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 STATUTORY INSTRUMENTS
 

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1967 No. 901 (S. 67)

EDUCATION, SCOTLAND

The Teachers Superannuation (Family Benefits) (Scotland)  
Regulations 1967

<i>Made - - - -</i>	14th June 1967
<i>Laid before Parliament</i>	22nd June 1967
<i>Coming into Operation</i>	23rd June 1967

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### REGULATIONS

In exercise of the powers conferred upon me by sections 102 and 144(1) of the Education (Scotland) Act 1962(a) and Schedule 3 to that Act as amended by section 3(1) of the Education (Scotland) Act 1963(b) and section 1(2) of the Education (Scotland) Act 1965(c) and of all other powers enabling me in that behalf, and after consultation with representatives of education authorities and of teachers and with the approval of the Treasury, I hereby make the following regulations:—

### PART I

#### INTRODUCTION

##### *Citation, construction and commencement*

1.—(1) These regulations may be cited as the Teachers Superannuation (Family Benefits) (Scotland) Regulations 1967.

(2) These regulations, the Teachers (Superannuation) (Scotland) Regulations 1957(d) as amended (e) (hereinafter referred to as "the Principal Regulations") and the Teachers (Superannuation) (Scotland) Rules 1965(f) (hereinafter referred to as "the Rules") shall be construed as one and may be cited together as the Teachers Superannuation (Scotland) Regulations 1957 to 1967.

(3) These regulations shall come into operation on 23rd June 1967 but, subject to the provisions of section 102(2) of the Education (Scotland) Act 1962, shall then be deemed to have had effect from and including 1st April 1965.

##### *Revocation*

2. The Teachers (Superannuation) (Family Benefits) (Scotland) Regulations 1965(g) are hereby revoked:

Provided that—

- (i) without prejudice to the provisions of section 38 of the Interpretation Act 1889(h) any valid election or valid nomination made or deemed to be made or any proposal approved or any requirement to make any payment or any pension awarded or anything done under the provisions of the Regulations hereby revoked, shall, if in force immediately before the date upon which these regulations come into operation, continue in

(a) 1962 c. 47.

(b) 1963 c. 21.

(c) 1965 c. 7.

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

(e) S.I. 1958/1595 (1958 I, p. 1077), 1963/2111 (1963 III, p. 4685), 1965/1166 (1965 II, p. 3284) and 1966/1229 (1966 III, p. 3295).

(f) S.I. 1965/1167 (1965 II, p. 3290).

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

(h) 1889 c. 63.

force notwithstanding such revocation in like manner as if it had been made or deemed to be made or approved or had been required or awarded or done under these regulations and, in so far as it could have been made or been deemed to have been made or approved or been required or awarded or done under a particular provision of these regulations, shall be deemed to have been made or approved or required or awarded or done under that provision;

- (ii) any vested interest acquired under any provisions of the Regulations hereby revoked shall not be affected by such revocation;
- (iii) where any provision of these regulations confers a benefit upon any teacher or other person which was not conferred by the Regulations hereby revoked or which is more beneficial to a teacher or other person than a corresponding provision of the Regulations so revoked the said provision of these regulations shall not be construed as relating to any period before these regulations come into operation unless the said provision specifically authorises retrospective effect to be given to it or unless the context otherwise requires.

## PART II

### INTERPRETATION

#### *Interpretation*

3.—(1) The Interpretation Act 1889 applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) References in these regulations to any enactment, regulations, rules, scheme or other instrument shall, except where the context otherwise requires, be construed as references to said enactment, regulations, rules, scheme or other instrument as amended by or under any other enactment, regulations, rules, scheme or instrument.

(3) Unless the context otherwise requires Regulation 1 and Regulation 2 of Part I of the Principal Regulations (which respectively relate to interpretation and contain definitions) and the Rules made thereunder shall apply to these regulations as they apply to the Principal Regulations.

(4) 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 these regulations or to a Part of these regulations or to a Schedule annexed to these regulations, as the case may be.

(5) Any reference in these regulations to an adopted child of a person shall be construed as a reference to a child adopted by him (whether alone or jointly with any other person) without formal declaration or in pursuance of an adoption order made under the Adoption Act 1958(a) or any corresponding enactment of the Parliament of Northern Ireland, or in process of being so adopted, or adopted, or in process of being adopted by him (whether alone or jointly with any other person) in accordance with the law of the place where he was domiciled at the time of the adoption or intended adoption and references to a person by whom a child has been adopted or is in process of being adopted shall be construed accordingly; and any reference to an adoption order made under the Adoption Act 1958 shall be construed as including a reference to any Act repealed by the Adoption Act 1958 or by the Adoption Act 1950(b) or to the corresponding provisions of any Act so repealed.

(a) 1958 7 & 8 Eliz. 2 .c. 5.

(b) 1950 c. 26.

*General definitions*

- 4.—(1) In these regulations unless the context otherwise requires—
- (a) “accounting year” means the period from 1st April in any year to 31st March in the next following year;
  - (b) “approved Scheme” means a Scheme established under the Regulations or Rules referred to in Schedule 3;
  - (c) “contributions for the purposes of the Main Scheme” means contributions payable by a teacher under the provisions of section 105 of the Education (Scotland) Act 1962;
  - (d) “contributor” has the meaning assigned to it by Regulation 6;
  - (e) “current service” means employment of a contributor in first class service on and after the date with effect from which Regulation 6 is first deemed to apply to him or is deemed again to apply to him and includes any period of first class service in respect of which periodical contributions have been repaid under the provisions of Regulation 19 and any period recorded as first class service under the provisions of Regulation 12 of the Principal Regulations;
  - (f) “Dependants’ Scheme” means the Scheme constituted under the provisions of Part IV;
  - (g) “incapacitated person” means a person who, in the opinion of the Secretary of State, is incapable by reason of some specific bodily or mental disability of earning his own living and who is not wholly or mainly supported out of money provided by Parliament or raised by a rate;
  - (h) “Main Scheme” means the Superannuation Scheme for Teachers in Scotland constituted under the provisions of the Principal Regulations;
  - (i) “Main Scheme payments” means—
    - (i) a disablement gratuity granted under the provisions of Regulation 46 of the Principal Regulations; or
    - (ii) the lump sum of a retiring allowance granted under the provisions of Regulation 40 of the Principal Regulations; or
    - (iii) the lump sum of a retiring allowance granted under the provisions of Regulation 39 of the Principal Regulations; or
    - (iv) the sum of any death gratuity or supplementary death gratuity granted under the provisions of, as the case may be, Regulation 47, or Regulation 47 and Regulation 48 of the Principal Regulations; or
    - (v) the sum of the return of contributions to the personal representative of a teacher payable under the provisions of Regulation 51 of the Principal Regulations—
 but does not include any payment paid or payable under the provisions of, as the case may be, Regulation 50 or Regulation 52 of the Principal Regulations;
  - (j) “Method I” has the meaning assigned to it in Part I of Schedule 1;
  - (k) “Method II” has the meaning assigned to it in Part I of Schedule 1;
  - (l) “Method III” has the meaning assigned to it in Part I of Schedule 1;
  - (m) “past service” means employment of a contributor as defined in Regulation 6—
    - (i) in first class service before the date with effect from which the said Regulation 6 is first deemed to apply to him; or

- (ii) in reckonable service before the date on which the relevant approved Scheme came into operation provided the contributor has not been employed in such service on or after the said date; or
  - (iii) in reckonable service at any time if, not having been a contributor under an approved Scheme insofar as it relates to benefit for widows and children, the provisions of the proviso to Regulation 6(1) apply to him or he was unmarried either throughout such service after the coming into operation of the relevant approved Scheme or throughout such service other than the last 3 months thereof and married during the said 3 months or married after the termination of such service and before becoming employed in first class service or married while employed in first class service;
- and includes any period recorded as first class service under the provisions of Regulation 9 of the Principal Regulations but does not include any period of service which has been treated as cancelled under the provisions of Regulation 18;
- (n) " period of recognised absence " has the meaning assigned to it by Regulation 8(4);
  - (o) " periodical contributions " means contributions paid under the provisions of Part III or Part IV or under the provisions of Part III and Part IV and, in the case of contributions paid under the provisions of Part III, means contributions paid both in respect of current service as defined in paragraph (1)(e) of this regulation and payment or part payment in respect of specified service as defined in Regulation 5(9);
  - (p) " prescribed day " means 1st April 1965;
  - (q) " reckonable service " means service as so defined in an approved Scheme;
  - (r) " salary " means the salary taken into account in determining the amount of contributions payable by a teacher under the provisions of section 105 of the Education (Scotland) Act 1962;
  - (s) " service " means employment in first class service or reckonable service and includes any combination of the relevant forms of employment;
  - (t) " teacher " has the meaning assigned to it by Regulation 32 of the Principal Regulations;
  - (u) " valid election " means an election made by a teacher in respect of which the acceptance of the Secretary of State has been intimated to him and includes where the context so requires an election deemed by the Secretary of State to have been made;
  - (v) " valid nomination " means a nomination made by a teacher in respect of which the acceptance of the Secretary of State has been intimated to him and which has not been revoked or otherwise become void in accordance with the provisions of Regulation 29;
  - (w) " widowed mother's pension " has the meaning assigned to it by Regulation 20(2)(a)(i);
  - (x) " Widows' and Children's Scheme " means the Scheme constituted under Part III;
  - (y) " widow's pension " has the meaning assigned to it by Regulation 20(1)(a); and
  - (z) " widow's short-service pension " has the meaning assigned to it by Regulation 20(2)(b).

(2) Other expressions which have meanings assigned to them by any of the above-mentioned Acts or Regulations shall, unless the context otherwise requires, have the same respective meanings for the purposes of these regulations.

### PART III

#### PROVISIONS APPLICABLE TO WIDOWS' AND CHILDREN'S PENSIONS

##### CONTRIBUTORS AND CONTRIBUTIONS

###### *Interpretation for purposes of Part III*

5. In this Part unless the context otherwise requires—

- (1) "basic pension" means the pension payable under the provisions of the Principal Regulations, or the pension that would have been so payable if no deductions had been made from the period of service by reference to which the pension is calculated to take account of employment other than first class service, before surrender of any part thereof in respect of any exchange of part of pension for other benefits under the provisions of Regulation 44 of those regulations and before modification in consequence of National Insurance under the provisions of, as the case may be, Regulation 42 or Regulation 42A of those regulations and exclusive of any additional pension payable under the provisions of Regulation 45 of those regulations;
- (2) "child" means a person who is not over school age or who is in full-time education at any school, university, college or other educational establishment or is undertaking training for any trade, profession or vocation in such circumstances that he devotes his whole time to that education or to that training by attending a course of which the duration is not less than two years and, while he is undertaking the training, the emoluments receivable by him or payable by the employer in respect of him, exclusive of any emoluments receivable or payable by way of return of any premium paid in respect of the training, do not exceed £115 per annum or such other sum as shall from time to time have effect for the purposes of section 212(4) of the Income Tax Act 1952(a) or, where a widowed mother's pension is payable, a person who is under the age of 19 years and includes an illegitimate child, a step-child and an adopted child;
- (3) "child's pension" has the meaning assigned to it by Regulation 20(1)(b);
- (4) "eligible child" has the meaning assigned to it by Regulation 22(1);
- (5) "eligible service" means any period of service eligible to be treated as service counting for benefit or the aggregate of any such periods of service;
- (6) "married contributor" means a contributor who was a married person during any part of the period after he became a contributor and whether or not the marriage continued until the death of the contributor;
- (7) "recognised transfer arrangements" means arrangements in accordance with regulations made under the provisions of section 67(1) of the National Health Service Act 1946(b) or under the provisions of section 66(1) of the National Health Service (Scotland) Act 1947(c) or under the provisions of section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(d);

(a) 1952 c. 10.

(b) 1946 c. 81  
(d) 1948 c. 33.

(c) 1947 c. 27.

- (8) "service counting for benefit" means any period or the aggregate of any periods of specified service including service deemed to be specified service under the provisions of Regulation 11(1)(d) in respect of which a contributor has made or has undertaken to make and, subject to the provisions of these regulations, there have been duly made or there have been deemed to have been made such payments as may be necessary to enable the said period or periods to be credited to him for the purposes of this Part and includes in relation to a contributor who was a contributor under an approved Scheme insofar as it relates to benefit for widows and children any period of service counting for such benefit under the said Scheme and any further period of such service or of specified service of the contributor in respect of which the full amount of the payment due is held either in the Fund or in the fund established under the said Scheme or partly in the Fund and partly in any such fund and any period of current service in respect of which periodical contributions have been paid or, as the case may be, have been repaid by a contributor and which is credited to him for the purposes of this Part;
- (9) "specified service" means the aggregate of any periods of past service in respect of which a contributor is required or has elected to make the necessary payments to enable the said periods to be treated as service counting for benefit and excludes any period of past service which is treated as service counting for benefit;
- (10) "unmarried contributor" means a contributor who was not a married person during any part of the period after he became a contributor;
- (11) "widowed mother" means the widow of a contributor to whom the provisions of Regulation 20(2) apply and who has an eligible child under the age of 19 years in respect of whom a pension is payable under the provisions of these regulations.

