

1970 No. 10

EDUCATION, ENGLAND AND WALES

The Teachers' Superannuation (Amendment) Regulations 1970

<i>Made</i>	- - -	<i>7th January 1970</i>
<i>Laid before Parliament</i>		<i>16th January 1970</i>
<i>Coming into Operation—</i>		
<i>Regulations 1 to 17</i>		<i>1st February 1970</i>
<i>Regulations 18, 19, 20</i>		<i>1st May 1970</i>

The Secretary of State for Education and Science, with the consent of the Minister for the Civil Service and after consultation with representatives of local education authorities and of teachers appearing to him to be likely to be affected, in exercise of the powers conferred upon him by section 1 of the Teachers' Superannuation Act 1967(a) as amended by the Minister for the Civil Service Order 1968(b), hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Teachers' Superannuation (Amendment) Regulations 1970 and the Teachers' Superannuation Regulations 1967 to 1969(c) and these Regulations may be cited together as the Teachers' Superannuation Regulations 1967 to 1970.

(2) Regulations 1 to 17 of these Regulations shall come into operation on 1st February 1970 ; and regulations 18, 19 and 20 of these Regulations shall come into operation on 1st May 1970.

2. In these Regulations—

“the principal Regulations” means the Teachers' Superannuation Regulations 1967(d) ; and

“the Part-time Regulations” means the Teachers' (Part-time) Superannuation Regulations 1967(e).

3. In regulation 16 of the principal Regulations (which relates to exclusion from reckonable service) at the end of paragraph (1) there shall be added the following sub-paragraph :—

“(f) immediately before the appointed day he was employed in the same service and was not treated as in contributory service by virtue of the proviso to rule 3 of the Teachers Superannuation Amending Rules 1961(f).”

4. For regulation 17 of the principal Regulations there shall be substituted the following regulation :—

(a) 1967 c. 12. (b) S.I. 1968/1656 (1968 III, p. 4485).
 (c) S.I. 1967/489, 948, 1286, 1968/1353, 1969/80, (1967 I, p. 1562; II, p. 2904; II, p. 3721, 1968 II, p. 3753; 1969 I, p. 241). (d) S.I. 1967/489 (1967 I, p. 1562).
 (e) S.I. 1967/1286 (1967 II, p. 3721). (f) S.I. 1961/158 (1961 I, p. 268).

"Non-payment of Contributions"

17. Without prejudice to the power of the Secretary of State to recover any contributions payable under the Acts of 1918 to 1956, the Act of 1967 or these Regulations, any period of service (other than service to which Part III of Schedule 1 applies) in respect of which the contributions have not been paid in full to the Secretary of State shall not, unless he consents, be reckonable service."

5. In regulation 20 of the principal Regulations (which relates to the payment of teachers' contributions by deduction from salary) for paragraph (3) there shall be substituted the following paragraph:—

"(3) The sums deducted under this regulation from the salary of a teacher shall be paid by the employer to the Secretary of State and shall be attributable to the financial year in which such payment is made."

6. In regulation 21 of the principal Regulations (which relates to the payment of teachers' contributions direct to the Secretary of State) for paragraph (2) there shall be substituted the following paragraph:—

"(2) Any sums paid to the Secretary of State under this regulation shall be attributable to the financial year in which such payment is made."

7. Regulation 23 of the principal Regulations (which relates to the payment of contributions by employers to the Secretary of State) is hereby revoked.

8. For regulation 27 of the principal Regulations there shall be substituted the following regulation:—

"Interest on Overdue Contributions"

27. If any contributions payable by a teacher or by an employer under section 3 of the Act of 1967 or under any provision of these Regulations are not paid before 1st October in the financial year next after that in which the period to which they relate fell compound interest thereon from the said date, calculated at four per cent. per annum with yearly rests, shall be paid."

9. In regulation 28 of the principal Regulations (which relates to the repayment of repaid contributions) after the word "under" in paragraph (1) there shall be inserted the words "section 2 of the Act of 1922,".

