (a) to a teacher who before his death elects that it shall not apply to him;
- (b) to a teacher who had attained the age of sixty and was entitled to be paid superannuation allowances; or
- (c) to a teacher in respect of whom the Secretary of State is satisfied, after consultation with persons interested, that it would not benefit his widow or eligible children.

(3) A teacher to whom the Scheme applies by virtue of this regulation is in this Part referred to as a "deceased teacher".

CONTRIBUTIONS

Payment of Contributions

26. For the purpose of defraying the cost of the benefits under the Scheme there shall be paid to the Secretary of State—

- (a) by or in respect of every contributor, normal contributions in respect of reckonable service after the Scheme becomes applicable to him and additional contributions in respect of previous service; and
- (b) in respect of every deceased teacher, such contributions as are prescribed by regulation 39.

Normal Contributions

27.—(1) Subject as hereinafter provided normal contributions shall be an amount equal to two per cent, of the salary of a contributor and shall be paid, in respect of any period during which he is employed in reckonable service, from the date on which the Scheme commences to apply to him until the date on which he ceases to pay superannuation contributions.

(2) Normal contributions shall not be paid by a contributor who, after attaining the age of sixty, has become entitled to be paid superannuation allowances, unless, after the termination of a subsequent period of employment in reckonable service, he becomes entitled to a subsequent additional allowance.

(3) Normal contributions payable by a contributor by reason of paragraph (2) above shall, together with compound interest thereon calculated at four per cent. per annum with yearly rests, be paid by the surrender of the whole or a proportion of his subsequent additional allowance.

Additional Contributions

28.—(1) Subject as hereinafter provided in relation to reinstated contributors and former Scottish contributors, a contributor—

- (a) shall pay additional contributions in respect of the whole of his previous service not exceeding ten years, and
- (b) may, if he elects so to do, pay additional contributions in respect of part or all of such service in excess of ten years.

(2) Subject as aforesaid, additional contributions payable by a contributor shall be paid and their amount determined by—

- Method I, as provided in regulation 30, or
- Method II, as provided in regulation 31, or
- Method III, as provided in regulation 32,

or partly by either Method I or Method II and partly by Method III.

(3) A contributor shall elect by which one of the methods or combination of methods specified in paragraph (2) above the additional contributions payable by him shall be paid and their amount determined.

(4) A contributor shall not elect to pay additional contributions—

(a) by Method I, if he has attained the age of fifty-nine; or

(b) by Method II, if he has not attained the age of thirty or has attained the age of sixty-four;

on the date on which such contributions commence to be payable by him.

(5) An election made under paragraph (3) above shall not be such as to result in the total annual amount of the contributions payable by him being in excess of the amount authorised by regulation 72.

(6) If a contributor to whom this regulation applies elects that the additional contributions payable by him shall be paid and their amount determined by a combination of methods, he shall further elect in respect of what amount of previous service such contributions shall be so paid and determined by Method I or Method II, as the case may be.

(7) Where a contributor does not elect under the preceding provisions of this regulation that the amount of additional contributions payable by him in respect of any period of previous service shall be paid and determined by either Method I or Method II, the amount of such contributions in respect of that period shall be paid and determined by Method III.

(8) In relation to additional contributions a period of previous service of less than one complete year shall be expressed as a fraction of a year, of which fraction the denominator shall be twelve and the numerator shall be the number of months of thirty days comprised in the said period of previous service, any number of days exceeding fourteen which remain being reckoned as a month.

(9) An election authorised or required to be made by this regulation shall be made by a contributor at the same time as he elects that the Scheme shall apply to him.

Date from which Additional Contributions Payable—Methods I and II

29. Where a contributor has elected under regulation 28 to pay additional contributions by either Method I or Method II such contributions shall, except as otherwise provided in regulations 33 and 34, commence to be payable—

(a) in the case of a contributor to whom the Scheme becomes applicable before 1st April 1967—

(i) if he will on that date not have attained the age of fifty-five, from that date or from the first day of the month commencing next after the date on which notification of acceptance of his election is sent to him by post by the Secretary of State, whichever shall be the later; or

(ii) if he will on that date have attained the age of fifty-five, from the first day of the month commencing either next after the date on which he attains that age or next after the date on which notification of acceptance of his election is sent to him by post by the Secretary of State, whichever shall be the later; and

(b) in the case of a contributor to whom the Scheme becomes applicable on or after 1st April 1967, from the first day of the month commencing next after the date on which notification of acceptance of his election is sent to him by post by the Secretary of State.

Method I

30. Additional contributions payable by Method I shall be paid by a contributor, in respect of any period during which he is employed in reckonable service, from the date on which they commence to be payable until he ceases to be so employed, attains the age of sixty or dies, whichever shall first occur, and shall be the amount ascertained by multiplying—

- (a) the percentage of his salary for that period which, in column (2) of Schedule 1, is specified opposite to his age in column (1) thereof on the date from which additional contributions commence to be payable by him,
by
- (b) the length in years of the period of previous service in respect of which additional contributions are payable by him by Method I.

Method II

31. Additional contributions payable by Method II shall be paid by a contributor, in respect of any period during which he is employed in reckonable service, from the date on which they commence to be payable until he ceases to be so employed, attains the age of sixty-five or dies, whichever shall first occur, and shall in respect of any period be the amount ascertained by multiplying—

- (a) the percentage of his salary for that period which, in column (3) of Schedule 1, is specified opposite to his age in column (1) thereof on the date from which additional contributions commence to be payable by him,
by
- (b) the length in years of the period of previous service in respect of which additional contributions are payable by him by Method II.

Method III

32.—(1) Additional contributions payable by Method III shall be paid by the surrender of the whole or a proportion of any sum payable to or in respect of a contributor by way of additional allowance, death gratuity or return of superannuation contributions.

(2) The amount of such additional contributions shall be ascertained by multiplying—

- (a) the length in years of the period of previous service in respect of which additional contributions are payable by the contributor by Method III, by either
- (b) in the case of a contributor to whom the Scheme first becomes applicable before 1st April 1967, the percentage of his average salary which, in column (2) of Schedule 2, is specified opposite to his age in column (1) thereof on the date on which the Scheme first becomes applicable to him, or
- (c) in the case of a contributor to whom the Scheme first becomes applicable on or after 1st April 1967, the percentage of his average salary which, in column (3) of Schedule 2, is specified opposite to his age in column (1) thereof on the date on which the Scheme first becomes applicable to him.

(3) Except as in paragraph (4) below provided, no surrender of the whole or a proportion of an additional allowance, death gratuity or sum payable by way of return of superannuation contributions shall be made by or in respect of a contributor who—

- (a) is unmarried when he ceases to be employed in reckonable service or dies or to whose widow a pension is not payable under the Scheme; or
- (b) has not been employed in reckonable service after being employed in current service within the meaning of the Scottish Regulations.

