

**1970 No. 862**

**EDUCATION, ENGLAND AND WALES**

**The Teachers' Superannuation (Family Benefits) Regulations  
1970**

*Made - - - - - 3rd June 1970*  
*\* To be laid before Parliament*  
*Coming into Operation 3rd July 1970*

ARRANGEMENT OF REGULATIONS

PART I

GENERAL

1. Citation and Commencement.
2. Revocation.
3. Interpretation.
4. Definitions.

PART II

BOARD OF MANAGEMENT

5. Continuance of Board.
6. Constitution of Board.
7. Chairman and Vice-Chairman.
8. Proceedings of Board.
9. Committees.
10. Assessor.
11. Conduct of Business.
12. Expenses of Board.
13. Review of Schemes.
14. Power to Borrow.

PART III

THE FUND

15. Continuance of Fund.
  16. General Account.
  17. Investment Account.
  18. Investments.
  19. Accounts and Audit.
  20. Quinquennial Valuations.
- 

\* This instrument was laid before Parliament  
on 2nd July 1970.

## PART IV

## TEACHERS' WIDOWS' AND CHILDREN'S PENSION SCHEME

## PRELIMINARY

21. The Scheme.
22. Elections.

## APPLICATION

23. Teachers to whom Scheme applies.
24. Commencement of Application.
25. Application to Deceased Teachers.

## CONTRIBUTIONS

26. Payment of Contributions.
27. Normal Contributions.
28. Additional Contributions.
29. Additional Contributions on Increase of Previous Service.
30. Commencement of Additional Contributions—Methods I and II.
31. Method I.
32. Method II.
33. Method III.
34. Additional Contributions payable by Re-instated Contributors.
35. Additional Contributions payable by Former External Contributors.
36. Additional Contributions after Termination of Service.
37. Contributions during Intervals in Service.
38. Payment of Outstanding Contributions.
39. Contributions in respect of Deceased Teachers.
40. Service Counting for Benefit.

## REPAYMENT OF CONTRIBUTIONS

41. When Contributions repayable.
42. Amount when no Benefit payable.
43. Amount when Children's Pension only payable.
44. Amount in other Cases.
45. Repayment of Repaid Normal Contributions.

## BENEFITS

46. Widow's Pension.
47. Amount of Widow's Pension.
48. Duration of Widow's Pension.
49. Short Service Widow's Pension.
50. Amount of Short Service Widow's Pension.

51. Duration of Short Service Widow's Pension.
52. Children's Pension.
53. Amount of Children's Pension.
54. Duration of Children's Pension.
55. Benefits in respect of Contributors under External Schemes.

#### PART V

#### TEACHERS' DEPENDANTS' PENSION SCHEME

##### PRELIMINARY

56. The Scheme.

##### NOMINATION OF DEPENDANTS

57. Dependants.
58. Nomination by Teachers.
59. Validity of Nominations.
60. Avoidance of Nominations.

##### CONTRIBUTIONS

61. Payment of Contributions.
62. Amount of Contributions.
63. Duration of Contributions.
64. Contributions in respect of Intervals in Service.
65. Payment of Contributions on Death.
66. Repayment of Contributions.

##### BENEFITS

67. Entitlement to Pensions.
68. Life and Temporary Pensions.
69. Amounts of Pensions.
70. Duration of Pensions.

#### PART VI

#### MISCELLANEOUS AND SUPPLEMENTARY

71. Functions of Secretary of State and Employers.
72. Supplementary Provisions as to Contributions.
73. Limitation of Amount of Contributions.
74. Interest on Repaid Contributions.
75. Deductions from Repaid Contributions.

- 76. Payment of Pensions.
- 77. Payments in respect of Deceased Persons.
- 78. Payments in respect of Minors and Infirm Persons.
- 79. Remission of Debts to Fund.
- 80. Benefits not Assignable.
- 81. Provision of Information.
- 82. Extension of Time.
- 83. Determination of Questions.

## SCHEDULES

SCHEDULE 1. Rates of Additional Contributions—Methods I and II.

SCHEDULE 2. Rates of Additional Contributions—Method III.

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 7 of the Teachers' Superannuation Act 1967(a) as amended by the Minister for the Civil Service Order 1968(b), hereby makes the following Regulations:—

### PART I

#### GENERAL

##### *Citation and Commencement*

1. These Regulations may be cited as the Teachers' Superannuation (Family Benefits) Regulations 1970 and shall come into operation on 3rd July 1970.

##### *Revocation*

2.—(1) The Teachers' Superannuation (Family Benefits) Regulations 1966(c), the Teachers' Superannuation (Family Benefits) (Amending) Regulations 1967(d) and the Teachers' Superannuation (Family Benefits) (Amending) Regulations 1968(e) are hereby revoked.

(2) Section 38(2) of the Interpretation Act 1889(f) (which relates to the effect of repeals) shall have effect in relation to the Regulations revoked by this regulation as if they were enactments repealed by an Act.

(3) Without prejudice to the operation of section 38(2) of the Interpretation Act 1889 as applied by paragraph (2), any contribution or pension paid, any appointment, requirement, election, acceptance or nomination made, any approval or determination given, any extension of time allowed and any other thing done under any provision of the Regulations hereby revoked shall be deemed to have been paid, made, given, allowed or done, as the case may be, under the corresponding provision of these Regulations and shall have effect under these Regulations accordingly.

(a) 1967 c. 12.

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

(e) S.I. 1968/1914 (1968 III, p. 5069).

(b) S.I. 1968/1656 (1968 III, p. 4485).

(d) S.I. 1967/1856 (1967 III, p. 4975).

(f) 1889 c. 63.

*Interpretation*

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

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

(3) References in these Regulations to a regulation or to a Part or to a Schedule shall, unless the context otherwise requires, be construed as references to a regulation or to a Part of, or to a Schedule to, these Regulations, as the case may be.

*Definitions*

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

“the Act of 1967” means the Teachers’ Superannuation Act 1967;

“additional allowance” means an additional superannuation allowance within the meaning of the Teachers’ Regulations exclusive of any part thereof attributable to part-time teaching;

“additional contributions” means the contributions required to be paid by regulations 28 and 29;

“annual superannuation allowance” means an annual superannuation allowance within the meaning of the Teachers’ Regulations exclusive of any part thereof attributable to part-time teaching service;

“average salary” means, in relation to a contributor or deceased teacher his average salary as calculated under section 4(3) of the Act of 1967 without taking into account any part-time teaching service;

“the Board” means the Board of Management constituted as in Part I provided;

“child” means—

(a) in Part IV a person who—

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

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

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

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

“class A external service” and “class B external service” have the same respective meanings as in the Teachers’ Regulations;

“contributor” and “re-instated contributor” have the meanings respectively assigned to them by regulation 23(4);

“deceased teacher” has the meaning assigned to it by regulation 25(3)

“dependant” has in Part V the meaning assigned to it by regulation 57

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

- (a) a legitimate child of a contributor, born before the contributor dies or becomes entitled to be paid superannuation allowances or within one year of his death or becoming so entitled;
- (b) an adopted child of a contributor, adopted before the contributor becomes entitled to be paid superannuation allowances;
- (c) a legitimate or adopted child of a deceased teacher; or
- (d) a step-child or illegitimate child of a contributor or deceased teacher or an adopted child of the wife of a contributor or deceased teacher, being a child wholly or mainly dependent on the contributor both before he becomes entitled to be paid superannuation allowances and at the time of his death or on the deceased teacher at the time of his death, as the case may be;