*Meaning of "contributor" for purposes of Part III*

6.—(1) For the purposes of this Part, unless the context otherwise requires and except as provided in paragraph (2) of this regulation the expression "contributor" means a male teacher—

- (a) who first entered first class service on or after the prescribed day and who had not been in service before the said day and every such teacher other than a teacher who had been employed in reckonable service on or after the date of the coming into operation of the relevant approved Scheme and had not been a contributor under the said Scheme insofar as it relates to benefit for widows and children shall be deemed to have become a contributor on the first day on which he is employed in first class service; or
- (b) who is employed in first class service on the prescribed day but who first entered service before the said day and every such teacher shall be deemed to have become a contributor on the said day; or
- (c) who is not employed in first class service on the prescribed day but who—
- (i) first entered service before the said day; or
- (ii) first entered reckonable service on or after the said day,

and every such teacher other than such a teacher who had been employed in reckonable service on or after the date on which the relevant approved Scheme came into operation and had not been a contributor under the said Scheme insofar as it relates to benefit for widows and children shall be deemed to have become a contributor on the first day after the said day on which he is employed in first class service;



Provided that where a teacher was employed in reckonable service on or after the date of the coming into operation of the relevant approved Scheme and had not been a contributor under the said Scheme insofar as it relates to benefit for widows and children, the Secretary of State may deem the said teacher to be a contributor where he considers that there are reasonable grounds for so doing and where the teacher wishes to become a contributor within the meaning of this regulation.

(2) The provisions of paragraph (1) of this regulation shall not apply to a male teacher where, on the day on which he would have been deemed to have become a contributor if this paragraph had not been enacted, he has attained the age of 60 and is eligible for the award of a retiring allowance under the provisions of Regulation 39 of the Principal Regulations or has been awarded such an allowance or has attained the said age and is entitled to be paid superannuation allowances as defined in an approved Scheme.

(3) A teacher to whom paragraph (1)(c) of this regulation applies, other than a teacher who is employed in first class service on or after the day following the date on which an approved Scheme under which he was a contributor in respect of benefit for widows and children came into operation, may, within 3 months after the date upon which he first enters first class service after the prescribed day, elect in writing to the Secretary of State that this Part shall or shall not apply to him and where the said teacher does not, within 3 months after the date upon which he first enters first class service after the said day, elect that the said Part shall or shall not apply to him, the Secretary of State shall treat the teacher as one who has elected that the said Part shall apply to him.

(4) Where under the provisions of paragraph (3) of this regulation a teacher has made a valid election that this Part shall not apply to him his deemed status as a contributor shall be cancelled with effect from the day when he was so deemed to be a contributor and such a teacher who on the said day is unmarried or who has been a married person but whose marriage has been terminated by reason of the death of his wife or by divorce may—

- (a) within 3 months after his first marriage after the said day, if he was employed in first class service on the date of the said marriage; or
- (b) where his first marriage after the said day took place while he was not employed in first class service, within 3 months after the date on which he first re-entered first class service after the date of the said marriage—

elect in writing to the Secretary of State that the said Part shall apply to him from the date of his first marriage after the said day or, as the case may be, from the date on which he first re-entered first class service after the date of the said marriage and on the Secretary of State intimating to him that his election is valid the teacher shall be deemed to have become a contributor on the date of the last-mentioned marriage or, as the case may be, on the date of the said re-entry into first class service:

Provided that such an election shall not be made by a teacher whose first marriage after the said day takes place while he is employed in reckonable service on or after the date on which the relevant Scheme came into operation and, having been so employed for a continuous period of not less than 3 months from the said date, the teacher did not become a contributor under the said Scheme insofar as it relates to benefit for widows and children.

(5) Where a teacher ceases to be a contributor under the provisions of Regulation 8, he shall be deemed again to have become a contributor with effect from the first day on which he re-enters or again re-enters first class service after such cessation.

*Rate of periodical contributions in respect of current service*

7. Periodical contributions in respect of current service shall be paid by a contributor for the purposes of this Part at the rate of 2 per cent. of the amount of his salary with effect from the date deemed to be applicable or again to be applicable to him under the provisions of Regulation 6 up to and including the date from which his liability for payment of contributions for the purposes of the Main Scheme ceases:

Provided that periodical contributions in respect of current service shall not be payable—

- (1) by a person who has made a valid election that this Part shall not apply to him; or
- (2) by a contributor who is re-employed in first class service after having been awarded a retiring allowance in terms of Regulation 39 of the Principal Regulations or after having been awarded superannuation allowances as defined in an approved Scheme unless the said contributor was a married person before being awarded the said allowance or allowances and the said marriage has not been terminated by reason of the death of his wife or lawfully terminated and the said contributor makes a valid election on first being so re-employed to pay periodical contributions in respect of any periods of current service undertaken by him after the award of the said allowance or allowances during which his wife is alive.

*Date of ceasing to be a contributor*

8. Where a contributor ceases to be liable for payment of contributions for the purposes of the Main Scheme other than in circumstances in which his first class service or first class service with second class service under the provisions of the said Scheme amounts to more than 45 years or arising from his having attained the age of 70 years or ceases to be employed in current service for a period exceeding 365 days or for periods of which the aggregate exceeds 365 days, other than in circumstances—

- (1) in which he is eligible for the award of a retiring allowance under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme; or
  - (2) in which, having retired after attaining the age of 60 years without having qualified for the award of a retiring allowance under the provisions of the Main Scheme and, whether or not he has had returned under the provisions of the said Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme, he does not apply for a return of the periodical contributions paid by him under the provisions of this Part; or
  - (3) which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the Main Scheme; or
  - (4) in which a period of absence from first class service on sick leave is treated as a period of first class service under the provisions of Regulation 10 of the Principal Regulations (hereinafter referred to as a "period of recognised absence"), and he does not have returned to him under the provisions of those regulations a sum equal to the aggregate of his contributions for the purposes of the said regulations; or
  - (5) in which he is employed in reckonable service—
- he shall be treated as having ceased to be a contributor for the purposes of

this Part after 365 days from the date on which the said liability for payment of contributions ceases or, as the case may be, with effect from the date from which the period or the aggregate of the periods of his absence from current service or current service and reckonable service first exceeds 365 days or, if earlier, and except in the case of a contributor to whom the provisions of head (2) of this regulation apply, on having had returned to him under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme.

*Irrevocability of election to become a contributor*

9. Subject to the provisions of Regulation 6, a valid election to become a contributor shall continue to be binding and be irrevocable.

*Requirements and elections to pay for past service*

10.—(1) Where on the day on which Regulation 6 is first deemed to apply or is deemed again to apply to a contributor or, if later—

- (a) on the day on which a contributor repays to the Secretary of State a sum equal to the aggregate of the contributions returned to him under the provisions of the Main Scheme; or
- (b) on the date with effect from which a period of employment is recorded in favour of the contributor under the provisions of, as the case may be, Regulation 9 or Regulation 12 of the Principal Regulations or under recognised transfer arrangements—

the length of the period of eligible service of such contributor is equal to or less than 10 years he shall make such payments as may be necessary to enable the said period of eligible service to become service counting for benefit.

(2) For the purposes of paragraph (1) of this regulation each contributor other than a contributor to whom the provisions of Regulation 11 apply shall intimate in writing for the approval of the Secretary of State, and subject to the provisions of paragraphs (5) and (6) of this regulation, which Method or Methods he proposes should be adopted to pay for any period of his past service which is included in the said period of eligible service, such intimation to be made—

- (a) on the contributor first becoming a contributor, simultaneously with any election under the provisions of Regulation 6 that this Part shall apply to him; or
- (b) in the case of a contributor to whom this regulation has not previously applied, on the contributor repaying to the Secretary of State a sum equal to the aggregate of the contributions returned to him under the provisions of the Main Scheme or having a period of employment recorded in his favour under the provisions of, as the case may be, Regulation 9 or Regulation 12 of the Principal Regulations or under recognised transfer arrangements, within 3 months after the date with effect from which such repayment is made or such period is so recorded; or
- (c) in the case of a contributor to whom this regulation has not previously applied, on the contributor again becoming a contributor, within 3 months after the date on which he again becomes a contributor or, if later, after the date with effect from which the provisions of heads (a) or (b) of paragraph (1) of this regulation apply to him;

and, on the Secretary of State intimating to the contributor that the Method or Methods which he proposes should be adopted is approved, the said Method or Methods so approved shall then apply to the contributor with effect from the

first day of the month next following the date of intimation of the approval and, subject to the provisions of Regulation 14 and Regulation 45, shall continue to apply to the contributor throughout any period thereafter during which he is in first class service.

(3) Where on the day on which Regulation 6 is first deemed to apply to a contributor or on the day on which Regulation 6(1)(a) is first deemed again to apply to a contributor or, if later, on the date with effect from which the provisions of heads (a) or (b) of paragraph (1) of this regulation apply to him, the length of the period of past service of such contributor exceeds 10 years he shall make such payments as may be necessary to enable not less than 10 years of the said period of past service to become service counting for benefit and each contributor may elect to make such payments as may be necessary to enable any period of his past service in excess of 10 years also to become service counting for benefit.

(4) For the purposes of paragraph (3) of this regulation each contributor shall specify in writing for the approval of the Secretary of State, and subject to the provisions of paragraphs (5) and (6) of this regulation, the length of the period of his past service which he elects to have taken into account as specified service or in the case of a contributor to whom the provisions of Regulation 11 apply, the length of the period of his past service which he elects to have taken into account as additional specified service and, if he is not a contributor to whom this regulation has previously applied or to whom the provisions of the said Regulation 11 apply, which Method or Methods he proposes should be adopted to pay for the period of his specified service, such specification to be made—

- (a) on the contributor first becoming a contributor, simultaneously with any election under the provisions of Regulation 6 that this Part shall apply to him or in the case of a contributor to whom the provisions of Regulation 11 apply, within 3 months after the date with effect from which he becomes a contributor; or
- (b) on the contributor again becoming a contributor, within 3 months after the date with effect from which he again becomes a contributor; or
- (c) where the provisions of heads (a) or (b) of paragraph (1) of this regulation apply to the contributor, within 3 months after the date with effect from which the said provisions apply to him—

and, on the Secretary of State intimating to the contributor that the Method or Methods which he proposes should be adopted is approved and that his election is valid, the said Method or Methods so approved shall then apply to the contributor with effect from the first day of the month next following the date of intimation of the approval and, subject to the provisions of Regulation 14 and Regulation 45, shall continue to apply to the contributor throughout any period thereafter during which he is in first class service.

(5) Subject to the provisions of Regulation 11, it shall not be lawful for a contributor to propose—

- (a) to adopt both Method I and Method II; nor
- (b) to adopt the said Method I where he will have attained the age of 59 years on the date with effect from which periodical contributions in respect of past service would become or again become payable by him under the said Method; nor
- (c) to adopt the said Method II where he will not have attained the age of 30 years or will have attained the age of 64 years on the date with effect from which periodical contributions in respect of past service would become or again become payable by him under the said Method.

(6) Where a contributor who is required to pay for a period of past service fails to intimate within the prescribed period or any extension thereto the Method or Methods which he proposes to adopt, Method III shall be deemed to apply to him—

(a) in respect of all of his past service where the provisions of paragraph (1) of this regulation apply to him; and

(b) in respect of 10 years of his past service where the provisions of paragraph (3) of this regulation apply to him—

with effect from the date on which Regulation 6 is deemed to apply to him or is deemed again to apply to him and the said Method shall continue to apply to the contributor throughout any period thereafter during which he is in first class service.

(7) Except as provided in Regulation 14 and subject to the provisions of Regulation 45, a valid election in respect of a period of specified service and an approved proposal as to the Method or Methods of payment shall be final and shall not be capable of being varied.

(8) Where a contributor is required or has elected to pay for a period of past service and has proposed to adopt Method I, or Method II, or Method III, or Method I and Method III, or Method II and Method III, to pay for the said period of past service and his election is eligible to be treated as a valid election and his proposal is eligible to be approved and the contributor dies before the intimation to him of the Secretary of State's acceptance of his election and approval of his proposal, the said election shall be deemed to be a valid election and the said proposal shall be deemed to have been approved.

#### *Former contributors under approved Schemes*

11.—(1) Subject to the provisions of paragraph (3) of this regulation, a teacher who was a contributor under an approved Scheme insofar as it relates to benefit for widows and children and who becomes a contributor under these regulations within 365 days of last ceasing to be liable to pay contributions under the provisions of the relevant Part of the said Scheme and who, under the said Scheme, was paying or was liable to pay additional contributions in respect of a period of previous service within the meaning of the said Scheme shall pay periodical contributions or be liable to surrender the required amount from Main Scheme payments in respect of any such period, provided the service in respect of which the said additional contributions were payable is recorded as reckonable service, in accordance with the following provisions, that is to say—

(a) the amount of periodical contributions or the amount to be surrendered from Main Scheme payments shall be determined and paid by the Method or Methods set out in Part I of Schedule 1 corresponding to the Method or Methods by which the contributor was paying or was liable to pay additional contributions in respect of previous service under the relevant approved Scheme;

(b) periodical contributions payable under the provisions of Method I or Method II shall be paid with effect from the date on which the contributor becomes employed in first class service;

(c) the age of the contributor shall be deemed to be the same age as his age for the purpose of determining the amount of the additional contributions which were payable by him in respect of previous service under the relevant approved Scheme;

(d) the period of service which was previous service for the purpose of the relevant approved Scheme shall be deemed to be specified service for the purposes of these regulations.

(2) A teacher who was a contributor under an approved Scheme insofar as it relates to benefit for widows and children and who becomes a contributor under these regulations more than 365 days after last ceasing to be liable to pay contributions under the relevant Part of the said Scheme and who, under the said Scheme, was paying or was liable to pay additional contributions in respect of a period of previous service within the meaning of the said Scheme shall, provided the service in respect of which the said additional contributions were payable is recorded as reckonable service, pay periodical contributions or be liable to surrender the required amount from Main Scheme payments in accordance with the provisions of sub-paragraphs (a), (b) and (d) of paragraph (1) of this regulation in respect of any period of service which was previous service for the purpose of the said Scheme and which is deemed to be specified service for the purpose of these regulations and the rates of payment in respect of any such service shall be subject to re-assessment under the provisions of Regulation 13.