(4) In the case of a contributor to whom paragraph (3)(b) above applies, any contributions in respect of a period of specified service within the meaning of the Scottish Regulations which were required to be paid by the method which under those Regulations corresponds to Method III and which have not been so paid shall be paid in accordance with the provisions of this regulation as if such period were a period of previous service.

(5) In this regulation "average salary" means the average salary of a teacher as determined under Section 10(2) of the Act of 1925.

Contributions payable by re-instated contributors

33.—(1) Paragraphs (3) to (5) of this regulation apply to a re-instated contributor who—

- (a) while previously employed in reckonable service paid additional contributions by either Method I or Method II;
- (b) before he attains the age of sixty where such contributions were paid by Method I or the age of sixty-five where such contributions were paid by Method II, as the case may be, has been absent from employment in reckonable service for a period or periods amounting in the aggregate to more than 365 days, exclusive of any period to be disregarded under paragraph (2) below; and
- (c) has not paid the balance of the additional contributions payable by him in the manner provided for in regulation 35.

(2) For the purpose of paragraph (1)(b) above, the following periods shall be disregarded—

- (a) any period during which a re-instated contributor has been a contributor within the meaning of the Scottish Regulations and liable to pay contributions under Part III of those Regulations; and
- (b) any period during which a re-instated contributor has been absent from employment in reckonable service if either—
 - (i) on last ceasing to be so employed he was granted either superannuation allowances or a gratuity by reason of having become incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service, or
 - (ii) on last ceasing to be so employed he was absent on sick leave which was treated as reckonable service and neither his superannuation contributions nor any contributions under the scheme have been returned to him.

(3) The Secretary of State shall, after such consultation with the Government Actuary or Deputy Government Actuary as he shall think fit, determine and notify to a re-instated contributor of the kind specified in paragraph (1) above the period of previous service which is to be treated as service counting for benefit by reason of the additional contributions previously paid by him and not repaid to him.

(4) Regulations 28 to 32, other than paragraph (9) of regulation 28, shall have effect in relation to a re-instated contributor of the kind specified in paragraph (1) above subject to the following modifications—

- (a) the date on which additional contributions again commence to be payable by Method I or Method II, as the case may be, shall be the date on which he becomes re-employed in reckonable service;
- (b) his relevant age shall be deemed to be—
- (i) in a case to which paragraph (6) below applies, his age on the date of repayment by him of contributions under the Scheme, and
 - (ii) in any other case, his age on the date on which he becomes re-employed in reckonable service; and
- (c) the period of previous service shall be deemed to be the period in respect of which he was required or elected under regulation 28 to pay additional contributions, subject to—
- (i) the addition thereto of any period of Northern Ireland teaching service since he last ceased to be employed in reckonable service, not exceeding, unless he otherwise elects, such a period as will result in the total of his previous service being more than ten years; and
 - (ii) the subtraction therefrom of the period of service counting for benefit as determined under paragraph (3) above.

(5) Notwithstanding anything in this regulation before contained, a re-instated contributor of the kind specified in paragraph (1) above may within three months of being notified, as required by paragraph (3) above, elect that a period of previous service exceeding ten years in respect of which additional contributions are payable by him shall be reduced to such an extent as to result in his having not less than ten years of service counting for benefit and, if the Secretary of State accepts any such election, effect shall be given thereto accordingly.

(6) A re-instated contributor who repays to the Secretary of State superannuation contributions repaid to him may, within three months of making that repayment, also repay to the Secretary of State any normal contributions paid by him under the Scheme which had been repaid to him, together with compound interest thereon calculated at three and one half per cent. per annum with yearly rests from the date of repayment to him.

(7) Additional contributions payable by Method III by a re-instated contributor shall be reduced by the aggregate of any amount previously paid by him by that Method and of compound interest on that amount calculated at three and one half per cent. per annum with yearly rests from the date of payment.

Additional Contributions payable by Former Scottish Contributors

34.—(1) A former Scottish contributor who becomes a contributor within one year of last ceasing to be liable to pay contributions under Part III of the Scottish Regulations exclusive of any period to be disregarded under paragraph (2) below, and who, under those Regulations, was paying or was liable to pay, contributions in respect of a period of specified service within the meaning of those Regulations shall pay additional contributions in accordance with the following provisions, that is to say—

- (a) additional contributions shall be paid, and their amount determined, by the method or combination of methods which under the Scheme corresponds to the method or combination of methods by which he was paying, or was or would have been liable to pay, contributions in respect of a period of specified service under the Scottish Regulations;
- (b) additional contributions payable by Method I or Method II, as the case may be, shall be paid from the date on which he becomes employed in reckonable service;

- (c) his relevant age shall be deemed to be the same as for the purpose of determining the amount of the contributions payable by him under the Scottish Regulations; and
- (d) the period of service which was specified service for the purpose of the Scottish Regulations shall be deemed to be previous service for the purposes of the Scheme.

(2) For the purpose of paragraph (1) above any period during which a former Scottish contributor was absent from employment in Scottish teaching service shall be disregarded if on last ceasing to be so employed—

- (a) he was granted a disablement gratuity under either regulation 24 or regulation 46 of the Teachers (Superannuation) (Scotland) Regulations 1957; or
- (b) he was absent on sick leave which was treated as Scottish teaching service and neither his contributions paid under section 105 of the Education (Scotland) Act 1962(a) nor any contributions paid under the Scottish Regulations have been repaid to him.

(3) A former Scottish contributor who becomes a contributor more than one year after last ceasing to be liable to pay contributions under Part III of the Scottish Regulations and who, under those Regulations, was paying, or was liable to pay, contributions in respect of a period of specified service within the meaning of those Regulations shall, if he repays to the Secretary of State for Scotland the contributions paid by him under section 105 of the Education (Scotland) Act 1962 which had been returned to him, pay additional contributions as if he were a re-instated contributor and the provisions of paragraphs (4) and (5) of regulation 33 shall, with such modifications as are necessary, apply to him accordingly.

Payment of Additional Contributions on Retirement

35.—(1) Except as in paragraph (4) below provided, in the case of a contributor who is paying additional contributions in accordance with either Method I or Method II and who ceases to be employed in reckonable service before attaining the age of 60, being then entitled to superannuation allowances on attaining that or any lesser age, the balance of the additional contributions payable by him shall be paid by means of the surrender of the whole or a proportion of any sums payable to or in respect of him under the Acts or superannuation regulations.

(2) Except as in paragraph (4) below provided, in the case of a contributor who is paying additional contributions in accordance with Method II and who ceases to be employed in reckonable service after having attained the age of sixty and before attaining the age of sixty-five, the balance of the additional contributions payable by him shall be paid by means of the surrender of the whole or a proportion of the additional allowance payable by him on his so ceasing.

