
STATUTORY INSTRUMENTS

1967 No. 489

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation Regulations 1967

<i>Made</i>	- - -	<i>23rd March 1967</i>
<i>Laid before Parliament</i>		<i>31st March 1967</i>
<i>Coming into Operation</i>		<i>1st April 1967</i>

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THE SECRETARY OF STATE FOR EDUCATION AND SCIENCE—

(1) 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 section 1 of the Teachers' Superannuation Act 1965(a), hereby makes the following Regulations, except regulations 25, 55 and 94 and Schedule 5; and

(2) having made the consultations required by section 62(3) of the National Insurance Act 1965(b) and having been determined by the Treasury to be the appropriate Minister of the Crown under Section 110(1) of that Act, in exercise of the powers conferred on him by those sections, hereby makes regulations 25, 55 and 94 and Schedule 5 of the following Regulations—

PART I

GENERAL

Citation

1. These Regulations may be cited as the Teachers' Superannuation Regulations 1967.

The Appointed Day

2. The appointed day for the purposes of section 2 of the Teachers' Superannuation Act 1965 shall be 1st April 1967 and these Regulations shall come into operation on that date.

Interpretation

3.—(1) The Interpretation Act 1889(c) 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.

(a) 1965 c. 83.

(b) 1965 c. 51.

(c) 1889 c. 63.

Definitions

4.—(1) In these Regulations, unless the context otherwise requires—

“ the Act of ” any specified year means the Elementary School Teachers (Superannuation) Act, the School Teachers (Superannuation) Act, the Teachers (Superannuation) Act or the Teachers’ Superannuation Act, as the case shall be, of that year;

“ the Acts of 1918 to 1956 ” means the Teachers (Superannuation) Acts 1918 to 1956;

“ additional superannuation allowance ” means an additional superannuation allowance payable by virtue of regulation 41;

“ annual superannuation allowance ” means an annual superannuation allowance payable by virtue of regulation 41;

“ appointed day ” means 1st April 1967;

“ average salary ”, in relation to a teacher employed in reckonable service, means his average salary as calculated under section 4(3) of the Act of 1967;

“ British Isles ” means the United Kingdom, the Channel Islands and the Isle of Man;

“ college of education ” means an establishment for the training of teachers;

“ contributory service ” has the same meaning as in the Acts of 1918 to 1956;

“ external service ” has the meaning assigned to it by regulation 6;

“ financial year ” means the year ending on 31st March;

“ interchange rules ” means rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(a) (which section relates to persons transferring to or from certain employments) and includes provisions corresponding to the provisions of such rules 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);

“ local authority ” means—

(a) in England or Wales, the council of a county, county borough, London borough, county district, borough included in a rural district or parish, the Greater London Council, the Common Council of the City of London and the Council of the Isles of Scilly;

(b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act 1947(d);

(c) a body all of whose members are appointed or elected by one or more such council or local authority; and

(d) a body the majority of whose members are appointed or elected by one or more such council or local authority and in the case of which, by virtue of any enactment—

(i) there is power to issue a precept to such council or a requisition to such local authority; or

(ii) such council or local authority are or can be required to contribute to its expenses;

“ qualifying service ” has the meaning assigned to it by regulation 7;

“ reckonable service ” means such service as is by virtue of regulation 5 reckonable service for all the purposes of Part I of the Act of 1967;

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

(b) 1946 c. 81.
(d) 1947 c. 43.

“ recognised service ” has the same meaning as in the Acts of 1918 to 1956;
 “ salary ”, in relation to a teacher employed in reckonable service, means his salary as calculated under section 4(1) of the Act of 1967;
 “ the Scheme of 1963 ” means the Teachers Superannuation (Independent Schools) Scheme 1963(a);
 “ service ”, in relation to reckonable service, means salaried employment under a contract of service with an employer of a person who at the date of the employment is over eighteen and under seventy years of age;
 “ service as a teacher ” means service wholly in the capacity of a teacher or service mainly and primarily in the capacity of a teacher in which any other duties are educational and connected with the duties in that capacity;
 “ superannuation allowances ” means annual superannuation allowances and additional superannuation allowances;
 “ teacher ”, where the context so requires, includes a person who has ceased to be a teacher.

(2) Other expressions used in these Regulations to which meanings are assigned by the Education Acts 1944 to 1967 shall, unless the context otherwise requires, have the same respective meanings in these Regulations as in those Acts.

PART II SERVICE

Reckonable Service

5. For all the purposes of Part I of the Act of 1967 and of these Regulations reckonable service shall, subject as in regulations 16, 17 and 18 provided, be:—

- (a) service on and after the appointed day which is—
 - (i) full-time service as a teacher of a kind specified in Part I of Schedule 1; or
 - (ii) reckonable service by virtue of any provision contained in regulations 8, 9, 10, 11, 13, 14 and 15;
- (b) service before the appointed day which—
 - (i) was recognised or contributory service;
 - (ii) not being approved external service for the purposes of section 13 of the Act of 1925, was treated as recognised or contributory service by virtue of any enactment or statutory instrument (other than the Scheme of 1963 and the schemes specified in regulations 83 and 87); or
 - (iii) was reckoned as recognised or contributory service by virtue of interchange rules, to the extent that it was so reckoned; and
- (c) service before the appointed day of a kind specified in Part III of Schedule 1 in respect of which the requirements specified in that Part are complied with.

External Service

6.—(1) Service of a kind specified in Schedule 2 shall, in the case of a teacher who has been employed in such service as well as in reckonable service, be external service for the purposes of these Regulations.

(2) External service, if of a kind specified in Part I of Schedule 2, shall be class A external service; if of a kind specified in Part II of that Schedule, shall

(a) S.I. 1963/577 (1963 I, p. 668).

be class B external service; and, if of a kind specified in Part III of that Schedule, shall be class C external service.

(3) For the purpose of calculating the average salary of a teacher under section 4(3) of the Act of 1967 reckonable service shall be deemed to include any service of that teacher which is class A or class B external service unless, in the case of service of the kind specified in paragraph 6 of Schedule 2, the teacher otherwise elects.

Qualifying Service

7. For the purposes of regulation 41 qualifying service shall be—

- (a) any employment or occupation before the appointed day which was qualifying service within the meaning of the Act of 1925 by reason of any enactment, statutory instrument or declaration made by the Treasury in pursuance of section 18 of that Act;
- (b) any employment or occupation on or after the appointed day of a person who continues in an employment or occupation which immediately before that day was such qualifying service as aforesaid; and
- (c) any employment or occupation, whether in the capacity of a teacher or otherwise, of a kind specified in Schedule 3, being employment or occupation in respect of which the Secretary of State is satisfied either—
 - (i) that it consists of the performance of duties in connection with the provision of education or of services ancillary to education; or
 - (ii) that it is such as to provide to a teacher in reckonable service experience of value to him in the post in which he is employed.

Continuation of Former Service

8. Where the service of a person immediately before the appointed day was service of a kind specified in regulation 5(b)(i) or (ii) his service in the same employment on and after the appointed day shall, if it is service as a teacher, be reckonable service notwithstanding that it is not such service under regulation 5(a).

Sick Leave

9.—(1) Except as in paragraph (2) below provided, any period of absence of a teacher from reckonable service on grounds of sickness shall be reckonable service if his employer approves his absence and records it as sick leave.

(2) A period of absence of a teacher from reckonable service on grounds of sickness shall not be reckonable service—

- (a) if he has been continuously so absent for more than twelve months or, in a case of absence on account of pulmonary tuberculosis, for more than eighteen months; or
- (b) if in respect of such period he is not entitled to allowances equivalent to at least half pay, disregarding any deduction or refund provided for by the terms of his employment.

Special Leave

10.—(1) Where a teacher is granted by his employer leave of absence from reckonable service on full pay—

- (a) to attend a course of instruction; or
- (b) to serve as a teacher elsewhere than in the British Isles under arrangements approved by the Secretary of State for the interchange of teachers; or

(c) for any other reason connected with his service as a teacher approved by the Secretary of State the period of absence shall be reckonable service.

(2) Where, in a case to which paragraph (1) above does not apply, a teacher is granted by his employer leave of absence from reckonable service on full pay otherwise than on grounds of sickness any period of such absence not exceeding thirty working days in any financial year shall be reckonable service.

Holidays

11. Any period which is part of an ordinary holiday or vacation and in respect of which a teacher employed in reckonable service is paid in full shall be reckonable service.

Salaries Paid Termly

12. Where a teacher employed in reckonable service receives an amount equal to one-third of his annual salary in respect of a term's employment, whether by one or more payments, the amount shall be deemed to represent the salary of the teacher in respect of four months of service, beginning on 1st January, 1st May or 1st September, as the case may be.

Intervals of Service

13.—(1) If the employment of a teacher in reckonable service is discontinued—

- (a) for a period not exceeding one year; or
- (b) for a period not exceeding five years during which he is engaged in some other occupation which, in the opinion of the Secretary of State, provides experience of value to teachers; or
- (c) for a period not exceeding six years, or such longer period as the Secretary of State may in any particular case approve, during which he is employed—
 - (i) as a teacher in any country specified in section 1(3) of the British Nationality Act 1948(a);
 - (ii) as a teacher in any school in any other country outside the British Isles, being a school in which, in the opinion of the Secretary of State, it is expedient to facilitate the employment of teachers from England and Wales; or
 - (iii) in an educational service outside the British Isles in employment which to a substantial extent involves the control or supervision of teachers

the period of absence shall, if the teacher with the consent of the Secretary of State pays contributions in respect thereof of the amount prescribed by regulation 31, be reckonable service.

(2) Where employment in contributory service was discontinued before the appointed day—

- (a) if consent to the payment of contributions was given under section 2 of the Act of 1937 before that day, any part of the period of absence falling on or after that day in respect of which contributions are paid in accordance with the provisions of that section, section 4 of the Act of 1965 or regulation 31(3) shall be reckonable service; or

(a) 1948 c. 56.

- (b) if consent to the payment of contributions was not given under section 2 of the Act of 1937 before that day, the provisions of paragraph (1) above shall apply in respect of the whole period of absence as they apply in a case in which employment in reckonable service is discontinued.

Service in Schools Abroad

14. A period of employment of a person in respect of which any direction was given under section 18 of the Act of 1956 shall be reckonable service if—

- (a) in respect thereof he has paid, or completes the payment of, contributions in accordance with the provisions of that section and of the rules made thereunder; and
- (b) within two years after the expiration of the period for which contributions have been duly paid he becomes employed in reckonable service or in class A external service of the kind specified in paragraph 1 of Schedule 2.

Previous Employment

15.—(1) This regulation applies to a teacher who—

- (a) before becoming employed in reckonable service had not attained the age of fifty;
- (b) before becoming so employed had been engaged in previous employment; and
- (c) was not before the appointed day a teacher to whom either section 18 or section 19 of the Act of 1956 applied.

(2) For the purposes of this regulation previous employment—

- (a) shall be—
 - (i) employment in any school outside the British Isles, being a school in which it is expedient to facilitate the employment of teachers from England and Wales; and
 - (ii) employment, other than employment as a teacher in the British Isles, which is such as to provide experience of value to a teacher in a secondary school, establishment of further education or college of education; and
- (b) shall not be—
 - (i) service undertaken by virtue of an enlistment notice or a training notice served under Part I of the National Service Act 1948^(a) or work or training in pursuance of an order made or direction given under the said Part I in respect of a conditionally registered conscientious objector; or
 - (ii) service reckoned as reckonable service by virtue of interchange rules.

(3) Any period of previous employment after attaining the age of twenty-one of a teacher to whom this regulation applies, not exceeding the maximum period determined in accordance with paragraphs (4) and (5) below, shall be reckonable service if—

- (a) by notice in writing to the Secretary of State he so elects within eighteen months of becoming employed in reckonable service; and
- (b) he pays to the Secretary of State additional contributions in respect thereof of the amount and in the manner prescribed by regulation 32.

(a) 1948 c. 64.

(4) For the purposes of paragraph (3) above, the maximum period shall, subject as in paragraph (5) below provided, be the number of years which, in column (2) of the following Table, is specified opposite to the age which the teacher had attained at the time he became employed in reckonable service specified in column (1) thereof:—

TABLE

(1) Age	(2) Number of Years
Exceeding 46 but not 50	5
Exceeding 45 but not 46	7
Exceeding 44 but not 45	9
Not exceeding 44	10

(5) In the case of a teacher to whom this regulation applies and who, on becoming employed in reckonable service, was entitled to superannuation benefits (including the repayment of contributions) in respect of any former employment, trade, profession, vocation or office the maximum period specified in paragraph (4) above shall be reduced to such extent as will ensure that the aggregate annual amount of—

- (a) the actuarial value, expressed as an annuity payable to him, of such superannuation benefits;
 - (b) the part of the annual superannuation allowance payable to him under these Regulations attributable to service before attaining the age of sixty; and
 - (c) the actuarial value, expressed as an annuity payable to him, of the part of the additional superannuation allowance payable to him under these Regulations attributable to service before attaining the age of sixty
- shall not exceed two-thirds of his average salary.

(6) For the purposes of paragraph (5) above it shall be assumed that the teacher will, until he attains the age of sixty, continue to be employed in the same employment and on the same salary scale as at the date of the election made under paragraph (3) above.

(7) Any question arising under this regulation as to—

- (a) whether a school is one in which it is expedient to facilitate the employment of teachers from England and Wales;
 - (b) whether a period of previous employment of a teacher was such as to provide experience of value to a teacher in a secondary school, establishment of further education or college of education; and
 - (c) as to the extent to which the maximum period specified in paragraph (4) above is to be reduced under paragraph (5) above
- shall be decided by the Secretary of State and his decision thereon shall be final.

Exclusion from Reckonable Service

16.—(1) The service of a person as a teacher of a kind specified in Part I of Schedule 1 shall not be reckonable service if—

- (a) having not more than one year before becoming employed in such service been subject to a superannuation scheme operated under the Federated Superannuation System for Universities or in employment in respect of which superannuation benefits of a kind similar to those secured under that system were secured to him by means of insurance policies, he and his employer elect by notice in writing to the Secretary of State given within three months of his becoming so employed that his service shall not be reckonable service and the Secretary of State is satisfied that he will be assured of adequate benefits on retirement or death by means of insurance policies or the investment and accumulation of contributions; or
- (b) immediately before the appointed day he was employed in the same service and that service was not treated as contributory service by virtue of section 3(2) of the Act of 1945; or
- (c) he is employed in service in respect of which contributions are payable by virtue of regulations made under section 67(1) of the National Health Service Act 1946; or
- (d) being ordinarily resident outside the British Isles, he has not been, and satisfies the Secretary of State that he does not intend to be, continuously resident therein for more than two years; or
- (e) he is employed in an establishment specified in paragraph (2) below.

(2) The following are the establishments referred to in paragraph 1(e) above, that is to say—

Royal College of Art
National College of Agricultural Engineering
College of Aeronautics.

Non-payment of Contributions

17. Without prejudice to the power of the Secretary of State to recover any contributions payable under the Acts of 1918 to 1956, the Act of 1967 or these Regulations—

- (a) any period of service before the appointed day (other than service to which Part III of Schedule 1 applies) in respect of which such contributions are not paid in accordance with the provisions of the Acts of 1918 to 1956 and rules made thereunder; and
- (b) any period of service on or after the appointed day in respect of which such contributions are not paid in accordance with the provisions of Part III

shall not, unless the Secretary of State consents, be reckonable service.