“external scheme” means a scheme legally in force whereby the payment of pensions to or in respect of the widows and children of persons employed in class A external service is secured, being a scheme requiring the payment of contributions and providing benefits similar to the contributions required and the benefits provided by the Teachers’ Widows’ and Children’s Pension Scheme under Part IV;

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

“former external contributor” means a person who has been a contributor under an external scheme;

“the Fund” means the Teachers’ Family Benefits Fund maintained under Part III;

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

“interchange rules” means rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act 1948(a) (which section relates to persons transferring to or from certain employments) and includes provisions corresponding to the provisions of such rules contained in regulations made under section 67(1) of the National Health Service Act 1946(b) or section 66(1) of the National Health Service (Scotland) Act 1947(c);

“life pension” has in Part V the meaning assigned to it by regulation 68;

“Method I”, “Method II” and “Method III” mean the methods of paying additional contributions prescribed by regulations 31, 32 and 33 respectively;

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

“part-time teaching service” has the same meaning as in the Teachers’ Regulations;

“pensionable age” means, in relation to a contributor or deceased teacher, the age of sixty or any lesser age which under the Teachers’ Regulations he is or was required to attain to become qualified to be paid superannuation allowances;

“previous service” means, in relation to a contributor or deceased teacher, service or employment before the day on which the Teachers’ Widows’ and Children’s Pensions Scheme becomes or, as the case may be, again becomes applicable to him, being service which—

(a) 1948 c. 33.

(b) 1946 c. 81.

(c) 1947 c. 27.

- (a) is on that day reckonable service or class A external service;
- (b) becomes reckonable service by virtue of regulations 15 and 32 of the principal Regulations;
- (c) becomes reckonable service by virtue of interchange rules; or
- (d) becomes previous service by virtue of an election made under regulation 29;

“reckonable service” means—

- (a) reckonable service within the meaning of the Act of 1967 exclusive of any such service attributable to part-time teaching service; and
- (b) service which for the purposes of the Teachers’ Regulations is service as an organiser, a teacher in an admitted school, a services civilian teacher or a services education officer;

“the Regulations of 1966” means the Teachers’ Superannuation (Family Benefits) Regulations 1966;

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

“the Schemes” means the Teachers’ Widows’ and Children’s Pension Scheme and the Teachers’ Dependants’ Pension Scheme administered in accordance with the provisions of Part IV and Part V respectively;

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

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

“short service gratuity” means a gratuity payable by virtue of regulation 46 of the principal Teachers’ Regulations exclusive of any part thereof attributable to part-time teaching service;

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

“superannuation contributions” means the contributions payable by a teacher under section 3 of the Act of 1967 or the Teachers’ Regulations, other than such contributions in respect of part-time teaching service, and includes, where the context so requires, contributions corresponding to superannuation contributions paid in respect of class A external service;

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

“the Teachers’ Regulations” means the Teachers’ Superannuation Regulations 1967 to 1970<sup>(a)</sup>; and the “principal Teachers’ Regulations” means the Teachers’ Superannuation Regulations 1967;

“temporary pension” has in Part V the meaning assigned to it by regulation 68;

“terminal sum” includes—

- (a) an additional superannuation allowance;
- (b) a short service gratuity;
- (c) a death gratuity and any other sum payable on death by virtue of regulations 47 and 48 of the principal Teachers’ Regulations; and
- (d) any sum payable under the Teachers’ Regulations by way of return of superannuation contributions.

(a) S.I. 1967/489, 948, 1286, 1968/1353, 1969/80, 1970/10, 1970/753 (1967 I, p. 1562; II, p. 2904; II, p. 3721; 1968 II, p. 3753; 1969 I, p. 241; 1970 I, p. 11).

## PART II

## BOARD OF MANAGEMENT

*Continuance of Board*

5. The Board of Management established by the Regulations of 1966 shall continue in being as a body corporate with perpetual succession and a common seal and shall exercise the powers and functions conferred on it by these Regulations.

*Constitution of Board*

- 6.—(1) The Board shall consist of nineteen members, to be appointed—
- one by the Association of Agricultural Education Staffs of Local Authorities,
  - one by the Association of Education Committees,
  - one by the Association of Municipal Corporations,
  - one by the Association of Principals of Technical Institutions,
  - one by the Association of Teachers in Colleges and Departments of Education,
  - one by the Association of Teachers in Technical Institutions,
  - one by the Association of University Teachers,
  - one by the County Councils Association,
  - one jointly by the Incorporated Association of Headmasters and the Incorporated Association of Assistant Masters,
  - one jointly by the Association of Headmistresses, Incorporated, and the Association of Assistant Mistresses, Incorporated,
  - one by the Inner London Education Authority,
  - one by the National Association of Head Teachers,
  - one by the National Association of Schoolmasters,
  - one by the National Society for Art Education,
  - three by the National Union of Teachers,
  - one by the Welsh Joint Education Committee, and
  - one (hereinafter referred to as “an additional member”), in place of the Chairman for the time being of the Board, by the body by which the chairman was appointed to be a member.
- (2) A member of the Board appointed by a body specified in paragraph (1) need not be a member of that body.
- (3) Members of the Board, other than an additional member, shall be appointed each for a term of three years. An additional member shall be appointed for a term of office ending on the date on which the chairman in whose place he was appointed ceases to be chairman.
- (4) Any member of the Board who—
- (a) communicates in writing to the Board a wish to resign;
  - (b) is absent from all meetings of the Board during a period of one year;
  - (c) is adjudicated a bankrupt or makes a composition or arrangement with his creditors;



- (d) is compulsorily admitted to hospital or received into guardianship under Part IV, or becomes a patient within the meaning of Part VIII, of the Mental Health Act 1959(a); or
- (e) is convicted of an offence and ordered to be imprisoned for a period of not less than three months without the option of a fine shall thereupon cease to be a member of the Board.
- (5) Every vacancy in the office of member of the Board shall as soon as possible be notified to the proper appointing body. Any competent person may be reappointed to be a member of the Board.

#### *Chairman and Vice-Chairman*

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

#### *Proceedings of Board*

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

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

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

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

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

#### *Committees*

9. The Board may appoint such committees as it thinks fit consisting either wholly or partly of members thereof and may delegate the exercise of any of its powers or functions to such a committee.

#### *Assessor*

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

*Conduct of Business*

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

*Expenses of Board*

12.—(1) The Board shall, in such manner and for such period as the Secretary of State may from time to time require, prepare estimates of its administrative expenses and shall submit such estimates to the Secretary of State.

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

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

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

(5) For the purposes of this regulation administrative expenses shall include expenses incurred in connection with the management of investments other than—

- (a) brokerage, commission and fees in respect of valuations; and
- (b) stamp duty on any contract, transfer and other assurance.

*Review of Schemes*

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

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

*Power to Borrow*

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

## PART III

## THE FUND

*Continuance of Fund*

15. For the purposes of the Schemes the Teachers' Family Benefits Fund established under the Regulations of 1966 shall continue to be managed by the Board and shall be divided into two parts to be called respectively the General Account and the Investment Account.

*General Account*

- 16.—(1) There shall be paid into the General Account—
- (a) all sums payable to the Secretary of State under Parts IV and V; and
  - (b) such sums as the Board may from time to time authorise to be transferred from the Investment Account for the purpose of avoiding a deficiency in the General Account.
- (2) There shall be paid out of the General Account—
- (a) the benefits and other sums payable under Parts IV and V; and
  - (b) such sums as the Board may from time to time authorise to be transferred to the Investment Account, being sums not for the time being needed for the purposes of the General Account.