(3) For the purposes of this regulation the balance of the additional contributions payable by a contributor shall be the sum equal to the difference between—

- (a) the amount of such contributions already paid by him, and
- (b) the amount which would have been paid by him if he had continued to be employed in reckonable service until the end of the period during which such contributions would have been payable by him at the same rate of salary as that being paid to him at the time he ceased to be so employed,

together with, in cases to which paragraph (1) above applies, compound interest on that sum, calculated at three and one half per cent. per annum with yearly rests, from the date of his ceasing to be so employed.

(4) This regulation shall not apply to a contributor who, on ceasing to be employed in reckonable service, becomes a contributor within the meaning of the Scottish Regulations.

Payment of Additional Contributions on Death

36.—(1) This regulation applies in the case of a contributor who elected under this Part to pay additional contributions in accordance with either Method I or Method II and who dies before he has paid such contributions for a period or periods amounting to one year.

(2) The amount by which the additional contributions paid by such a contributor fall short of the amount which he would have paid if he had continued to be employed in reckonable service for a period of one year from the date on which such contributions first became payable at the same rate of salary as that being paid to him at the time of his death shall be paid by the surrender of the whole or a proportion of any sum payable in respect of him by way of death gratuity or the return of superannuation contributions.

Contributions during Intervals in Service

37. A contributor who, on his employment in reckonable service being discontinued, continues to pay superannuation contributions shall continue to pay contributions under the Scheme and, for the purpose of determining the amount of such contributions, the amount of his salary shall be taken to be the same as for the purpose of the payment of superannuation contributions by him.

Payment of Outstanding Contributions

38. The amounts of any normal contributions and of any additional contributions payable by Method I or Method II which have not been paid by a contributor in accordance with the preceding provisions of this Part when he ceases to be employed in reckonable service or dies or, in the case of such additional contributions, attains the age at which they cease to be payable, shall, together with compound interest thereon calculated at four per cent. per annum with yearly rests, be paid to the Secretary of State either:—

- (a) in such manner as may be agreed; or
- (b) by the surrender of the whole or a proportion of any sum payable to or in respect of the contributor by way of additional allowance, death gratuity or return of superannuation contributions.

Contributions in respect of Deceased Teachers

39.—(1) In the case of a deceased teacher to whom regulation 25(1)(a) applies the contributions payable shall be an amount determined in accordance with Method III as if he were a contributor to whom the Scheme first became applicable on the date of his death.

(2) In the case of a deceased teacher to whom regulation 25(1)(b) or (c) applies the contributions payable shall be the aggregate of—

- (a) an amount equal to two per cent. of his salary from the commencement of the period during which he could elect that the Scheme should apply to him until his death; and

(b) an amount determined in accordance with Method III as if he were a contributor to whom the Scheme first became applicable on the date of the commencement of the said period.

(3) For the purposes of paragraphs (1) and (2)(b) above the previous service of a deceased teacher shall be taken to be the whole of his previous service, not exceeding ten years.

(4) Contributions payable under the foregoing provisions of this regulation shall be paid by the surrender of the whole or a proportion of any sum payable in respect of a deceased teacher by way of death gratuity or the return of superannuation contributions.

(5) If some or all of any sum payable in respect of a deceased teacher by way of death gratuity or the return of superannuation contributions has been paid, such proportion thereof as is required in order to make or complete the payment of contributions in accordance with this regulation shall be refunded to the Secretary of State.

Service Counting for Benefit

40.—(1) For the purposes of the Scheme—

- (a) any period of reckonable service of a contributor in respect of which the full amount of normal contributions is held in the Fund;
- (b) any period of previous service of a contributor (not being a re-instated contributor or a former Scottish contributor) in respect of which the full amount of additional contributions is held in the Fund;
- (c) any period of previous service of a re-instated contributor which the Secretary of State has determined shall be treated as service counting for benefit under regulation 33(3) and any further period of previous service of that contributor in respect of which the full amount of additional contributions is held in the Fund;
- (d) any period of Scottish reckonable service of a former Scottish contributor, and any further period of specified service within the meaning of the Scottish Regulations or of previous service of that contributor in respect of which the full amount of additional contributions is held either in the Fund or in the fund established under the Scottish Regulations or partly in one of those funds and partly in the other; and
- (e) any period in respect of which the full amount of the contributions required by regulation 39 to be paid in respect of a deceased teacher is held in the Fund;

shall be service counting for benefit of the contributor or deceased teacher, as the case may be, by or in respect of whom such contributions as aforesaid have been paid.

(2) Where additional contributions in respect of previous service are required by any provisions of these Regulations to be paid by Method III and the amount payable by way of additional allowance, death gratuity or return of superannuation contributions is insufficient to enable payment to be made in full by the surrender thereof, then, unless payment of the deficiency is made in some other manner, so much only of the period of previous service in respect of which the contributions were payable as would under regulation 32 have required the surrender of the amount of the additional allowance, death gratuity or superannuation contributions, as the case may be, shall be service counting for benefit.

REPAYMENT OF CONTRIBUTIONS

Unmarried Contributors

41. A sum equal to the aggregate amount of the normal and additional contributions paid by a contributor shall, if he remains unmarried throughout the whole of his reckonable service after becoming a contributor, be repaid to him or paid to his personal representatives—

- (a) on his ceasing to be employed in reckonable service, being then qualified to be granted superannuation allowances or a gratuity; or
- (b) on his attaining the age of sixty without having been married, having previously ceased to be employed in reckonable service and being qualified to be granted superannuation allowances on attaining that age; or
- (c) on his being repaid his superannuation contributions after ceasing to be employed in reckonable service; or
- (d) on his transfer to other employment, if regulations made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(a), or provisions corresponding to the provisions of such regulations contained in regulations made under section 67(1) of the National Health Service Act 1946(b) or section 66(1) of the National Health Service (Scotland) Act 1947(c), apply to him on such transfer; or
- (e) on his death.

Death of Married Contributor

42. On the death of a contributor who was at any time married while employed in reckonable service after becoming a contributor there shall be paid to his personal representatives—

- (a) a sum equal to the aggregate amount of all his contributions if—
 - (i) he dies before he has three years of service counting for benefit; or
 - (ii) he dies before he has ten years of service counting for benefit and is not survived by an eligible child; or
 - (iii) he had no eligible child after having three years of service counting for benefit and no wife after having ten years of service counting for benefit.
- (b) a sum equal to the aggregate amount of his additional contributions, the normal contributions paid by him after the termination of his last marriage and one half of the normal contributions paid by him before and during the period of that marriage if he is not survived by an eligible child and his death occurs—
 - (i) after he has ten years of service counting for benefit; and
 - (ii) after the termination of his marriage;
- (c) a sum equal to the aggregate amount of his additional contributions if only a children's pension is payable under regulation 51.

Withdrawal of Married Contributor

43.—(1) This regulation applies to a contributor who having been at any time married while employed in reckonable service after becoming a contributor ceases to be so employed and either—

- (a) is repaid the superannuation contributions paid by him; or

(a) 1948 c. 33.
(c) 1947 c. 27.