Repayment of Contributions

18. Any period of service in respect of which the contributions paid by a teacher have, under the provisions of Part IV, been repaid by the Secretary of State and not again paid to the Secretary of State in accordance with regulation 28 shall not be reckonable service.

Local Government Superannuation

19. Notwithstanding anything in the Local Government Superannuation Acts 1937 to 1953(a) or in any scheme made thereunder or in any enactment or provisional order under which a local authority maintain a superannuation fund, a teacher whose service is reckonable service by virtue of this Part shall not be subject to the superannuation scheme established by or under those Acts or by or under such enactment or provisional order.

PART III
CONTRIBUTIONS

Payment of Teachers' Contributions by Deduction from Salary

20.—(1) Save as otherwise provided in these Regulations the employer of a teacher employed in reckonable service shall deduct from every payment of salary to such teacher the contributions payable by him in respect thereof under section 3 of the Act of 1967.

(2) Any contributions payable by a teacher which are not deducted from salary under paragraph (1) above shall, together with any interest thereon payable under regulation 27, be deducted from later payments of salary.

(3) Contributions paid by deduction from salary under this regulation shall be attributable to the financial year in which the period of service in respect of which they are payable fell.

Payment by Teachers to Secretary of State

21.—(1) Any contributions payable by a teacher under section 3 of the Act of 1967 which have not been deducted from salary under regulation 20 or subsequently collected by the employer, shall, together with any interest thereon payable under regulation 27, be paid by the teacher direct to the Secretary of State.

(2) Contributions paid to the Secretary of State under this regulation shall be attributable to the financial year in which the period of service in respect of which they are payable fell.

Payment of Teachers' Contributions by Deduction from Benefits

22. Any contributions payable by a teacher which have not been deducted from salary nor otherwise paid to the Secretary of State in accordance with the foregoing provisions of this Part shall, together with any interest thereon payable under regulation 27, be deducted by the Secretary of State from any superannuation allowance, gratuity or other sum payable to or in respect of the teacher under these Regulations.

Payment by Employers to Secretary of State

23.—(1) The contributions payable under section 3 of the Act of 1967 by the employer of a teacher employed in reckonable service and the sums deducted under these Regulations from the salary of a teacher in respect of contributions may—

- (a) where the employer is the council of a county, county borough or outer London borough, be deducted either from rate support grants payable to the council under the Local Government Act 1966(b) or from grants payable to the council by the Secretary of State; or

(a) 1937 c. 68; 1939 c. 18; 1953 c. 25.

(b) 1966 c. 42.

- (b) where the employer, not being the council of a county, county borough or outer London borough, is in receipt of grants from the Secretary of State or another Government Department, be deducted from such grants by the Secretary of State or other Government Department.
- (2) Where such sums as aforesaid are paid by an employer to the council of a county, county borough or outer London borough, they may be deducted from grants under paragraph (1) above in like manner as if the council were the employer.
- (3) Any sum deducted from grants in accordance with the provisions of this regulation otherwise than by the Secretary of State shall be paid to the Secretary of State.
- (4) Any such sums as aforesaid which are not deducted from grants in accordance with the provisions of this regulation shall be paid by the employer direct to the Secretary of State.

Emoluments

24. For the purposes of section 4(1) of the Act of 1967 and of these Regulations the following parts of sums paid to teachers in respect of their employment in reckonable service shall be treated as emoluments—

- (a) the value of a dwelling-house or other residential accommodation provided free of rent and the value (not exceeding one-sixth of the salary of the teacher) of any heat, light, water or other services supplied free in connection therewith which, in the opinion of the Secretary of State, it is not practicable or convenient to convert into a cash salary;
- (b) the value of any board provided free;
- (c) any payments in respect of overtime, special services or extra duties;
- (d) any payments by way of travelling or expense allowances; and
- (e) any payments made in respect of the period from 1st September 1939 to 31st March 1944 by way of bonus or allowance in respect of increased cost of living.

Reduction of Contributions by Reason of National Insurance

25. The contributions payable by and in respect of a teacher employed in reckonable service shall be reduced in the cases to which Part II of Schedule 5 applies in accordance with the provisions of that Part.

Underpayment of Contributions

26. Where a payment on account of contributions has been made which is less than the amount due in respect of the whole of the period for which contributions are payable it shall be appropriated as the payment for such part of that period as the Secretary of State may think fit.

Interest on Overdue Contributions

27. The contributions payable both by a teacher and by his employer under section 3 of the Act of 1967 and under any provision contained in these Regulations shall be paid not later than 30th September in the financial year after that to which they are attributable and, if not so paid, compound interest thereon from the day next following the said date, calculated at four per cent. per annum with yearly rests, shall be paid.

Repayment of Repaid Contributions

28.—(1) If a teacher to whom contributions have been repaid under section 12 of the Act of 1925, section 13 of the Act of 1956 or regulation 34 or 40 is subsequently employed in reckonable service or in external service he may at any time while so employed repay to the Secretary of State the sum so repaid to him, together with compound interest thereon calculated at the rate of three and a half per cent. per annum with yearly rests from the date of repayment to him to the date of repayment by him.

(2) Contributions repaid to the Secretary of State under paragraph (1) above and interest thereon shall be attributable to the financial year in which the repayment is made.

Reduction in Salary

29.—(1) This regulation applies to a teacher who—

(a) suffers a reduction in salary—

(i) while continuing to be employed in reckonable service;

(ii) upon becoming re-employed in such service; or

(iii) upon becoming employed in such service after ceasing to be employed in class A external service; and

(b) elects, with the approval of the Secretary of State, that it shall apply to him and has not withdrawn such election by notice in writing to the Secretary of State.

(2) The contributions payable by and in respect of a teacher to whom this regulation applies shall, subject as in paragraph (3) below provided, be calculated by reference to the salary at which he was last employed before the reduction or at which he is for the time being employed, whichever is the higher.

(3) If at any time a teacher to whom this regulation applies is by reason of sickness receiving part only of his full salary the contributions payable by and in respect of him shall be calculated as if he were receiving a proportionate part of any higher salary by reference to which those contributions are required by this regulation to be calculated.

Cessation of Contributions after Forty-Five Years' Service

30.—(1) No contributions shall be payable by or in respect of a teacher under section 3 of the Act of 1967 for any period after he has completed forty-five years of service of which account can be taken for the purposes of regulation 42.

(2) In paragraph (1) above service of which account can be taken for the purposes of regulation 42 shall be deemed to include external service of which account can be taken for the purpose of calculating any allowance payable in respect thereof under any provision corresponding to regulation 42.

Intervals of Service

31.—(1) The contributions payable by a teacher in respect of a period of absence to which regulation 13 applies shall be a sum equal to the aggregate of the contributions which would have been payable in respect of that period if he had continued throughout it to be employed in reckonable service at the salary described in paragraph (2) below.

(2) For the purposes of paragraph (1) above, the amount of the teacher's salary shall be taken to be the amount of the salary which he would have received had he continued to be employed in reckonable service consisting of the same or similar employment to that in which he was employed immediately before the date on which that service was discontinued.

(3) A teacher in whose case the Secretary of State consented before 22nd December 1965 to the payment of contributions under section 2 of the Act of 1937 and who has not made an election under section 4 of the Act of 1965 may elect by notice in writing to the Secretary of State that this paragraph shall apply for the purpose of determining the amount of the contributions payable by him in respect of a period of absence to which the former section applied and, on his so electing—

(a) if in the notice of election he specifies a date not earlier than 1st January 1962 and not later than 22nd December 1965—

(i) in relation to any part of a period of absence which fell before that date the contributions shall be calculated by reference to the amount of his full salary immediately before the date on which the period of absence began; and

(ii) in relation to the remainder of any period of absence which began before that date and in relation to the whole of any period of absence which began on or after that date the contributions shall be calculated by reference to the salary described in paragraph (2) above; or

(b) if in the notice of election he does not specify any date, in relation to any period of absence which began on or after 1st January 1962 and in relation to so much of any period of absence which began before that date as did not fall before that date the contributions shall be calculated by reference to the salary described in paragraph (2) above.

(4) Contributions paid by a teacher under this regulation shall be attributable to the financial year in which the period in respect of which they are payable fell.

(5) So much of the contributions paid by a teacher under this regulation as is equal to the contributions which would have been payable by him if he had continued to be employed in reckonable service shall be treated as having been paid by way of teacher's contributions and the remainder shall be treated as having been paid by way of employer's contributions.

(6) Any question arising under this regulation as to the amount of a teacher's salary shall be decided by the Secretary of State and his decision thereon shall be final.

Previous Employment

32.—(1) The additional contributions payable by a teacher in respect of a period of previous employment shall be paid and their amount determined by—

Method I, as provided in paragraphs (2) to (8) and (11) below; or

Method II, as provided in paragraphs (9) to (11) below,

and the teacher shall, by notice in writing to the Secretary of State given at the same time as that required under regulation 15(3), elect by which of those methods the said contributions shall be paid and their amount determined.

(2) Subject as in paragraphs (3), (8) and (11) below provided, the additional contributions payable by a teacher by Method I shall consist of periodical payments and the amount thereof shall be ascertained by multiplying—

(a) the length in years of the period of previous employment; by

(b) the percentage of his salary for the time being which, in column (2) of Schedule 4, is specified opposite to his age in column (1) thereof on the date of the election made under paragraph (1) above.

(3) The amount of the additional contributions payable by a teacher by Method I shall not exceed a sum equal to nine per cent. of his salary on the date of the election made under paragraph (1) above and, where the amount of such contributions as determined under paragraph (2) above and disregarding any reduction to be made under paragraph (11) below would exceed that sum, the excess shall be converted into a capital sum which the teacher shall pay direct to the Secretary of State at such time and in such manner as may be agreed.

(4) The amount of the additional contributions payable by a teacher by Method I in respect of a period of absence to which regulation 13 applies shall be calculated by reference to his salary as determined under regulation 31(2).

(5) Additional contributions payable by a teacher by Method I—

(a) shall commence to be payable from the first day of the month commencing next after the date of the election made under paragraph (1) above;

(b) shall, subject as in sub-paragraph (c) below provided, continue to be payable during his employment in reckonable service, in external service of a kind specified in paragraph 1 or paragraph 6 of Schedule 2, in service of a kind to which Part VII, VIII, IX or X applies and during a period of absence from any such service not exceeding one year; and

(c) shall cease—

(i) on his attaining the age of sixty; or

(ii) on his becoming qualified to be paid an annual superannuation allowance by virtue of regulation 41(1)(b) or a short service gratuity by virtue of regulation 46 or any similar allowance or gratuity under provisions corresponding to the said regulations and relating to external service of a kind specified in paragraph 1 or paragraph 6 of Schedule 2.

(6) The provisions of regulations 20(1) and (2), 21(1), 22, 23, 24, 27 and 88 shall apply in relation to additional contributions payable by a teacher by Method I (other than any capital sum payable under paragraph (3) above) as they apply in relation to contributions payable by a teacher under section 3 of the Act of 1967.

(7) Additional contributions payable by a teacher by Method I shall be attributable to the financial year in which, under the foregoing provisions of this regulation, they are payable.

(8) If a teacher paying additional contributions by Method I becomes employed in external service (other than such service of a kind specified in paragraph 1 or paragraph 6 of Schedule 2) the outstanding amount of such contributions shall be converted into a capital sum which he shall pay direct to the Secretary of State.

(9) Additional contributions payable by a teacher by Method II shall consist of a single payment made direct to the Secretary of State and the amount thereof shall be ascertained by multiplying—

(a) the length in years of the period of previous employment; by

(b) the percentage of his full salary at the date of payment which, in column (4) of Schedule 4, is specified opposite to his age in column (1) thereof at that date.

(10) Additional contributions payable by a teacher by Method II shall be attributable to the financial year in which the election under paragraph (1) above was made.

(11) If the annual superannuation allowance of a teacher by whom additional contributions are payable by either Method I or Method II is subject to reduction by reason of the provisions of paragraph 4 or paragraph 5 of Schedule 5 the amount of such contributions shall, in respect of each £1 by which the annual superannuation allowance is to be so reduced and proportionately in respect of a reduction thereof of a part of £1, be reduced by whichever shall be appropriate of the amounts specified in column (3) or column (5) of Schedule 4 opposite to the age in column (1) thereof by reference to which the additional contributions are calculated.

(12) Any question arising under this regulation as to the amount of the capital sum to be paid by a teacher under either paragraph (3) or paragraph (8) above shall be decided by the Secretary of State and his decision thereon shall be final.

(13) In the case of a teacher to whom section 19 of the Act of 1956 applied before the appointed day and who elected under the rules made under that section to pay additional contributions in accordance with Method I as prescribed in those rules, the provisions of paragraphs (4) to (8) above shall apply to any such contributions outstanding on the appointed day in like manner, as nearly as may be, as they apply to additional contributions payable by Method I under this regulation.

Teachers in Maintained Schools

33. For the purposes of this Part, the local education authority shall be deemed to be the employer of any teacher employed in or in connection with a school maintained by the authority.

PART IV

REPAYMENT OF CONTRIBUTIONS

Repayment on Cessation of Employment

34. A teacher who, before attaining the age of seventy, has ceased or ceases to be employed in reckonable service or class A or class B external service and is not qualified for any allowance or gratuity under these Regulations shall, if he continues not to be so employed for a continuous period amounting to three months which is not a period of absence to which regulation 13 applies, be entitled to be repaid by the Secretary of State a sum equal to the balance of his contributions computed as at the date of repayment.

Repayment at Age of Seventy

35. A teacher who was at any time since 31st March 1926 employed in reckonable service and who has attained or attains the age of seventy, being then not qualified for any allowance or gratuity under these Regulations, shall be entitled to be repaid by the Secretary of State a sum equal to the balance of his contributions computed as at the date on which he attained or attains that age.

Repayment on Death

36. The personal representatives of a teacher who was at any time since 31st March 1926 employed in reckonable service and who has died or dies shall be entitled to be paid by the Secretary of State a sum equal to the balance, if any, of his contributions computed as at the date of his death.

Computation of Balance of Contributions

37.—(1) For the purposes of the three regulations immediately preceding the balance of a teacher's contributions as at any date at which it is to be computed (hereafter in this regulation referred to as "the date of computation") shall, subject as hereafter in this regulation provided, be the amount by which the amount specified in sub-paragraph (a) of paragraph (2) below exceeds the amount specified in sub-paragraph (b) thereof.

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

(a) The aggregate of—

(i) any contributions paid by the teacher under the Acts of 1918 to 1956, except section 19 of the Act of 1956, together with compound interest thereon calculated at three per cent. per annum with yearly rests from the first day of the financial year following that to which they were attributable under rules made under the Act of 1925 to the date of computation; and

(ii) any contributions paid by the teacher under section 3 of the Act of 1967 and so much of any contributions paid by him as are treated under regulation 31 as having been paid by way of teacher's contributions, together with compound interest thereon calculated at the rate of three per cent. per annum with yearly rests from the first day of the financial year following that to which they are under Part III attributable to the date of computation; and

(b) the aggregate of any sums (including any previous repayment of contributions other than additional contributions paid under section 19 of the Act of 1956 or regulation 32) paid or payable to the teacher or his personal representatives under the Acts of 1918 to 1956 and these Regulations, together with compound interest thereon calculated at the rate of three per cent. per annum with yearly rests from the date of payment to the date of computation.