(3) In determining any period of 365 days for the purpose of this regulation any period during which a contributor who was a contributor under an approved Scheme insofar as it relates to benefit for widows and children was absent from reckonable service shall be disregarded if either—

- (a) on last ceasing to be so employed he was granted either superannuation allowances or a gratuity by reason of having become incapable through infirmity of mind or body of serving efficiently as a teacher in such service; or
- (b) on last ceasing to be so employed he was absent on sick leave which was treated as reckonable service and neither his superannuation contributions nor contributions payable under the said Scheme have been returned to him.

#### *Lapsing of requirements and elections*

12.—(1) Where a teacher who is a contributor who is required or has elected under the provision of Regulation 10 or Regulation 11 to make such payments as may be necessary in respect of a period of specified service ceases at any time to be regarded as a contributor under the provisions of Regulation 8 the said requirement or election shall be deemed to have lapsed with effect from the date from which the said teacher ceases to be so regarded until the date on which he re-enters or again re-enters first class service.

(2) Where a contributor who is required or has elected under the provisions of Regulation 10 or Regulation 11 to make such payments as may be necessary in respect of a period of specified service—

- (a) ceases to be liable for the payment of contributions for the purposes of the Main Scheme—
  - (i) in circumstances which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the said Scheme; or
  - (ii) before attaining the age of 65 years, being a contributor to whom the provisions of Regulation 8(2) apply and who has adopted Method II; or
  - (iii) having withdrawn from first class service before attaining the age of 60 years where Method I or Method II applies to him or after attaining the age of 60 years but before attaining the age of 65 years where Method II applies to him and entered reckonable service; or
- (b) ceases to be liable for the payment of contributions for the purposes of the Main Scheme before attaining the age of 60 years where Method I

or Method II applies to him or after attaining the age of 60 years but before attaining the age of 65 years where Method II applies to him—

- (i) in circumstances arising from a period of recognised absence; or
- (ii) having withdrawn from first class service or second class service in circumstances in which he is eligible for the award of a retiring allowance or a gratuity under the provisions of, as the case may be, Regulation 40(1) or Regulation 46 of the Principal Regulations or has been awarded a retiring allowance or a gratuity under the said provisions of those regulations—

the requirement or election under the provisions of Regulation 10 or Regulation 11 to make such payments as may be necessary in respect of a period of specified service shall be deemed to have lapsed with effect from the date from which the said contributor ceases to be liable for the payment of contributions for the purposes of the Main Scheme until such date as he re-enters or again re-enters first class service.

#### *Re-assessment of contribution rate*

13.—(1) The provisions of paragraph (2) of this regulation shall apply or again apply to a contributor—

- (a) to whom the provisions of Regulation 12(1) have applied and who has not had returned under the provisions of the Principal Regulations a sum equal to the aggregate of his contributions for the purposes of those regulations; or
- (b) to whom the provisions of Regulation 12(1) have applied and who has had returned to him under the provisions of the Principal Regulations a sum equal to the aggregate of his contributions for the purposes of those regulations; or
- (c) to whom the provisions of Regulation 12(2), in the circumstances specified under head (a) of the said Regulation 12(2), have applied; or
- (d) to whom the provisions of Regulation 11(2) apply—

as soon as may be after the said contributor—

- (i) where head (a) of this paragraph applies re-enters or again re-enters first class service; or
- (ii) where head (b) of this paragraph applies re-enters or again re-enters first class service and repays or subsequently repays to the Secretary of State a sum equal to the aggregate of the contributions returned to him under the provisions of the Principal Regulations; or
- (iii) where head (c) of this paragraph applies re-enters or again re-enters first class service after the length of the period or of the aggregate of the periods of his absence from current service since he became, or, as the case may be, since he last again became a contributor, together with the length of the period or of the aggregate of the periods from the date on which he ceased to be liable for the payment of contributions for the purposes of the Main Scheme, exceeds 365 days; or
- (iv) where head (d) of this paragraph applies enters or re-enters or again re-enters first class service.

(2) Where a teacher to whom this paragraph applies or again applies in accordance with the provisions of paragraph (1) of this regulation—

- (a) has made an approved proposal that periodical contributions in respect of a period of specified service should be paid in accordance with

the provisions of either Method I or Method II or is required under the provisions of Regulation 11 to pay for a period of specified service in accordance with the provisions of the said Method I or Method II—

- (i) the Secretary of State, after such consultation with the Government Actuary as may be necessary, shall determine and intimate to him the length of the period of his specified service, if any, which shall be treated as service counting for benefit; and
  - (ii) the rate of any periodical contributions payable by him under the provisions of Method I or Method II shall be re-assessed in accordance with Table 1 or, as the case may be, Table 2 in Part II of Schedule 1 according to the age attained by the contributor on re-entering or again re-entering first class service or in the case of a contributor to whom the provisions of paragraph (1)(ii) of this regulation apply according to the age attained by the contributor on the date on which he makes the relevant repayment under the provisions of the Principal Regulations and, subject to the provisions of Regulation 45, the rate so re-assessed shall apply to the difference between the lengths of the period of specified service in respect of which the contributor was required or had elected to make the necessary payments under the provisions of Regulation 10 or Regulation 11 and the period of service counting for benefit determined and intimated to him under the provisions of this paragraph and payment for any period of the said specified service which, in accordance with the provisions of the said Regulation 45, may not be made under the provisions of the said Method I or Method II shall be made under the provisions of Method III; and
  - (iii) periodical contributions shall be payable in accordance with the provisions of head (a)(ii) of this paragraph from the date on which the contributor enters or re-enters or again re-enters first class service or in the case of a contributor to whom the provisions of paragraph (1)(ii) of this regulation apply from the date on which he makes the relevant repayment under the provisions of the Principal Regulations; or
- (b) has made an approved proposal that a period of specified service shall be paid for under the provisions of Method III or is required under the provisions of Regulation 11 to pay for a period of specified service in accordance with the provisions of the said Method III the amount of any sum to be surrendered from Main Scheme payments shall, notwithstanding that a requirement or an election, as the case may be, has been deemed to have lapsed under the provisions of Regulation 12, be assessed in accordance with Table 3 or, as the case may be, Table 4 in Part II of Schedule 1 according to the age attained by the contributor at the date with effect from which Regulation 6 was first deemed to apply to him or in the case of a contributor to whom the provisions of Regulation 11(2) apply according to the age attained by the contributor at the date with effect from which the relevant approved Scheme first applied to him.
- (3) Where a contributor to whom the provisions of Regulation 12(2), in the circumstances specified under head (b) of the said Regulation 12(2), apply re-enters or again re-enters first class service—
- (a) if he has made an approved proposal that periodical contributions in respect of a period of specified service should be paid under the provisions of either Method I or Method II or is required under the provisions of Regulation 11 to pay for a period of specified service in accordance with the provisions of the said Method I or Method II, the



rate of any such contributions payable by him under the provisions of the said Method I or Method II shall, notwithstanding that a requirement or an election, as the case may be, has been deemed to have lapsed under the provisions of Regulation 12, be assessed in accordance with Table 1 or, as the case may be, Table 2 in Part II of Schedule 1 according to the age attained by the contributor at the date with effect from which Regulation 6 was last deemed to apply or deemed again to apply to him prior to such re-entry or in the case of a contributor to whom the provisions of Regulation 11(2) apply according to the age attained by the contributor at the date with effect from which the relevant approved Scheme last applied or again applied to him prior to such re-entry; and

- (b) if he has made an approved proposal that a period of specified service should be paid for under the provisions of Method III or is required under the provisions of Regulation 11 to pay for a period of specified service in accordance with the provisions of the said Method III the amount of any sum to be surrendered from Main Scheme payments shall, notwithstanding that a requirement or an election, as the case may be, has been deemed to have lapsed under the provisions of Regulation 12, be assessed in accordance with Table 3 or, as the case may be, Table 4 in Part II of Schedule 1 according to the age attained by the contributor at the date with effect from which Regulation 6 was first deemed to apply to him or in the case of a contributor to whom the provisions of Regulation 11(2) apply according to the age attained by the contributor at the date with effect from which the relevant approved Scheme first applied to him and shall be reduced by the aggregate of any amount previously paid by him under the provisions of the said Method and of compound interest thereon at the rate of  $3\frac{1}{2}$  per cent. per annum with yearly rests from the date of payment.

#### *Appeals against re-assessed contribution rate*

14. Where a contributor intimates in writing to the Secretary of State within one month after intimation of a re-assessment having been made under the provisions of Regulation 13(2) that he objects to the rate of re-assessment determined in accordance with the provisions of head (a)(ii) of the said Regulation 13(2) the Secretary of State may allow the contributor—

- (1) if he is a contributor to whom the provisions of Regulation 10(2) apply, to vary his proposal as to the Method or Methods which should be adopted to pay for a period of specified service; or
- (2) if he is a contributor to whom the provisions of Regulation 10(4) apply, to vary his election as to the length of specified service to be paid for and to vary his proposal as to the Method or Methods which should be adopted for such payment, so however that the period of eligible service of the said contributor shall not amount to less than 10 years—

and thereafter the provisions of Regulation 10 shall apply as if Regulation 10(7) had not been enacted.

#### *Methods of payment for specified service*

15.—(1) Subject to the provisions of Regulation 10, payment for a period of specified service shall be made in accordance with the provisions of Method I or Method II or Method III set out in Part I of Schedule 1:

Provided that, except as in accordance with paragraph (2) of this regulation, for the purposes of Method III the amount due to be surrendered from Main

Scheme payments payable by or on behalf of any contributor shall not be so surrendered if at the date of his retirement or death as the case may be—

- (1) the contributor was unmarried; or
- (2) being a married person,
  - (a) the service counting for benefit in respect of the contributor amounted to less than 3 years; or
  - (b) the service counting for benefit in respect of the contributor amounted to less than 10 years where his wife, not having attained the age of 50 years, is alive and there are no eligible children or he is survived by his widow who has not attained the said age and there are no eligible children; or
- (3) the contributor had been a married person but the marriage had been terminated by reason of the death of his wife or lawfully terminated; or
- (4) the contributor had not been employed in first class service after being employed in service in respect of which normal contributions were payable under the provisions of an approved Scheme—

and notwithstanding that a pension may be payable under the provisions of Regulation 23.

(2) In the case of a contributor to whom head (4) of the proviso to paragraph (1) of this regulation applies, any payment in respect of a period of previous service within the meaning of an approved Scheme which was required to be paid by the Method under the said Scheme which corresponds to Method III and which has not been so paid shall be paid in accordance with the provisions of this regulation as if such period were a period of specified service.

(3) Where the amount of the surrender that can be made from the amount of Main Scheme payments payable in respect of any contributor is less than the amount due to be surrendered under the provisions of Method I or Method II or Method III the length of the period of specified service to be paid for by surrender of Main Scheme payments that shall be treated as service counting for benefit shall be equivalent to that proportion of the total length of the period of specified service that the amount of the actual surrender made from Main Scheme payments by or on behalf of the contributor bears to the amount due to be surrendered.

*Return of periodical contributions to unmarried contributors*

16. Subject to the provisions of Regulation 48, where an unmarried contributor—

- (1) retires from teaching in circumstances in which he is eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme; or
- (2) withdraws from teaching in circumstances which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the Main Scheme and has not been a married person at any time during the period from the date of the said withdrawal to the date on which he attains the said age or, being such a contributor, dies before attaining the said age; or
- (3) withdraws from teaching and, not having qualified for the award of a retiring allowance under the provisions of the Main Scheme, has had returned under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme; or

(4) transfers from first class service to other employment under recognised transfer arrangements; or

(5) dies before retiring—

a sum equal to the aggregate amount of periodical contributions paid by him for the purposes of this Part shall, with interest thereon calculated in accordance with the provisions of Regulation 47, be returned to him or paid to his personal representative, as the case may be.

*Return of periodical contributions to married contributors*

17.—(1) Subject to the provisions of Regulation 19 and Regulation 48, where a married contributor withdraws from teaching and, not having qualified for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme, has had returned under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme or transfers from first class service to other employment under recognised transfer arrangements or dies and at the date of his withdrawal from teaching or transfer to the said other employment or death his service counting for benefit amounts to—

(a) less than 3 years; or

(b) less than 10 years where his wife, not having attained the age of 50 years, is alive and there are no eligible children or he is survived by his widow who has not attained the said age and there are no eligible children—

a sum equal to the aggregate amount of the periodical contributions paid by him for the purposes of this Part shall, with interest thereon calculated in accordance with the provisions of Regulation 47 and subject to the provisions of Regulation 48, be returned to him or paid to his personal representative, as the case may be.

(2) Where a married contributor whose marriage has not been terminated by reason of the death of his wife or lawfully terminated withdraws from teaching and, not having qualified for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme and not being a contributor to whom the provisions of Regulation 8(2) apply, has had returned under the provisions of the said Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme or transfers from first class service to other employment under recognised transfer arrangements and where his service counting for benefit amounts to—

(a) not less than 3 years where he also has an eligible child under the age of 19 years or, as the case may be, his wife has attained the age of 50 years; or

(b) not less than 10 years where the provisions of sub-paragraph (a) of this paragraph do not apply to him—

a sum equal to the aggregate of one half of his periodical contributions paid in respect of current service and a sum equal to the aggregate of his periodical contributions paid in respect of specified service shall, with interest thereon calculated in accordance with the provisions of Regulation 47 and subject to the provisions of Regulation 48, be returned to him.

(3) Where a married contributor whose marriage has been terminated by reason of the death of his wife or has been lawfully terminated dies in service before having been awarded a retiring allowance under the provisions of Regulation 39 of the Principal Regulations and at the date of his death the said contributor had not remarried and a child's pension is payable under the provisions of, as the case may be, Regulation 23(3) or Regulation 24(2) a sum equal to the aggregate of the whole of the periodical contributions paid by the

contributor in respect of specified service shall, with interest thereon calculated in accordance with the provisions of Regulation 47 and subject to the provisions of Regulation 48, be paid to the personal representative of the contributor.