(b) 1946 c. 81.

(b) transfers to other employment, if regulations made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948, or provisions corresponding to the provisions of such regulations contained in regulations made under section 67(1) of the National Health Service Act 1946 or section 66(1) of the National Health Service (Scotland) Act 1947, apply to him on such transfer.

(2) A sum equal to the aggregate amount of all his contributions shall be repaid to a contributor to whom this regulation applies if—

(a) he ceases to be employed in reckonable service before he has three years of service counting for benefit; or

(b) he ceases to be employed in reckonable service before he has ten years of service counting for benefit and he has had no eligible child while a contributor; or

(c) he had no eligible child after having three years of service counting for benefit and no wife after having ten years of service counting for benefit.

(3) A sum equal to the aggregate amount of his additional contributions, the normal contributions paid by him after the termination of his last marriage and one half of the normal contributions paid by him before and during the period of that marriage shall be repaid to a contributor to whom this regulation applies if he ceased to be employed in reckonable service either—

(a) after he has ten years of service counting for benefit; or

(b) during the period after he has three years of service counting for benefit and before he has ten years of such service, having had an eligible child at any time during that period.

Retirement of Widowed Contributor

44. On a contributor who was at any time married while employed in reckonable service after becoming a contributor becoming entitled to superannuation allowances or a gratuity there shall, if he is not then married, be repaid to him a sum equal to the aggregate amount of his additional contributions, the normal contributions paid by him after the termination of his last marriage and one-half of the normal contributions paid by him before and during the period of that marriage.

BENEFITS

Widow's Pension

45.—(1) Subject as hereinafter provided, an annual widow's pension shall be paid to the widow of a contributor or a deceased teacher whose service counting for benefit amounts to not less than ten years and who—

(a) having ceased to be employed in reckonable service, was entitled to superannuation allowances either on so ceasing or on attaining the age of sixty; or

(b) was employed in reckonable service, Scottish teaching service or Northern Ireland teaching service within one year before his death.

(2) A widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he last became entitled to be paid superannuation allowances.

Amount of Widow's Pension

46.—(1) Subject as in regulation 54 provided, the annual amount of a widow's pension shall not be less than £115 and, subject to that minimum, shall be determined in accordance with the following provisions of this regulation.

(2) In the case of the widow of a contributor or deceased teacher whose service counting for benefit is equal to the whole of his reckonable service the annual amount of the widow's pension shall be:—

- (a) if at the time of his death an annual superannuation allowance was payable to him, one-third of that allowance; or
- (b) if at the time of his death he had ceased to be employed in reckonable service and had not attained the age of sixty, one-third of the annual superannuation allowance which would have been payable to him on attaining that age; or
- (c) where regulation 45(1)(b) applies and sub-paragraph (b) above does not apply, one-third of the annual superannuation allowance which would have been payable to him if on the day of his death he had ceased to be employed in reckonable service, Scottish teaching service or Northern Ireland teaching service, as the case may be, by reason of having become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

(3) In the case of the widow of a contributor or deceased teacher whose service counting for benefit is not equal to the whole of his reckonable service the annual amount of the widow's pension shall be the amount which bears to the amount that would be payable under paragraph (2) above, if that paragraph were applicable, the same proportion as the service counting for benefit bears to the whole of his reckonable service.

(4) For the purpose of the foregoing provisions of this regulation the amount of an annual superannuation allowance shall be deemed to be—

- (a) the amount that would be payable by way of such allowance if any modification of section 10(2) of the Act of 1925 made by a Scheme made under section 21 of that Act or by superannuation regulations were disregarded;
- (b) the amount that would be payable by way of such allowance if no addition were made to and no deduction were made from the period of service by reference to which it is calculated except such as are required to reduce that period to not more than forty-five years and to exclude any period in excess of forty years served before the teacher attained the age of sixty; and
- (c) the amount thereof before—
 - (i) any increase thereof in return for the surrender of an additional allowance;
 - (ii) the surrender of any part thereof in return for the grant of a pension or other like benefit to a widow or dependant; and
 - (iii) any modification thereof in consequence of the National Insurance Act 1965(a).

Duration of Widow's Pension

47.—(1) A widow's pension shall begin to accrue on 1st April 1966 or on the day following the death of her husband, whichever shall be the later, unless she is then co-habiting with a man.

(2) A widow's pension shall cease to be paid on her death, on her commencing to co-habit with a man to whom she is not married and, unless the Secretary of State otherwise decides, on her re-marriage.

(3) Payment of a widow's pension which has not been made, or which has been discontinued, by reason of her re-marriage or her co-habitation with a man may, if the Secretary of State so decides, be made or resumed, as the case may be, on her again becoming a widow or after the termination of the co-habitation.

Short Service Widow's Pension

48.—(1) Subject as hereinafter provided, an annual short service widow's pension shall be paid to the widow of a contributor or deceased teacher whose service counting for benefit amounts to less than ten years but not less than three years and who was employed in reckonable service, Scottish teaching service or Northern Ireland teaching service within one year before his death and either—

- (a) he is survived by an eligible child or children; or
- (b) his widow has attained the age of fifty on the date of his death.

(2) A short service widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he last became entitled to be paid superannuation allowances.

Amount of Short Service Widow's Pension

49. Subject as in regulation 54 provided, the annual amount of a short service widow's pension shall be the amount which, in column (2) of the following Table, is specified opposite to the number, in column (1) thereof, of the years of service counting for benefit of her husband:—

TABLE

(1) Years of Service	(2) Annual amount
3	£ 58
4	£ 66
5	£ 74
6	£ 82
7	£ 90
8	£ 98
9	£106

Duration of Short Service Widow's Pension

50.—(1) The provisions of regulation 47 shall apply to a short service widow's pension as they apply to a widow's pension.

(2) Subject as hereinbefore in this regulation provided, a short service widow's pension payable to a widow who has not attained the age of fifty shall be discontinued either—

- (a) when a children's pension ceases to be payable under the Scheme for the benefit of an eligible child of her husband; or
- (b) when there ceases to be an eligible child of her husband who has not attained the age of nineteen

whichever shall first occur.

Children's Pension

51. Subject as in regulation 53 provided, an annual children's pension shall be paid to or for the benefit of an eligible child or eligible children of a deceased

contributor or deceased teacher to whose widow there is payable, or would be payable if he were survived by a widow who neither re-marries nor co-habits with a man, either—

- (a) a widow's pension under regulation 45; or
- (b) a short service widow's pension under regulation 48.