*Investment Account*

- 17.—(1) There shall be paid into the Investment Account—
- (a) any sums transferred from the General Account under regulation 16(2)(b);
  - (b) all dividends, interest and other moneys accruing from the investment of moneys forming part of the Fund;
  - (c) sums realised on the disposal of investments; and
  - (d) any other sums received by the Board and not required to be paid into the General Account.
- (2) There shall be paid out of the Investment Account—
- (a) any sums transferred to the General Account under regulation 16(1)(b)
  - (b) sums expended in the acquisition of investments; and
  - (c) any expenses incurred in connection with any investment or proposed investment which are not administrative expenses for the purposes of regulation 12.

*Investments*

18.—(1) Subject as hereafter in this regulation provided, the Board shall invest any property for the time being held for the purposes of the Investment Account and not needed as a balance for working purposes, whether at the time in a state of investment or not, in accordance with the provisions of this regulation, and may also from time to time vary any investments so made.

(2) The property held for the purposes of the Investment Account shall consist of two parts, that is to say, a narrower-range part and a wider-range part and the property comprised in each part on the day on which these Regulations come into operation shall, subject as in this regulation provided, continue to be so comprised.

- (3) No transfer shall be made from one part of the Investment Account to the other unless either—
- (a) the transfer is authorised or required by the following provisions of this regulation; or
  - (b) a compensating transfer is made at the same time.

- (4) When any property accrues to the Investment Account—
- (a) if, not being dividends or interest in respect of investments, it accrues in respect of property comprised in either the narrower-range part or the wider-range part, it shall be treated as belonging to that part; and
  - (b) in any other case, by apportionment of the accruing property or the transfer of property from one part to the other, or both, the value of the wider-range part shall be increased by an amount equal to three-quarters of the value of the accruing property and of the narrower-range part by an amount equal to one-quarter of that value.
- (5) Property belonging to the narrower-range part of the Investment Account shall be invested only in investments for the time being falling within Part I or Part II of the First Schedule to the Act of 1961 and any property invested in any other manner which is or becomes comprised in the narrower-range part shall either be transferred to the wider-range part, with a compensating transfer, or be re-invested in such investments as aforesaid as soon as may be.
- (6) Subject as hereafter in this regulation provided, property belonging to the wider-range part of the Investment Account shall be invested in—
- (a) investments for the time being falling within Part I, Part II or Part III of the First Schedule to the Act of 1961;
  - (b) the acquisition, development or management (whether in association with any other person or not) of land situated in the United Kingdom or any interest in such land;
  - (c) fixed interest securities issued by the government of any country outside the United Kingdom or by a public, municipal or local authority or a publicly controlled or nationalised industry or undertaking in such a country; or
  - (d) the stocks, shares, debentures or other securities issued in the United Kingdom or elsewhere by a company incorporated outside the United Kingdom.
- (7) No investment shall be made in pursuance of sub-paragraph (c) or (d) of paragraph (6) if it would result in more than one-tenth of the total value at cost of the property held for the purposes of the Investment Account being invested in securities the price of which is not quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act 1958(a) or the Belfast stock exchange.
- (8) In relation to investments made in pursuance of paragraph (5) and sub-paragraph (a) of paragraph (6)—
- (a) paragraphs 1, 2 and 3 of Part IV of Schedule 1 to the Act of 1961 shall not apply; and
  - (b) paragraphs 4, 5, 6 and 7 of that Part shall apply.
- (9) If for the purposes of paragraph (4) the Board obtains, from a person reasonably believed by the Board to be qualified to make it and whether made in the course of his employment as an officer or servant or not, a valuation in writing of any property, the valuation shall be conclusive in determining whether any transfer or apportionment of property made under paragraph (4) has been duly made.

(10) When property falls to be taken out of the Investment Account nothing in this regulation shall restrict the discretion of the Board as to the choice of property to be taken out.

(11) For the purposes of this regulation the Board may make such arrangements as it thinks fit for the management of investments, including the employment of an investment manager, and for obtaining proper advice in relation to investments.

(12) In this regulation—

“the Act of 1961” means the Trustee Investments Act 1961(a);

“compensating transfer”, in relation to any property transferred between the narrower-range part and the wider-range part, means a transfer in the opposite direction of property of equal value;

“proper advice” means the advice of a person who is reasonably believed by the Board to be qualified by his ability in, and practical experience of investment matters notwithstanding that he may give it in the course of his employment as an officer or servant;

“property” includes real and personal property of any description, including money and things in action, but does not include an interest in expectancy

#### *Accounts and Audit*

**19.**—(1) The Board shall cause to be kept in relation to the General Account and the Investment Account proper records with respect to—

- (a) all sums payable into and out of the Accounts and the matters in respect of which those sums are payable; and
- (b) the assets and liabilities of the Accounts

and such records shall give a true and fair view of the Accounts and explain transactions relating thereto.

(2) In respect of each financial year there shall be prepared—

- (a) an income and expenditure account relating to the General Account
- (b) an income and expenditure account relating to the Investment Account and
- (c) a balance sheet giving a true and fair view of the state of the Fund at the end of the year.

(3) The accounts and balance sheet prepared under paragraph (2) shall be audited under arrangements to be approved by the Secretary of State.

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

#### *Quinquennial Valuations*

**20.**—(1) The Government Actuary or Deputy Government Actuary shall make an actuarial valuation as at 1st April 1971 and as at 1st April in each fifth year thereafter of the assets and liabilities of the Fund and shall report to the

Secretary of State and the Board thereon and on the sufficiency or otherwise of the contributions being made to the Fund to support the benefits payable therefrom.

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

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

#### PART IV

##### TEACHERS' WIDOWS' AND CHILDREN'S PENSION SCHEME

##### PRELIMINARY

###### *The Scheme*

**21.** The Scheme established by Part IV of the Regulations of 1966 for securing the payment of pensions to or in respect of the widows and children of teachers who die shall be continued and be administered in accordance with the provisions of this Part under the name of the Teachers' Widows' and Children's Pension Scheme (hereafter in this Part referred to as "the Scheme").

###### *Elections*

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

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

##### APPLICATION

###### *Teachers to whom Scheme applies*

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

- (a) not having been previously employed in reckonable service or class A external service become employed in reckonable service;
- (b) being former external contributors, become employed or again employed in reckonable service and liable to pay superannuation contributions; or
- (c) having ceased to be contributors and to be employed in reckonable service and not having been employed in class A external service since so ceasing, again become employed in reckonable service and liable to pay superannuation contributions.

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

TABLE

(1) Description of Teachers	(2) Date
Teachers becoming employed in reckonable service who have been previously employed in such service or class A external service, other than teachers who while so employed were able to elect that the Scheme or an external scheme should apply to them and did not so elect.	The date of becoming employed in reckonable service.
Teachers who marry while employed in reckonable service.	The date of marriage.
Teachers who having been employed in reckonable service or class A external service— (a) neither were contributors nor are former external contributors; (b) marry after a date 3 months before ceasing to be so employed; and (c) subsequently become employed or again employed in reckonable service and liable to pay superannuation contributions.	The date of becoming employed or again employed in reckonable service.

(3) Teachers of any description specified in column (1) of the Table contained in paragraph (2) shall not elect that the Scheme shall apply to them if, at the commencement of the period within which they may so elect, they have attained pensionable age and are qualified to be paid superannuation allowances or benefits in respect of class A external service corresponding to superannuation allowances on ceasing to be employed in reckonable service or class A external service.

(4) In this Part a teacher to whom the Scheme applies by virtue of this regulation is referred to as a “contributor”; and a contributor who is such by virtue of paragraph (1)(c) is referred to as a “re-instated contributor”.