(4) Where a married contributor whose marriage has been terminated by reason of the death of his wife or has been lawfully terminated—

(a) having or, as the case may be, not having any eligible children, retires and is eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme or withdraws from teaching in circumstances which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the said Scheme or, having service counting for benefit amounting to not less than 10 years or, as the case may be, not less than 3 years where there was an eligible child during the fourth or a subsequent year of such service, with the return under the provisions of the said Scheme of a sum equal to the aggregate of his contributions for the purposes of the said Scheme or transfers from first class service to other employment under recognised transfer arrangements; or

(b) dies in service before having been awarded a retiring allowance under the provisions of Regulation 39 of the Principal Regulations and a child's pension is not payable under the provisions of, as the case may be, Regulation 23(3) or Regulation 24(2)—

a sum equal to the aggregate of the periodical contributions in respect of current service paid by him in respect of the period since he ceased to be married together with a sum equal to the aggregate of one-half of the amount of such contributions paid by him in respect of the period prior to the termination of his marriage and a sum equal to the aggregate of the whole of the periodical contributions paid by him in respect of specified service shall, with interest thereon calculated in accordance with the provisions of Regulation 47 and subject to the provisions of Regulation 48, be returned to him or paid to his personal representative as the case may be:

Provided that such contributor did not re-marry before, as the case may be, the date of his retiral, withdrawal or transfer from first class service or death.

(5) Periodical contributions paid by a contributor in respect of a period of current service undertaken after he has been awarded a retiring allowance under the provisions of Regulation 39 of the Principal Regulations shall not be returnable.

#### *Cancellation of service on return of periodical contributions*

18. On payment being made of the sum equal to the aggregate amount of periodical contributions to be returned under the provisions of Regulation 16 or Regulation 17 the service in respect of which the said contributions were paid shall be treated as cancelled for the purposes of this Part.

#### *Repayment of periodical contributions returned*

19. Where a contributor to whom the sum equal to the aggregate amount or part amount of his periodical contributions in respect of current service has been returned subsequently again becomes a contributor or becomes a contributor under an approved Scheme insofar as it relates to benefit for women and children, he may at any time thereafter while he is employed in first class service or in reckonable service (if the service in respect of which the said periodical contributions were paid is recorded as first class service for the purposes of the Main Scheme) repay to the Secretary of State a sum equal to

the sum returned to the contributor in respect of such periodical contributions (with interest) together with compound interest thereon from the date of the said return calculated at the rate of  $3\frac{1}{2}$  per cent. per annum with yearly rests, and thereupon the period or periods of service in respect of which such contributions were payable shall again be treated as current service.

## BENEFITS

### *Entitlement to pension*

**20.—(1)** Subject to the provisions of these regulations, there shall be paid on the death of a contributor whose service counting for benefit amounted to not less than 10 years—

- (a) where he is survived by a widow, a pension to that widow (hereinafter referred to as a “widow’s pension”); and
- (b) where any marriage of his was terminated by reason of the death of his wife or was lawfully terminated before this Part first applied to him, a pension for the benefit of the children of any such marriage and where he had a wife at any time after this Part first applied to him (whether or not the marriage continued until his death and whether or not a widow’s pension becomes payable), a pension for the benefit of the children of the marriage, and, in the circumstances provided for in proviso (c) to Regulation 22(1) of other children of his or of the said wife (hereinafter referred to as a “child’s pension”).

**(2)** Subject to the provisions of these regulations, there shall be paid on the death of a contributor whose service counting for benefit amounted to 3 years or more but less than 10 years—

- (a) where he is survived by a widow and an eligible child of the marriage or by a widow and another such child of his or of his widow, any such child not having attained the age of 19 years—
  - (i) a pension to that widow (hereinafter referred to as a “widowed mother’s pension”); and
  - (ii) where the conditions of paragraph (1)(b) of this regulation are satisfied but with reference to a widowed mother’s pension, a child’s pension; or
- (b) where he is survived by a widow who at the date of his death had attained the age of 50 years, a pension to that widow (hereinafter referred to as a “widow’s short-service pension”); or
- (c) where he is not survived by a widow and is survived by an eligible child and the conditions of paragraph (1)(b) of this regulation are satisfied but with reference to a widowed mother’s pension, a child’s pension.

**(3)** In relation to a contributor in respect of whom benefit is payable under the provisions of these regulations and of an approved Scheme the annual amount of any pension payable under the provisions of these regulations shall be such an amount as bears the same proportion to the amount determined in accordance with sub-paragraph (a) of paragraph (4) of this regulation as the amount defined in sub-paragraph (b) of the said paragraph (4) bears to the total of the latter amount and the amount defined in sub-paragraph (c) of the said paragraph (4).

**(4)** The amounts referred to in paragraph (3) of this regulation shall be—

- (a) the annual amount of a pension which would be payable under this Part of these regulations if the length of the period of the service counting for benefit in respect of the contributor included any period of specified

service in respect of which periodical contributions were required in accordance with the provisions of this Part to be paid by Method III notwithstanding that such contributions have not been paid or have not been paid in full;

- (b) the amount held in the Fund or due thereto which represents the amount of the periodical contributions or any other amount paid or payable by or in respect of the contributor under the provisions of these regulations in respect of current service or specified service together with compound interest thereon calculated at  $3\frac{1}{2}$  per cent. per annum with yearly rests from 1st October in the year in which any such contribution was paid to the end of the month immediately preceding the date at which such amount is determined;
- (c) the amount held in the fund established under the relevant approved Scheme or due thereto which represents the amount of the normal and additional contributions paid or payable by or in respect of the contributor under the said Scheme together with compound interest thereon calculated at  $3\frac{1}{2}$  per cent. per annum with yearly rests from 1st October in the year in which such contributions were paid to the end of the month immediately preceding the date on which such amount is determined.

(5) Any marriage of a contributor to whom the provisions of paragraphs (1) or (2) of this regulation apply which took place after the date on which he was first eligible for the award of a pension or a gratuity under the provisions of, as the case may be, Regulation 39 or Regulation 40 or Regulation 46 of the Principal Regulations or first entitled to claim a return of contributions for the purposes of the Main Scheme on retiring after attaining the age of 60 years without having become entitled to the award of such a pension or gratuity shall not be taken into account for the purpose of this regulation and any reference in this regulation to a marriage, a wife, a widow, or the children of such a contributor shall be construed accordingly.

(6) Where a contributor to whom Method I or Method II applies dies while in service or after ceasing to be in service but before ceasing to be regarded as a contributor for the purposes of this Part or after having withdrawn from teaching in circumstances in which he is eligible for the award of a retiring allowance or gratuity under the provisions of, as the case may be, Regulation 40(1) or Regulation 46 of the Principal Regulations and without having re-entered or again re-entered first class service—

- (a) where the total amount of periodical contributions paid by such a contributor under the provisions of Regulation 15 is not less than the annual sum due to be paid by him under the said regulation the full amount of the payment due to be made in respect of the period of specified service of the contributor to which the said Method I or Method II applies shall be deemed to have been paid and the said period of his specified service shall be deemed to be an equivalent period of service counting for benefit; or
- (b) where no periodical contributions have been paid under the provisions of Regulation 15 by such a contributor or where the total amount of such contributions paid by such a contributor is less than the annual sum due to be paid by him under the said regulation it shall be lawful for the Secretary of State to deduct from any Main Scheme payments payable to the personal representative of the contributor an amount equal to the said annual sum or, as the case may be, an amount equal to the difference between the said annual sum and the total amount of periodical contributions paid by the contributor under the provisions of the said Regula-

tion 15 and on such deduction being made the full amount of the payment due to be made in respect of the period of specified service of the contributor to which the said Method I or Method II applies shall be deemed to have been paid and the said period of his specified service shall be deemed to be an equivalent period of service counting for benefit.

(7) The amount of any deduction to be made from Main Scheme payments under the provisions of paragraph (6)(b) of this regulation in respect of any period after the contributor ceased to be liable for the payment of contributions for the purposes of the said Scheme shall be calculated by reference to the rate of the salary of the contributor on ceasing to be so liable.

### *Pensions for widows*

21.—(1) Subject to the provisions of Regulation 20, where all the service of a contributor was first class service and for the purposes of this Part all his past service and current service was service counting for benefit and he dies in service or after ceasing to be in service but before ceasing to be regarded as a contributor for the purposes of the said Part or he was eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or was in receipt of a retiring allowance or gratuity under the provisions of the said Scheme or on attaining the age of 60 years would be eligible for the award of a retiring allowance under the provisions of the said Scheme or he was a contributor to whom the provisions of Regulation 8(2) apply, the annual rate of the widow's pension shall be the greater of the following sums—

- (a) (i) one-third of the rate of his basic pension or of the pension that would have been payable under the provisions of the Main Scheme if the contributor had also had sufficient second class service or third class service to enable him to qualify for a pension under the provisions of the said Scheme; or
- (ii) if the contributor dies before he retires, one-third of the rate of the basic pension which would have been payable to him if he had retired on grounds of ill-health on the day of his death; or

(b) £115.

(2) Subject to the provisions of Regulation 15(3) and Regulation 20, where all the service counting for benefit in respect of a contributor was first class service and not all of his past service and current service was service counting for benefit, the annual rate of the widow's pension shall be the greater of the following sums—

- (a) the same proportion of the rate of the widow's pension that would be payable under the provisions of paragraph (1)(a) of this regulation, or that would have been so payable if the contributor had also had sufficient second class service or third class service to enable him to qualify for a pension under the provisions of the Main Scheme, as the proportion that the service counting for benefit in respect of the contributor bears to the total length of his first class service under the provisions of the said Scheme; or

(b) £115.

(3) Subject to the provisions of Regulation 15(3) and Regulation 20, where the service counting for benefit in respect of a contributor was not all first class service, the annual rate of the widow's pension shall be the greater of the following sums—

- (a) the same rate of the widow's pension that would be payable under the provisions of paragraph (1)(a) of this regulation as would have been so

payable if all of the service counting for benefit in respect of the contributor had been first class service; or

(b) £115.

(4) Subject to the provisions of Regulation 15(3) and Regulation 20, where a contributor dies in service or after ceasing to be in service but before ceasing to be regarded as a contributor for the purposes of this Part or he was eligible for the award of a gratuity under the provisions of the Main Scheme or was in receipt of such a gratuity or he was a contributor to whom the provisions of Regulation 8(2) apply, the annual rate of the widowed mother's pension or of the widow's short-service pension shall be the sum payable in accordance with the Table in Schedule 2.

(5) Subject to the provisions of these regulations—

(a) a widow's pension shall be payable in respect of the whole period from the day following the date of the death of the contributor to the date of the death of his widow; and

(b) a widowed mother's pension shall be payable in respect of the whole period from the day following the date of the death of the contributor to the date of the death of the widowed mother or the date on which she ceases to have an eligible child, whichever is the earlier; and

(c) a widow's short-service pension shall be payable in respect of the whole period from the day following the date of the death of the contributor to the date of the death of his widow:

Provided that where on the date on which a widow who was a widowed mother ceases to have an eligible child she has attained the age of 50 years, there shall be payable to her with effect from the said date a widow's short-service pension at the same annual rate as the widowed mother's pension which was previously payable to her and, subject to the provisions of these regulations, the said widow's short-service pension shall be payable to the date of the death of the said widow.

#### *Children for whose benefit pensions are payable*

22.—(1) Subject to the provisions of this regulation and of Regulation 24, a child's pension shall be payable if, and whenever and so long as, there is a child, including a legitimate child of a contributor born within one year of the date of the death of that contributor or of the date on which the contributor was first eligible for the award of a pension or a gratuity under the provisions of, as the case may be, Regulation 39 or Regulation 40 or Regulation 46 of the Principal Regulations or first entitled to claim a return of contributions for the purposes of the Main Scheme on retiring after attaining the age of 60 years without having become entitled to the award of such a pension or gratuity, and for whose benefit it falls to be paid by virtue of the provisions of this Part (hereinafter referred to as an "eligible child"):

Provided that a child's pension shall not be payable—

(a) in respect of any child who at the date of death of the contributor is the illegitimate or adopted child of the contributor if such child was born or, as the case may be, adopted after the termination of the last marriage of the contributor, as the case may be, by reason of the death of his wife or by lawful termination or after the date upon which the contributor was first eligible for the award of a pension or a gratuity under the provisions of, as the case may be, Regulation 39 or Regulation 40 or Regulation 46 of the Principal Regulations or first entitled to claim a return of contributions for the purposes of the Main Scheme on



retiring after attaining the age of 60 years without having become entitled to the award of such a pension or gratuity; or

(b) in respect of any child by reason that he is the child of a wife of a deceased contributor, if the child was born or became her child after the termination of her marriage to the contributor or after the date upon which the contributor was first eligible for the award of a pension or a gratuity under the provisions of, as the case may be, Regulation 39 or Regulation 40 or Regulation 46 of the Principal Regulations or first entitled to claim a return of contributions for the purposes of the Main Scheme on retiring after attaining the age of 60 years without having become entitled to the award of such a pension or gratuity; or

(c) by reason that the child is—

(i) the illegitimate child of a contributor who has died; or

(ii) a step-child of a contributor who has died and a child of a wife of his; or

(iii) the step-child, adopted child or illegitimate child of a wife of a contributor who has died—

unless such child was, in the opinion of the Secretary of State, wholly or mainly dependent on the contributor at the time of his death; or

(d) in respect of any female child who is married.

(2) Notwithstanding the terms of Regulation 5(2) relating to the amount of the emoluments receivable by a child or payable by the employer in respect of him, a pension may nevertheless be payable where the annual amount of such emoluments exceeds £115 or such other sum as shall from time to time have effect for the purposes of section 212(4) of the Income Tax Act 1952 and the annual amount of such a pension shall be reduced by an amount equivalent to the amount by which the said emoluments exceed £115 or, as the case may be, exceed the said other sum or, if it would result in a smaller reduction of the pension, the child shall be disregarded for the purpose of calculating the amount of the pension.