(3) In the case of a teacher who has been employed in class A external service the balance of contributions as determined under paragraphs (1) and (2) above shall be reduced by the amount by which—

(a) the aggregate of any sums paid or payable to him or his personal representatives in respect of such service, together with compound interest thereon calculated at the rate of three per cent. per annum with yearly rests from the date of payment to the date of computation

exceeds—

(b) the aggregate of the contributions paid by him in respect of such service, together with compound interest thereon calculated at the rate of three per cent. per annum with yearly rests from the first day of the financial year following that in which the period in respect of which they were payable fell to the date of computation.

(4) When computing under this regulation the balance of contributions payable to or in respect of a teacher, there shall be excluded any contributions paid by him in respect of any period of service which, having been reckoned under section 17 of the Local Government Superannuation Act 1937 or a provision corresponding thereto contained in a local Act scheme within the meaning of that Act, has become reckonable as service under regulations made under section 67(1) of the National Health Service Act 1946.

(5) When computing under this regulation the balance of contributions payable to or in respect of a teacher in respect of whom a payment in lieu of contributions has been made by the Secretary of State under the National Insurance Act 1965, the amount recoverable by the Secretary of State under

section 60 of that Act shall be deemed to have been deducted from the teacher's contributions on the date on which, disregarding any special arrangements of the kind referred to in regulation 18(6) of the National Insurance (Non-participation—Assurance of Equivalent Pensions Benefits) Regulations 1960(a), the payment in lieu of contributions became due.

(6) In calculating the aggregate of the sum specified in sub-paragraph (b) of paragraph (2) above those sums shall be taken to be such as would have been paid to the teacher but for any allocation of a part of his annual superannuation allowance made under the Act of 1937 or Part VI and any surrender of the additional superannuation allowance and any other sum payable to or in respect of him made under section 10 of the Act of 1956 or the Teachers' Superannuation (Family Benefits) Regulations 1966(b).

Previous Employment

38.—(1) The additional contributions paid by a teacher under section 19 of the Act of 1956 and under regulation 32 in respect of a period of previous employment shall be repaid to him or paid to his personal representatives—

- (a) on the payment under this Part to him or his personal representatives of the balance of his contributions;
- (b) on his ceasing to be liable to pay such additional contributions because a continuous period of absence from service has exceeded one year; or
- (c) on his failing to pay any sum payable by way of such additional contributions.

(2) The amount to be paid under paragraph (1) above shall be the aggregate of the additional contributions paid by him, together with compound interest thereon calculated at the rate of three per cent. per annum with yearly rests from the first day of the financial year following that to which they are attributable under rules made under section 19 of the Act of 1956 or, as the case may be, under regulation 32 to the date of payment.

Repayment of Contributions Paid under Act of 1922

39. A person who paid contributions under the Act of 1922 and who did not subsequently become employed in contributory service or approved external service within the meaning of the Act of 1925, or the personal representatives of such a person, shall be entitled to be paid by the Secretary of State a sum equal to the amount of such contributions after deducting therefrom any sums paid to him by way of benefit under the Act of 1918.

Repayment to Pensioners after Further Service

40. A teacher—

- (a) to whom an annual superannuation allowance, additional superannuation allowance or short service gratuity was granted under the Acts of 1918 to 1956 or has become payable under these Regulations;
- (b) who after any such allowance or gratuity was granted or became payable to him and on or after the appointed day, is employed in reckonable service; and
- (c) who is not qualified by reason of his service since any such allowance or gratuity was granted or became payable to him for a subsequent annual superannuation allowance greater than that previously granted or payable to him or for any further sum by way of additional allowance or short service gratuity

shall be entitled on ceasing to be employed in reckonable service to be repaid by the Secretary of State a sum equal to the contributions paid by him in respect of such employment since any such allowance or gratuity was granted or became payable to him.

(a) S.I. 1960/1103 (1960 II, p. 2244).

(b) S.I. 1966/357 (1966 I, p. 813).

PART V
BENEFITS

Qualifications for Superannuation Allowances

41.—(1) Subject as hereafter in this Part provided, an annual superannuation allowance and an additional superannuation allowance by way of lump sum payment, each of the amount hereafter in this Part specified, shall be paid by the Secretary of State to a teacher who—

- (a) has attained the age of sixty and either—
 - (i) has been employed in reckonable service, external service or qualifying service for a total of not less than thirty years, of which not less than ten years was reckonable service or external service; or
 - (ii) has, since the date of commencement of any period of employment in reckonable service or external service, been employed in such service for a period of, or for periods amounting in the aggregate to, either not less than ten years or not less than two-thirds of the number of years between the date of commencement of that period and the date on which he attained or will attain the age of sixty-five, whichever is the greater; or
- (b) before attaining the age of seventy has become, in the opinion of the Secretary of State, permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service and—
 - (i) has been employed in reckonable service or external service for not less than ten years;
 - (ii) has been so employed within six months immediately preceding the making of an application for allowances under this regulation; and
 - (iii) is not qualified to be paid superannuation allowances under subparagraph (a) above.

(2) In the case of a teacher who is or has been a married woman, the period of thirty years specified in paragraph (1)(a)(i) above shall be reduced by the number of years (not exceeding ten) during which she was after first being married absent from reckonable service, external service or qualifying service.

(3) For the purposes of this regulation any period of employment treated as contributory service by virtue of a direction under section 19 of the Act of 1956 and any period of previous employment which is reckonable service by virtue of regulation 15 shall be disregarded.

Amount of Annual Superannuation Allowances

42.—(1) Subject as in paragraph (2) below and hereafter in this Part provided, the rate of an annual superannuation allowance payable to a teacher shall be the amount ascertained by multiplying one-eightieth of his average salary by the number of years of his reckonable service.

(2) For the purpose of calculating the rate of an annual superannuation allowance no account shall be taken—

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

(3) Where a teacher (not being a teacher who, having been employed in both reckonable service and external service, was last employed in external service), before attaining the age of sixty-five and without having completed twenty

years of reckonable service, becomes entitled to an annual superannuation allowance by virtue of regulation 41(1)(b) the amount thereof shall be calculated as if he had completed such number of years of reckonable service, not exceeding twenty, as he would have completed if he had remained in such service until attaining the said age; and, for the purpose of determining the amount of such additional period of reckonable service—

- (a) his actual reckonable service shall be increased by any period during which he was employed in class A external service; and
- (b) his reckonable service, as so increased, shall be deemed to be not less than ten years.

Duration of Annual Superannuation Allowances

43.—(1) An annual superannuation allowance payable to a teacher by virtue of regulation 41(1)(a) shall begin to accrue on the day on which he attains the age of sixty or on the day following that on which he ceases to be employed in reckonable service, class A or class B external service or in service which would, if he had not attained the age of seventy, be such service, whichever shall be later.

(2) An annual superannuation allowance payable to a teacher by virtue of regulation 41(1)(b) shall begin to accrue on the day following that on which he ceases to be employed in reckonable service, class A or class B external service.

(3) Subject as in regulations 50 and 53 provided an annual superannuation allowance shall continue until the day of the death of the teacher to whom it is payable.

Amount of Additional Allowances

44.—(1) Subject as in paragraph (2) below and hereafter in this Part provided, the amount of an additional superannuation allowance payable to a teacher shall be the aggregate of—

- (a) the amount ascertained by multiplying one-thirtieth of his average salary by the number of years of his reckonable service before the beginning of October 1956; and
- (b) the amount ascertained by multiplying three-eighths of his average salary by the number of years of his reckonable service after the beginning of October 1956.

(2) Subject as in paragraph (3) below provided, for the purpose of calculating the amount of an additional superannuation allowance no account shall be taken—

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

(3) In the case of a teacher whose reckonable service includes service before the beginning of October 1956—

- (a) any service to be disregarded by virtue of paragraph (2) above shall be taken from the beginning of the period of the reckonable service; and
- (b) paragraph (2)(b) above shall not apply, but the amount of the additional superannuation allowance so far as attributable to service before attaining the age of sixty shall not exceed one-and-a-half times the average salary.

(4) Where a teacher (not being a teacher who, having been employed in both reckonable service and external service, was last employed in external service), before attaining the age of sixty-five and without having completed twenty years of reckonable service, becomes entitled to an additional superannuation allowance by virtue of regulation 41(1)(b) the amount thereof shall be calculated as if—

- (a) he had completed such number of years of reckonable service, not exceeding twenty, as he would have completed if he had remained in such service until attaining the said age; and, for the purpose of determining the amount of such additional period of reckonable service—
 - (i) his actual reckonable service shall be increased by any period during which he was employed in class A external service; and
 - (ii) his reckonable service, as so increased, shall be deemed to be not less than ten years; and
- (b) such additional period of reckonable service had been a continuous period immediately preceding the actual commencement of his reckonable service or his class A external service.

(5) An additional superannuation allowance shall not become payable until the date on which under regulation 43 an annual superannuation allowance begins to accrue to the teacher to whom it is payable.

Superannuation Allowances of Certain Teachers with External Service

45.—(1) In the case of a teacher to whom an annual superannuation allowance and an additional allowance are payable by virtue of regulation 41 and who—

- (a) is entitled to reckon class A external service for the purpose of calculating a pension; or
- (b) has served in other external service in respect of which a pension is payable in calculating the amount of which provisions corresponding to regulation 42(2) apply (in this regulation referred to as “ other external service ”)

the following provisions of this regulation shall apply for the purpose of calculating the amount of the annual superannuation allowance and additional superannuation allowance.

(2) If the aggregate of the teacher’s reckonable service, class A external service and other external service, so far as it is served before attaining the age of sixty (in this regulation referred to as “ his aggregate service under sixty ”), exceeds forty years, his reckonable service shall be reduced by—

- (a) in a case where the whole of the external service is class A external service, such a period as bears to the said excess the same proportion as his reckonable service under sixty bears to his aggregate service under sixty;
- (b) in a case where the whole of the external service is other external service, a period equal to the said excess; or
- (c) in a case where the external service is partly class A external service and partly other external service, such a period as bears to the said excess the same proportion as his reckonable service bears to the aggregate of his reckonable service and class A external service.

(3) If the aggregate of the teacher’s reckonable service, class A external service and other external service, whenever served (in this regulation referred to as “ his aggregate service ”), after making any deduction required to be made under paragraph (2) above and under any provision relating to his external

service corresponding to paragraph (2) above, exceeds forty-five years, his reckonable service shall be reduced by—

- (a) in a case where the whole of the external service is class A external service, such a period as bears to the said excess the same proportion as his reckonable service bears to his aggregate service;
- (b) in a case where the whole of the external service is other external service, a period equal to the said excess; or
- (c) in a case where the external service is partly class A external service and partly other external service, such a period as bears to the said excess the same proportion as his reckonable service bears to the aggregate of his reckonable service and class A external service.

(4) In relation to an additional superannuation allowance payable to a teacher whose aggregate service includes service both before and after the beginning of October 1956 paragraph (2) above shall have effect as if for the reference therein to forty years there were substituted a reference to the period which, if the whole of the teacher's aggregate service were reckonable service, would produce the highest additional superannuation allowance authorised, in respect of his service before attaining the age of sixty, by regulation 44(3).

(5) In the case of a teacher to whom either paragraph (2) or (3) above applies—

- (a) regulation 42(2) and regulation 44(2) and (3) shall not apply; and
- (b) any period of service to be deducted under this regulation shall be taken from the beginning of his period of reckonable service.

(6) The additional superannuation allowance payable to a teacher from whose reckonable service after the beginning of October 1956 a deduction is made under this regulation shall be increased by the amount ascertained by multiplying one two-hundred-and-fortieth of his average salary by the number of years so deducted.

Short Service Gratuities

46.—(1) A short service gratuity of the amount specified in paragraph (2) below shall be paid by the Secretary of State to a teacher who—

- (a) is not entitled to any allowance by virtue of regulation 41;
- (b) before attaining the age of seventy has become, in the opinion of the Secretary of State, permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service;
- (c) has been employed in reckonable service or external service for not less than three years exclusive of any period of employment treated as contributory service by virtue of a direction under section 19 of the Act of 1956 and any period of previous employment which is reckonable service by virtue of regulation 15; and
- (d) has been so employed within six months immediately preceding an application for a gratuity under this regulation.

(2) The amount of a short service gratuity payable to a teacher shall be the amount ascertained by multiplying one-twelfth of his average salary by the number of years of his reckonable service.

(3) A short service gratuity shall not become payable until the day following that on which the teacher to whom it is payable ceased to be employed in reckonable service or external service.

Death Gratuities

47.—(1) Except as in paragraph (3) below provided, a death gratuity of the amount specified in paragraph (2) below shall be paid by the Secretary of State to the personal representatives of a teacher who—

- (a) died while employed in reckonable service or, in the case of a teacher who did not serve in external service after ceasing to be so employed, within one year of so ceasing by reason of ill-health; and
- (b) was employed in reckonable service or external service for not less than five years, exclusive of any period of employment treated as contributory service by virtue of a direction under section 19 of the Act of 1956 and any period of previous employment which is reckonable service by virtue of regulation 15.

(2) The amount of a death gratuity shall be whichever of the following two amounts is the greater—

- (a) the amount of the teacher's average salary, less the amount of any additional superannuation allowance or short service gratuity previously paid to him under the Acts of 1918 to 1956 or these Regulations and of any similar benefit paid to him in respect of class A external service; and
- (b) the amount of the additional superannuation allowance which would have been payable to the teacher under regulation 44 if he had at the date of his death become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

(3) No death gratuity shall be payable under this regulation in respect of a teacher to whose personal representatives any balance of contributions is payable under regulation 36 or to whom superannuation allowances were paid by virtue of regulation 41(1)(b) after he last ceased to be employed in reckonable service.

Death during Service after Age of Seventy

48. Where a teacher who has attained the age of seventy dies while employed in service which would have been reckonable service or class A or class B external service if he had not attained that age, the Secretary of State shall pay to his personal representatives an allowance of an amount equal to the additional superannuation allowance (if any) which would have been payable to him if he had ceased to be so employed on the day of his death.

Supplementary Death Gratuities

49.—(1) If, on the death of a teacher to whom superannuation allowances have become payable, the aggregate amount of the sums paid to him and to his personal representatives by way of annual superannuation allowance and additional superannuation allowance under the Acts of 1918 to 1956 and these Regulations and by way of similar benefits in respect of class A external service is less than the amount of his average salary, the Secretary of State shall, subject as in paragraph (3) below provided, pay to his personal representatives a supplementary death gratuity of an amount equal to the deficiency.

(2) In calculating the amount of a gratuity payable under this regulation the aggregate amount of the sums paid to the teacher and his personal representatives shall be taken to be the sums which would have been so paid but for any allocation of a part of his annual superannuation allowance made under the Act of 1937 or Part VI and any surrender of the additional superannuation allowance and any other sum payable to or in respect of him made under

section 10 of the Act of 1956 or the Teachers' Superannuation (Family Benefits) Regulations 1966.

(3) No supplementary death gratuity shall be paid under this regulation to the personal representatives of a teacher who was employed in external service after last being employed in reckonable service.

Suspension and Reduction of Allowances on Re-Employment

50.—(1) In this regulation “re-employed teacher” means a teacher who, after superannuation allowances have become payable to him under these Regulations, becomes employed—

- (a) in reckonable service, class A external service, class B external service or service which would, if he had not attained the age of seventy, be such service; or
- (b) in other employment which is either—
 - (i) employment of which the remuneration is paid out of the Consolidated Fund or out of moneys provided by Parliament; or
 - (ii) employment by a body, including a local authority, in respect of whose expenditure for the purpose for which he is employed grants are made out of moneys provided by Parliament.