#### *Commencement of Application*

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

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

#### *Application to Deceased Teachers*

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

- (a) before the expiry of the period during which they may under regulation 23(2) elect that the Scheme shall apply to them, die without having so elected; or

- (b) within three months of the expiry of the said period, die without having so elected, if the Secretary of State is satisfied that by reason of sickness or unavoidable cause they have been unable so to elect.
- (2) Notwithstanding anything contained in paragraph (1) the Scheme shall not by reason of that paragraph apply—
- (a) to a teacher who before his death elects that it shall not apply to him;
  - (b) to a teacher who had attained pensionable age and was qualified to be paid superannuation allowances on ceasing to be employed in reckonable service; or
  - (c) to a teacher in respect of whom the Secretary of State is satisfied, after consultation with persons interested, that it would not benefit his widow or eligible children.
- (3) A teacher to whom the Scheme applies by virtue of this regulation is in this Part referred to as a “deceased teacher”.

## CONTRIBUTIONS

### *Payment of Contributions*

26. For the purpose of defraying the cost of the benefits under the Scheme there shall be paid to the Secretary of State—
- (a) by or in respect of every contributor, normal contributions in respect of reckonable service after the Scheme becomes applicable to him and additional contributions in respect of previous service; and
  - (b) in respect of every deceased teacher, such contributions as are prescribed by regulation 39.

### *Normal Contributions*

- 27.—(1) Subject as hereinafter provided normal contributions shall be an amount equal to two per cent. of the salary of a contributor and shall be paid, in respect of any period during which he is employed in reckonable service, from the date on which the Scheme commences to apply to him until the date on which he ceases to pay superannuation contributions.
- (2) Normal contributions shall not be paid by a contributor who, after attaining pensionable age, has become entitled to be paid superannuation allowances unless, after the termination of a subsequent period of employment in reckonable service, he becomes entitled to a subsequent additional allowance and is then married to the same wife as when he first became entitled to be paid superannuation allowances after attaining pensionable age.
- (3) Normal contributions payable by a contributor by reason of paragraph (2) shall, together with compound interest thereon calculated at the rate of four per cent. per annum with yearly rests from 1st October in the financial year next after that in which the period to which they relate fall, be paid by the surrender of the whole or a proportion of his subsequent additional allowance.

### *Additional Contributions*

- 28.—(1) Subject as hereinafter provided in relation to re-instated contributors and former external contributors, a contributor—



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

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

- Method I, as provided in regulation 31, or
- Method II, as provided in regulation 32, or
- Method III, as provided in regulation 33,

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

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

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

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

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

(5) An election made under paragraph (3) shall not be such as to result in the total annual amount of the contributions payable by him being in excess of the amount authorised by regulation 73.

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

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

(8) For the purposes of this regulation such part of the previous service of a contributor as does not amount to a number of complete years shall be expressed as a fraction of a year, of which fraction the denominator shall be twelve and the numerator shall be the number of months of thirty days comprised in the said part, any number of days exceeding fourteen which remains being reckoned as a month.

(9) Any election authorised or required to be made by this regulation shall be made—

- (a) by a contributor to whom the Scheme applies by virtue of an election, at the same time as he makes that election; and
- (b) by any other contributor, within three months of the day on which the Scheme commences to apply to him.

*Additional Contributions on Increase of Previous Service*

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

- (a) on becoming a contributor either had no previous service or was required or elected to pay additional contributions in respect of the whole of his then previous service; and
- (b) after becoming a contributor repays superannuation contributions in respect of a period of reckonable service or class A external service which had been repaid to him.

(2) A contributor to whom this regulation applies may elect that the period mentioned in paragraph (1)(b) shall be previous service and, if he does so elect, it shall be such service and he—

- (a) shall pay additional contributions in respect of so much thereof as when added to his other previous service amounts to not more than ten years; and
- (b) may, if he elects so to do, pay additional contributions in respect of any further part or all thereof.

(3) Any election under this regulation shall be made by a contributor within three months of the date of the coming into operation of these Regulations or of the date on which he repaid the superannuation contributions repaid to him, whichever shall be the later.

(4) Except as in this regulation provided, the provisions of regulation 28 shall apply to additional contributions payable by virtue of this regulation as if such contributions were payable, and formed part of contributions payable, under that regulation.

*Commencement of Additional Contributions—Methods I and II*

30. Where, by virtue of an election made under regulation 28 or 29 additional contributions become payable by a contributor by either Method I or Method II or such contributions are increased, the contributions or the increase, as the case may be, shall, except as in regulations 34 and 35 otherwise provided, commence to be payable from the first day of the month beginning next after the day on which notification of acceptance of the election is sent to the contributor by post by the Secretary of State.

*Method I*

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

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

*Method II*

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

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

*Method III*

33.—(1) Additional contributions payable by Method III shall be paid by the surrender of the whole or a proportion of any terminal sum payable to or in respect of a contributor.

(2) The amount of such additional contributions shall be ascertained by multiplying the length in years of the period of previous service in respect of which additional contributions are payable by Method III by the appropriate percentage of his average salary.

(3) For the purposes of paragraph (2) the appropriate percentage shall be—

- (a) in respect of any period of previous service of a contributor to whom the Scheme commenced to apply on a day before the beginning of April 1967 (other than any period which is previous service by virtue of an election made under regulation 29), that specified in column (2) of Schedule 2 opposite to his age on that day specified in column (1) thereof;
- (b) in respect of any period of previous service of a contributor to whom the Scheme commenced to apply on a day after the beginning of April 1967 (other than any period which is previous service by virtue of an election made under regulation 29), that specified in column (3) of Schedule 2 opposite to his age on that day specified in column (1) thereof; and
- (c) in respect of any period of previous service which is such by virtue of an election made by a contributor under regulation 29, that specified in column (3) of Schedule 2 opposite to his age on the day on which he made such election specified in column (1) thereof.

(4) Except as in paragraph (5) provided, no surrender of the whole or a proportion of a terminal sum shall be made by or in respect of a contributor who—

- (a) is or would be entitled under regulations 41 to 44 to repayment of additional contributions paid by him; or
- (b) has not been employed in reckonable service after being employed in service in which he was a contributor under an external scheme.

(5) In the case of a contributor to whom paragraph (4)(b) applies, any contributions corresponding to additional contributions which were under an external scheme required to be paid by a method corresponding to Method II and which have not been so paid shall be paid in accordance with the provision of this regulation as if the period in respect of which they were payable were a period of previous service.

(6) Notwithstanding anything in this regulation before contained, where the surrender of the whole or a proportion of a terminal sum has been made under this regulation there shall, except as in regulations 27(3), 34(6) and 38 provided, be no further surrender of the whole or a proportion of any subsequent terminal sum payable to or in respect of the same contributor.

*Additional Contributions payable by Re-instated Contributors*

**34.—(1)** A re-instated contributor who—

- (a) while previously employed in reckonable service paid additional contributions by either Method I or Method II or would have so paid such contributions if he had continued to be employed in reckonable service after the beginning of April 1967;
- (b) has discontinued the payment of, or, as the case may be, has not paid, such contributions for a period or periods amounting in the aggregate to more than one year, exclusive of any period to be disregarded under paragraph (2); and
- (c) has not paid the balance of such contributions payable by him in the manner provided for in regulation 36

shall pay additional contributions in accordance with either paragraph (3) or paragraph (5), as shall be appropriate.

(2) For the purpose of paragraph (1)(b) any period during which a re-instated contributor has been absent from employment in reckonable service shall be disregarded if on last ceasing to be so employed in such service—

- (a) he was paid either superannuation allowances or a short service gratuity; or
- (b) he was absent on sick leave which was treated as reckonable service and neither his superannuation contributions nor any contributions under the Scheme have been repaid to him.