(3) Subject to the provisions of these regulations, a child's pension shall be payable in respect of the whole period from the day following the date of the death of the contributor to the date on which the younger or the youngest eligible child of the contributor or of his wife ceases to be an eligible child.

#### *Rates of children's pensions*

23.—(1) Only one pension shall be payable in respect of the children of any one contributor, but subject to the provisions of Regulation 24—

(a) the rate thereof may be varied according to the number of children for whose benefit the said pension may for the time being be payable and, where the provisions of Regulation 22(2) apply to a child, may be reduced to take account of emoluments in excess of the amount specified in the said regulation receivable by him or, as the case may be, payable by the employer in respect of him; and

(b) the child's pension shall be paid to such person or persons as the Secretary of State may from time to time direct and different parts thereof may be directed to be paid to different persons; and

(c) the person to whom all or any part of a child's pension may be paid shall apply the sum paid to him, without distinction, for the benefit of all the eligible children for whose benefit the pension is for the time being payable or for the benefit of such of them as the Secretary of State may from time to time direct.

(2) Subject to the provisions of Regulation 20(3) where a contributor is

survived by a widow the annual rate of a child's pension during her lifetime so long as a child's pension is payable—

- (a) while there is only one eligible child shall be £60;
- (b) while there are 2 eligible children shall be £110;
- (c) while there are 3 eligible children shall be £160;
- (d) while there are 4 or more eligible children shall be £210:

Provided that—

- (i) where all the eligible children are in the care of some person other than the widow and in the opinion of the Secretary of State the widow is no longer accepting financial liability for the maintenance of the children, the Secretary of State may, if he thinks fit, direct that this paragraph or paragraph (3) of this regulation shall apply notwithstanding that the widow is alive; and
- (ii) where some but not all of the eligible children are in the care of some person other than the widow and in the opinion of the Secretary of State the widow is accepting financial responsibility only for the children in her care, the annual rate of the child's pension may, if the Secretary of State so directs, be a sum equal to the amount calculated at the rate which it would have been if the children not in care of the widow were left out of account and at the rate which it would have been if the widow were dead and the other children were left out of account, so, however, that in no case shall the annual rate of pension be more than £210.

(3) Subject to the provisions of Regulation 20(3) where the contributor either is not survived by a widow, or is so survived then after the death of his widow, so long as a child's pension is payable, the annual rate of a child's pension—

- (a) while there is only one eligible child shall be £85;
- (b) while there are 2 eligible children shall be £165;
- (c) while there are 3 eligible children shall be £245;
- (d) while there are 4 or more eligible children shall be £325.

#### *Incapacitated persons*

24.—(1) Where a person, for whose benefit a child's pension would be payable if he were under the age of 16 years or, as the case may be, in full-time education or training as described in Regulation 5(2) or under the age of 19 years where a widowed mother's pension had been payable, is, in the opinion of the Secretary of State, for the time being incapacitated by an incapacity which arose or first arose, as the case may be, while he was under the age of 16 years or during the period while he was in full-time education or training, or while he was under the age of 19 years where a widowed mother's pension was payable, then, subject as hereinafter provided, a child's pension shall be payable for his benefit during the period of that incapacity notwithstanding the expiry of the period provided in Regulation 22(3).

(2) If in any case to which, as the case may be, the provisions of Regulation 23(2) or (3) apply a child's pension would be payable for the benefit of any person by virtue only of paragraph (1) of this regulation, the amount of the pension from the date on which the said person attained the age of 16 years shall be at the annual rate of £210 in any case to which the provisions of Regulation 23(2) apply or £325 in any case to which the provisions of Regulation 23(3) apply together with such further amount, if any, as shall for the time being be payable under the provisions of Regulation 23(2) or (3) to or for the benefit of not more than 3 other eligible children of the contributor:

Provided that the said annual rate may be reduced to take account of annual emoluments in excess of £115 or such other sum as shall from time to time have effect for the purposes of section 212(4) of the Income Tax Act 1952, receivable by the person by virtue of whom the child's pension is payable under the provisions of paragraph (1) of this regulation and that a child's pension payable by virtue only of the said paragraph (1) of this regulation shall be payable in respect of not more than one child of a contributor.

(3) Any person in respect of whom a pension is payable only by virtue of his being incapacitated shall submit himself, when required by the Secretary of State, at intervals of not more than 3 years, for examination by a duly qualified medical practitioner selected by the Secretary of State with a view to ascertaining whether such person remains incapacitated and if, as a result of such medical examination, the Secretary of State is satisfied that the person has ceased to be incapacitated the rate of any child's pension payable under the provisions of this Part shall be re-assessed to take into account the cessation of such incapacity.

#### PART IV

##### PROVISIONS APPLICABLE TO DEPENDANTS' PENSIONS

##### NOMINEES AND CONTRIBUTIONS

##### *Interpretation for purposes of Part IV*

25. In this Part unless the context otherwise requires—

- (1) "brother" includes, in relation to a person, every male child of his father or of his mother and includes such a child who is an illegitimate child or a step-child or an adopted child;
- (2) "child" means a person who is not over 16 years of age;
- (3) "life pension" means a pension payable under the provisions of this Part to a nominee who has attained the age of 16 years or who, having attained that age is not an eligible child for the purposes of Part III or who is permanently incapacitated;
- (4) "sister" includes, in relation to a person, every female child of his father or of his mother and includes such a child who is an illegitimate child or a step-child or an adopted child;
- (5) "temporary pension" means a pension payable under the provisions of this Part to a nominee who has not attained the age of 16 years and who is not an eligible child for the purposes of Part III.

##### *Nominations*

26.—(1) Subject to the provisions of this Part, a teacher who has not attained the age of 55 years and the length of whose service amounts to not less than 3 years may at any time while employed in first class service nominate in writing to the Secretary of State another person as a person to whom or for whose benefit there may be granted after the death of the said teacher a life pension or, as the case may be, a temporary pension and on the Secretary of State intimating his acceptance of the nomination, the nomination shall be a valid nomination:

Provided that the Secretary of State may nevertheless accept as a valid nomination a nomination made by a teacher—

- (a) (i) who is employed in first class service on the prescribed day but who first entered service before the said day and who attains or, as the case may be, had attained the age of 55 years but had not attained the age of 59 years on or before the said day; or

- (ii) who is not employed in first class service on the prescribed day but who, having been in service before the prescribed day, attains or, as the case may be, had attained the age of 55 years but had not attained the age of 59 years on or before the day on which the teacher first enters, or re-enters or again re-enters first class service after the prescribed day; and
- (b) the length of whose period of service before attaining the age of 55 years amounted to not less than 3 years.
- (2) Notwithstanding the provisions of paragraph (1) of this regulation, a teacher who while employed in reckonable service made a valid nomination under the relevant approved Scheme may make a similar nomination under the provisions of this Part in respect of the same dependant where—
- (i) on ceasing to be employed in reckonable service he was not entitled to superannuation allowances as defined in the said Scheme and his superannuation contributions as defined in the said Scheme have not been returned to him; and
- (ii) he becomes employed in first class service within one year after he ceased to be employed in reckonable service.
- (3) Subject to the provisions of this Part and of Regulation 45(2), successive nominations in respect of the same nominee or a further nomination in respect of another nominee may be made by a teacher where—
- (a) the annual rate of the salary of the teacher has increased by not less than £120 over the annual rate of his salary at the date when his last previous nomination was accepted; or
- (b) a period of not less than 3 years has elapsed since the said date.
- (4) Where a teacher makes a nomination under the provisions of this regulation and such a nomination is eligible to be treated as a valid nomination and the said teacher dies before the intimation to him of the acceptance by the Secretary of State of the said nomination, the said nomination shall be deemed to be a valid nomination.

*Persons who may or may not be nominated*

27.—(1) A nominee shall be the husband of the teacher, the widowed mother or the father or the widowed step-mother or the step-father of the teacher, an unmarried sister, or brother or child of the teacher, a child of a deceased sister or deceased brother of the teacher or a child of a deceased child of the teacher and shall include in relation to any such child, an illegitimate child or a step-child or an adopted child.

(2) The teacher must at the date of the nomination be able to satisfy the Secretary of State that his nominee is wholly or mainly dependent on him.

(3) The maximum number of nominees which a teacher may have at any one time shall be one adult, not more than 3 children who would not otherwise be eligible for life pensions and one incapacitated child of whom the teacher is the parent and who is not also eligible for a pension under the provisions of Part III and a woman teacher may nominate in addition a dependent husband.

*Evidence of teacher's state of health*

28.—(1) For the purpose of satisfying the Secretary of State that he is of good health, regard being had to his age, a teacher making a nomination under the provisions of this Part may be required to submit himself for examination by a duly qualified medical practitioner selected by the Secretary of State within such period as the Secretary of State may determine.

(2) The Secretary of State may refuse to accept a nomination if he is not satisfied that the teacher was, regard being had to his age, in good health at the time of making the nomination.

*Nominations being revoked or otherwise becoming void*

29. A valid nomination shall become void—

- (1) where a teacher gives notice in writing to the Secretary of State of the revocation of such a nomination; or
- (2) on the death of the nominee; or
- (3) on the marriage or, as the case may be, the re-marriage of a female nominee; or
- (4) when in the case of a temporary pension the nominee attains the age of 16 years; or
- (5) where such a nomination is in respect of any child of a teacher who elects under the provisions of Regulation 6(4) that Part III shall apply to him and where as a result of such election any such child becomes eligible for a pension under the provisions of that Part; or
- (6) where a nominee ceases to be wholly or mainly dependent on the teacher who has made the nomination.

*Periodical contributions*

30.—(1) Subject to the provisions of paragraph (2) of this regulation, where a teacher makes a valid nomination the periodical contributions payable by the teacher in respect of the nomination shall be at a rate to be determined as at the date of nomination by the Government Actuary and shall be of a fixed annual amount according to the age and sex of the teacher, the age of the nominee, the amount and type of the pension and, in the case of a life pension, the sex of the nominee.

(2) Where a teacher makes a valid nomination to which the provisions of Regulation 26(2) apply, the periodical contributions payable by the teacher in respect of the said nomination shall be at the same rate as that previously applicable under the relevant approved Scheme in respect of the nomination relating to the same dependant and there shall also be payable to the Secretary of State a sum equal to the amount of the contributions which would have been payable under the said Scheme in respect of the said nomination if the teacher had continued to be employed in reckonable service from the date on which he ceased to be so employed until the date on which he becomes employed in first class service together with compound interest thereon from the date of such cessation calculated at the rate of  $3\frac{1}{2}$  per cent. per annum.

(3) Subject to the provisions of Regulation 45 and of paragraph (4) of this regulation, periodical contributions shall be payable by a teacher by monthly deductions from salary with effect from the first day of the month next following the date of intimation that the nomination is valid until, as the case may be, the date on which the teacher attains the age of 60 years or withdraws from first class service or until the nomination becomes void, whichever is the earliest.

(4) Where a teacher withdraws from first class service without having had returned under the provisions of Regulation 50 of the Principal Regulations a sum equal to the aggregate of his contributions for the purposes of those regulations and within 365 days of such withdrawal re-enters such service, the nomination shall continue to apply, subject to the provisions of Regulation 29, if on the said re-entry the teacher pays the periodical contributions which would have been payable under the provisions of this Part had he not been absent

from first class service together with compound interest thereon from the date of such withdrawal calculated at the rate of  $3\frac{1}{2}$  per cent. per annum.

(5) Where a teacher dies while in service or within 365 days after having been in service and he has not had returned to him under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purpose of the said Scheme or after having withdrawn from service in circumstances in which he is eligible for the award of a retiring allowance or gratuity under the provisions, as the case may be, of Regulation 40(1) or Regulation 46 of the Principal Regulations and without having re-entered or again re-entered first class service—

- (a) where the total amount of the periodical contributions paid by such a teacher under the provisions of paragraph (3) of this regulation is not less than the annual sum due to be paid by him under the said provisions, the full amount of the payment due to be made by the teacher under the provisions of paragraph (3) of this regulation shall be deemed to have been paid; or
- (b) where no periodical contributions have been paid under the provisions of paragraph (3) of this regulation by such a teacher or where the total amount of such contributions paid by such a teacher is less than the annual sum due to be paid by him under the said provisions, it shall be lawful for the Secretary of State to deduct from any Main Scheme payments payable to the personal representative of the teacher an amount equal to the said annual sum or, as the case may be, an amount equal to the difference between the said annual sum and the total amount of the periodical contributions paid by the teacher under the provisions of paragraph (3) of this regulation and on such deduction being made the full amount of the payment due to be made by the teacher under the provisions of paragraph (3) of this regulation shall be deemed to have been paid.

*Return of periodical contributions*

31.—(1) Subject to the provisions of Regulation 48, where a teacher has returned to him under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme, or, other than in circumstances—

- (a) in which he is eligible for the award of a retiring allowance under the provisions of the Main Scheme or has been awarded a retiring allowance or a gratuity under the provisions of the said Scheme; or
- (b) which will enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the Main Scheme; or
- (c) arising from a period of recognised absence and he does not have returned to him under the provisions of the Main Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme; or
- (d) arising from a period of employment in reckonable service; or
- (e) arising from his having attained the age of 70 years—

is absent from first class service for a period amounting to 365 days or for periods the aggregate of which amounts to 365 days and he has not had returned under the provisions of the said Scheme a sum equal to the aggregate of his contributions for the purposes of the said Scheme, the nominee or nominees of the teacher, other than a nominee or nominees in respect of whom there has been

accepted under an approved Scheme a nomination or nominations made by the teacher and similar to any valid nomination or nominations made under the provisions of this Part by the said teacher in respect of the said nominee or nominees, shall no longer be entitled to any benefit under the provisions of this Part and where the teacher has been making periodical contributions under the provisions of Regulation 30 in respect of a life pension for the benefit of such a nominee or nominees not being also a nominee or nominees under an approved Scheme there shall be returned to him on application being made therefor, a sum equal to one-half of such contributions with interest thereon calculated in accordance with the provisions of Regulation 47.