Amount of Children's Pension

52.—(1) Subject as hereinafter in this regulation and in regulation 54 provided, the annual amount of a children's pension shall be the amount which, in column (2) or column (3) of the following Table, whichever column shall for the time being be appropriate, is specified opposite to the number of eligible children in respect of whom it is for the time being payable specified in column (1) thereof:—

TABLE

(1) Number of Eligible Children	(2) Annual Amount of Pension where there is a Surviving Widow of the Contributor or Deceased Teacher	(3) Annual Amount of Pension where there is not a Surviving Widow of the Contributor or Deceased Teacher
1	£ 60	£ 85
2	£110	£165
3	£160	£245
4 or more	£210	£325

(2) Where the eligible children to or for whose benefit a children's pension is payable include an incapacitated child, the annual amount of the pension shall, from the date on which that child attains the age of sixteen, be—

- (a) £210, if there is a surviving widow of the contributor or deceased teacher to or for the benefit of whose children it is payable; or
- (b) £325, if there is no such surviving widow,

together with such further amount, if any, as shall for the time being be payable under paragraph (1) above to or for the benefit of any other eligible child or children of the contributor or deceased teacher.

(3) If an eligible child to whom, or for whose benefit, a children's pension is payable is in receipt of remuneration at a yearly rate in excess of £115, or such other amount as may from time to time be substituted for £115 in section 212(4) of the Income Tax Act 1952(a), in respect of full-time training for a trade, profession or calling, the annual amount of the pension shall be reduced by the amount of the excess, or, if it would result in a smaller reduction of the pension, the child shall be disregarded for the purpose of calculating the amount of the pension.

Duration of Children's Pension

53.—(1) A children's pension shall begin to accrue on 1st April 1966 or on the day following the death of the contributor or deceased teacher to or for the benefit of whose eligible child or children it is payable, whichever shall be the later.

(2) A children's pension shall be discontinued—

- (a) in a case to which regulation 51(a) applies, if there is for the time being no eligible child to or for whose benefit such pension is payable; and
- (b) in a case to which regulation 51(b) applies, if there is for the time being no eligible child, other than an incapacitated child, who has not attained the age of nineteen, to or for whose benefit such pension is payable.

Benefits in respect of Scottish Contributors

54.—(1) In relation to a contributor in respect of whom benefits are payable both under the Scheme and under the Scottish Regulations the annual amount of a widow's pension, short service widow's pension and children's pension shall be such an amount as bears the same proportion to the amount determined in accordance with sub-paragraph (a) of paragraph (2) below as the amount defined in sub-paragraph (b) thereof bears to the total of the latter amount and the amount defined in sub-paragraph (c) thereof.

(2) The amounts referred to in paragraph (1) above shall be—

- (a) the annual amount of a widow's pension, short service widow's pension or children's pension, as the case may be, which would be payable if the service counting for benefit included any period of previous service in respect of which additional contributions were required by any provision of this Part to be paid by Method III, notwithstanding that such contributions have not been paid or have not been paid in full;
- (b) the amount held in the Fund or due thereto which represents the normal and additional contributions paid or payable by or in respect of the contributor, together with compound interest thereon calculated at three and one half per cent. per annum with yearly rests from 1st October in the year in which any such contribution was paid to the end of the month immediately preceding the date at which such amount is determined;
- (c) the amount held in the fund established under the Scottish Regulations or due thereto which represents the contributions paid or payable by or in respect of the contributor under those Regulations, together with compound interest thereon calculated at three and one half per cent. per annum with yearly rests from 1st October in the year in which such contributions were paid to the end of the month immediately preceding the date on which such amount is determined.

PART V

TEACHERS' DEPENDANTS' PENSION SCHEME

*Preliminary**Establishment of Scheme*

55. This Part makes provision for the establishment of a scheme for securing the payment of pensions to or for the benefit of persons wholly or mainly dependent on teachers, not being persons to whom or for whose benefit pensions may be paid under Part IV, which scheme shall be known as the Teachers' Dependants' Pension Scheme and is in this Part referred to as "the Scheme".

NOMINATION OF DEPENDANTS

Dependants

56.—(1) The persons to whom or for whose benefit pensions may be paid under the Scheme (hereinafter in this Part referred to as “dependants”) shall be persons nominated to the Secretary of State by a teacher and shall at the time of nomination be wholly or mainly dependent on the teacher.

(2) A dependant shall be a person who is related to the teacher by whom he is nominated in one of the following ways:—

- (a) husband;
- (b) son or daughter who is not an eligible child for the purposes of Part IV;
- (c) father or stepfather;
- (d) mother or stepmother;
- (e) brother;
- (f) sister;
- (g) grandson or granddaughter, being the son or daughter of a deceased son or daughter of the teacher;
- (h) nephew or niece, being the son or daughter of a deceased brother or sister of the teacher.

(3) At the time of nomination a female dependant shall be unmarried and a dependant nominated for a temporary pension shall be under the age of sixteen.

Nomination by Teachers

57.—(1) A teacher who is employed in reckonable service may make a nomination in favour of a dependant if—

- (a) he has been so employed for not less than three years and has not attained the age of fifty-five; or
- (b) he has been so employed for not less than three years before attaining the age of fifty-five, has attained that age but not the age of fifty-nine on or before 1st April 1966 and the Secretary of State consents.

(2) Without prejudice to the provisions of paragraph (1) above, a teacher who, while employed in Scottish teaching service, made under Part IV of the Scottish Regulations a valid nomination of a dependant to the Secretary of State for Scotland, may nominate the same dependant if—

- (a) on ceasing to be so employed he was not entitled to superannuation benefits under the Teachers (Superannuation) (Scotland) Regulations 1957 and was not repaid the contributions paid by him under section 105 of the Education (Scotland) Act 1962; and
- (b) he becomes employed in reckonable service within one year of ceasing to be employed in Scottish teaching service.

(3) Subject as in paragraph (1) above and in paragraphs (4) and (5) below provided, a teacher may make a further nomination either in favour of a dependant already nominated by him or of another dependant if since his last previous nomination, either:—

- (a) his salary has increased by not less than £120 a year; or
- (b) not less than three years have elapsed.

(4) A nomination or further nomination shall not be made by a teacher if it would result in there being at one time more than the following dependants nominated by him—

- (a) nominated for life pensions: one adult and one incapacitated child of whom the teacher is the parent; and
- (b) nominated for temporary pensions: three children.

Provided that a woman teacher may nominate her husband in addition to the dependants specified above.

(5) A nomination or further nomination shall not be made by a teacher if it would result in there being payable to or in respect of dependants nominated by him pensions the total annual value of which would exceed one-sixth of his annual salary at the time of making the nomination.

Provided that—

- (a) a woman teacher who nominates her husband for a life pension may—
 - (i) nominate him for a life pension not exceeding one-sixth of her salary at the time of nomination; and
 - (ii) nominate another adult for a life pension not exceeding one-sixth of her salary at the time of nomination; and
 - (iii) nominate her incapacitated child for a life pension not exceeding £210 a year; and
 - (iv) nominate not more than three children each for temporary pensions not exceeding £60 a year;
- (b) a teacher who is unmarried may—
 - (i) nominate an adult for a life pension not exceeding one-sixth of his or her salary at the time of the nomination; and
 - (ii) nominate his incapacitated child for a life pension not exceeding £320 a year; and
 - (iii) nominate not more than three children each for temporary pensions not exceeding £80 a year.