10. In regulation 31 of the principal Regulations (which relates to the payment of contributions in respect of a period of absence from reckonable service) for paragraph (4) there shall be substituted the following paragraph:—

"(4) Contributions paid by a teacher under this regulation and any interest thereon shall be attributable to the financial year in which payment thereof is made to the Secretary of State."

11. In regulation 32 of the principal Regulations (which relates to the payment of contributions in respect of a period of previous employment) for paragraph (7) there shall be substituted the following paragraph:—

"(7) Additional contributions payable by a teacher by Method I and any interest thereon shall be attributable to the financial year in which payment thereof is made to the Secretary of State."

12. In regulation 49 of the principal Regulations (which relates to supplementary death gratuities) at the end of paragraph (2) there shall be added the words "or any like allocation or surrender made under provisions relating to class A external service."

13. For regulation 50 of the principal Regulations there shall be substituted the following regulation :—

“Re-employed Teachers

50.—(1) In this regulation—

“re-employed teacher” means a teacher who, after superannuation allowances have become payable to him under these Regulations, becomes employed—

(a) in reckonable service, class A external service, class B external service or service which would, if he had not attained the age of seventy, be such service ; or

(b) in other employment which is either—

(i) employment of which the remuneration is paid out of the Consolidated Fund or out of moneys provided by Parliament ; or

(ii) employment by a body, including a local authority, in respect of whose expenditure for the purpose for which he is employed grants are made out of moneys provided by Parliament ;

“last salary”, in relation to a re-employed teacher, means the highest salary at which, before superannuation allowances last became payable to him, he was employed in reckonable service, external service or service which would have been such service if he had not attained the age of seventy, reduced by the amount of any allocation made by him under section 1 of the Act of 1937 or Part VI or under any provisions corresponding thereto relating to class A external service ;

“notional salary”, in relation to a re-employed teacher, means the highest salary payable at the material time in respect of employment in the same service as, or in service similar to, that in which he was at any time employed in reckonable service, external service or service which would have been such service if he had not attained the age of seventy, reduced by the amount of any allocation made by him under section 1 of the Act of 1937 or Part VI or under any provisions corresponding thereto relating to class A external service ; and

“pension quarter” means—

(a) in relation to a re-employed teacher whose annual superannuation allowance is payable on the last day of a month otherwise than by reason of the anniversary of his birth falling on the first day of a month, a period of three months beginning on 1st January, 1st April, 1st July or 1st October ; and

(b) in relation to any other re-employed teacher, a period of three months beginning on the anniversary of his birth or on the day three, six or nine months thereafter.”

(2) Subject as in paragraph (4) below provided, the annual superannuation allowance payable to a re-employed teacher employed in service of the kind specified in paragraph (1)(a) above shall—

(a) be suspended in respect of any period for which he is entitled to a salary at a rate not less than his last salary ; or

(b) be reduced in respect of any period for which he is entitled to a salary at a rate less than his last salary by such an amount as will result in the aggregate of the allowance and the salary to which he is entitled being equal in respect of that period to his last salary.

(3) The annual superannuation allowance payable to a re-employed teacher employed in employment of the kind specified in paragraph (1)(b) above shall—

- (a) be suspended in respect of any pension quarter for which his remuneration is not less than his notional salary for that quarter ; or
- (b) be reduced in respect of any pension quarter for which his remuneration is less than his notional salary by such an amount as will, in respect of that pension quarter, result in the aggregate of the allowance, any increase thereof under the Pensions (Increase) Acts 1920 to 1969 and the remuneration being equal to his notional salary.

(4) No suspension or reduction of an annual superannuation allowance payable to a re-employed teacher employed in service of the kind specified in paragraph (1)(a) above shall be made under this regulation which would result in the aggregate amount received by him in respect of any period by way of—

- (a) annual superannuation allowance,
- (b) increase of such allowance under the Pensions (Increase) Acts 1920 to 1969, and
- (c) salary

being less than the aggregate amount for that period of—

- (d) his last salary, and
- (e) any increase of his annual superannuation allowance which would be payable under the Pensions (Increase) Acts 1920 to 1969 apart from any suspension or reduction of that allowance under this regulation.