(2) Periodical contributions paid under the provisions of Regulation 30 in respect of a temporary pension shall not be returnable.

(3) Periodical contributions shall not be returnable where a nomination becomes void.

### BENEFITS

#### *Rates of pension*

32.—(1) A teacher may, subject to the provisions of these regulations and to his making the necessary payments under the provisions of Regulation 30, secure for his nominee or nominees a life pension or a temporary pension of any amount specified by him which amount shall be a multiple of £10 and the said pension shall be at the annual rate of not less than £30.

(2) The aggregate of the annual rate of pension payable in respect of all of the nominees of a teacher shall not exceed a sum equal to one-sixth of the salary of the teacher at the date of each nomination except in the case where—

(a) a valid nomination is made by a woman teacher in favour of a dependent husband in which case the said aggregate may be increased to take account of a maximum amount of life pension payable in respect of the dependent husband at an annual rate not exceeding a sum equal to one-sixth of the salary of the teacher at the date of nomination and a maximum amount of life pension payable in respect of any other dependent adult at an annual rate not exceeding a sum equal to one-sixth of the salary of the teacher at the date of nomination and a maximum amount of life pension payable in respect of an incapacitated child at an annual rate not exceeding £210 and a temporary pension at an annual rate not exceeding £60 for each child; or

(b) a valid nomination is made by a teacher—

(i) who has been a married person but whose marriage has been terminated by reason of the death, as the case may be, of the wife or of the husband of the teacher or has been lawfully terminated; or

(ii) who is an unmarried mother—

in which case the said aggregate may be increased to take account of a maximum amount of life pension payable in respect of a dependent adult at an annual rate not exceeding a sum equal to one-sixth of the salary of the teacher at the date of nomination and a maximum amount of life pension payable in respect of an incapacitated child at an annual rate not exceeding £325 and a temporary pension at an annual rate not exceeding £80 for each child.

(3) Subject to the provisions of these regulations and except as provided in paragraph (2) of this regulation, the annual rate of any temporary pension payable shall not exceed £60.

(4) Where before attaining the age of 60 years, a teacher ceases to pay the

periodical contributions due under the provisions of Regulation 30 by reason of his having withdrawn from first class service—

- (a) in circumstances which would enable him on attaining the age of 60 years to qualify for the award of a retiring allowance under the provisions of the Main Scheme; or
- (b) to enter reckonable service—

on application being made by or on behalf of such a teacher for the payment of a retiring allowance under the provisions of Regulation 39 of the Principal Regulations without having re-entered or again re-entered first class service or where application for a return of contributions or a death gratuity under the provisions of, as the case may be, Regulation 47 or Regulation 51 of those regulations is made in respect of such a teacher the Secretary of State, after such consultation with the Government Actuary as may be necessary, shall determine the amount of the pension or, as the case may be, the amounts of the pensions which shall be deemed to have been paid for in full by the periodical contributions paid by the said teacher under the provisions of the said Regulation 30 and, subject to the provisions of these regulations, the pension or, as the case may be, the pensions payable shall be of the amount or the amounts so determined.

(5) The annual amount of a pension payable under this Part in respect of a nominee to or in respect of whom as a result of a similar nomination a pension is also payable under an approved Scheme shall be such an amount as bears the same proportion to the amount thereof determined under the foregoing provisions of this Part as the amount determined under sub-paragraph (a) of this paragraph bears to the amount determined under sub-paragraph (b) of this paragraph, that is to say—

- (a) the amount held in the Fund which represents the amount of the periodical contributions paid in respect of the nominee, together with compound interest thereon calculated at the rate of  $3\frac{1}{2}$  per cent. per annum with yearly rests from 1st October in the year in which it was paid to the end of the month immediately preceding the date at which such amount is determined;
- (b) the total of the amount determined under sub-paragraph (a) of this paragraph and the amount held in the fund established under the relevant approved Scheme which represents contributions paid in respect of the nominee under the said Scheme together with compound interest on any such contributions calculated at the rate of  $3\frac{1}{2}$  per cent. per annum with yearly rests from 1st October in the year in which it was paid to the end of the month immediately preceding the date at which such amount is determined.

#### *Entitlement to pension*

33. Subject to the provisions of these regulations, a pension shall be payable in respect of a nominee under this Part on the death of the teacher where—

- (1) the Secretary of State is satisfied that the nominee was wholly or mainly dependent on the teacher at the time of the death of the teacher; and
- (2) the teacher had not had returned under the provisions of Regulation 31 a sum equal to one half of the aggregate of the periodical contributions paid by him in respect of the relevant nomination.

#### *Payment of pension*

34. Subject to the provisions of these regulations, a life pension shall be payable in respect of the whole period from the day following the date of the



death of the teacher until the date of the death of the nominee and a temporary pension shall be payable in respect of the whole period from the day following the date of the death of the teacher until the date of the death of the nominee or until he attains the age of 16 years, whichever is the earlier.

## PART V

### ADMINISTRATION

#### *Interpretation for purposes of Part V*

35. In this Part, unless the context otherwise requires—

- (1) " said Schemes " has the meaning assigned to it by Regulation 37(5);
- (2) " the Board " has the meaning assigned to it by Regulation 36(1);
- (3) " the Fund " has the meaning assigned to it by Regulation 38(1).

#### *Constitution and procedure of the Board of Management*

36.—(1) There shall be a Board of Management consisting of 11 persons (hereinafter referred to as " the Board ") which shall be a body corporate having a perpetual succession and a common seal.

(2) The constitution of the Board shall be—

- 5 members appointed by the Educational Institute of Scotland
- 1 member appointed by the Scottish Schoolmasters Association
- 1 member appointed by the Scottish Secondary Teachers' Association
- 1 member appointed by the Association of County Councils in Scotland
- 1 member appointed by the Scottish Counties of Cities Association
- 2 members appointed by the Secretary of State.

(3) Appointments to the Board, other than appointments made by the Secretary of State, shall be made either at special or at ordinary meetings which shall be convened and conducted according to the ordinary rules and practice of the appointing bodies.

(4) The period of office of each member of the Board shall be 3 years from 1st August next following the date of his appointment. In the event of any vacancy occurring by reason of the retirement, death or otherwise of a member before the expiry of his term of office, the body who appointed the said member or the Secretary of State, as the case may be, shall within 90 days of the intimation of the vacancy appoint a member to fill the vacancy and on such appointment being made the term of office of such member shall be only for the remainder of the then current period of office of the member of the Board whose vacancy he has been appointed to fill.

(5) The Board shall appoint from among its own members one person to be Chairman and another to be Deputy Chairman.

(6) The quorum for the transaction of the business of the Board shall be 4 members.

(7) Decisions shall be taken by a majority vote of those present and voting and the Chairman shall have an additional or casting vote.

(8) The Secretary of State may appoint an assessor to the Board who shall not have voting powers.

#### *Powers of the Board*

37.—(1) The Board may from time to time make rules for the purpose of giving effect to the provisions of this Part.

(2) The Board shall exercise such powers, authorities and discretions as shall be vested in it by these regulations or any rules made thereunder.

(3) The Board may appoint committees consisting of such number of members of the Board as it shall think fit and may delegate any of its powers, save those referred to in paragraphs (5) and (6) of this regulation, to any committee.

(4) Any committee appointed under paragraph (3) of this regulation shall, in exercise of the powers delegated to it, conform to any rules that may be imposed on it by the Board. The meetings and proceedings of any committee shall be governed by the provisions of these regulations pertaining to the meetings and proceedings of the Board so far as the same may be applicable and are not superseded by any rule made for such committee under the provisions of this regulation.

(5) The Board, subject to the approval of the Secretary of State, shall appoint a trustee or trustees who shall be responsible, under the broad general guidance of the Board, for investment transactions in connection with the Widows' and Children's Scheme and the Dependants' Scheme (hereinafter referred to as the "said Schemes").

(6) Subject to the provisions of paragraph (5) of this regulation, the Board shall be responsible for the reappointment of the trustee or trustees and shall be empowered to withdraw the appointment or reappointment of the said trustee or trustees at any time.

(7) The Board shall consider, and make recommendations to the Secretary of State on, questions of administrative policy concerning the said Schemes which may be referred to the Board by the Secretary of State or by associations representing either local authorities or teachers.

(8) The Board shall review from time to time and in particular at the end of each accounting year the financial outcome of the investment policy adopted in respect of the said Schemes and shall decide the action to be taken in the light of such review.

#### *Establishment of Fund*

38.—(1) As from the prescribed day there shall be established a combined Widows' and Children's Scheme and Dependants' Scheme Fund (hereinafter referred to as "the Fund") for the purposes of the said Schemes.

(2) There shall be carried to the credit of the Fund—

(a) all periodical contributions made for the purposes of the said Schemes or sums derived from the surrender of Main Scheme payments for the purposes of the said Schemes;

(b) all sums received by way of dividends, interest and other income received out of the investment or use of the Fund or any part thereof; and

(c) all other sums and a sum equal to the value of all assets received by the Board.

(3) Any sums carried to the credit of the Fund and any payments from the Fund shall be excluded from the teachers superannuation account kept under the provisions of section 107 of the Education (Scotland) Act 1962.

#### *General Account and Investment Account*

39.—(1) Two accounts shall be maintained for the Fund and shall be called respectively the General Account and the Investment Account.

(2) There shall be paid into or transferred to the General Account—

(a) all periodical contributions and all sums derived from the surrender of Main Scheme payments; and

(b) such sum or sums as may be required to prevent a deficiency from arising on the General Account and which may be authorised by the Board to be transferred from the Investment Account.

(3) There shall be paid into or transferred to the Investment Account from time to time during each accounting year—

(a) a sum or sums equal to the aggregate of the net proceeds of all periodical contributions paid under the provisions of the said Schemes and of all sums derived from the surrender of Main Scheme payments less such sums as are necessary to pay the pensions and any sums payable under the provisions of the said Schemes;

(b) the net proceeds of all dividends, interest and other income arising out of the investment or use of the Investment Account or any part thereof; and

(c) all other sums and a sum equal to the value of all assets received by the Board.

(4) Subject to the provisions of Regulation 48, there shall be paid out of the General Account the pensions and any sums payable under the provisions of the said Schemes.

(5) There shall be paid by or on behalf of the Board from the Investment Account such sums as are required to negotiate the investment of securities and to meet such sum or sums as may be required to prevent a deficiency from arising on the General Account.

*Powers and duties of employing authorities*

40.—(1) The Secretary of State shall be responsible for the general administration of the said Schemes, including—

(a) carrying out the provisions of the said Schemes relating to participation therein and to requirements and elections to pay for periods of past service for the purposes of Part III;

(b) receiving periodical contributions and sums derived from the surrender of Main Scheme payments and for paying an amount equal to the aggregate of such contributions and sums to the credit of the General Account;

(c) maintaining a record of the periodical contributions paid and of the valid elections and valid nominations made and of the proposals approved;

(d) determining eligibility for the award of pensions;

(e) paying out of the General Account the pensions payable under the provisions of these regulations and sums equal to the amounts of the periodical contributions to be returned under the provisions of the said regulations; and

(f) performing such consequential, ancillary and incidental functions as appear to him to be necessary or expedient for the carrying out of the purposes of the said Schemes.

(2) The expenses of the general administration of the said Schemes (other than brokerage, stamp duties and registration fees payable in connection with investing the funds of the said Schemes) shall be met by the Secretary of State.

(3) The Secretary of State shall determine any question affecting eligibility for, or the amount of, pensions or periodical contributions under the provisions of the said Schemes and every such determination given by the Secretary of State shall be final and binding on all persons affected thereby and in so determin-

ing the Secretary of State shall be entitled to consider and act upon such evidence as he shall deem sufficient.

(4) The Secretary of State shall furnish the Board annually with a report on the administration of the said Schemes and a statement of account of the General Account.

(5) Each education authority, governing body or other body of managers, as the case may be, shall be responsible for the collection, and transmission without any deduction to the Secretary of State, of periodical contributions payable under the provisions of Regulation 46 and for maintaining and forwarding to the Secretary of State immediately after the end of each accounting year a record of the deductions made during the said year from the salary of each teacher in their employment in respect of any periodical contributions due by that teacher under the provisions of these regulations.

(6) The cost incurred by the Secretary of State, education authorities, governing bodies and other bodies of managers in connection with the collection and transmission to the Secretary of State of periodical contributions and the costs incurred by the Secretary of State in connection with such collection of contributions and the administration of the said Schemes shall not be charged to the Fund and shall be deemed to be the contribution to the said Fund by the employers.

#### *Indemnity of members of the Board and other persons*

41. Members of the Board, the auditor and other persons if any for the time being acting in relation to any of the affairs of the said Schemes, and every one of them and every one of their estates and effects shall be indemnified and secured harmless out of the Investment Account from and against all actions, proceedings, charges, losses, damages and expenses, which they or any of them or any of their personal representatives shall or may incur or sustain by or by reason of any act done or omitted in or about the execution of their duty or supposed duty in their respective offices or trusts, except such, if any, as they shall incur or sustain through or by their own wilful neglect or default; and none of them shall be answerable for the acts, receipts, neglects or defaults of the others or other of them through or by joining in any receipt for the sake of conformity, or for the acts, receipts, neglects or defaults of any bankers or their nominee company or other persons with whom any moneys, investments or effects belonging to the Investment Account shall or may be registered, lodged or deposited for safe custody, or for the inefficiency or deficiency of any security or investment upon which any moneys of the Investment Account shall be placed out or invested, or for any other loss, misfortune or damage which may happen in the execution or purported execution of their respective offices or trusts or in relation thereto, except that the same shall happen by or through their own wilful neglect or default.