(2) For the purposes of this regulation the last salary of a re-employed teacher shall—

- (a) in a case to which paragraph (1)(a) above applies, be the highest salary at which, before superannuation allowances last became payable to him, he had been employed in reckonable service, external service or service which would, if he had not attained the age of seventy, have been such service; and
- (b) in a case to which paragraph (1)(b) above applies, be the highest salary at which he had at any time been employed in reckonable service, external service or service which would, if he had not attained the age of seventy, have been such service

reduced in each case by the amount of any part of the annual superannuation allowance payable to him which he has allocated under section 1 of the Act of 1937 or Part VI.

(3) Subject as hereafter in this regulation provided, the annual superannuation allowance payable to a re-employed teacher shall—

- (a) in a case to which paragraph (1)(a) above applies—
 - (i) be suspended in respect of any period for which he is entitled to a salary at a rate not less than his last salary; or
 - (ii) be reduced in respect of any period for which he is entitled to a salary at a rate less than his last salary by such an amount as will result in the aggregate of the allowance and the salary to which he is entitled being equal in respect of that period to his last salary; and
- (b) in a case to which paragraph (1)(b) above applies—
 - (i) be suspended in respect of any quarter for which his remuneration is not less than the quarterly rate of his last salary; or
 - (ii) be reduced in respect of any quarter for which his remuneration is less than the quarterly rate of his last salary by such an amount as will result in the aggregate of the allowance and the remuneration being equal in respect of that quarter to the quarterly rate of his last salary.

(4) No suspension or reduction of an annual superannuation allowance payable to a re-employed teacher shall be made under this regulation which would—

- (a) in a case to which paragraph (1)(a) above applies, result in the aggregate amount received by him in respect of any period by way of such allowance, any increase of such allowance under the Pensions (Increase) Acts 1920 to 1965 and the salary to which he is entitled being less than the aggregate amount for that period of his last salary and any increase of his annual superannuation allowance which would be payable under those Acts apart from any suspension or reduction thereof under this regulation; or
- (b) in a case to which paragraph (1)(b) above applies, result in the quarterly rate of the aggregate amount of such allowance, any increase of such allowance under the Pensions (Increase) Acts 1920 to 1965 and the remuneration to which he is entitled being less than the quarterly rate of the aggregate amount of his last salary and any increase of his annual superannuation allowance which would be payable under those Acts apart from any suspension or reduction thereof under this regulation.

(5) For the purpose of determining the salary or remuneration to which a re-employed teacher is entitled the following payments to him shall be disregarded—

- (a) any payments in respect of employment in connection with education which, while employed in reckonable service or external service, he undertook in addition to such service and which he continues after ceasing such service, not exceeding, when expressed as an annual rate, the average annual rate of such payments for the last three years of his employment in reckonable service or external service;
- (b) any payments in respect of employment in connection with education outside the British Isles, being employment in which, in the opinion of the Secretary of State, it is expedient to facilitate the employment of teachers from England and Wales; and
- (c) any payments in respect of employment as an examiner for the purposes of the General Certificate of Education which are made in respect of any quarter ending on or after 1st July 1967.

Benefits after Re-Employment

51.—(1) A teacher to whom superannuation allowances or a short service gratuity have become payable under the Acts of 1918 to 1956 or these Regulations shall not be entitled to any further superannuation allowances or short service gratuity by reason of any subsequent period or periods of employment in reckonable service or class A external service, unless such period is of, or such periods amount in the aggregate to, at least three hundred and sixty-five days since superannuation allowances or a short service gratuity last became payable to him.

(2) An annual superannuation allowance which becomes payable under these Regulations after such an allowance has previously been payable under the Acts of 1918 to 1956 or these Regulations shall be in substitution for that previous allowance and shall be not less in amount.

(3) An additional superannuation allowance or short service gratuity which becomes payable under these Regulations after such an allowance or gratuity has previously been payable shall be reduced by an amount equal to the aggregate of any previous such allowances and gratuities paid to the teacher under the Acts of 1918 to 1956 and these Regulations.

(4) For the purposes of this regulation, the amount of any annual superannuation allowance shall be taken to be the amount thereof apart from any allocation made under the Act of 1937 or Part VI and the amount of any additional superannuation allowance shall be taken to be the amount thereof apart from any surrender made under section 10 of the Act of 1956 or the Teachers' Superannuation (Family Benefits) Regulations 1966.

Avoidance of Duplicate Pensions

52.—(1) No superannuation allowance shall be payable under these Regulations in respect of any period of service which, having been reckoned under section 17 of the Local Government Superannuation Act 1937 or a provision corresponding thereto contained in a local Act scheme within the meaning of that Act, has become reckonable as service under regulations made under section 67(1) of the National Health Service Act 1946.

(2) If a period of reckonable service in respect of which superannuation allowances are payable under these Regulations is also reckoned for the purpose of any other pension payable to a teacher directly or indirectly out of moneys provided by Parliament or raised by a rate, the Secretary of State shall, subject as hereafter in this regulation provided, reduce those allowances so as to secure that the actuarial value thereof in respect of that period shall be reduced by an amount equal to the actuarial value of such other pension in respect of that period.

(3) For the purposes of this regulation any years of service added for purposes of calculating a pension to years of actual service shall be deemed to be service, and any sum payable, whether as a continuing allowance or as a lump sum, by way of pension, superannuation allowance, compensation for loss or abolition of office or otherwise in respect of retirement, shall be deemed to be pension.

(4) The actuarial value of superannuation allowances in respect of any period of reckonable service shall not be reduced under this regulation to such an extent as to be less than the actuarial value of the contributions paid by the teacher in respect of that period, for which purpose the amount of such contributions shall be taken to include—

- (a) all contributions paid under regulation 31 in respect of any period of absence from reckonable service; and
- (b) compound interest on contributions calculated at the rate of three per cent. per annum with yearly rests from the first day of the financial year following that to which they are under rules made under the Act of 1925 or Part III attributable to the date on which the annual superannuation allowance begins to accrue under regulation 42.

(5) No reduction of an annual superannuation allowance shall be made under this regulation which would result in the amount of that allowance attributable to any period of reckonable service after 2nd April 1961 which is non-participating employment within the meaning of the National Insurance Act 1965 being less than that required to constitute the benefits in respect of that period equivalent pension benefits for the purposes of that Act.

(6) Any question arising under this regulation as to the actuarial value of superannuation allowances, any other pension or contributions shall be decided by the Secretary of State and his decision thereon shall be final.

(7) This regulation shall not apply in relation to an annual superannuation allowance granted under Part I of the Local Government Superannuation Act

1937 or under regulations made under section 1(1) of the Local Government Superannuation Act 1953 to such a contributory employee as is mentioned in section 17(1) of the former Act.

Suspension and Resumption of Infirmity Allowances

53.—(1) An annual superannuation allowance payable by virtue of regulation 41(1)(b) shall be suspended as from such date as the Secretary of State shall determine if the teacher to whom it is payable has not attained the age of sixty and the Secretary of State is satisfied that he has ceased to be incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

(2) Payment of an annual superannuation allowance which has been suspended under paragraph (1) above shall, subject as in regulation 43(2) provided and as hereafter in this regulation provided, be resumed—

(a) in the case of a teacher who at the time of the suspension was by reason of his age unable by further service of any kind to become entitled to superannuation allowances under regulation 41(1)(a) on attaining the age of sixty, from the date on which he attains that age; or

(b) in the case of any teacher, from the date on which application for its resumption is made to the Secretary of State if the Secretary of State is satisfied that the teacher has again become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

(3) Payment of an annual superannuation allowance shall not be resumed by virtue of sub-paragraph (b) of paragraph (2) above if the teacher has been employed in reckonable service since the allowance became payable to him unless he has also been so employed within the period of six months immediately preceding the date of the application mentioned in that sub-paragraph.

(4) Where payment of an annual superannuation allowance is resumed by virtue of sub-paragraph (a) of paragraph (2) above regulation 51 shall not have effect so as to increase that allowance and any additional superannuation allowance payable except to such extent, if any, as they may be increased thereunder apart from regulations 42(3) and 44(4).

(5) Where payment of an annual superannuation allowance is resumed by virtue of sub-paragraph (b) of paragraph (2) above and the Secretary of State is satisfied that during the whole or any part of the period for which the allowance was not paid the teacher was permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service he shall also pay to the teacher the amount of the allowance not paid to him in respect of the whole of that period or of that part of that period, as shall be appropriate.

(6) For any purpose of these Regulations an annual superannuation allowance the payment of which has been resumed by virtue of sub-paragraph (a) of paragraph (2) above and any further annual superannuation allowance payable to that teacher shall be deemed to be paid by virtue of regulation 41(1)(a).

(7) Notwithstanding anything in this regulation before contained, there shall, in relation to any period of reckonable service after 2nd April 1961 which is non-participating employment within the meaning of the National Insurance Act 1965, be payable to a teacher to whom this regulation applies by way of

annual superannuation allowance an amount not less than that required to constitute the benefits in respect of that period equivalent pension benefits for the purposes of that Act.

Withdrawal or Reduction of Superannuation Allowances in Cases of Misconduct

54.—(1) In the case of a teacher to or in respect of whom, apart from this regulation, any superannuation allowance or gratuity is payable and who—

(a) was dismissed or otherwise ceased to be employed in reckonable service in consequence of grave misconduct; or

(b) was guilty of such misconduct as accelerated his death or retirement the Secretary of State may, subject as in paragraph (3) below provided, either withhold the superannuation allowance or gratuity or pay it at such reduced rate as he may determine.

(2) Where, under paragraph (1) above, the Secretary of State has withheld or reduced a superannuation allowance or gratuity he may pay it or pay it in full, as the case may be.

(3) No annual superannuation allowance shall be withheld or reduced under this regulation so as to result in a retired teacher receiving, in respect of any period of reckonable service after 2nd April 1961 which is non-participating employment within the meaning of the National Insurance Act 1965, an amount less than that required to constitute the benefits in respect of that period equivalent pension benefits for the purposes of that Act.

(4) Any question arising under this regulation as to whether a teacher was guilty of such misconduct as accelerated his death or retirement shall be decided by the Secretary of State and his decision thereon shall be final.

Reduction of Annual Superannuation Allowance by Reason of National Insurance

55. The annual superannuation allowance payable under these Regulations to a man teacher over the age of sixty-five and to a woman teacher over the age of sixty shall, by reason of the retirement benefit and the graduated retirement benefit payable under the enactments relating to national insurance, be reduced in the cases to which Part III of Schedule 5 applies in accordance with the provisions of that Part.

Average Salary in Certain Cases

56.—(1) For the purposes of this Part the average salary of a teacher who has paid under section 2 of the Act of 1937 or under regulation 31 contributions in respect of a period of absence shall, so far as ascertained by reference to any part of that period, be calculated as if during that part he were receiving the salary by reference to which contributions payable by him in respect thereof were required to be calculated by section 2 of the Act of 1937 and section 4 of the Act of 1965 or, as the case may be, by regulation 31.

(2) For the purposes of this Part the average salary of a teacher, so far as ascertained by reference to employment in reckonable service during—

(a) any period during which regulation 29 applied to him; and

(b) any period during which, but for the fact that contributions had ceased to be payable by and in respect of him by virtue of regulation 30, regulation 29 would have continued to apply to him or could have applied to him,

shall be calculated as if during such period he were receiving the higher salary by reference to which contributions payable by and in respect of him for that period were required to be calculated by regulation 29 or, as the case may be, would have been required to be so calculated but for the fact that they had ceased to be payable by virtue of regulation 30.

Applications for Benefits

57.—(1) Notwithstanding any provision in this Part previously contained an allowance or gratuity shall not be paid by the Secretary of State until an application therefor has been made to him in writing and such evidence in support of the application as he may require has been provided.

(2) Where an application for a superannuation allowance or gratuity is made on the ground of the permanent incapacity of a teacher through infirmity of mind or body of serving efficiently as a teacher in reckonable service, the Secretary of State may nominate a duly qualified medical practitioner and require the teacher to be examined by such practitioner.

Early Retirement of Certain Overseas Teachers

58.—(1) This regulation applies to a teacher who—

- (a) immediately before the appointed day was serving in the capacity of a teacher in a country or colony specified in paragraph (2) below in employment pensionable under the law of that country or colony; and
- (b) after attaining the age of forty-five and before attaining the age of sixty ceases to be employed in such capacity and thereupon becomes entitled to receive a pension under that law.

(2) The following are the countries and colonies referred to in paragraph (1) above:—

Falkland Islands	Malaysia (excluding Sarawak)
Gambia	Malta
Ghana	Mauritius
Gibraltar	Nigeria
Grenada	St. Helena
Guyana	Sierra Leone
Hong Kong	Singapore
Jamaica	Tanzania
Kenya	Trinidad
Leeward Islands	Uganda
Malawi	Zambia

(3) A teacher to whom this regulation applies may elect that the age at which he ceased to be employed as aforesaid shall, for the purpose of the payment to him of superannuation allowances under these Regulations, be

substituted for the age of sixty in the application to him of regulation 41(1)(a) and if, by virtue of such an election, he becomes entitled to superannuation allowances under these Regulations before attaining the age of sixty, those allowances shall be at a reduced rate according to the scale set out in the following Table:—

TABLE

Age at date on which superannuation allowances become payable	Proportion payable of superannuation allowances which would be payable if teacher had attained the age of sixty
45 years	39 per cent.
46 "	41 " "
47 "	44 " "
48 "	47 " "
49 "	50 " "
50 "	52 " "
51 "	55 " "
52 "	59 " "
53 "	63 " "
54 "	67 " "
55 "	72 " "
56 "	77 " "
57 "	82 " "
58 "	88 " "
59 "	94 " "

PART VI

ALLOCATION OF ANNUAL ALLOWANCE

Interpretation

59.—(1) In this Part, unless the context otherwise requires—

“ allowance ” means an annual superannuation allowance payable by virtue of regulation 41(1)(a);

“ beneficiary ” means the person in whose favour an allocation is, or is proposed to be, made under this Part;

“ closing date ” means—

(a) in relation to a retiring teacher, the day before that on which an allowance begins to accrue to him or the day three months after that on which he was supplied with a form of application for allocation under this Part, whichever is the later; and

(b) in relation to a continuing teacher, the day three months after that on which he was supplied with a form of application for allocation under this Part;

“ continuing teacher ” means a teacher to whom, if he were to retire from his employment, an allowance would be payable;

“ retiring teacher ” means a teacher who notifies the Secretary of State of his intention to retire from his employment within four months of the date of such notification and to whom on retirement an allowance will be payable.

(2) In relation to a continuing teacher a reference in this Part to his allowance shall include a reference to his allowance as estimated for the purposes of regulation 62(2).

Allocation

60.—(1) A teacher, being either a retiring teacher or a continuing teacher, may, in return for the benefits provided under this Part, make an allocation of a part of the allowance which is, or will become, payable to him.