(3) In the case of a re-instated contributor to whom paragraph (1) applies and who, before becoming such a contributor, had not attained the age at which additional contributions ceased to be payable by him by Method I or Method II, as the case may be—

- (a) the Secretary of State shall notify to him the period which is to be treated as service counting for benefit by reason of—
  - (i) the additional contributions paid by him by Method I or Method II while previously employed in reckonable service and not repaid to him; and
  - (ii) any payments purporting to be additional contributions which have been made by him since again becoming employed in reckonable service and which will be made by him if he continues to be so employed until the end of the month in which he is notified as required by this sub-paragraph and to make such payments at the same rate;
- (b) additional contributions shall be paid and their amount determined by either Method I or Method II, whichever was the method by which when previously employed in reckonable service he paid, or was liable to pay, such contributions;

- (c) except as in paragraph (4) provided, the period of previous service shall be deemed to be the period in respect of which he was required or elected under regulations 28 and 29 to pay additional contributions by Method I or Method II, reduced by the period to be treated as service counting for benefit as notified under sub-paragraph (a) and increased by any period of service since he last ceased to be employed in reckonable service which has become reckonable service by virtue of interchange rules;
- (d) the day from which additional contributions again commence to be payable by him shall be—
- (i) if he has been repaid superannuation contributions in respect of a period of reckonable service or class A external service in respect of which he had elected or had been required under the Scheme to pay additional contributions, the first day of the month commencing next after the repayment by him of those superannuation contributions;
  - (ii) if sub-paragraph (d)(i) does not apply to him and if he continues to be employed in reckonable service after the end of the month in which he is notified as required by sub-paragraph (a), the first day of the month commencing next after that notification; or
  - (iii) if neither sub-paragraph (d)(i) nor sub-paragraph (d)(ii) applies to him, the day on which he again becomes employed in reckonable service; and
- (e) his relevant age shall be his age on the day on which additional contributions again commence to be payable by him.
- (4) A re-instated contributor to whom paragraph (3) applies may, within three months of being notified as required by paragraph (3)(a), elect that a period of previous service exceeding ten years in respect of which additional contributions are payable by him by Method I or Method II shall be reduced to such an extent as will result in his having not less than ten years of service counting for benefit; and, if the Secretary of State accepts any such election, the period of previous service so reduced shall be substituted for the period specified in paragraph (3)(c).
- (5) In the case of a re-instated contributor to whom paragraph (1) applies and who, after ceasing to be employed in reckonable service and before becoming such a contributor, had attained the age at which additional contributions would have ceased to be payable by him by Method I or Method II, as the case may be, additional contributions shall be paid by the surrender of the whole or a proportion of any terminal sum payable to or in respect of him and shall be of such amount as shall be determined in accordance with Method III in respect of a period of previous service equal to the difference between—
- (a) the period of previous service in respect of which he was required or elected under regulations 28 and 29 to pay additional contributions by Method I or Method II; and
  - (b) the period of service counting for benefit by reason of the additional contributions paid by him by Method I or Method II while previously employed in reckonable service and not repaid to him.
- (6) A re-instated contributor who, while previously employed in reckonable service, elected or was required to pay additional contributions by Method III shall pay such contributions by that method and, for the purpose of determining the amount thereof—

- (a) the period of previous service shall be deemed to be the period in respect of which he elected or was required under regulations 28 and 29 to pay additional contributions by Method III, increased by any period of service which has since become reckonable service by virtue of interchange rules; and
- (b) there shall be deducted therefrom any amount previously paid by him by Method III together with compound interest thereon calculated at three and a half per cent. per annum with yearly rests from the date of payment.

*Additional Contributions payable by Former External Contributors*

35.—(1) A former external contributor who under an external scheme was paying, or was or would have been liable to pay, contributions corresponding to additional contributions by a method corresponding to either Method I or Method II and who, before becoming a contributor, had not attained the age at which such contributions would have ceased to be payable by him shall pay additional contributions by either Method I or Method II—

- (a) in accordance with paragraph (3), if he becomes a contributor within one year, exclusive of any period to be disregarded under paragraph (2), of ceasing to be so liable; or
  - (b) in accordance with paragraph (4), if he becomes a contributor more than one year, exclusive of any period to be disregarded under paragraph (2), after ceasing to be so liable.
- (2) For the purpose of paragraph (1) any period during which a former external contributor was absent from class A external service shall be disregarded if on last ceasing to be employed in such service—
- (a) he was granted any benefit by reason of having become permanently incapable through infirmity of mind or body of serving efficiently; or
  - (b) he was absent on sick leave which was treated as class A external service and neither his superannuation contributions nor any contributions under the external scheme last applicable to him have been repaid to him.
- (3) In the case of a former external contributor to whom paragraph (1)(a) applies—
- (a) additional contributions shall be paid and their amount determined by either Method I or Method II, whichever shall correspond to the method by which under the external scheme last applicable to him he was paying, or was or would have been liable to pay, contributions corresponding to additional contributions;
  - (b) the period of previous service shall be deemed to be the period of service by reference to which under the external scheme last applicable to him the amount of the contributions corresponding to additional contributions payable by him by a method corresponding to either Method I or Method II was determined;
  - (c) the day from which additional contributions commence to be payable by him shall be the day on which he becomes employed in reckonable service; and
  - (d) his relevant age shall be deemed to be the same as for the purpose of determining under the external scheme last applicable to him the amount of the contributions corresponding to additional contributions payable by him by a method corresponding to either Method I or Method II.

(4) In the case of a former external contributor to whom paragraph (1)(b) applies—

- (a) The Secretary of State shall notify to him—
- (i) the period or periods counting for benefit under any external scheme previously applicable to him by reason of the payment by him of contributions corresponding to additional contributions by a method corresponding to either Method I or Method II, as ascertained from the appropriate authority in relation to that scheme; and
  - (ii) the period which is to be treated as service counting for benefit by reason of any payments purporting to be additional contributions which have been made by him since becoming employed in reckonable service and which will be made by him if he continues to be so employed until the end of the month in which he is notified as required by this sub-paragraph and to make such payments at the same rate;
- (b) additional contributions shall be paid and their amount determined by either Method I or Method II, whichever shall correspond to the method by which he was last liable under an external scheme to pay contributions corresponding to additional contributions;
- (c) except as in paragraph (5) provided, the period of previous service shall be deemed to be the period by reference to which under the external scheme first applicable to him the amount of the contributions corresponding to additional contributions payable by him by a method corresponding to either Method I or Method II was determined, reduced by the aggregate of the periods specified in sub-paragraph (a) and increased by any period of service since he last ceased to be employed in class A external service which has become reckonable service by virtue of inter-change rules;
- (d) the day from which additional contributions commence to be payable by him shall be—
- (i) if, after ceasing to be employed in class A external service his superannuation contributions in respect of that service and his contributions corresponding to normal contributions under the external scheme last applicable to him were repaid to him, the first day of the month commencing next after the repayment by him of those superannuation contributions;
  - (ii) if sub-paragraph (d)(i) does not apply to him and if he continues to be employed in reckonable service after the end of the month in which he is notified as required by sub-paragraph (a), the first day of the month commencing next after that notification; or
  - (iii) if neither sub-paragraph (d)(i) nor sub-paragraph (d)(ii) applies to him, the day on which he becomes employed in reckonable service and
- (e) his relevant age shall be his age on the day on which additional contributions commence to be payable by him.