#### *Powers of investment*

42.—(1) Any moneys in the Investment Account may be invested by the trustee or trustees in or upon the security of such stocks, shares, debentures, debenture stocks or other investments (including any policies of insurance, annuity policies or annuity contracts) whatsoever and wheresoever situate and whether involving liability or not or upon such personal credit with or without security as the trustee or trustees shall in his or their absolute discretion think fit:

Provided that the value at cost of all securities invested in preference, preferred or ordinary stocks and shares shall not exceed 50 per cent. or such other percentage as may be prescribed from time to time by the Secretary of State,

of which not more than 10 per cent. may correspond to stocks or shares of any company which are not quoted on any recognised Stock Exchange in the United Kingdom, of the total value at cost of the assets of the Fund as to which the certificate of the auditors shall be conclusive.

(2) The Board may whenever it thinks it desirable so to do raise or borrow any sum or sums of money and may secure the repayment of the same in such manner and upon such terms and conditions in all respects as it may think fit and in particular by charging or assigning all or any part of the Investment Account in security.

(3) Any moneys, investments or other property may be held in the name of the trustee or trustees or their nominee company as nominees on behalf of the Board.

(4) The common seal of the Board shall not be fixed to any deed or other instrument except in accordance with a resolution of the Board and in the presence of the Chairman and one other member of the Board.

(5) Any contract or other instrument of the Board shall, until the contrary is proved, be received as validly executed if it is sealed with the common seal of the Board and signed by the Chairman and one other member of the Board.

#### *Accounts and audit*

43.—(1) The Secretary of State shall cause a full and true account of the General Account of all sums of money received and expended by him on behalf of the Board for the purpose of the said Schemes to be prepared and the Board shall cause a full and true account of the Investment Account of all moneys received and expended by them and by the trustee or trustees to be prepared in a form approved by the Secretary of State.

(2) The Fund shall be balanced as soon as may be following the end of each accounting year.

(3) The accounts for each accounting year relating to the Investment Account shall be delivered by the Board not later than 30th September following the end of that accounting year for audit under arrangements made by the Secretary of State.

(4) The auditor may at his discretion accept in respect of any investments registered in the name of a nominee company on behalf of the trustee or trustees a certificate from the trustee or trustees or from their nominee company or from their respective auditors as evidence of title to the investments so registered.

(5) The Secretary of State shall cause the General Account to be submitted for audit not later than 30th September following the end of each accounting year.

(6) As soon as may be after the Accounts of the Fund have been audited the Board shall publish the annual accounts of the said Fund, with the report thereon by the auditor, the report by the Secretary of State on the administration of the said Schemes for the period covered by the said accounts, and a report by the Board on matters for which it is responsible and copies of these accounts and reports shall on application therefor be made available by the Board free of charge to any contributor under Part III or to any teacher having for the time being in force a valid nomination under Part IV.

#### *Valuations of Fund*

44.—(1) The Secretary of State shall cause an actuarial valuation to be made by the Government Actuary at the end of the accounting year ending on 31st March 1971 and of every fifth subsequent accounting year of the assets and

liabilities of the Fund. The Government Actuary shall report his findings to the Secretary of State and to the Board, and shall include in his report recommendations for the making good of any deficiency or, as the case may require, for the disposal of any surplus.

(2) Where on such valuation the Government Actuary certifies that a deficiency or a disposable surplus is disclosed the Board shall, within 6 months after receiving the valuation and report, make to the Secretary of State recommendations for making good the deficiency or, as the case may require, for the disposal of the surplus and the Secretary of State, after consultation with the Board, shall make regulations to amend the provisions of the said Schemes whether by alteration of the rate of benefits or of the rates of periodical contributions or otherwise.

## PART VI

### FINANCIAL AND GENERAL PROVISIONS

#### *Limitation of amount of periodical contributions*

45.—(1) Where a teacher participates in the Widows' and Children's Scheme but not in the Dependants' Scheme, the annual rate of periodical contributions to be paid for the purposes of Method I or Method II shall not, when aggregated with the annual rate of periodical contributions payable under the provisions of Regulation 7 and all annual contributions payable by him for the purposes of the Main Scheme before modification, where appropriate, in respect of National Insurance, be allowed at any time to exceed 15 per cent. of the annual rate of his salary for the time being.

(2) Where a teacher participates in the Dependants' Scheme the annual rate of periodical contributions payable in respect of the Dependants' Scheme shall not, when aggregated with any annual rate of periodical contributions payable under the provisions of Regulation 7 and Regulation 15 and all annual contributions payable by the teacher for the purposes of the Main Scheme before modification, where appropriate, in respect of National Insurance, be allowed at any time to exceed 15 per cent. of the annual rate of his salary for the time being.

(3) In calculating, for the purpose of paragraphs (1) and (2) of this regulation, the aggregate amount of periodical contributions payable by a teacher there shall not be included that part of any contributions payable by the said teacher under the provisions of Regulation 12 of the Principal Regulations which is not reckoned as contributions by the teacher.

#### *Deduction, collection and transmission of periodical contributions*

46.—(1) Periodical contributions payable under the provisions of these regulations shall be collected by, as the case may be, the education authority, governing body or other body of managers from the salaries of the teachers in their employment and shall be transmitted to the Secretary of State:

Provided that—

- (i) periodical contributions payable by a contributor in respect of any period of his current service which is a period of first class service recorded under the provisions of Regulation 12 of the Principal

Regulations and any additional contributions payable by such a contributor under the provisions of Method I or Method II shall be payable by him or on his behalf directly to the Secretary of State; and

- (ii) where the Secretary of State is satisfied that there are special reasons for doing so, he may enable periodical contributions to be paid to him directly by a teacher in circumstances other than those set out in proviso (i) to this paragraph.

(2) It shall be lawful for each education authority, governing body or other body of managers to deduct from the salary of every teacher in their employment any periodical contributions due by that teacher under the provisions of these regulations.

(3) Where any periodical contributions due by a teacher have not been deducted and collected or paid under the provisions of this regulation, the same (together with compound interest thereon from the date when payment became due, calculated at 4 per cent. per annum with yearly rests) shall be paid to the Secretary of State either directly by the teacher or by the surrender of the appropriate amount from any Main Scheme payments payable to the teacher or to his personal representative.

#### *Calculation of interest on periodical contributions returned*

47. For the purpose of calculating the interest to be added to the periodical contributions falling to be returned under the provisions of these regulations—

- (1) the periodical contributions made within any accounting year shall be deemed to have been paid to the Secretary of State on 1st October in the said accounting year, and the periodical contributions shown in the relevant annual return required under the provisions of Regulation 40(5) shall be deemed, for the purpose of this regulation, to have been paid to the Secretary of State within the said year; and
- (2) compound interest payable on the amount of periodical contributions returned shall be calculated as from 1st October in each accounting year at the rate of 3 per cent. per annum with yearly rests; and
- (3) where interest is payable in respect of a period of less than one calendar year the calculation shall be made in respect of periods of not less than one calendar month up to the end of the month immediately preceding the month in which the payment is made:

Provided that interest shall be calculated and be payable only in respect of periods during which a contributor to the Widows' and Children's Scheme and a teacher participating in the Dependants' Scheme, was in service and that to the date or dates from which he was first entitled to apply for a return of contributions under the provisions of the Main Scheme or, as the case may be, was again entitled to apply for a return of such contributions or was eligible for the award of a retiring allowance or a gratuity under the provisions of the Main Scheme or was in receipt of such an allowance or gratuity.

#### *Deduction of Income Tax from periodical contributions returned*

48. Any periodical contributions falling to be returned and any interest added under the provisions of these regulations shall be reduced by a sum not exceeding an amount equal to any Income Tax payable in consequence of such return.

*Pensions of beneficiaries*

49.—(1) Subject to the provisions of paragraph (4) of this regulation, a widow's pension or, as the case may be, a widowed mother's pension or a widow's short-service pension shall not be payable or shall, as the case may be, cease if at the date of the death of the contributor the widow was cohabiting with a person other than the deceased contributor or after qualifying for the award of a widow's pension or, as the case may be, a widowed mother's pension or a widow's short-service pension under the provisions of these regulations the widow remarries or cohabits with any person.

(2) Subject to the provisions of paragraph (4) of this regulation, a pension shall not be payable to a female nominee under the Dependants' Scheme or shall, as the case may be, cease if at the date of the death of the teacher the nominee was married or was cohabiting with a person other than the said teacher or after qualifying for the award of the said pension the nominee marries or cohabits with any person.

(3) Subject to the provisions of paragraph (4) of this regulation, payment of a pension under the provisions of the Dependants' Scheme to a nominee who is the dependent husband of the teacher who made the relevant nomination shall cease if after qualifying for the award of such a pension the said dependent husband remarries.

(4) Where a pension does not become payable or, as the case may be, ceases under the provisions of this regulation and the Secretary of State is satisfied at a subsequent date that the marriage or cohabitation has come to an end or that there are reasonable grounds for the payment of the pension notwithstanding the marriage the Secretary of State shall have power, at his sole discretion, to make payment of the said pension to the widow or, as the case may be, to the nominee with effect from such date as he considers fit.

(5) Subject to the provisions of these regulations, where on the death of a teacher any amount due under these regulations is payable by the surrender of the appropriate sum from any Main Scheme payments payable in respect of the teacher, the said amount shall, notwithstanding the provisions of Regulation 58 of the Principal Regulations as applied by Regulation 1(2) of these regulations, be credited to the Fund whether or not confirmation or other proof of title of the personal representatives of the teacher to any such Main Scheme payments has been obtained and any pension payable under the provisions of these regulations shall thereafter be payable forthwith.

*Provision of information*

50. Any teacher to whom the provisions of these regulations apply shall provide the Secretary of State with such information and such documents as he may from time to time require to enable him to exercise his functions under these regulations.

*Extension of time limits*

51. The Secretary of State may from time to time extend any period or periods within which anything is required to be done under these regulations if he considers that there are reasonable grounds for doing so.

*Elections or proposals or nominations made on behalf of teachers*

52. Notwithstanding the provisions of these regulations as to the making by teachers of elections or proposals or nominations, the Secretary of State



may accept an election or a proposal or a nomination made on behalf of a teacher where he considers that there are reasonable grounds for doing so.

*William Ross,*  
One of Her Majesty's  
Principal Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.  
2nd June 1967.

We approve.

*William Whitlock,*  
*B. K. O'Malley,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

14th June 1967.

## SCHEDULES

### SCHEDULE 1

Regulation 15

#### PAYMENT FOR SPECIFIED SERVICE

#### PART I

#### METHODS OF PAYMENT AND APPLICATION OF RATES IN PART II

##### *Method 1*

1. Payment shall be by periodical contributions throughout any period or periods in which the contributor is employed in first class service until the day on which he attains the age of 60 years at the rate of his salary for such period or periods ascertained by multiplying the percentage rate of salary set out in column (2) of Table 1 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made:

Provided that—

- (a) where the provisions of Regulation 12(2), in the circumstances specified under head (a) of the said Regulation 12(2), apply to a contributor who has adopted Method I and—
  - (i) application is made by or on behalf of such a contributor for the payment of a retiring allowance under the provisions of Regulation 39 of the Principal Regulations and since ceasing to be liable for the payment of contributions for the purposes of the said Scheme the contributor had not again become liable for the payment of such contributions; or
  - (ii) where application for a return of contributions or a death gratuity under the provisions of, as the case may be, Regulation 47 or Regulation 51 of the Principal Regulations is made in respect of such a contributor—

there shall be paid by the surrender from any Main Scheme payments payable in respect of the said contributor, if he is not a contributor who after last ceasing to be employed in first class service became a contributor under an approved Scheme insofar as it relates to benefit for widows and children, a sum equal to the difference between the amount of the periodical contributions paid by the contributor under the provisions of this paragraph and the total amount of such contributions which would have been payable by him if he had remained in first class service, and in receipt of the same rate of salary as that receivable by him at the date on which he ceased to be liable for the payment of contributions under the provisions of the Main Scheme, until he attained the age of 60 years or until the date of his death, whichever is the earlier, together with compound interest on the said difference calculated at the rate of 3½ per cent. per annum

with yearly rests from the date on which the contributor ceased to be liable for the payment of contributions for the purposes of the Main Scheme until he attained the said age of 60 years or until the date of his death, whichever is the earlier; and

(b) where the provisions of Regulation 12(2), in the circumstances specified under head (b) of the said Regulation 12(2), apply to a contributor who has adopted Method I and—

(i) the total amount of periodical contributions paid by him under the provisions of Regulation 15 is less than the annual sum due to be paid by him under the said Regulation 15; and

(ii) application is made by or on behalf of such a contributor for the payment of a retiring allowance or a gratuity under the provisions of, as the case may be, Regulation 40(1) or Regulation 46 of the Principal Regulations—

there shall be paid by the surrender from any Main Scheme payments payable in respect of the contributor, if he is not a contributor who after last ceasing to be employed in first class service became a contributor under an approved Scheme insofar as it relates to benefit for widows and children, an amount equal to the difference between the said annual sum and the total amount of periodical contributions paid by him under the provisions of the said Regulation 15.