(2) The part of an allowance allocated under this regulation shall—

(a) be an exact number of pounds;

(b) be not more than one-third of the allowance before any deductions are made therefrom under Part III of Schedule 5;

(c) not be so great as to result in the amount of the allowance continuing to be payable being, before any such deduction as aforesaid, less than the amount of the pension payable to the beneficiary;

(d) not be so great as to result in the amount of the allowance attributable to any period of reckonable service after 2nd April 1961 which is non-participating employment within the meaning of the National Insurance Act 1965 being less than that required to constitute so much of the allowance as is payable in respect of that period equivalent pension benefits for the purposes of that Act.

(3) A teacher who has made an allocation under this regulation as a continuing teacher and to whom an allowance has not at any previous time been payable may, subject to the provisions of this regulation, make a further allocation in favour of the same beneficiary and in accordance with the same option as his previous allocation.

Benefits

61.—(1) Benefit under this Part shall, at the option of the teacher making an allocation, be either—

(a) Option A: a pension payable to the beneficiary, who shall at the time of the making of the allocation be either the spouse or a dependant of the teacher, in respect of the period, if any, for which the beneficiary survives the teacher; or

(b) Option B: an annuity payable to the teacher as from the date of the commencement of his allowance in respect of the period of the joint lives of the teacher and the beneficiary, who shall at the time of the making of the allocation be the teacher's spouse, and a pension payable to the beneficiary in respect of the period, if any, for which the beneficiary survives the teacher at an annual rate twice that of the said annuity.

(2) The annual amount of the benefits payable in return for the part of an allowance allocated under this Part shall be such amount as is, according to the age and sex of both the teacher making the allocation and the beneficiary, actuarially equivalent to that part.

(3) Any question arising under this regulation as to the amount which is actuarially equivalent to the part of an allowance allocated by a teacher shall be decided by the Secretary of State and his decision thereon shall be final.

Application Procedure

62.—(1) This regulation applies to a teacher who notifies the Secretary of State in writing of his desire to consider making an allocation under this Part—

- (a) in the case of a retiring teacher, at the time he applies for his allowance, unless the Secretary of State otherwise agrees; and
- (b) in the case of a continuing teacher, not earlier than four months before the earliest date on which an allowance would become payable to him if he were to retire from his employment on that date.

(2) After the receipt of such notification as aforesaid the Secretary of State shall furnish the teacher with—

- (a) a form of application for allocation;
- (b) a copy of this Part and of information relating to the actuarial equivalents, in terms of pensions and annuities payable under this Part, of allocations from allowances;
- (c) a statement of the closing date in relation to the teacher making the notification;
- (d) a statement of the amount of the allowance and additional superannuation allowance which, in the case of a retiring teacher, it is estimated will be payable at the date specified in the statement or which, in the case of a continuing teacher, it is estimated would be payable to him if he were to retire on a date approximately three months after the date of the statement; and
- (e) the name and address of the medical practitioner nominated by the Secretary of State for the purposes of regulation 63.

(3) A teacher desiring to make an allocation shall furnish to the Secretary of State on the form of application for allocation the particulars required in respect of the beneficiary, who shall sign that form in the appointed space; and the teacher shall, if he is so required, furnish to the Secretary of State certified copies of birth and marriage certificates of the beneficiary and himself and such other evidence and information with regard to these and other matters as the Secretary of State may require.

(4) The Secretary of State may require independent verification of the particulars given by the teacher with regard to the beneficiary and for this purpose he may require the beneficiary to make a declaration in the presence of, and to be attested by, a witness other than the teacher stating the beneficiary's date of birth and (where appropriate) particulars of his marriage, his relationship to the teacher and whether he is wholly or partially dependent on the teacher.

Medical Examination

63.—(1) A teacher proposing to make an allocation shall satisfy the Secretary of State that he is of good health, regard being had to his age, and for that

purpose he shall submit himself for examination to a duly qualified medical practitioner nominated by the Secretary of State.

(2) If the date of commencement of a retiring teacher's annual superannuation allowance is postponed to a date more than three months after his medical examination under this regulation the Secretary of State may, if he thinks fit, require the teacher to undergo a further medical examination.

(3) If, as a result of a medical examination, the Secretary of State is not satisfied that a teacher is of good health, he shall notify him accordingly and shall afford him an opportunity for a further medical examination by a medical practitioner nominated by the Secretary of State.

Allocation Declaration

64.—(1) When the Secretary of State is satisfied that the requirements of the two foregoing regulations have been complied with he shall so inform the teacher and furnish him with a form for use for the purpose of making an allocation declaration.

(2) An allocation declaration shall be delivered to the Secretary of State not later than the closing date or be posted at a time which would normally ensure its delivery not later than that date and, if not so delivered or posted, shall be void unless the Secretary of State is satisfied that it was not so delivered or posted by reason of an unavoidable cause.

(3) Upon receipt of an allocation declaration the Secretary of State shall, if satisfied that the requirements of this Part in relation thereto have been complied with—

- (a) furnish to a retiring teacher a statement or estimate of the amount of his allowance and of the annuity, if any, which will be payable to him and the pension which will be payable to the beneficiary; and
- (b) furnish to a continuing teacher a statement of the amount by which his allowance will be reduced on account of his making the allocation and of the amount of the annuity, if any, which will be payable to him and of the pension which will be payable to the beneficiary.

(4) A retiring teacher may cancel or amend an allocation declaration made by him by notice in writing to the Secretary of State at any time before the date of commencement of his allowance.

(5) A continuing teacher may cancel or amend an allocation declaration made by him by notice in writing to the Secretary of State at any time before the earliest date on which he would become entitled to an allowance if he were to retire from his employment on that date.

(6) A retiring teacher who has made an allocation declaration and who is subsequently notified by the Secretary of State of an alteration in the amount or the estimated amount of his allowance less than fourteen days before the closing date, or after the closing date but within six months after the date of the commencement of the allowance, may amend his declaration by notice in writing to the Secretary of State within fourteen days of the receipt of the notification:

Provided that no notice of an amendment of an allocation declaration shall be given after the closing date except for the purpose of increasing or decreasing the amount allocated by an amount not exceeding the increase or decrease to the nearest pound in the amount of the allowance previously notified to the teacher.

(7) An allocation declaration which has been delivered to the Secretary of State shall not be cancelled or amended except in accordance with the provisions of this regulation.

(8) An allocation declaration shall remain valid, unless cancelled in accordance with the provisions of this regulation, notwithstanding that, as a result of a subsequent alteration in the amount or estimated amount of an allowance, the amount of the allowance allocated no longer complies with sub-paragraphs (b) and (c) of regulation 60(2).

Avoidance of Allocation Declaration

65.—(1) An allocation declaration made by a retiring teacher shall become void if either he or the beneficiary dies before the date of commencement of his allowance or before midnight on the day on which it is delivered to the Secretary of State, whichever is later.

(2) An allocation declaration made by a continuing teacher shall become void if either he or the beneficiary dies before the earliest day on which he would have become entitled to an allowance if he had retired from employment on that day or before midnight on the day on which it is delivered to the Secretary of State, whichever is later.

Payments by Teacher

66.—(1) Any fees or other expenses incurred by any teacher in connection with a medical examination under this Part or in satisfying the Secretary of State as to any claim to benefits or other question arising thereunder shall be paid by or on behalf of that teacher.

(2) If, as the result of an allocation declaration being lodged with the Secretary of State on or after the date of commencement of a teacher's allowance, any overpayment is made to the teacher the amount thereof shall be deducted from any subsequent payment to or in respect of the teacher.

Teachers Abroad

67. Where a teacher is living outside England and Wales and the Secretary of State is satisfied that he will not on that account have a reasonable opportunity of carrying through in due time all the steps necessary to enable him to make an allocation under this Part, the Secretary of State may appoint a special closing date for that teacher.

Death of Teacher

68. If a continuing teacher who has made under this Part an allocation of a part of his allowance while employed in reckonable service ceases to be so employed by reason of his death the allocation shall take effect as if the allowance had become payable immediately before his death.

Allocations made before the Appointed Day

69. An allocation of an annual superannuation allowance which was made before the appointed day in accordance with rules made under section 1 of the Act of 1937 and which by virtue of such rules has become neither operative nor void before that day shall be deemed to be an allocation of an allowance made under this Part and the provisions of this Part shall, as nearly as may be, apply thereto accordingly.

PART VII

EDUCATIONAL ORGANISERS

Organisers

70. For the purposes of this Part an organiser shall be—

- (a) a person who is employed in full-time service which to a substantial extent involves the performance of duties in connection with the provision of education or of services ancillary to education, being either—
 - (i) a person employed by a local education authority who, before becoming so employed, was employed for not less than three years in reckonable service or class A external service and who, within three months of becoming so employed, with the agreement of the Secretary of State, elects by notice in writing to the Secretary of State that this Part shall apply to him; or
 - (ii) a person employed by a person or body other than a local education authority in respect of whose expenditure grants are made either by the Secretary of State or by a local education authority and who, within three months of becoming so employed, with the agreement of the Secretary of State and his employer, elects by notice in writing to the Secretary of State that this Part shall apply to him;
- (b) a person employed by the National Institute for Housecraft (Employment and Training) Ltd. in full-time educational service which to a substantial extent involves the control or supervision of teachers and in respect of which grants are made by the Minister of Labour; and
- (c) a person who on or after the appointed day continues to be employed in service which immediately before that day was contributory service by virtue of section 14 of the Act of 1925, section 2 of the Act of 1945 or section 12 of the Superannuation (Miscellaneous Provisions) Act 1948.

Application of Acts and Regulations

71.—(1) The provisions of sections 3 to 5 of, and Schedule 1 to, the Act of 1967 and of Parts I to VI and XI shall, so far as appropriate, apply to organisers as they apply to teachers employed in reckonable service and accordingly employment as an organiser shall be treated as if it were reckonable service for the purposes of those provisions.

(2) For the purposes of paragraph (1) above employment of an organiser before the appointed day in recognised or contributory service or in service treated or reckoned as such by virtue of any enactment or statutory instrument shall be employment as an organiser.

PART VIII

SERVICE IN ADMITTED SCHOOLS

Admitted Schools

72. For the purposes of this Part an admitted school shall, subject as in regulation 73 provided, be a school, establishment of further education or college of education—

- (a) to which the Scheme of 1963 applied immediately before the appointed day; or
- (b) which is admitted under the provisions of this Part on or after the appointed day.

Admission

73.—(1) A school, establishment of further education or college of education which is recognised by the Secretary of State as efficient and in which full-time employment as a teacher is not reckonable service may be admitted by the Secretary of State upon the application of the governing body or proprietor thereof.

(2) The date on which a school, establishment of further education or college of education becomes an admitted school under paragraph (1) above shall, unless an alternative date is agreed by the Secretary of State and the governing body or proprietor thereof, be the first day of the term in which application for admission is made, for which purpose a term shall be deemed to be a period of four months beginning on 1st January, 1st May or 1st September, as the case may be.

(3) An admitted school shall, if the Secretary of State so determines, cease to be such a school—

- (a) on the application of the governing body or proprietor thereof;
- (b) on its ceasing to be recognised by the Secretary of State as efficient;
- (c) on failure to pay to the Secretary of State any contributions payable under these Regulations in respect of the teachers employed therein; or
- (d) on failure to give any information or produce any document required by the Secretary of State under these Regulations within three months of having been requested in writing by the Secretary of State to do so.

(4) The date on which an admitted school ceases to be such a school under paragraph (3) above shall be the date on which notice in writing of the Secretary of State's determination is sent to the governing body or proprietor thereof or such later date as may be specified in that notice.

Teachers in Admitted Schools

74.—(1) Subject as in paragraph (2) below provided full-time service on and after the appointed day as a teacher in an admitted school shall be service to which this Part applies.

(2) The service on or after the appointed day of a person as a teacher in an admitted school shall not be service to which this Part applies if—

- (a) it is a school conducted for private profit and he is a proprietor thereof or, by reason of being a director or shareholder of the company by which it is so conducted, is substantially in the position of a proprietor;
- (b) being employed therein immediately before that date, the Scheme of 1963 did not apply to him; or
- (c) being employed therein immediately before the date on which the Secretary of State notifies the governing body or proprietor thereof that he has admitted it, he so elects within three months of that date by notice in writing to the Secretary of State.

(3) A person, not being a person to whom paragraph (2)(e) above applies, employed in full-time service as a teacher in an admitted school to whose service therein this Part does not apply may elect by notice in writing to the Secretary of State that his service therein shall be service to which this Part applies and, on his so electing, it shall be such service from a date determined by the Secretary of State.

(4) A teacher whose service in an admitted school is by virtue of the provisions of this regulation service to which this Part applies is hereafter in this Part referred to as a “teacher in an admitted school”, which expression shall

include, where the context so requires, a person who has ceased to be such a teacher.

Application of Acts and Regulations

75.—(1) Subject to the modifications and exceptions hereafter in this Part specified, the provisions of sections 3 and 4 of the Act of 1967 and of Parts I to VI and XI shall apply in relation to a teacher in an admitted school as if his employment therein were reckonable service.

(2) Employment as a teacher in an admitted school shall not be treated as reckonable service for the purpose of calculating the amount of any superannuation allowance or gratuity under Part V or for the purpose of determining under that Part whether a teacher has died while employed in reckonable service.

Contributions

76.—(1) Subsections (3) and (4) of section 3 of the Act of 1967 shall have effect in relation to a teacher in an admitted school subject to the following modifications:—

- (a) the contributions payable by such a teacher shall be of an amount equal to five per cent. of his salary for the time being; and
- (b) the contributions payable by the employer of such a teacher shall be an amount equal to five per cent. of his salary for the time being and no supplementary contributions shall be payable by the employer.

(2) Regulation 31 shall have effect in relation to a teacher in an admitted school subject to the modification that the contributions payable by such a teacher in respect of a period of absence from his employment shall be of an amount equal to ten per cent. of his salary for that period as determined in accordance with regulation 31(2).

Average Salary

77.—(1) Subsections (3) and (4) of section 4 of the Act of 1967 shall not apply for the purpose of calculating the average salary of a teacher in an admitted school.

(2) For the purposes of Part V as applied by this Part the average salary of a teacher in an admitted school shall be the average amount of his full salary throughout his employment as such a teacher and any employment which was contributory service by virtue of the Scheme of 1963 or of a scheme revoked by that Scheme.

Calculation of Superannuation Allowances

78.—(1) The provisions of this regulation shall have effect for the purpose of calculating the amount of the annual superannuation allowance and the additional superannuation allowance payable to a teacher in an admitted school.

(2) Any employment which was contributory service by virtue of the Scheme of 1963 or a scheme revoked by that Scheme shall be reckoned as if it were reckonable service.

(3) The amount of the annual superannuation allowance, as calculated under regulation 42, shall be increased by an amount equal to one-fifth of so much thereof as is payable in respect of service before 1st April 1962.

(4) Regulation 44 shall have effect subject to the modification that the beginning of April 1963 shall be substituted for the beginning of October 1956 in paragraphs (1) and (3) thereof.

Accounts and Actuarial Inquiries

79.—(1) An account shall be kept of the revenue and expenditure under this Part and actuarial inquiries shall be made with respect thereto.

(2) In relation to such account and actuarial inquiries the provisions of section 5 of, and Schedule 1 to, the Act of 1967 shall apply subject to the following modifications:—

- (a) references to the teachers' superannuation account shall be construed as references to the account kept under this regulation;
- (b) references to contributions payable under section 3 of that Act and to personal superannuation contributions shall be construed as references to contributions payable under this Part;
- (c) provisions relating to supplementary contributions shall have no effect; and
- (d) references to recognised service, contributory service and reckonable service shall be construed as references to service before the appointed day to which the Scheme of 1963 applied and to service on or after that day to which this Part applies.