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

- (a) any payments in respect of employment in connexion with education which, while employed in reckonable service or external service, he undertook in addition to such service and which he continues after ceasing such service, not exceeding, when expressed as an annual rate, the annual average rate of such payments for the last three years of his employment in reckonable service or external service ;
- (b) any payments in respect of employment in connexion with education outside the British Isles, being employment in which, in the opinion of the Secretary of State, it is expedient to facilitate the employment of teachers from England and Wales ;
- (c) any payments in respect of employment as an examiner for the purposes of the General Certificate of Education ; and
- (d) any additional payments made to teachers employed in schools recognised by the Secretary of State as schools of exceptional difficulty under the provisions of an order made under the Remuneration of Teachers Act 1965(a) or of a document referred to in such an order.

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

14. For regulation 89 of the principal Regulations there shall be substituted the following regulation :—

“Payment of Benefits

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

(a) shall be paid at intervals of three months ; but

(b) may, on the application of the person entitled thereto, be paid at intervals of one month.

(2) No apportionment of any such sum as aforesaid shall take place and accordingly the provisions of the Apportionment Act 1870(a) shall not extend thereto.

(3) Where payment of any such sum as aforesaid is due in respect of a period of less than the intervals at which it is payable—

(a) the amount thereof in respect of each complete month of the period shall be one-twelfth of the annual rate of the sum ; and

(b) the amount thereof in respect of a period of less than one complete month shall bear the same proportion to one-twelfth of the annual rate of the sum as the number of days in respect of which it is payable bears to the total number of days in the month in which those days occur.”

15. In regulation 93 of the principal Regulations (which amends certain enactments) the following paragraph shall be added at the end :—

“(4) In each of the Pensions (Increase) Acts 1944 to 1965 any reference to a pension payable under the Teachers (Superannuation) Acts 1918 to 1956, or any of those Acts, shall be extended so as to include a reference to a pension payable under these Regulations.”

16. In regulation 3 of the Part-time Regulations (which specifies the service which is to be part-time teaching service for the purposes of those Regulations) at the end of paragraph (2) there shall be added the following sub-paragraph :—

“(d) teachers of a kind specified in paragraph 8 of Schedule 1 to the principal Regulations.”

17. In regulation 6 of the Part-time Regulations (which relates to the reckoning of service of part-time teachers) at the end of paragraph (3) there shall be added the following sub-paragraph :—

“(d) there shall be disregarded—

(i) any period of part-time teaching service in respect of which the contributions have, under the provisions of Part IV of the principal Regulations, been repaid by the Secretary of State and not again paid to him in accordance with regulation 28 of those Regulations ; and

(ii) unless the Secretary of State otherwise consents, any period of part-time teaching service in respect of which the contributions have not been paid in full to him.”

18. For regulation 72 of the principal Regulations there shall be substituted the following regulation:—

“Admitted Schools

72. For the purposes of this Part an admitted school shall, subject as in regulation 73 provided, be a school, establishment of further education or college of education to which this Part applied immediately before 1st May 1970.”

19. In regulation 73 of the principal Regulations (which provides for the admission of admitted schools) paragraphs (1) and (2) are hereby revoked.

20. Regulation 79 of the principal Regulations (which relates to accounts and actuarial inquiries with respect to admitted schools) is hereby revoked.

Given under the Official Seal of the Secretary of State for Education and Science on 6th January 1970.

(L.S.)

Edward Short,
Secretary of State for Education
and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 7th January 1970.

(L.S.)

K. H. McNeill,
Authorised by the Minister for
the Civil Service.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Teachers' Superannuation Regulations 1967 to 1969. They extend to part-time teachers in colleges of education the optional superannuation arrangements already in operation for part-time teachers in primary and secondary schools; they make changes of procedure with respect to the collection of contributions; they provide that further schools shall not be admitted to the special superannuation arrangements established in 1926 which still apply to a limited number of independent schools; and they correct minor defects.

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