### *Method II*

2. Payment shall be by periodical contributions throughout any period or periods in which the contributor is employed in first class service until the day on which he attains the age of 65 years at the rate of his salary for such period or periods ascertained by multiplying the percentage rate of salary set out in column (2) of Table 2 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made:

Provided that—

(1) (a) where the provisions of Regulation 12(2), in the circumstances specified under head (a) of the said Regulation 12(2), apply to a contributor who has adopted Method II and—

(i) application is made by or on behalf of such a contributor for the payment of a retiring allowance under the provisions of Regulation 39 of the Principal Regulations and since ceasing to be liable for the payment of contributions for the purposes of the Main Scheme the contributor had not again become liable for the payment of such contributions; or

(ii) where application for a return of contributions or a death gratuity under the provisions of, as the case may be, Regulation 47 or Regulation 51 of the Principal Regulations is made in respect of such a contributor; or

(b) where application is made by or on behalf of a contributor for the payment of a retiring allowance under the provisions of Regulation 39 of the Principal Regulations and the contributor has adopted Method II and has attained the age of 60 years but has not attained the age of 65 years or, where application is made by or on behalf of a contributor to whom the provisions of Regulation 8(2) apply for a return of contributions paid by him for the purposes of the Main Scheme and the contributor has adopted Method II and has not attained the age of 65 years—

there shall be paid by the surrender from any Main Scheme payments payable in respect of the said contributor, if he is not a contributor who after last ceasing to be employed in first class service became a contributor under an approved Scheme insofar as it relates to benefit for widows and children, a sum equal to the difference between the amount of the periodical contributions paid by the contributor under the provisions of this paragraph and the total amount of such contributions which would have been payable by him if he had remained in first class service, and in receipt of the same rate of salary as that receivable by him at the date on which he ceased to be liable for the payment of contributions under the provisions of the Main Scheme, until he attained the age of 65 years or until the date of his death, whichever is the earlier together with, in the case of a contributor who ceased to be liable for the payment of contributions for the purposes of the Main Scheme before attaining the age of 60 years, compound

interest on the said difference, calculated at the rate of  $3\frac{1}{2}$  per cent. per annum with yearly rests from the date on which the contributor ceased to be liable for the payment of contributions for the purposes of the Main Scheme until he attained the age of 60 years or until the date of his death, whichever is the earlier; and

(2) where the provisions of Regulation 12(2), in the circumstances specified under head (b) of the said Regulation 12(2), apply to a contributor who has adopted Method II and—

(a) the total amount of periodical contributions paid by him under the provisions of Regulation 15 is less than the annual sum due to be paid by him under the said Regulation 15; and

(b) application is made by or on behalf of such a contributor for the payment of a retiring allowance or a gratuity under the provisions of, as the case may be, Regulation 40(1) or Regulation 46 of the Principal Regulations—

there shall be paid by the surrender from any Main Scheme payments payable in respect of the contributor, if he is not a contributor who after last ceasing to be employed in first class service became a contributor under an approved Scheme insofar as it relates to benefit for widows and children, an amount equal to the difference between the said annual sum and the total amount of periodical contributions paid by him under the provisions of the said Regulation 15.

### *Method III*

#### 3. Payment shall be—

- (1) in the case of a contributor to whom Regulation 6(1)(a) applies, or in the case of a contributor to whom with effect from a date later than 31st March 1966, Regulation 6(1)(c) applies, or in the case of a contributor to whom Regulation 6(4) applies, by the surrender from Main Scheme payments payable in respect of the said contributor of the amount ascertained by multiplying the rate of his pensionable salary represented by the percentage rate set out in column (2) of Table 3 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made; and
- (2) in the case of a contributor to whom Regulation 6(1)(b) applies, or in the case of a contributor to whom with effect from a date before 1st April 1966, Regulation 6(1)(c) applies, by the surrender from Main Scheme payments payable in respect of the said contributor of the amount ascertained by multiplying the rate of his pensionable salary represented by the percentage rate set out in column (2) of Table 4 in Part II of this Schedule which is specified opposite to the age attained by the contributor, by the length of the period of specified service for which payment is to be made.

### *Calculation of specified service*

4.—(1) For the purpose of calculating the length of a period of specified service to be used in multiplying the rates in column (2) of any of the Tables in Part II of this Schedule a period of less than one complete year shall be expressed as a fraction of a year, the numerator of the said fraction being the number of months in the latter period and the denominator being 12. In this paragraph the word "month" shall be construed as meaning 30 days, and in the calculation of the number of months a remainder of 15 days or more shall be reckoned as a month.

(2) Subject to the provisions of Regulation 11 and Regulation 13, the age of a contributor to be used in the calculation of payments to be made under the provisions of this Part shall be—

(a) in the case of a contributor who has not attained the age of 55 years and to whom Method I or Method II applies, the number of completed years of age which will be attained by him on the day with effect from which periodical contributions become or again become payable by him under the provisions of one of the said Methods; and

(b) in the case of a contributor to whom Method I or Method II applies and who has attained the age of 55 years, the number of completed years and months of

age attained by him on the day with effect from which periodical contributions become or again become payable by him under the provisions of one of the said Methods; and

- (c) in the case of a contributor to whom Method III applies, the number of completed years of age attained by him at his last birthday before the day on which he first became a contributor.

PART II  
TABLES REFERRED TO IN PART I OF THIS SCHEDULE

TABLE 1

Age (1)	Percentage rate of salary payable up to age 60 (2)
24 or under	·05
25	·05
26	·05
27	·06
28	·06
29	·06
30	·07
31	·07
32	·08
33	·08
34	·09
35	·09
36	·10
37	·10
38	·11
39	·11
40	·12
41	·13
42	·14
43	·15
44	·15
45	·16
46	·18
47	·20
48	·21
49	·23
50	·25
51	·28
52	·31
53	·35
54	·41

Age (1)		Percentage rate of salary payable up to age 60 (2)
Completed Years	Completed Months	
55	—	.46
	1	.46
	2	.47
	3	.48
	4	.49
	5	.50
	6	.51
	7	.52
	8	.53
	9	.54
	10	.55
56	11	.56
	—	.57
	1	.58
	2	.59
	3	.60
	4	.61
	5	.62
	6	.63
	7	.65
	8	.67
	9	.69
10	.71	
57	11	.73
	—	.75
	1	.77
	2	.79
	3	.81
	4	.84
	5	.86
	6	.89
	7	.92
	8	.95
	9	.99
10	1.03	
58	11	1.07
	—	1.11
	1	1.16
	2	1.21
	3	1.27
	4	1.33
	5	1.40
	6	1.48
	7	1.57
	8	1.67
	9	1.78
10	1.90	
11	2.00	

TABLE 2

Age (1)	Percentage rate of salary payable up to age 65 (2)
30	.06
31	.06
32	.07
33	.07
34	.08
35	.08
36	.09
37	.09
38	.10
39	.10
40	.10
41	.11
42	.12
43	.12
44	.13
45	.13
46	.14
47	.15
48	.16
49	.17
50	.18
51	.19
52	.20
53	.22
54	.24

Age (1)		Percentage rate of salary payable up to age 65 (2)
Completed Years	Completed Months	
55	—	.26
	1	.26
	2	.26
	3	.26
	4	.26
	5	.27
	6	.27
	7	.27
	8	.27
	9	.28
	10	.28
	11	.28
56	—	.28
	1	.29
	2	.29
	3	.29
	4	.29
	5	.30
	6	.30
	7	.30
	8	.30
	9	.31
	10	.31
	11	.31
57	—	.32
	1	.32
	2	.32
	3	.32
	4	.33
	5	.33
	6	.33
	7	.34
	8	.34
	9	.34
	10	.35
	11	.35
58	—	.36
	1	.36
	2	.36
	3	.37
	4	.37
	5	.38
	6	.38
	7	.38
	8	.39
	9	.39
	10	.40
	11	.40



Age (1)		Percentage rate of salary payable up to age 65 (2)
Completed Years	Completed Months	
59	—	.41
	1	.41
	2	.42
	3	.42
	4	.43
	5	.43
	6	.44
	7	.44
	8	.45
	9	.45
	10	.46
	11	.46
60	—	.46
	1	.46
	2	.47
	3	.48
	4	.49
	5	.50
	6	.51
	7	.52
	8	.53
	9	.54
	10	.55
	11	.56
61	—	.57
	1	.58
	2	.59
	3	.60
	4	.61
	5	.62
	6	.63
	7	.65
	8	.67
	9	.69
	10	.71
	11	.73
62	—	.75
	1	.77
	2	.79
	3	.81
	4	.84
	5	.86
	6	.89
	7	.92
	8	.95
	9	.99
	10	1.03
	11	1.07

Age (1)		Percentage rate of salary payable up to age 65 (2)
Completed Years	Completed Months	
63	—	1·11
	1	1·16
	2	1·21
	3	1·27
	4	1·33
	5	1·40
	6	1·48
	7	1·57
	8	1·67
	9	1·78
	10	1·90
11	2·00	

TABLE 3

Age (1)	Percentage rate of pensionable salary (2)	Age (1)	Percentage rate of pensionable salary (2)
24 or under	3·1		
25	3·2	45	3·1
26	3·2	46	3·0
27	3·2	47	3·0
28	3·2	48	3·0
29	3·2	49	2·9
30	3·3	50	2·9
31	3·3	51	2·9
32	3·3	52	2·8
33	3·3	53	2·8
34	3·3	54	2·7
35	3·3	55	2·7
36	3·2	56	2·6
37	3·2	57	2·6
38	3·2	58	2·5
39	3·2	59	2·4
40	3·2	60	2·3
41	3·1	61	2·3
42	3·1	62	2·2
43	3·1	63	2·2
44	3·1	64	2·1

TABLE 4

Age (1)	Percentage rate of pensionable salary (2)	Age (1)	Percentage rate of pensionable salary (2)
24 or under	3.1		
25	3.2	45	3.0
26	3.2	46	2.9
27	3.2	47	2.8
28	3.2	48	2.7
29	3.2	49	2.6
30	3.3	50	2.5
31	3.3	51	2.5
32	3.3	52	2.5
33	3.3	53	2.5
34	3.3	54	2.5
35	3.3	55	2.5
36	3.2	56	2.5
37	3.2	57	2.5
38	3.2	58	2.5
39	3.2	59	2.4
40	3.2	60	2.3
41	3.1	61	2.3
42	3.1	62	2.2
43	3.1	63	2.2
44	3.1	64	2.1

## SCHEDULE 2

Regulation 21

TABLE REFERRING TO WIDOWED MOTHERS' PENSIONS AND WIDOWS'  
SHORT-SERVICE PENSIONS

Number of completed years of service counting for benefit credited to the contributor (1)	Annual rate of pension payable (2)
3	£ 58
4	66
5	74
6	82
7	90
8	98
9	106

## SCHEDULE 3

Regulation 4(1)(b)

## APPROVED SCHEMES

Title of Regulations or Rules	Reference
The Teachers' Superannuation (Family Benefits) Regulations 1966	S.I. 1966/357 (1966 I, p. 813)
The Teachers' Superannuation (Family Benefits) Rules (Northern Ireland) 1967	S.R. & O. (N.I.) 1967/124

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations provide for the revocation of the Teachers (Superannuation) (Family Benefits) (Scotland) Regulations 1965 but, in terms of section 102(2) of the Education (Scotland) Act 1962, incorporate powers of retrospection to 1st April 1965, the date on which the 1965 regulations came into operation.

The regulations provide for the payment of pensions in respect of the widows, children and other dependants of teachers. All men teachers entering first class service for the first time on or after the effective date are compulsorily included in the Widows' and Children's Scheme contained in Part III of the Regulations but existing men teachers may opt out of this Scheme. Teachers who have been contributors under comparable Widows' and Children's Schemes for teachers elsewhere in the British Isles are included in the Scottish Scheme on entering first class service. Both men and women teachers may participate in the Dependants' Scheme contained in Part IV of the Regulations under which, within certain limitations, a teacher may nominate dependent relatives for pensions of such amounts as may be specified by the teacher.

Pensions under the Widows' and Children's Scheme are payable on the contributor's death in respect of his widow and children where he had at least 10 years of service counting for benefit under the Scheme or at least 3 years of such service where he is survived by his widow and a child under age 19 or by his widow if she is aged 50 or over or by a child where his marriage has been terminated. The annual rate of widow's pension is one-third of the pension to which the contributor was, or would have been, entitled under the Teachers (Superannuation) (Scotland) Regulations 1957. If the annual rate of widow's pension, as thus calculated, is less than £115, a minimum pension at the rate of £115 is payable. Subject to the provisions of the regulations, widows' pensions and widows' short-service pensions are payable for life. Where the contributor had between 3 and 10 years of service counting for benefit and leaves a widow with a child under the age of 19 or a widow aged 50 or over the annual rate of her pension varies between £58 and £106 according to the length of the contributor's service. Payment of the widowed mother's pension ceases when the youngest eligible child reaches the age of 19 but if the widow is then aged 50 or over she becomes entitled to a widow's short-service pension at the same rate as the widowed mother's pension which was formerly payable. The annual rate of children's pension varies from £60 to £325 according to the number of eligible children and whether or not a widow's or widowed mother's pension is also payable.

Contributions to the Widows' and Children's Scheme are payable in respect of current service at the rate of 2 per cent. of the contributor's salary. Payment for past service may be made by additional contributions from salary until the contributor reaches age 60 or 65 or by deduction from the lump sum or death gratuity or contributions returnable under the 1957 regulations or by a combination of such contributions and deduction. The regulations make provision for the return, in certain circumstances, of contributions in full or in part to contributors. Interest is payable on such returns of contributions.

Under the Dependants' Scheme a teacher, at any one time, may have one adult and one incapacitated child as nominees for life pensions and up to 3 children as nominees for temporary pensions. A woman teacher may, in addition, nominate her dependent husband for a life pension. Additional

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contributions from salary are payable under this Scheme in respect of first class service until the teacher reaches age 60.

The regulations provide for the establishment of a Board of Management consisting of representatives appointed by bodies representing teachers, local authorities and the Secretary of State and for the appointment of trustees in connection with the investment of funds relating to the Schemes.