(3) The account kept under this regulation shall include revenue and expenditure under the Scheme of 1963 and any other amounts which, if these Regulations had not been made, would have been included in the account kept under clause 13 of that Scheme.

PART IX

DEFENCE SERVICES CIVILIAN TEACHING SERVICE

Interpretation

80. For the purposes of this Part—

- (a) a services civilian teacher shall be a person employed by the Secretary of State for Defence in full-time civilian service with the Royal Navy the Army or the Royal Air Force either in the capacity of a teacher or lecturer or in a capacity which to a substantial extent involves the control or supervision of teachers;
- (b) "specified country" means a country or place to which section 25 of the Superannuation Act 1965(a) for the time being applies; and
- (c) "locally entered teacher" means a services civilian teacher who was engaged elsewhere than in the United Kingdom.

Application of Acts and Regulations

81.—(1) Subject to the modifications and exceptions hereafter in this Part specified, the provisions of sections 3 to 5 of, and Schedule 1 to, the Act of 1967 and of Parts I to VI and XI shall apply in relation to a services civilian teacher as they apply to a teacher employed in reckonable service.

(a) 1965 c. 74.

- (2) The provisions specified in paragraph (1) above shall not apply to—
- (a) a services civilian teacher who becomes employed as such on or after the appointed day unless the Secretary of State for Defence consents;
 - (b) a services civilian teacher who became employed as such before the appointed day and to whom none of the schemes specified in regulation 83 applied immediately before that day;
 - (c) a locally entered teacher employed immediately before the appointed day for the purposes of the British Families Education Service in Germany who by notice in writing to the Secretary of State so elects; or
 - (d) any other locally entered teacher unless, having been previously employed in reckonable service or class A external service, with the consent of the Secretary of State for Defence, he elects that they shall apply by notice in writing to the Secretary of State not later than—
 - (i) if he is serving with the Royal Navy or the Army immediately before the appointed day, three months after that day; or
 - (ii) if he becomes employed as a locally entered teacher on or after the appointed day, three months after becoming so employed.

Contributions

82.—(1) Section 3(4) of the Act of 1967 shall have effect in relation to a services civilian teacher subject to the modification that the contributions payable by the employer in respect of service in a specified country (other than such service by a locally entered teacher) shall be an amount equal to twelve per cent. of that person's salary for the time being, together with any supplementary contributions required as mentioned in section 5(3) of the Act of 1967 and calculated by reference to that person's salary for the time being.

(2) For the purpose of determining the amount of the contributions payable by and in respect of a services civilian teacher any foreign service allowance and any other allowance directly attributable to overseas service conditions shall be disregarded.

Reckoning of service

83.—(1) For the purpose of calculating the amount of any superannuation allowance or gratuity under Part V—

- (a) any period of service in a specified country by a services civilian teacher (other than a locally entered teacher) shall be deemed to be service for one-and-a-half times that period; and
- (b) for any reference to the age of sixty in Part V there shall be substituted a reference to such age as is ascertained by deducting from sixty years a period of three months for each completed year of service, not exceeding twenty, by a services civilian teacher (other than a locally entered teacher) in a specified country.

(2) Any service by a services civilian teacher before the appointed day which was treated as contributory service by virtue of a scheme specified in paragraph (3) below shall—

- (a) for the purpose of calculating the amount of any superannuation allowance or gratuity under Part V, be reckoned as if it were reckonable service of the same length as it was treated as contributory service for the like purpose by virtue of such scheme; and
- (b) for any other purpose of the provisions of the Act of 1967 and these Regulations specified in regulation 81(1), be reckoned as reckonable service of its actual length.

(3) The following are the schemes referred to in paragraph (2) above, that is to say:—

- The Teachers Superannuation (Duke of York's Royal Military School) Scheme 1947(a);
- The Teachers Superannuation (Army Civilian Lecturers) Scheme 1951(b);
- The Teachers Superannuation (British Families Education Service) Scheme 1952(c);
- The Teachers Superannuation (Welbeck College—Army) Scheme 1953(d);
- The Teachers Superannuation (Royal Naval Schools) Scheme 1956(e);
- The Teachers Superannuation (Army Children's Schools) Scheme 1956(f);
- The Teachers Superannuation (Royal Air Force (Civilian)) Scheme 1961(g);
- The Teachers Superannuation (Defence Services Schools) Scheme 1966(h).

PART X

EDUCATIONAL SERVICE IN THE DEFENCE SERVICES

Interpretation

84.—(1) For the purposes of this Part a services education officer shall be—

- (a) a person who—
 - (i) is serving in the Royal Navy, the Army or the Royal Air Force and is of a category specified in paragraph (2) below;
 - (ii) is serving full-time in the capacity of a teacher or in some other capacity which to a substantial extent involves the control or supervision of teachers; and
 - (iii) elects by notice in writing to the Secretary of State that this Part shall apply to him; and
- (b) a person who on or after the appointed day continues in service by virtue of which immediately before that day a scheme specified in regulation 87(2) applied to him.

(2) The following are the categories referred to in paragraph (1)(a) above, that is to say—

- (a) *Royal Navy*
Officers holding short service commissions in the Royal Navy or the Women's Royal Naval Service.
- (b) *Army*
Officers holding short service commissions in the Regular Army and Officers of the Women's Royal Army Corps, not being officers earning retired pay.
- (c) *Royal Air Force*
Officers holding short service or medium service commissions in the Education Branch or the Physical Fitness Branch and Officers holding short service commissions in the Women's Royal Air Force who are serving in the Education Branch or the Physical Fitness Branch, not being officers earning retired pay.

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- (a) S.R. & O. 1947/501 (Rev. VI, p. 445: 1947 I, p. 591).
 - (b) S.I. 1951/392 (1951 I, p. 577).
 - (c) S.I. 1952/1223 (1952 I, p. 839).
 - (d) S.I. 1953/928 (1953 I, p. 632).
 - (e) S.I. 1956/771 (1956 I, p. 731).
 - (f) S.I. 1956/770 (1956 I, p. 727).
 - (g) S.I. 1961/2418 (1961 III, p. 4468).
 - (h) S.I. 1966/770 (1966 II, p. 1783).

Application of Acts and Regulations

85.—(1) Subject to the modifications hereafter in this Part specified the provisions of sections 3 to 5 of, and Schedule 1 to, the Act of 1967 and of Parts I to VI and XI shall apply in relation to a services education officer as they apply to a teacher employed in reckonable service.

(2) The date from which the provisions specified in paragraph (1) above shall apply to a services education officer shall be—

(a) in a case to which regulation 84(1)(a) applies, the date of the notice mentioned therein or such other date as the Secretary of State may in any particular case agree; and

(b) in a case to which regulation 84(1)(b) applies, the appointed day.

Contributions

86.—(1) For the purposes of the provisions of the Acts and of these Regulations specified in regulation 85(1) which relate to contributions—

(a) the employer of a services education officer shall be deemed to be the Secretary of State for Defence; and

(b) the salary for any period of a services education officer shall be such salary, exclusive of any London allowance, as he would have received in respect of that period if he were affected by an order made under section 2 of the Remuneration of Teachers Act 1965(a).

(2) Any question arising under this regulation as to the amount of the salary for any period of a services education officer shall be decided by the Secretary of State and his decision thereon shall be final.

Service before Appointed Day

87.—(1) For the purposes of Part V any service before the appointed day of a services education officer which was treated as contributory service by virtue of a scheme specified in paragraph (2) below shall be reckoned as reckonable service.

(2) The following are the schemes referred to in paragraph (1) above, that is to say—

The Teachers Superannuation (Royal Navy Education) Scheme 1949(b), as amended (c);

The Teachers Superannuation (Army Education) Scheme 1950(d), as amended (e);

The Teachers Superannuation (Royal Air Force Education) Scheme 1949(f), as amended (g).

PART XI

MISCELLANEOUS AND SUPPLEMENTARY

Records and Information

88.—(1) Employers of persons to whom by reason of their employment these Regulations apply shall record for each such person for each financial year—

(a) 1965 c. 3.

(c) S.I. 1957/432 (1957 I, p. 704).

(e) S.I. 1957/433 (1957 I, p. 694).

(g) S.I. 1952/2171, 1957/434, 1959/2180 (1952 I, 847; 1957 I, p. 701; 1959 I, p. 1066).

(b) S.I. 1949/2008 (1949 I, p. 1544).

(d) S.I. 1950/406 (1950 I, p. 580).

(f) S.I. 1949/2007 (1949 I, p. 1540).

- (a) the rate of salary;
- (b) the amount paid, distinguishing payments which are subject to contributions from other payments;
- (c) the value of emoluments in kind which are subject to contributions;
- (d) the contributions collected;
- (e) the period (or periods) of full-time service;
- (f) the date of absence on sick leave and special leave, with reasons for the latter leave, and the proportion of pay during such absence.

(2) Employers of persons to whom by reason of their employment these Regulations apply shall make to the Secretary of State such reports and returns and give him such information relating to such persons as he may require for the purposes of his functions under these Regulations.

(3) Every person to whom by reason of his employment these Regulations apply or, if he is dead, his personal representatives, and every person by 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.

Payment of Benefits

89. Every allowance, pension, annuity and other sum payable under these Regulations which does not consist of a single payment—

- (a) shall be payable quarterly with proportionate payment on death or other terminating event; and
- (b) may, on the application of the person entitled thereto, be paid by monthly instalments.

Payments in respect of Deceased Persons

90. 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.

Benefits not Assignable

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

(2) On the bankruptcy of a person entitled to any such allowance, gratuity, pension, annuity or other benefit, no part thereof shall 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).

Extension of Time

92. The Secretary of State may extend the time within which anything is required or authorised to be done under the provisions of these Regulations

(a) 1914 c. 59.

other than Part VI, if he considers that there are reasonable grounds for so doing.

Amendment of Enactments

93.—(1) In the following enactments references to recognised service or contributory service shall be extended so as to include references to reckonable service:—

- section 17 of the Local Government Superannuation Act 1937;
- section 1 of the Superannuation (Miscellaneous Provisions) Act 1948;
- section 2 of the Superannuation (Miscellaneous Provisions) Act 1948;
- section 7(4) of the Local Government Superannuation Act 1953; and
- section 34(1) of the Superannuation Act 1965.

(2) In section 124(5) of the Local Government Act 1929(a) the reference to any allowance, gratuity or balance of contributions payable under the Act of 1925 shall be extended so as to include a reference to any allowance, gratuity or balance of contributions payable under these Regulations.

(3) In section 17 of the Local Government Superannuation Act 1937 the reference to the amount which is receivable by virtue of the Teachers Acts (as therein defined) or which would be so receivable but for any deduction under section 7 of the Act of 1925 shall be extended so as to include a reference to sums payable under these Regulations or which would be so payable but for any deduction made under regulation 52.

National Insurance

94.—(1) The provisions of Part IV of Schedule 5 shall have effect in relation to the treatment of employment in reckonable service as non-participating employment within the meaning of the National Insurance Act 1965.

(2) The Regulations specified in Part V of Schedule 5 are hereby revoked.

Saving

95. Nothing in these Regulations shall cause any annual superannuation allowance, additional superannuation allowance, gratuity or other benefit, or any increase thereof, to be payable from a date earlier than the appointed day.

SCHEDULE 1

Regulation 5

RECKONABLE SERVICE

PART I

SERVICE ON AND AFTER APPOINTED DAY

1. Teacher in a school maintained by a local education authority.

2. Teacher in a special school which is not maintained by a local education authority, if he is a qualified teacher for the purposes of the Schools Regulations 1959(b) or is employed in the school under regulation 17 or 18 of those Regulations as applied by regulation 16 of the Handicapped Pupils and Special Schools Regulations 1959(c)

(a) 1929 c. 17.
(c) S.I. 1959/365 (1959 I, p. 1024).

(b) S.I. 1959/364 (1959 I, p. 1584).

3. Teacher in a school (other than a special school) in respect of which grants are made by the Secretary of State to the proprietor thereof.

4. Teacher in a school which is an accepted school under Part II of this Schedule whose employment therein is reckonable service by virtue of that Part.

5. Teacher in an establishment maintained by a local education authority in pursuance of a scheme of further education made under section 42 of the Education Act 1944(a).

6. Teacher in an establishment of further education, other than a university or college of a university, in respect of which grants are made by the Secretary of State to the governing body thereof.

7. Teacher in a university or in a part of a university which, before becoming a university or a part of a university, was recognised by the Secretary of State as a college of advanced technology, being either—

(a) a teacher whose employment therein immediately before the appointed day was reckonable service; or

(b) a teacher who, having been previously employed in reckonable service, on becoming employed therein on or after the appointed day elects that his employment therein shall be reckonable service

unless by notice in writing to the Secretary of State he elects that his employment in the university shall cease to be reckonable service from such date as the Secretary of State and the university shall agree.

8. Teacher in a college of education which is maintained by a local education authority under the Education Acts 1944 to 1967 or in respect of which grants are made by the Secretary of State to the governing body thereof.

9. Teacher in an establishment for providing social or physical training if it is his principal duty to attend thereat and to provide or supervise the provision of such training and either—

(a) the establishment is maintained by a local education authority; or

(b) grants are made in respect of the establishment either by the Secretary of State or by a local education authority and, within three months of the commencement of his service therein, with the agreement of his employer he elects by notice in writing to the Secretary of State that his service shall be reckonable service.

10. Teacher in a remand home provided under section 77 of the Children and Young Persons Act 1933(b) or in a school approved under section 79 of that Act, if he is a qualified teacher within the meaning of the Schools Regulations 1959 or was previously employed in reckonable service or class A external service or is recognised by the Secretary of State for the Home Department as qualified to teach in such a home or school.

11. Teacher in a mental nursing home or a residential home for mentally disordered persons within the meaning of Part III of the Mental Health Act 1959(c), if he was a teacher who at any time before the coming into operation of the said Part III was employed in reckonable service in a certified institution as defined by section 71 of the Mental Deficiency Act 1913(d).

12. Teacher in a special hospital provided by the Minister of Health under Part VII of the Mental Health Act 1959.

13. Teacher employed for the purpose of instructing, training or superintending the occupation of persons suffering from severe sub-normality, sub-normality or psychopathic disorder—

(a) in a hospital vested in the Minister of Health under the National Health Service Act 1946;

(a) 1944 c. 31.

(c) 1959 c. 72.

(b) 1933 c. 12.

(d) 1913 c. 28.

(b) by a voluntary organisation to which a local health authority makes contributions under section 28 of that Act; or

(c) by a local health authority in the exercise of its functions under section 28 of that Act.

14. Teacher in an institution for the further education and training of disabled persons in respect of which grants are made by the Minister of Labour, if he has completed satisfactorily a course of training approved by the Secretary of State for the purposes of this paragraph, he has previously been employed in reckonable service or his service in the institution is approved by the Minister of Labour.

15. Teacher employed by the National Institute for Housecraft (Employment and Training) Ltd. in a training class in respect of which grants are made by the Minister of Labour.

16. Teacher in the College of Air Training, Hamble, if he is not a flying or other technical instructor and elects by notice in writing to the Secretary of State that his service in the college shall be reckonable service.