Validity of Nominations

58.—(1) A nomination made by a teacher shall not be valid unless the Secretary of State is satisfied—

- (a) that the requirements of regulations 56 and 57 are satisfied in respect of the dependant nominated; and
- (b) that the teacher is, at the time of making the nomination, in good health, regard being had to his age.

(2) For the purpose of sub-paragraph (b) above the Secretary of State may require the teacher to be examined by a duly qualified medical practitioner designated by him.

Avoidance of Nominations

59. A nomination of a dependant shall become void—

- (a) on the receipt by the Secretary of State of a written notice of revocation from the teacher by whom it was made;
- (b) on the dependant ceasing to be wholly or mainly dependent on the teacher by whom he was nominated;
- (c) on the death of the dependant;
- (d) on the marriage of a female dependant;
- (e) on the attainment of the age of sixteen by a dependant nominated for a temporary pension;
- (f) on the dependant becoming a person to whom or for whose benefit a pension is or may become payable under Part IV;

- (g) on the teacher by whom it was made being repaid his superannuation contributions after ceasing to be employed in reckonable service;
- (h) on the teacher by whom it was made ceasing to be employed in reckonable service for a period exceeding one year without entitlement to superannuation allowances, unless, having become employed in Scottish teaching service, he nominates the dependant and pays contributions in respect of him under Part IV of the Scottish Regulations.

CONTRIBUTIONS

Payment of Contributions

60. For the purposes of defraying the cost of the benefits under the Scheme every teacher by whom a nomination has been made shall pay contributions in respect thereof to the Secretary of State.

Amount of Contributions

61.—(1) Except as in paragraph (2) below provided, the contributions to be paid by a teacher in respect of every nomination made by him shall be at a rate to be determined by the Government Actuary or Deputy Government Actuary as at the date of nomination and shall be of a fixed annual amount according to the age and sex of the teacher, the amount and type of the pension which will be payable, the age of the nominee, and, in the case of a life pension, the sex of the nominee.

(2) The contributions to be paid by a teacher in respect of a nomination to which regulation 57(2) applies shall be—

- (a) the amount of the arrears of the contributions which would, if he had continued to be employed in Scottish teaching service, have been payable under Part IV of the Scottish Regulations from the time of ceasing to be so employed until becoming employed in reckonable service; and
- (b) further contributions at the rate at which he was previously paying contributions under Part IV of the Scottish Regulations.

Duration of Contributions

62.—(1) Contributions in respect of a nomination shall commence to be payable from the first day of the month commencing next after the Secretary of State sends by post to the teacher by whom it was made a notification that it has been accepted.

(2) Contributions in respect of a nomination shall cease to be payable by the teacher by whom it was made on—

- (a) his attaining the age of sixty; or
- (b) on his ceasing to be employed in reckonable service; or
- (c) on the nomination becoming void.

Contributions in respect of Intervals in Service

63. Where a teacher who is not qualified to be granted superannuation allowances and has not been repaid his superannuation contributions becomes re-employed in reckonable service after ceasing to be so employed for a period not exceeding one year, he shall pay the contributions in respect of any nomination made by him which would have been payable by him if he had continued to be so employed throughout that period.

Payment of Contributions on Death

64.—(1) Where a teacher dies while employed in reckonable service or within one year of ceasing to be so employed—

- (a) any sums due from him at the date of his death by way of contributions in respect of any nomination; and
- (b) any sum necessary to complete the payment by him of contributions for one year in respect of any nomination

shall be paid by the surrender of the whole or a proportion of the gratuity payable in respect of him or any sum payable in respect of him by way of return of superannuation contributions or, if the sum paid by such surrender is insufficient for the purpose, may be paid in such other manner as may be agreed.

(2) Where a teacher dies before attaining the age of sixty, having previously ceased to be employed in reckonable service with entitlement to superannuation allowances on attaining that or any lesser age, any sums due from him by way of contributions in respect of any nomination, together with compound interest thereon calculated at four per cent. per annum with yearly rests, shall be paid by the surrender of the whole or a proportion of any sums payable under the Acts or superannuation regulations to his personal representatives.

Repayment of Contributions

65. A sum equal to one-half of the contributions paid by a teacher in respect of the nomination of a dependant for a life pension shall be repaid to him on—

- (a) his being repaid his superannuation contributions after ceasing to be employed in reckonable service; or
- (b) his ceasing to be employed in reckonable service for a period exceeding one year without entitlement to superannuation allowances.

BENEFITS

Entitlement to Pensions

66. Pensions shall be payable under the Scheme to or in respect of a dependant on the death of the teacher by whom he was nominated if—

- (a) the nomination has not become void;
- (b) contributions for not less than one year have been paid in respect of the nomination; and
- (c) the teacher dies—
 - (i) while employed in reckonable service; or
 - (ii) after ceasing to be so employed with entitlement, either immediately or on attaining the age of sixty or any lesser age, to superannuation allowances; or
 - (iii) within one year of ceasing to be so employed and any contributions outstanding at the date of his death are paid in accordance with regulation 64; or
 - (iv) while employed in Scottish teaching service, having made a valid nomination of the dependant to the Secretary of State for Scotland under Part IV of the Scottish Regulations.

Life and Temporary Pensions

67.—(1) Pensions payable under the Scheme shall be—

- (a) life pensions, if at the time of nomination the dependant is over the age of sixteen or is incapacitated; or

(b) temporary pensions in other cases and "life pension" and "temporary pension" shall in this Part be construed accordingly.

Amounts of Pensions

68.—(1) Subject to the provisions of regulation 57 and of paragraphs (2) and (3) below—

- (a) the annual amount of a life pension shall be such amount, being a multiple of £10 not less than £30, as the teacher shall determine at the time of making the nomination of the dependant to or in respect of whom it is payable;
- (b) the annual amount of a temporary pension shall be such of the following sums, that is to say, £30, £40, £50 or £60, as the teacher shall determine at the time of making the nomination of the dependant to or in respect of whom it is payable.

(2) The annual amount of a pension payable under the Scheme to or in respect of a dependant to or in respect of whom a pension is also payable under Part IV of the Scottish Regulations shall be such an amount as bears the same proportion to the amount thereof determined under the foregoing provisions of this Part as the amount determined under sub-paragraph (a) below bears to the amount determined under sub-paragraph (b) below—

- (a) the amount held in the Fund which represents contributions paid in respect of the dependant, together with compound interest on any such contributions calculated at three and a half per cent. per annum with yearly rests from 1st October in the year in which it was paid to the end of the month immediately preceding the date at which such amount is determined;
- (b) the total of the amount determined under sub-paragraph (a) above and the amount held in the fund established under the Scottish Regulations which represents contributions paid in respect of the dependant, together with compound interest on any such contributions calculated at three and a half per cent. per annum with yearly rests from 1st October in the year in which it was paid to the end of the month immediately preceding the date at which such amount is determined.