(5) A former external contributor to whom paragraph (1)(b) applies may within three months of being notified as required by paragraph (4)(a), elect that the period of service in respect of which additional contributions are by this regulation required to be paid by him by Method I or Method II, if it exceeds ten years, shall be reduced to such an extent as will result in his having not less than ten years of service counting for benefit; and, if the Secretary of State

accepts any such election, the period of service so reduced shall be substituted for the period specified in paragraph (4)(c).

(6) A former external contributor who under an external scheme was paying, or was or would have been liable to pay, contributions corresponding to additional contributions by a method corresponding to either Method I or Method II and who, after the external scheme ceased to be applicable to him and before becoming a contributor, had attained the age at which such contributions would have ceased to be payable by him shall pay additional contributions by, and of an amount determined in accordance with, Method III; and for that purpose—

- (a) the Scheme shall be deemed to have commenced to apply to him on the day on which an external scheme first commenced to apply to him; and
- (b) the period of previous service in respect of which additional contributions are payable shall be deemed to be a period equal to the difference between—
  - (i) the period of service in respect of which he was required or elected under the external scheme last applicable to him to pay contributions corresponding to additional contributions by a method corresponding to either Method I or Method II; and
  - (ii) the period or periods counting for benefit under any external Scheme previously applicable to him by reason of the payment by him of contributions corresponding to additional contributions.

(7) A former external contributor who was liable under an external scheme to pay contributions corresponding to additional contributions by a method corresponding to Method III shall, if he becomes a contributor, pay additional contributions by Method III; and, for the purpose of determining the amount thereof—

- (a) the period of previous service shall be deemed to be the period by reference to which under the external scheme last applicable to him the amount of the contributions corresponding to additional contributions payable by him by a method corresponding to Method III was ascertainable, increased by any period of service since he last ceased to be employed in class A external service which has become reckonable service by virtue of interchange rules;
- (b) the Scheme shall be deemed to have first become applicable to him on the day on which the external scheme last applicable to him became, or was deemed to have become, applicable to him for the purpose of ascertaining the amount of the contributions corresponding to additional contributions payable by him thereunder by a method corresponding to Method III; and
- (c) there shall be deducted therefrom any amount previously paid by him by a method corresponding to Method III together with compound interest thereon calculated at three and a half per cent. per annum with yearly rests from the date of payment.

#### *Additional Contributions after Termination of Service*

36.—(1) In the case of a contributor who—

- (a) was paying additional contributions by either Method I or Method II;
- (b) ceased to be employed in reckonable service before attaining the age at which such contributions ceased to be payable;



(c) on ceasing to be so employed was qualified to be paid superannuation allowances on attaining pensionable age; and

(d) has not become a contributor under an external scheme

the balance of the additional contributions payable by him shall be paid by the surrender of the whole or a proportion of any terminal sum payable to or in respect of him.

(2) For the purposes of paragraph (1) the balance of the additional contributions payable by a contributor shall be the sum equal to the difference between the amount of such contributions already paid by him and the amount which would have been paid by him if he had continued to be employed in reckonable service until the end of the period during which such contributions would have been payable by him at—

(a) in the case of a contributor ceasing to be so employed before attaining the age of sixty, the rate of salary being paid to him immediately before he ceased to be so employed; and

(b) in the case of a contributor paying contributions by Method II and ceasing to be so employed after attaining the age of sixty and before attaining the age of sixty-five, a rate of salary equal to his average salary

together with, in the case of a contributor ceasing to be so employed before attaining the age of sixty, compound interest calculated at three and one half per cent. per annum with yearly rests from the date of his ceasing to be so employed on such part of that sum as bears the same proportion to the whole thereof as the length of the period from that date to the date of payment bears to the length of the period from that date to the date on which additional contributions would have ceased to be payable by him if he had not ceased to be so employed.

(3) In the case of a contributor who—

(a) was paying additional contributions by either Method I or Method II;

(b) ceased to be employed in reckonable service before attaining pensionable age;

(c) on ceasing to be so employed was not qualified to be paid superannuation allowances on attaining that age;

(d) had on ceasing to be so employed service counting for benefit amounting to not less than ten years; and

(e) subsequently became entitled to be paid superannuation allowances by virtue of employment or service other than reckonable service

the balance of the additional contributions payable by him shall be paid by the surrender of the whole or a proportion of any terminal sum payable to or in respect of him.

(4) For the purposes of paragraph (3) the balance of the additional contributions payable by a contributor shall be such an amount as shall be determined in accordance with Method III in respect of a period of previous service equal to the difference between—

(a) the period of previous service in respect of which he was required or elected under regulations 28 and 29 to pay additional contributions by Method I or Method II; and

(b) the period of his service counting for benefit by reason of the additional contributions paid by him by Method I or Method II while employed in reckonable service and not repaid to him.

*Contributions during Intervals in Service*

37. A contributor who pays under regulation 31 of the principal Teachers' Regulations superannuation contributions in respect of a period of absence from reckonable service shall continue to pay contributions under the Scheme and, for the purpose of determining the amount of such contributions, the amount of his salary shall be taken to be the same as for the purpose of the payment of superannuation contributions by him.

*Payment of Outstanding Contributions*

38.—(1) In this regulation “outstanding contributions” means the aggregate of—

- (a) any amount due from a contributor in respect of normal contributions and additional contributions payable by Method I or Method II which have not been paid by him in accordance with the preceding provisions of this Part; and
- (b) compound interest on any such amount calculated at four per cent. per annum with yearly rests from the day on which payment became due to the day on which payment is made.

(2) Subject as in paragraph (3) provided, a contributor who continues to be employed in reckonable service and would not be entitled to be paid superannuation allowances if he were to cease to be so employed may, with the consent of the Secretary of State, elect to pay outstanding contributions of £20 or more by further annual contributions of such amount as shall be actuarially equivalent thereto.

(3) In relation to further annual contributions payable by virtue of an election made under paragraph (2) the following provisions shall have effect—

- (a) additional contributions payable by a contributor by Method I or Method II shall be increased by the amount of the further annual contributions;
- (b) further annual contributions payable by a contributor who has not elected under regulation 28 to pay additional contributions by either Method I or Method II shall be payable as if they were additional contributions payable by whichever of those two Methods he shall, consistently with paragraphs (4) and (5) of regulation 28, elect;
- (c) further annual contributions shall not be treated as additional contributions for the purposes of paragraphs (3) and (5) of regulation 34;
- (d) a contributor paying additional contributions by Method I or Method II may not make an election under this regulation after attaining the age one year less than that at which such additional contributions cease to be payable by him; and
- (e) not more than one election to pay further annual contributions may be made by a contributor.

(4) Any sum in respect of outstanding contributions due from a contributor when he ceases to be employed in reckonable service, dies or attains the age at which additional contributions cease to be payable by him shall be paid to the Secretary of State either—

- (a) in such manner as may be agreed; or
- (b) by the surrender of the whole or a portion of any terminal sum payable to or in respect of the contributor.

*Contributions in respect of Deceased Teachers*

39.—(1) In the case of a deceased teacher the contributions payable shall be the aggregate of—

- (a) an amount equal to two per cent. of his salary from the commencement of the period during which he could elect that the Scheme should apply to him until his death; and
- (b) an amount determined in accordance with Method III as if he were a contributor to whom the Scheme first became applicable on the date of the commencement of the said period.

(2) For the purposes of this regulation the previous service of a deceased teacher shall be taken to be the whole of his previous service not exceeding ten years.

(3) Contributions payable under this regulation shall be paid by the surrender of the whole or a proportion of any terminal sum payable in respect of a deceased teacher.