17. Teacher employed in the Royal Radar Establishment.

18. Teacher employed by the Field Studies Council.

19. Teacher of a kind other than is in this Part of this Schedule before specified if either—

(a) he is employed by a local education authority; or

(b) being employed by a person or body in respect of whose expenditure for the purpose for which he is employed grants are made either by the Secretary of State or by a local education authority, within three months of the commencement of his employment, with the agreement of his employer, he elects by notice in writing to the Secretary of State that his service shall be reckonable service.

PART II

ACCEPTED SCHOOLS

20. A school, establishment of further education and college of education shall be an accepted school if—

(a) immediately before the appointed day it was either—

(i) a school in which full-time service was contributory service by virtue of section 1(1)(i) of the Act of 1945; or

(ii) an accepted school for the purposes of the Teachers Superannuation (Accepted Schools) Rules 1956(a); or

(b) it is accepted under the provisions of this Part of this Schedule on or after the appointed day.

21. A school, establishment of further education or college of education which is recognised by the Secretary of State as efficient and in which full-time employment as a teacher is not reckonable service may be accepted by the Secretary of State upon the application of the governing body or proprietor thereof.

22. The date on which a school, establishment of further education or college of education becomes an accepted school under paragraph 21 of this Schedule shall, unless an alternative date is agreed by the Secretary of State and the governing body or proprietor thereof, be the first day of the term in which application for acceptance is made, for which purpose a term shall be deemed to be a period of four months beginning on 1st January, 1st May or 1st September, as the case may be.

23.—(1) An accepted school shall, if the Secretary of State so determines, cease to be such a school—

(a) on the application of the governing body or proprietor thereof;

(a) S.I. 1956/1481 (1956 I, p. 715).

- (b) on its ceasing to be recognised by the Secretary of State as efficient;
- (c) on failure to pay to the Secretary of State any contributions payable under the Act of 1967 or these Regulations in respect of the teachers employed therein; or
- (d) on failure to give any information or produce any document required by the Secretary of State under these Regulations within three months of having been requested in writing by the Secretary of State so to do.

(2) The date on which an accepted school ceases to be such a school under this paragraph shall be the date on which notice in writing of the Secretary of State's determination is sent to the governing body or proprietor thereof or such later date as may be specified in that notice.

24. Subject as hereafter in this Schedule provided, full-time service on and after the appointed day as a teacher in an accepted school shall be reckonable service.

25. The service on or after the appointed day of a person as a teacher in an accepted school shall not be reckonable service if—

- (a) it is a school conducted for private profit and he is a proprietor thereof or, by reason of being a director or shareholder of the company by which it is so conducted, is substantially in the position of a proprietor;
- (b) paragraph 20(a) of this Schedule applies to the school and his employment therein immediately before the appointed day was not contributory service; or
- (c) being employed in the school immediately before the date on which the Secretary of State notifies the governing body or proprietor thereof that he has accepted it, he so elects within three months of that date by notice in writing to the Secretary of State.

26. A person, not being a person to whom paragraph 25(a) of this Schedule applies, employed in full-time service as a teacher in an accepted school whose service therein is not reckonable service may elect by notice in writing to the Secretary of State that his service therein shall be reckonable service and, on his so electing, it shall be such service from a date determined by the Secretary of State.

PART III

SERVICE BEFORE APPOINTED DAY

27. Any period of service after 31st May 1922 and before 1st April 1926 of a person which, if he had satisfied the Board of Education as to his physical capacity as required by section 1(1) of the Act of 1898 or section 4(ii) of the Act of 1918, would have been recognised service within the meaning of the latter Act shall, if he pays to the Secretary of State the appropriate contributions in respect thereof, be reckonable service.

28. Any period of service before 1st April 1945 in relation to which a person would have been recognised under the regulations of the Board of Education for the time being in force for public elementary schools as a certificated teacher, an uncertificated teacher or a teacher of a special subject if anything required to be done by his employer or by the Board of Education with a view to such recognition had been duly done shall, if he pays to the Secretary of State the appropriate contributions in respect thereof, be reckonable service.

29.—(1) Any period of service to which this paragraph applies of a person who, within three months of first becoming employed in reckonable service by a local education authority or in a school maintained by a local education authority, so elects by notice in writing to the Secretary of State shall, if he pays to the Secretary of State the appropriate contributions in respect thereof, be reckonable service:

Provided that service before any date which may be specified in the aforesaid notice shall not be reckonable service by virtue of this paragraph.

(2) This paragraph applies to service before 1st April 1945 which was—

- (a) full-time service in or in connection with a public elementary school as a supplementary teacher, additional teacher, additional woman teacher or additional female teacher;

- (b) full-time service (not being service which was contributory or recognised service) in the employment of an authority which was a local education authority within the meaning of any enactment repealed by the Education Act 1944 or any previous Act in any capacity in which it was the principal duty of the person employed therein to attend any establishment for providing social or physical training and either to provide or to supervise the provision of such training therein;
- (c) full-time service on or after 1st April 1926 in the employment of such an authority as aforesaid, being service which satisfies the following conditions:—
 - (i) that it was service of the same kind as service approved by the Minister of Education for the purposes of section 2(1) of the Act of 1945; and
 - (ii) that the person employed therein was, before being so employed, employed for not less than three years, whether in England or Wales or elsewhere and whether before 1st April 1926 or not, as a teacher in a capacity approved by the Secretary of State; or
- (d) full-time service as a teacher employed by a local authority in the provision under section 30(cc) of the Mental Deficiency Act 1913 of suitable training or occupation for defectives under supervision or guardianship or sent to certified institutions, being service in the capacity of a certificated or uncertificated teacher or service in the capacity of a teacher which was approved on the recommendation of the Board of Control.

30. The appropriate contributions for the purposes of this Part of this Schedule are the contributions which would have been payable by the person in respect of the period of service in question under the Act of 1922 or under section 9(1)(a) of the Act of 1925 if that service had, at the time it was performed, been recognised or contributory service, together with compound interest thereon calculated at four per cent. per annum with yearly rests from—

- (a) in a case to which paragraph 27 of this Schedule applies, 1st April 1928;
- (b) in a case to which paragraph 28 of this Schedule applies, 1st October in the financial year after that in which the period of service fell; or
- (c) in a case to which paragraph 29 of this Schedule applies, 1st April 1947.

SCHEDULE 2

Regulation 6

EXTERNAL SERVICE

PART I

CLASS A EXTERNAL SERVICE

1. First class service within the meaning of the Teachers (Superannuation) (Scotland) Regulations 1957(a).
2. Recognised or contributory service within the meaning of the Teachers (Superannuation) Acts (Northern Ireland) 1950 to 1956(b), not being service undertaken by a teacher excluded from the provisions of the Teachers' Superannuation (Reciprocal Arrangements) Scheme 1929 (Northern Ireland)(c).
3. Service in respect of which benefits may be granted under an Act of Tynwald relating to the superannuation of teachers.
4. Service in respect of which benefits may be granted under an Act of the States of Jersey relating to the superannuation of teachers.
5. Service in respect of which benefits may be granted under any enactment for the time being in force in the Islands of Guernsey and Alderney relating to the superannuation of teachers.

(a) S.I. 1957/356 (1957 I, p. 733).

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

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

PART II

CLASS B EXTERNAL SERVICE

6. Employment in respect of which contributions are payable under the Federated System of Superannuation for Universities, being employment in the British Isles in a university or university college or as a full-time teacher.

7. Employment in the Royal College of Art as a full-time teacher in respect of which contributions are payable under the Royal College of Art Staff Pension Scheme.

8. Pensionable employment as an educational officer or in some other educational capacity in the service of the British Broadcasting Corporation.

9. Employment as an inspector appointed under section 77(2) of the Education Act 1944, having been preceded by employment for not less than three years as a teacher in a capacity approved by the Secretary of State.

10. Employment in England, Wales or Scotland as a civil servant in a post in which teaching experience is of value or was of value at the date of appointment thereto, having been preceded by employment for not less than three years as a teacher in a capacity approved by the Secretary of State.

PART III

CLASS C EXTERNAL SERVICE

11. Service as a member of the House of Commons which is reckonable service within the meaning of the Ministerial Salaries and Members' Pensions Act 1965(a).

12. Employment in England, Wales or Scotland as a civil servant which is not class B external service by virtue of paragraph 10 of this Schedule.

13. Pensionable employment in Northern Ireland, the Isle of Man or the Channel Islands as a civil servant.

14. Employment which is contributory service for the purposes of the Overseas Service Pensions (Scheme and Fund) Regulations 1966(b).

15. Employment in any country specified in section 1(3) of the British Nationality Act 1948 or any other country forming part of Her Majesty's dominions outside the British Isles which is or was pensionable under any law for the time being in force in that country or which is employment by the Government of that country or by a public authority therein in respect of which contributions are or were payable to a provident fund, being employment—

(a) as a full-time teacher;

(b) involving to a substantial extent the control or supervision of teachers; or

(c) as a civil servant.

16. Employment in a university or university college in any country specified in section 1(3) of the British Nationality Act 1948 or any other country forming part of Her Majesty's dominions outside the British Isles which is or was pensionable.

17. Employment in the Republic of South Africa or in the mandated territory of South West Africa of a kind specified in either paragraph 15 or paragraph 16 of this Schedule, being employment of a person who at any time during the three months immediately preceding 31st May 1962 was serving in that Republic or in that territory in service which was approved external service within the meaning of section 13 of the Act of 1925.

18. Employment as a full-time teacher of a person holding a commission in the naval, military or air forces of the Crown or of any of the women's services mentioned in Schedule 4 to the Superannuation Act 1965, being employment in respect of which retired pay is being earned.

(a) 1965 c. 11.

(b) S.I. 1966/1629 (1966 III, p. 5076).

19. Employment in respect of which contributions are payable to the Social Workers' Pension Fund.

20. Employment in respect of which contributions are payable under the Federated System of Superannuation for Universities, other than employment to which paragraph 6 of this Schedule applies.

21. Employment in the service of the British Council in respect of which contributions are payable under the British Council Overseas Service Pensions Scheme.

22. Employment as an officer of an employing authority within the meaning of the National Health Service (Superannuation) Regulations 1961(a).

23. Employment in respect of which contributions are payable under the Federated Superannuation Scheme for Nurses and Hospital Officers, being employment—

(a) to which either the National Health Service (Superannuation) Regulations 1961 or the National Health Service (Superannuation) (Scotland) Regulations 1961(b) apply;

(b) by an employing authority or a local Act authority within the meaning of the Local Government Superannuation Act 1937 or the Local Government Superannuation (Scotland) Act 1937(c);

(c) to which are applicable any regulations or scheme made under section 2 or section 5A of the Local Government (Superannuation) Act (Northern Ireland) 1950(d), as amended by the Local Government (Superannuation) (Amendment) Act (Northern Ireland) 1951(e), or under section 61 of the Health Services Act (Northern Ireland) 1948(f); or

(d) in a civil service in the British Isles.

24. Employment after reckonable service—

(a) as a contributory employee or local Act contributor within the meaning of the Local Government Superannuation Act 1937 or the Local Government Superannuation (Scotland) Act 1937;

(b) as an officer to whom the Local Government (Superannuation) Regulations (Northern Ireland) 1962(g) apply or to whom the Superannuation Scheme made by the Lord Mayor, Aldermen and Citizens of the City of Belfast applies;

(c) which is or is deemed to be employment by a public board for the purposes of the Superannuation (Teaching and Public Boards) Interchange Rules 1965(h);

(d) as a fireman to whom the Firemen's Pension Scheme for the time being in force under section 26 of the Fire Services Act 1947(i) applies; and

(e) as a contributor to the Pension Fund of the Central Council for Health Education.

25. Employment in reckonable service to which interchange rules have applied, being employment of a person to whom the Scheme of 1963 or Part VIII has applied.

26. Pensionable employment by a body representing teachers.

SCHEDULE 3 QUALIFYING SERVICE

Regulation 7

1. Any employment or occupation which, having been reckonable service or external service, has ceased for any reason to be such service.

2. Service in a school or other educational establishment in the British Isles, being either full-time service or part-time service under a contract providing for regular service of not less than half-time.

(a) S.I. 1961/1441 (1961 II, p. 2824).

(c) 1937 c. 69.

(e) 1951 c. 9. (N.I.)

(g) S.R. & O. (N.I.) 1962/210 (1962, p. 793).

(i) 1947 c. 41.

(b) S.I. 1961/1398 (1961 II, p. 2697).

(d) 1950 c. 10. (N.I.)

(f) 1948 c. 3. (N.I.)

(h) S.I. 1965/1023 (1965 I, p. 2483).

3. Service in a school or other educational establishment in any country specified in section 1(3) of the British Nationality Act 1948 or any other country forming part of Her Majesty's dominions outside the British Isles which is publicly controlled, regularly inspected by a public authority or is certified by such an authority to be efficiently conducted.

4. Service in a school or other educational establishment outside the British Isles which is, in the opinion of the Secretary of State a school or establishment in which it is, or was at the time of the service, expedient to facilitate the employment of teachers from England and Wales.

5. Employment in an unestablished capacity in a civil service in the British Isles.

6. Service in the Royal Navy, the Army and the Royal Air Force.

7. Employment by the government of any country specified in section 1(3) of the British Nationality Act 1948 or of any other country forming part of Her Majesty's dominions outside the British Isles.

8. Employment by a local authority.

9. Employment by a person or body in receipt of grants from a department of the Government of the United Kingdom.

10. Service in industry or commerce.

11. Employment by a body representing teachers which is not class C external service by virtue of paragraph 26 of Schedule 2.