(3) Where the teacher who nominated the dependant to whom a pension is payable ceased to be employed in reckonable service before attaining the age of sixty, being then entitled to superannuation allowances on attaining that or any lesser age, the annual amount of the pension shall be reduced by such amount as the Secretary of State shall, after consultation with the Government Actuary or Deputy Government Actuary, determine to be appropriate having regard to the amount by which the contributions actually paid is less than those which would have been paid if the teacher had continued to be employed in reckonable service until attaining the age of sixty.

Duration of Pensions

69.—(1) A life pension and a temporary pension shall begin to accrue on the day following the death of the teacher by whom the dependant to or in respect of whom it is payable was nominated.

(2) A life pension shall cease to be paid on the death of the dependant to or in respect of whom it is payable, or, in the case of a female dependant, on her marriage.

(3) A temporary pension shall cease to be paid on the death of the dependant to or in respect of whom it is payable or on his attaining the age of sixteen, whichever shall first occur.

PART VI

MISCELLANEOUS AND SUPPLEMENTARY

Functions of Secretary of State

70. The Secretary of State shall—

- (a) maintain records of all elections made under Part IV and of all valid nominations made under Part V;
- (b) receive all contributions payable under Parts IV and V and arrange for the amounts thereof to be credited to the Fund as provided in Part III;
- (c) make all payments of benefits and other sums under these Regulations and arrange for the amounts thereof to be debited to the Fund as provided in Part III; and
- (d) maintain records of all such contributions and of all such payments of benefits and other sums.

Collection of Contributions by Deduction from Salary

71.—(1) The provisions for the time being contained in rules made under the Acts or in superannuation regulations relating to the deduction from the salaries of teachers of the amounts of superannuation contributions payable by them and to the manner in which such contributions are to be collected shall apply, in like manner as they apply in relation to such contributions, in relation to contributions payable under Part IV and Part V, other than contributions payable by the surrender of the whole or a proportion of additional allowances, gratuities or sums payable by way of return of superannuation contributions.

(2) Expenses incurred by the Secretary of State and by Local Education Authorities and other employers of teachers for the purposes of the Schemes shall not be charged to the Fund but shall be deemed to be contributions thereto by the Secretary of State or the Local Education Authorities or other employers, as the case may be.

Limitation of Amount of Contributions

72.—(1) Notwithstanding any preceding provisions of these Regulations the aggregate amount of the sums paid by a teacher in any year as—

- (a) superannuation contributions;
- (b) normal contributions within the meaning of Part IV;
- (c) additional contributions within the meaning of Part IV which are paid by either Method I or Method II; and
- (d) contributions paid under Part V

shall not exceed fifteen per cent. of his salary for that year.

(2) For the purposes of this regulation—

- (a) the amount of the superannuation contributions paid by a teacher shall be deemed to be—
 - (i) the amount thereof before any modification in consequence of the National Insurance Act 1965; and

- (ii) not less than six per cent. nor more than thirteen per cent. of his salary for the year; and
(b) "year" means a year of assessment for the purposes of income tax.

Interest on Repaid Contributions

73.—(1) Where contributions are repaid under Part IV or Part V compound interest shall be added thereto in accordance with the provisions of this regulation.

(2) Compound interest shall not be paid in respect of any period during which the teacher to whom or to whose personal representatives the contributions are being repaid was not employed in reckonable service.

(3) Compound interest on repaid contributions shall be at the rate of three per cent. per annum and shall be calculated with yearly rests from 1st October in the year in which the contributions were paid to the end of the month immediately preceding that in which repayment is made.

Deductions from Repaid Contributions

74. Any contributions repaid under Part IV or Part V and any interest added thereto shall be reduced by a sum equal to the amount of any income tax payable in consequence of such repayment and addition.

Payment of Pensions

75. Every pension and other sum payable under these Regulations shall, unless it consists of a single payment, be paid monthly in arrear with proportionate payment on death or other terminating event.

Payments in respect of Deceased Persons

76. On the death of a person to whom or to whose estate any sum not exceeding £500 is due under these Regulations the Secretary of State may, without probate or other proof of title, pay the said sum to the persons appearing to him to be beneficially entitled to the personal estate of the deceased, or, as he thinks fit, to one or more of those persons or distribute it among all or any of those persons in such proportion as he may determine.

Payment in respect of Minors and Infirm Persons

77. If a person to or in respect of whom a pension or other sum is payable under these Regulations is a minor, or, in the opinion of the Secretary of State, is incapable by reason of infirmity of mind or body of managing his affairs, the Secretary of State may pay the pension or other sum to any person having the care of that person, and, insofar as it is not so paid, may apply it in such manner as he thinks fit for the benefit of that person or his dependants.

Benefits not Assignable

78.—(1) Subject to the following provisions of this regulation every assignment of or charge on, and every agreement to assign or charge, any pension payable under these Regulations shall be void.

(2) On the bankruptcy of a person entitled to any such pension, it shall not pass to any trustee or other person acting on behalf of the creditors.

(3) Nothing in the preceding provisions of this regulation shall affect the powers of the court under Section 51(2) of the Bankruptcy Act 1914(a) (under which the court may order the payment of the whole or part of certain sums to the trustee in bankruptcy).

Provision of Information

79. Every teacher affected by these Regulations or, if he is dead, his personal representatives, and every person by or in respect of whom any benefit or payment is claimed under these Regulations, shall give such information and produce such documents to the Secretary of State as he may require for the purposes of his functions under these Regulations.

Extension of Time

80. The Secretary of State may extend the time within which anything is required or authorised to be done under the provisions of these Regulations if he considers that there are reasonable grounds for so doing.

Determination of Questions

81. Any question arising under these Regulations as to any election or nomination, or as to the liability to pay and the amount of any contributions, or as to the entitlement to receive and the amount of any benefit or payment shall be decided by the Secretary of State and his decision thereon shall be final.