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

*Service Counting for Benefit*

40.—(1) For the purposes of the Scheme the following shall be service counting for benefit:—

- (a) in relation to every contributor, any period of reckonable service in respect of which the full amount of normal contributions is held in the Fund;
- (b) in relation to every contributor other than a re-instated contributor and a former external contributor, any period of previous service in respect of which the full amount of additional contributions is held in the Fund;
- (c) in relation to a re-instated contributor—
  - (i) any period to be treated as service counting for benefit as notified by the Secretary of State under regulation 34(3)(a); and
  - (ii) any other period of previous service in respect of which the full amount of additional contributions is held in the Fund;
- (d) in relation to a former external contributor—
  - (i) any period counting for benefit for the purposes of an external scheme;
  - (ii) any period to be treated as service counting for benefit as notified by the Secretary of State under regulation 35(4)(a); and
  - (iii) any other period of previous service in respect of which the full amount of additional contributions is held in the Fund; and
- (e) in relation to a deceased teacher, any period in respect of which the full amount of the contributions required to be paid by regulation 39 is held in the Fund.

(2) Where additional contributions are payable by a contributor by Method III and the amount of any terminal sum due to him is insufficient to enable payment to be made in full, then, unless payment of the deficiency is made in

some other manner, so much only of the period of previous service in respect of which the contributions were payable as would under regulation 33 have required the surrender of an amount equal to the terminal sum shall be service counting for benefit.

#### REPAYMENT OF CONTRIBUTIONS

##### *When Contributions repayable*

**41.**—(1) Such sums as are prescribed by the three regulations next following shall be paid to or in respect of a contributor by way of repayment of contributions paid by him—

- (a) on his being repaid his superannuation contributions after ceasing to be employed in reckonable service;
  - (b) on his transfer to other employment if interchange rules apply to him on such transfer;
  - (c) on his becoming entitled to be paid superannuation allowances or a short service gratuity if he then has no wife;
  - (d) on his death if no pension is payable to his widow under the Scheme;
  - (e) on his becoming employed in class B external service if—
    - (i) his service counting for benefit is less than ten years; and
    - (ii) he elects within three months of becoming so employed that his contributions shall be repaid to him;
  - (f) on his becoming employed in class C external service if—
    - (i) he becomes liable to pay contributions under a scheme whereby the payment of pensions to or in respect of widows and children of persons employed in the same employment is legally secured, being a scheme under which for the purpose of determining the amount of such pension account is taken of reckonable service; and
    - (ii) he elects within three months of becoming so employed that his contributions shall be repaid to him; and
  - (g) on his becoming a person who fulfils the conditions specified in paragraph (2).
- (2) The conditions referred to in paragraph (1)(g) are that a person—
- (a) has ceased to be employed in reckonable service for more than one year;
  - (b) has been granted in respect of class B or class C external service any benefit by reason of having become permanently incapable through infirmity of mind or body of serving efficiently; and
  - (c) has service counting for benefit of less than ten years.

##### *Amount when no Benefit payable*

**42.** In the case of a contributor who—

- (a) has service counting for benefit of less than three years;
  - (b) has service counting for benefit of less than ten years, no children and either no wife or a wife who has not attained the age of fifty; or
  - (c) has no children and also had no wife at any time while a contributor
- the sum to be paid under regulation 41 shall be the aggregate of both the normal and the additional contributions paid by him together with compound interest calculated as in regulation 74 provided.

*Amount when Children's Pension only payable*

43. In the case of a deceased contributor in respect of whom the only benefit payable under the Scheme is a children's pension the sum to be paid under regulation 41 shall be the aggregate of the additional contributions paid by him together with compound interest calculated as in regulation 74 provided.

*Amount in other Cases*

44. In the case of a contributor to whom neither regulation 42 nor regulation 43 applies the sum to be paid under regulation 41 shall be the aggregate of—

- (a) half the normal contributions paid by him in respect of any period ending before the date on which he ceased to have a wife to whom in the event of his death a pension would have been payable under the Scheme;
- (b) the normal contributions paid by him in respect of any other period; and
- (c) the additional contributions paid by him

together with compound interest calculated as in regulation 74 provided.

*Repayment of Repaid Normal Contributions*

45.—(1) A re-instated contributor and a contributor under an external scheme who has repaid superannuation contributions repaid to him may, within three months of making such payment, also repay to the Secretary of State any sum paid to him by way of repayment of normal contributions and interest thereon, together with compound interest on that sum calculated at three and a half per cent. per annum with yearly rests from the day of its payment to him.

- (2) A re-instated contributor who—
  - (a) has been paid superannuation allowances by reason of infirmity of mind or body or a short service gratuity; or
  - (b) has been paid under regulation 41(e) a sum by way of repayment of contributions; or
  - (c) both on ceasing to be employed in reckonable service and on again becoming employed in reckonable service, was subject to interchange rules

may, within three months of again becoming employed in reckonable service, repay to the Secretary of State any sum paid to him by way of repayment of normal contributions and interest thereon, together with compound interest on that sum calculated at three and a half per cent. per annum with yearly rests from the day of its payment to him.

## BENEFITS

*Widow's Pension*

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

- (a) immediately prior to his death was entitled to be paid superannuation allowances;
- (b) having ceased to be employed in reckonable service before attaining pensionable age was qualified on so ceasing to be paid superannuation allowances on attaining that age; or

(c) was within one year before his death employed in reckonable service or class A external service or in service which would have been such service if he had not attained the age of seventy.

(2) A widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he became entitled to be paid superannuation allowances by virtue of regulation 41(1)(b) of the principal Teachers' Regulations unless he subsequently again became employed in reckonable service.

#### *Amount of Widow's Pension*

47.—(1) The annual amount of a widow's pension shall, unless her husband was at any time a contributor under an external scheme, be determined in accordance with the provisions of this regulation.

(2) Except in the cases specified in paragraph (3), the annual amount of a widow's pension shall be not less than—

- (a) £125 if her husband, on or after 10th December 1968, ceased to be employed in reckonable service or died while so employed; or
- (b) £115 if sub-paragraph (a) does not apply.

(3) The following are the cases referred to in paragraph (2):—

- (a) a widow whose husband, not having been qualified on last ceasing to be employed in reckonable service to be paid superannuation allowances on attaining pensionable age, subsequently became entitled to be paid such allowances by virtue of employment or service other than reckonable service; and
- (b) a widow whose husband, after last ceasing to be employed in reckonable service, was granted in respect of class B or class C external service any benefit by reason of having become permanently incapable through infirmity of mind or body of serving efficiently.

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

- (a) if at the time of his death an annual superannuation allowance was payable to him, one-third of that allowance; or
- (b) if at the time of his death he had ceased to be employed in reckonable service and had not attained pensionable age, one-third of the annual superannuation allowance which would have been payable to him on attaining that age; or
- (c) if at the time of his death he had attained pensionable age and was employed in class B external service, one-third of the annual superannuation allowance which would have been payable to him if on the day of his death he had ceased to be so employed; or
- (d) if regulation 46(1)(c) applies and neither sub-paragraph (b) nor sub-paragraph (c) of this paragraph applies, one-third of the annual superannuation allowance which would have been payable to him if on the day of his death he had ceased to be employed in reckonable service by reason of having become permanently incapable through infirmity of mind or body of serving efficiently as a teacher in reckonable service.

(5) In the case of the widow of a contributor or deceased teacher whose service counting for benefit is not equal to the whole of his reckonable service the annual amount of the widow's pension shall be the amount which bears to the amount that would be payable under paragraph (4), if that paragraph were applicable, the same proportion as the service counting for benefit bears to the whole of his reckonable service of which account was, or would have been, taken for the purpose of calculating the rate of his annual superannuation allowance.