ADDITIONAL CONTRIBUTIONS IN RESPECT
OF PREVIOUS EMPLOYMENT

Age (1)	Method I Periodical Payments			Method II Single Payment		
	Percentage of salary (2)	Annual Reduction in respect of each £1 of reduction of annual super- annuation allowance by reason of national insurance (3)		Percentage of salary (4)	Reduction in respect of each £1 of reduction of annual superannuation allowance by reason of national insurance (5)	
		Men Women	Men Women		Men Women	Men Women
		£ s. d.	£ s. d.		£ s. d.	£ s. d.
21 and under 25	.30	2 5	3 8	8.80	2 6 0	2 13 0
25 " " 26	.31	2 7	3 11	8.63	2 8 0	2 16 0
26 " " 27	.32	2 9	4 3	8.62	2 10 0	3 1 0
27 " " 28	.33	2 10	4 6	8.61	2 13 0	3 6 0
28 " " 29	.35	3 0	4 10	8.62	2 15 0	3 11 0
29 " " 30	.36	3 2	5 2	8.64	2 17 0	3 17 0
30 " " 31	.38	3 5	5 6	8.66	3 0 0	4 3 0
31 " " 32	.39	3 7	5 11	8.71	3 2 0	4 9 0
32 " " 33	.41	3 10	6 4	8.76	3 4 0	4 16 0
33 " " 34	.43	4 0	6 9	8.83	3 7 0	5 2 0
34 " " 35	.45	4 3	7 2	8.91	3 10 0	5 8 0
35 " " 36	.47	4 7	7 8	9.01	3 12 0	5 15 0
36 " " 37	.50	4 10	8 3	9.11	3 15 0	6 1 0
37 " " 38	.53	5 2	8 10	9.23	3 18 0	6 7 0
38 " " 39	.56	5 6	9 5	9.36	4 1 0	6 14 0
39 " " 40	.59	5 11	10 2	9.50	4 4 0	7 0 0
40 " " 41	.63	6 5	10 11	9.66	4 7 0	7 6 0
41 " " 42	.67	6 11	11 9	9.83	4 11 0	7 13 0
42 " " 43	.72	7 5	12 9	10.03	4 14 0	7 19 0
43 " " 44	.78	8 0	13 9	10.24	4 18 0	8 5 0
44 " " 45	.84	8 9	15 0	10.47	5 1 0	8 12 0
45 " " 46	.91	9 7	16 5	10.70	5 5 0	8 18 0
46 " " 47	.99	10 6	18 0	10.96	5 9 0	9 5 0
47 " " 48	1.09	11 7	19 10	11.22	5 13 0	9 12 0
48 " " 49	1.20	12 10	1 2 0	11.50	5 18 0	9 19 0
49 " " 50	1.33	14 5	1 4 7	11.79	6 2 0	10 7 0
50 " " 51	1.49	16 3	1 7 10	12.10	6 7 0	10 14 0
51 " " 52	1.69	18 7	1 11 9	12.41	6 12 0	11 2 0
52 " " 53	1.95	1 1 6	1 16 8	12.73	6 17 0	11 11 0
53 " " 54	2.28	1 5 4	2 3 2	13.06	7 2 0	12 0 0
54 " " 55	2.73	1 10 7	2 11 11	13.40	7 8 0	12 9 0

PROVISIONS IN CONNECTION WITH NATIONAL INSURANCE

PART I

INTERPRETATION

1. In this Schedule, unless the context otherwise requires—

“ the Act ” means the National Insurance Act 1965;

“ the Modification Regulations ” means the National Insurance (Modification of Teachers Pensions) Regulations 1948(a), as amended by the National Insurance (Modification of Teachers Pensions) Amending Regulations 1956(b);

“ non-participating employment ” has the meaning assigned to it by section 56(1) of the Act;

“ retired teacher ” means a teacher who has ceased to be employed in reckonable service and who, if a man, has attained the age of sixty-five or, if a woman, has attained the age of sixty.

PART II

REDUCTION OF SUPERANNUATION CONTRIBUTIONS

2.—(1) This paragraph applies to a teacher employed in reckonable service who—

(a) before the appointed day was subject to the modifications of the Acts of 1918 to 1956 made by the Modification Regulations, by virtue either of those Regulations or of interchange rules;

(b) being an existing teacher within the meaning of the Modification Regulations and not having been employed in reckonable service after the beginning of July 1948, so elects by notice in writing to the Secretary of State within three months of becoming employed in reckonable service on or after the appointed day; or

(c) not being an existing teacher within the meaning of the Modification Regulations or a teacher in whose case by virtue of interchange rules those regulations apply as they apply in the case of such an existing teacher, becomes employed in reckonable service on or after the appointed day.

(2) In relation to a teacher to whom this paragraph applies subsections (3) and (4) of section 3 of the Act of 1967 shall have effect subject to the modification that the contributions payable thereunder both by the teacher and by his employer shall be reduced, in the case of a woman, by £2 19s. a year and, in the case of a man, by £2 8s. a year.

3. Subsections (3) and (4) of section 3 of the Act of 1967 shall have effect subject to the modification that the contributions payable thereunder both by a teacher employed in reckonable service and by his employer in respect of any period of such service which is not non-participating employment shall be reduced by amounts calculated in accordance with the annual rates specified in the following Table:—

(a) S.I. 1948/889 (Rev. XVI, p. 298: 1948 I, p. 2851).
(b) S.I. 1956/1482 (1956 I, p. 1643).

TABLE

Annual Rate of Salary	Annual Rate of Reduction of Contributions		
	£	s.	d.
Not exceeding £468			nil
Over £468 but not exceeding £520		8	0
Over £520 but not exceeding £572	1	5	0
Over £572 but not exceeding £624	2	2	0
Over £624 but not exceeding £676	2	19	0
Over £676 but not exceeding £728	3	16	0
Over £728 but not exceeding £780	4	13	0
Over £780 but not exceeding £832	5	10	0
Over £832 but not exceeding £884	6	7	0
Over £884 but not exceeding £936	7	4	0
Over £936	7	13	0

PART III

REDUCTION OF ALLOWANCES

4.—(1) In the case of a retired teacher who—

(a) by virtue of the Modification Regulations or of interchange rules, was subject to the modifications of the Acts of 1918 to 1956 made by those Regulations and applicable to new entrants within the meaning of those Regulations; or

(b) by virtue of sub-paragraph (1)(c) of paragraph 2 of this Schedule, was subject to that paragraph

an annual superannuation allowance payable under these Regulations shall be reduced by £1 14s. for each completed year, and by a proportionate amount in respect of part of a year, of reckonable service after the beginning of July 1948 or by £67 15s., whichever shall be the less.

(2) For the purposes of this paragraph any additional period of reckonable service to which regulation 42(3) applies shall be deemed to be service after the beginning of July 1948.

5.—(1) This paragraph applies to a retired teacher who—

(a) by virtue of the Modification Regulations or of interchange rules, was subject to the modifications of the Acts of 1918 to 1956 made by those Regulations and applicable to existing teachers within the meaning of those Regulations; or

(b) by virtue of an election made under sub-paragraph (1)(b) of paragraph 2 of this Schedule, was subject to that paragraph.

(2) For the purposes of this paragraph the date of modification shall—

(a) in relation to a retired teacher to whom this paragraph applies by virtue of sub-paragraph (1)(a) above, be the date which was in relation to him the date of modification for the purposes of the Modification Regulations; and

(b) in relation to a retired teacher to whom this paragraph applies by virtue of sub-paragraph (1)(b) above, be the first day of the month next following that in which the election therein mentioned was made.

(3) An annual superannuation allowance payable under these Regulations to a retired teacher to whom this paragraph applies shall be reduced for each completed year, and proportionately for part of a year, of reckonable service after the date of modification by the sum specified in either column (2) or column (3) of the following Table, whichever shall be appropriate, opposite to his age at the date of modification specified in column (1) thereof:

TABLE

Age at date of Modification (1)	Yearly reduction of annual superannuation allowance for each completed year of reckonable service after date of modification	
	Men (2)	Women (3)
	£ s. d.	£ s. d.
20 or under	1 14 0	1 14 0
21 " "	1 13 0	1 12 0
22 " "	1 12 0	1 10 6
23 " "	1 11 0	1 9 0
24 " "	1 10 0	1 7 6
25 " "	1 9 6	1 6 0
26 " "	1 9 0	1 4 6
27 " "	1 8 6	1 3 6
28 " "	1 8 0	1 2 6
29 " "	1 7 0	1 1 6
30 " "	1 6 6	1 0 6
31 " "	1 6 0	19 6
32 " "	1 5 6	19 0
33 " "	1 5 0	18 6
34 " "	1 4 6	18 0
35 " "	1 4 0	17 6
36 " "	1 3 6	17 0
37 " "	1 3 0	16 6
38 " "	1 2 6	16 0
39 " "	1 2 0	15 6
40 " "	1 1 6	15 0
41 " "	1 1 6	14 6
42 " "	1 1 0	14 6
43 " "	1 0 6	14 0
44 " "	1 0 0	14 0
45 " "	19 6	13 6
46 " "	19 0	13 0
47 " "	19 0	13 0
48 " "	18 6	12 6
49 " "	18 6	12 6
50 and over	18 6	12 0

(4) For the purposes of this paragraph any additional period of reckonable service to which regulation 42(3) applies shall be deemed to be service after the date of modification.

6. For the purposes of the two preceding paragraphs of this Schedule the reckonable service of a retired teacher shall be the amount of service not exceeding forty years which is taken into account for the purpose of calculating the amount of the annual superannuation allowance payable to him and any service which is not so taken into account shall be excluded therefrom.

7. If, in calculating the amount of an annual superannuation allowance payable to a retired teacher under these Regulations, there is taken into account any period of employment after 2nd April 1961 which is not non-participating employment the

allowance shall, except as provided in paragraphs 9 and 10 of this Schedule, be reduced, for each year of such period and proportionately for part of a year, by the appropriate amount specified in the following Table:—

TABLE

Annual rate of salary during period	Reduction in Allowance for each whole year of Period			
	From 3rd April 1961 to 5th January 1964		After 5th January 1964	
	Men	Women	Men	Women
	£	£	£	£
Not exceeding £468	nil	nil	nil	nil
Over £468 but not exceeding £520	·19	·16	·19	·16
Over £520 but not exceeding £572	·58	·48	·58	·48
Over £572 but not exceeding £624	·96	·80	·96	·80
Over £624 but not exceeding £676	1·35	1·12	1·35	1·12
Over £676 but not exceeding £728	1·73	1·44	1·73	1·44
Over £728 but not exceeding £780	2·12	1·76	2·12	1·76
Over £780 but not exceeding £832	2·31	1·92	2·51	2·09
Over £832 but not exceeding £884	2·31	1·92	2·90	2·42
Over £884 but not exceeding £936	2·31	1·92	3·29	2·74
Over £936	2·31	1·92	3·48	2·9

8. If, in calculating the amount of an annual superannuation allowance payable to a retired teacher under these Regulations, there is taken into account any period of employment after 2nd April 1961 in respect of which a payment in lieu of contributions has been made under the Act the allowance shall, except as provided in paragraphs 9 and 10 of this Schedule, be reduced—

- (a) by £2·31 in the case of a man and by £1·92 in the case of a woman for each year, and proportionately for part of a year, of such period from 3rd April 1961 to 5th January 1964; and
- (b) by £3·48 in the case of a man and by £2·9 in the case of a woman for each year, and proportionately for part of a year, of such period after 5th January 1964.

9. Where—

- (a) a period of employment of a retired teacher which was not non-participating employment or in respect of which a payment in lieu of contributions has been made is reckoned as reckonable service by virtue of interchange rules; and
- (b) the Secretary of State is informed of the amount by which his pension under the pension scheme applicable to him before interchange rules applied to him would have been reduced in respect of that period by reason of graduated retirement benefit payable under the Act or of the method of calculating such reduction

the annual superannuation allowance payable under these Regulations in respect of that period shall be reduced by that amount or by an amount calculated in accordance with that method, as the case may be, and no reduction shall be made under paragraphs 7 or 8 of this Schedule in respect of that period.

10. No reduction in the amount of an annual superannuation allowance shall be made under paragraphs 7 or 8 of this Schedule in respect of any period which is reckonable service by virtue of regulation 13 (Intervals of Service) or regulation 15 (Previous Employment) or by virtue of regulations made under section 1 of the Superannuation (Miscellaneous Provisions) Act 1948 (which section relates to employment in national service).

PART IV

MISCELLANEOUS

11. The Secretary of State hereby directs that an election with a view to the issue, variation, cancellation or surrender of a certificate that employment in reckonable service is to be treated for the purposes of the Act, either generally or in relation to any description of persons specified in the certificate, as a non-participating employment within the meaning of the Act, shall be made or revoked by him instead of by the employer.

12. Employment in reckonable service shall be treated as employment under a single employer different from the employer in any other employment for the purposes of—

- (a) section 59(4) of the Act; and
- (b) regulation 4 of the National Insurance (Non-Participation—Assurance of Equivalent Pension Benefits) Regulations 1960.

13. Things that are required or authorised to be done by or to the employer under the following provisions shall be done by or to the Secretary of State:—

- (a) sections 56(1) and 58 of the Act;
- (b) Parts II, IV (except so far as it relates to questions referred to the Registrar under Part III) and V of the National Insurance (Non-Participation—Certificates) Regulations 1959(a);
- (c) the National Insurance (Non-Participation—Appeals and References) Regulations 1959(b), except so far as they relate to appeals or references on questions referred to the Registrar under Part III of the Regulations specified in sub-paragraph (b) above;
- (d) regulations 2, 3, 4, 7, 8, 11, 14 and 15 of the National Insurance (Non-Participation—Assurance of Equivalent Pension Benefits) Regulations 1960 and, so far as they relate to the extension of the assurance period, paragraphs (3) and (4) of regulation 18 of those Regulations.

14. Section 5 of, and Schedule 1 to, the Act of 1967 shall have effect subject to the modification that, in the teachers' superannuation account kept under those provisions, payments in lieu of contributions made under the Act by the Secretary of State shall be included as expenditure and amounts recovered by him under section 60 of the Act shall be included as revenue.

(a) S.I. 1959/1860 (1959 II, p. 1867).

(b) S.I. 1959/2119 (1959 II, p. 1856).

PART V
REVOCATIONS

Regulations Revoked	References
The National Insurance (Modification of Teachers Pensions) Regulations 1948	S.I. 1948/889 (Rev. XVI, p. 298: 1948 I, p. 2851).
The National Insurance (Modification of Teachers Pensions) Amending Regulations 1956	S.I. 1956/1482 (1956 I, p. 1643).
The National Insurance (Non-Participation—Teachers Superannuation) Regulations 1960	S.I. 1960/1154 (1960 II, p. 2279).
The National Insurance (Non-Participation—Teachers Superannuation) Regulations 1961	S.I. 1961/477 (1961 I, p. 1110).
The National Insurance (Modification of Teachers Superannuation Acts) Regulations 1963	S.I. 1963/2030 (1963 III, p. 4278).
The National Insurance (Modification of Teachers Superannuation Acts) Amending Regulations 1966	S.I. 1966/1192 (1966 III, p. 3199).

Given under the Official Seal of the Secretary of State for Education and Science on 23rd March 1967.

(L.S.)

Antony Crosland,
Secretary of State for Education
and Science.

We concur

22nd March 1967.

George Lawson,
Joseph Harper,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate most of the provisions of the Teachers (Superannuation) Acts 1918 to 1956 and the statutory instruments made thereunder, all of which will cease to have effect on the appointed day by virtue of section 2 of the Teachers' Superannuation Act 1965. The only provisions relating to the superannuation of teachers which will still be in statutory form are those authorising the making of regulations and those relating to superannuation contributions, calculation of salary and accounts and actuarial inquiries; these are now consolidated in the Teachers' Superannuation Act 1967, which also comes into force on the appointed day.

In addition the Regulations consolidate certain regulations relating to teachers' superannuation made under the National Insurance Act 1965; the revocation of these regulations is provided for in Schedule 5.

In general the regulations reproduce the effect of the existing provisions, which have been brought up to date and simplified. There is, however, a number of minor changes and improvements, including:—

- (a) Provisions in the existing Acts which confer on the Secretary of State power to give directions or to make decisions or determinations of a purely discretionary kind are, so far as possible, replaced by regulations defining precisely what is to be done, as in regulations 47(1)(a), 52 and Schedule 1, paragraphs 9 and 19.
- (b) The amount of previous employment which may become pensionable by payment of additional contributions has been extended from five to ten years, subject to certain restrictions for older entrants, and the categories have been widened and more precisely defined (reg. 15).
- (c) A number of relaxations have been made, e.g., teachers wishing to repay to the Secretary of State superannuation contributions repaid to them need no longer be medically examined (reg. 28); service in excess of 45 years may count in the calculation of average salary (reg. 30); sick leave may continue to count as pensionable even after the issue of a medical certificate showing permanent incapacity (reg. 9); and persons temporarily resident need not participate (reg. 16).
- (d) Additions have been made to the categories of external service, which service, mostly pensionable under other superannuation schemes, counts for entitlement to benefits under the Regulations; the additions include pensionable service as a member of the House of Commons.

STATUTORY INSTRUMENTS

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