Regulations 30 and 31

SCHEDULE 1

RATES OF ADDITIONAL CONTRIBUTIONS—METHODS I AND II

(1) Age on date from which additional contributions payable		(2) Percentage of Salary (Method I)	(3) Percentage of Salary (Method II)
Years	Completed months		
24 or under	—	.05	—
25	—	.05	—
26	—	.05	—
27	—	.06	—
28	—	.06	—
29	—	.06	—
30	—	.07	.06
31	—	.07	.06
32	—	.08	.07
33	—	.08	.07
34	—	.09	.08
35	—	.09	.08
36	—	.10	.09
37	—	.10	.09
38	—	.11	.10
39	—	.11	.10
40	—	.12	.10
41	—	.13	.11
42	—	.14	.12
43	—	.15	.12
44	—	.15	.13

SCHEDULE 1—*continued*

(1) Age on date from which additional contributions payable		(2) Percentage of Salary (Method I)	(3) Percentage of Salary (Method II)
Years	Completed months		
45	—	.16	.13
46	—	.18	.14
47	—	.20	.15
48	—	.21	.16
49	—	.23	.17
50	—	.25	.18
51	—	.28	.19
52	—	.31	.20
53	—	.35	.22
54	—	.41	.24
55	—	.46	.26
	1	.46	.26
	2	.47	.26
	3	.48	.26
	4	.49	.26
	5	.50	.27
	6	.51	.27
	7	.52	.27
	8	.53	.27
	9	.54	.28
	10	.55	.28
	11	.56	.28
56	—	.57	.28
	1	.58	.29
	2	.59	.29
	3	.60	.29
	4	.61	.29
	5	.62	.30
	6	.63	.30
	7	.65	.30
	8	.67	.30
	9	.69	.31
	10	.71	.31
	11	.73	.31
57	—	.75	.32
	1	.77	.32
	2	.79	.32
	3	.81	.32
	4	.84	.33
	5	.86	.33
	6	.89	.33

SCHEDULE 1—*continued*

(1) Age on date from which additional contributions payable		(2) Percentage of Salary (Method I)	(3) Percentage of Salary (Method II)
Years	Completed months		
58	7	.92	.34
	8	.95	.34
	9	.99	.34
	10	1.03	.35
	11	1.07	.35
	—	1.11	.36
	1	1.16	.36
	2	1.21	.36
	3	1.27	.37
	4	1.33	.37
	5	1.40	.38
6	1.48	.38	
59	7	1.57	.38
	8	1.67	.39
	9	1.78	.39
	10	1.90	.40
	11	2.00	.40
	—	—	.41
	1	—	.41
	2	—	.42
	3	—	.42
	4	—	.43
	5	—	.43
6	—	.44	
60	7	—	.44
	8	—	.45
	9	—	.45
	10	—	.46
	11	—	.46
	—	—	.46
	1	—	.46
	2	—	.47
	3	—	.48
	4	—	.49
	5	—	.50
6	—	.51	
	7	—	.52
	8	—	.53
	9	—	.54
	10	—	.55
	11	—	.56

SCHEDULE 1—*continued*

(1) Age on date from which additional contributions payable		(2) Percentage of Salary (Method I)	(3) Percentage of Salary (Method II)
Years	Completed months		
61	—	—	.57
	1	—	.58
	2	—	.59
	3	—	.60
	4	—	.61
	5	—	.62
	6	—	.63
	7	—	.65
	8	—	.67
	9	—	.69
	10	—	.71
11	—	.73	
62	—	—	.75
	1	—	.77
	2	—	.79
	3	—	.81
	4	—	.84
	5	—	.86
	6	—	.89
	7	—	.92
	8	—	.95
	9	—	.99
	10	—	1.03
11	—	1.07	
63	—	—	1.11
	1	—	1.16
	2	—	1.21
	3	—	1.27
	4	—	1.33
	5	—	1.40
	6	—	1.48
	7	—	1.57
	8	—	1.67
	9	—	1.78
	10	—	1.90
11	—	2.00	

Regulation 32

SCHEDULE 2

RATES OF ADDITIONAL CONTRIBUTIONS—METHOD III

(1) Age on date on which Scheme first applies	(2) Percentage of average salary (Scheme applicable before 1st April, 1967)	(3) Percentage of average salary (Scheme first applicable on or after 1st April, 1967)
24 or under	3·1	3·1
25	3·2	3·2
26	3·2	3·2
27	3·2	3·2
28	3·2	3·2
29	3·2	3·2
30	3·3	3·3
31	3·3	3·3
32	3·3	3·3
33	3·3	3·3
34	3·3	3·3
35	3·3	3·3
36	3·2	3·2
37	3·2	3·2
38	3·2	3·2
39	3·2	3·2
40	3·2	3·2
41	3·1	3·1
42	3·1	3·1
43	3·1	3·1
44	3·1	3·1
45	3·0	3·1
46	2·9	3·0
47	2·8	3·0
48	2·7	3·0
49	2·6	2·9
50	2·5	2·9
51	2·5	2·9
52	2·5	2·8
53	2·5	2·8
54	2·5	2·7
55	2·5	2·7
56	2·5	2·6
57	2·5	2·6
58	2·5	2·5
59	2·4	2·4
60	2·3	2·3
61	2·3	2·3
62	2·2	2·2
63	2·2	2·2
64 or over	2·1	2·1

Given under the Official Seal of the Secretary of State for Education and Science on 28th March 1966.

(L.S.)

R. E. Prentice,
Minister of State for
Education and Science.

We concur

John Silkin,
J. McCann,
Two of the Lords Commissioners of
Her Majesty's Treasury.

30th March 1966.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the introduction of two separate schemes for the payment of pensions to widows, children and other dependants of teachers. The pensions will be paid from a fund to be provided by teachers' contributions and to be managed by a Board consisting of representatives of teachers and local authorities. The Secretary of State will be responsible for the general administration of the Schemes; his expenses (including the administrative expenses of the Board) and those of local authorities and other employers of teachers are to be deemed to be contributions to the fund.

The Widows' and Children's Scheme applies to men teachers only. Those already in pensionable service and those entering such service before 1st April 1969 have an option to join; later entrants will be included compulsorily. By virtue of Section 3(1) of the Teachers' Superannuation Act 1965, the regulations apply this Scheme to men teachers who died in service before 1st April 1966 but after 22nd December 1965, the date of the passing of the Act.

Pensions under the Widows' and Children's Scheme are payable for life (or until remarriage) to the widows of serving teachers or pensioners with ten years or more under service the Scheme, at rates related to the teachers' own pensions or to their salary and length of service, subject to a minimum widow's pension of £115 per annum. In respect of teachers with shorter service of at least three years, smaller pensions are payable to widows whose children are eligible for children's pensions under the Scheme and to widows already aged 50 or over when their husbands die; those widowed at 50 or over and those who have reached that age before children's pensions cease to be payable will receive these pensions for life, or until re-marriage. Children's pensions, ranging from £60 to

£325 per annum according to family size and circumstances, are provided for eligible children of teachers whose service amounted to three years or more.

Contributions for service after joining the Widows' and Children's Scheme will be at the rate of 2 per cent. of salary; for earlier service contributions may be paid either by an additional deduction from current salary or by surrender of part of teachers' lump sum benefits, or by a combination of both methods. In certain circumstances contributions are returnable either fully or in part.

Membership of the Dependants' Scheme is voluntary and is open to both men and women teachers. Provision is made for payment of life or temporary pensions, subject to specified limits, for certain dependants nominated by teachers, in return for fixed annual contributions assessed actuarially according to the age and sex of the teacher and nominee.