(6) For the purposes of this regulation the amount of an annual superannuation allowance shall be deemed to be the amount that would be payable by way of such allowance if—

- (a) any modification of Section 4(3) of the Act of 1967 made by regulation 77 of the principal Teachers' Regulations were disregarded;
- (b) no addition were made under regulation 83(1) of the principal Teachers' Regulations to the period of service by reference to which it is calculated;
- (c) any period of employment to which regulation 41(3) of the principal Teachers' Regulations applies were not disregarded for the purpose of determining entitlement to superannuation allowances; and
- (d) there were disregarded—
  - (i) any reduction or withholding thereof under regulation 52 or regulation 54 of the principal Teachers' Regulations;
  - (ii) the surrender of any part thereof in return for the grant of a pension or other like benefit to a widow or dependant; and
  - (iii) any modification thereof in consequence of the National Insurance Act 1965(a).

(7) For the purpose of determining the amount of a widow's pension payable to the widow of a contributor or deceased teacher who was employed in class A external service but not at any time a contributor under an external scheme—

- (a) his annual superannuation allowance shall be deemed to be increased by the amount of any like allowance payable in respect of his class A external service; and
- (b) his reckonable service shall be deemed to be increased by his class A external service.

#### *Duration of Widow's Pension*

48.—(1) A widow's pension shall begin to accrue on the day following the death of her husband unless she is then co-habiting with a man.

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

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

*Short Service Widow's Pension*

49.—(1) Subject as hereinafter provided, an annual short service widow's pension shall be paid to the widow of a contributor or deceased teacher—

- (a) whose service counting for benefit amounts to less than ten years but not less than three years;
- (b) who was either—
  - (i) employed in reckonable service or class A external service within one year before his death; or
  - (ii) was entitled on his last ceasing to be so employed to annual superannuation allowances by virtue of regulation 41(1)(b) of the principal Teachers' Regulations or to a short service gratuity; and
- (c) who is survived by either—
  - (i) an eligible child or children; or
  - (ii) a widow who attained the age of fifty on or before the day of his death.

(2) A short service widow's pension shall not be paid to a widow whose marriage with a deceased contributor took place after he became entitled to be paid superannuation allowances by virtue of regulation 41(1)(b) of the principal Teachers' Regulations or a short service gratuity unless he subsequently again became employed in reckonable service.

*Amount of Short Service Widow's Pension*

50. Subject as in regulation 55 provided, the annual amount of a short service widow's pension shall be the amount which, opposite to the number in column (1) of the following Table of the years of service counting for benefit of her husband, is specified—

- (a) in column (2) thereof, in the case of a widow whose husband, on or after 10th December 1968, ceased to be employed in reckonable service or class A external service or died while so employed; or
- (b) in column (3) thereof, in any other case:—

TABLE

(1) Years of Service	(2) Annual Amount	(3) Annual Amount
3	£63	£58
4	£71	£66
5	£80	£74
6	£89	£82
7	£98	£90
8	£107	£98
9	£116	£106

*Duration of Short Service Widow's Pension*

51.—(1) The provisions of regulation 48 shall apply to a short service widow's pension as they apply to a widow's pension.



(2) Subject as in paragraph (1) provided, a short service widow's pension payable to a widow who has not attained the age of fifty shall be discontinued when there ceases to be any incapacitated child or any other eligible child of her husband who has not attained the age of nineteen.

*Children's Pension*

52. Subject as in regulation 54 provided, an annual children's pension shall be paid to or for the benefit of an eligible child or eligible children of a deceased contributor or deceased teacher to whose widow there is payable or would be payable if he were survived by a widow who neither re-marries nor co-habit with a man, either—

- (a) a widow's pension under regulation 46; or
- (b) a short service widow's pension under regulation 49.

*Amount of children's Pension*

53.—(1) Subject as hereafter in this regulation and in regulation 55 provided the annual amount of a children's pension shall be the amount which, opposite to the number of eligible children in respect of whom it is for the time being payable specified in column (1) of the following Table, is specified—

- (a) under letter A in column (2) or column (3) thereof, whichever column shall for the time being be appropriate, where the pension is payable to or for the benefit of a child or children of a contributor or deceased teacher who, on or after 10th December 1968, ceased to be employed in reckonable service or class A external service or died while so employed; or
- (b) under letter B in column (2) or (3) thereof, whichever column shall for the time being be appropriate, in any other case:—

TABLE

(1) Number of Eligible Children	(2) Annual Amount of Pension where there is a Surviving Widow of the Contributor or Deceased Teacher		(3) Annual Amount of Pension where there is not a Surviving Widow of the Contributor or Deceased Teacher	
	A	B	A	B
1	£65	£60	£95	£85
2	£120	£110	£180	£165
3	£175	£160	£265	£245
4 or more	£230	£210	£355	£325

(2) Where the eligible child or eligible children to or for whose benefit children's pension is payable is or include an incapacitated child who has attained the age of sixteen the annual amount of the pension shall be the aggregate of the following two amounts:—

- (a) the amount for the time being payable under paragraph (1) in respect of four or more eligible children; and

(b) the amount, if any, for the time being payable under paragraph (1) in respect of any other eligible children not exceeding three in number.

(3) If an eligible child who has attained the age of sixteen and to whom, or for whose benefit, a children's pension is payable is in receipt of remuneration at a yearly rate in excess of £115, or such other amount as may from time to time be substituted for £115 in section 10(5) of the Income and Corporation Taxes Act 1970(a), in respect of full-time training for a trade, profession or calling, the annual amount of the pension shall be reduced by the amount of the excess, or, if it would result in a smaller reduction of the pension, the child shall be disregarded for the purpose of calculating the amount of the pension.

#### *Duration of Children's Pension*

54.—(1) A children's pension shall begin to accrue on the day following the death of the contributor or deceased teacher to or for the benefit of whose eligible child or children it is payable.

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

(a) in a case to which regulation 52(a) applies on there ceasing to be an eligible child to or for whose benefit such pension is payable; and

(b) in a case to which regulation 52(b) applies, on there ceasing to be either any incapacitated child or any other eligible child under the age of nineteen to or for whose benefit such pension is payable.

#### *Benefits in respect of Contributors under External Schemes*

55.—(1) In relation to a contributor in respect of whom benefits are payable both under the Scheme and under an external scheme the annual amount of a widow's pension, short service widow's pension and children's pension shall be such an amount as bears the same proportion to the annual amount thereof which would be payable by virtue of his total service counting for benefit as the amount defined in sub-paragraph (a) of paragraph (2) bears to the total of the latter amount and the amount defined in sub-paragraph (b) of that paragraph.

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

(a) the amount held in the Fund or due thereto which represents the normal and additional contributions paid or payable by or in respect of the contributor, together with compound interest thereon calculated at three and one half per cent. per annum with yearly rests from 1st October in the year in which any such contribution was paid to the end of the month immediately preceding the day on which such amount is determined;

(b) the amount of the contributions paid or payable by or in respect of the contributor under an external scheme, together with compound interest thereon calculated at three and one half per cent. per annum with yearly rests from 1st October in the year in which any such contribution was paid or became due to the end of the month immediately preceding the day on which such amount is determined.

(3) For the purposes of this regulation any additional contributions payable by Method III in respect of a period of previous service included in the service counting for benefit shall be deemed to have been paid in full.

## PART V

## TEACHERS' DEPENDANTS' PENSION SCHEME

## PRELIMINARY

*The Scheme*

56. The Scheme established by Part V of the Regulations of 1966 for securing the payment of pensions to or for the benefit of persons wholly or mainly dependant on teachers (not being persons to whom or for whose benefit pension may be paid under the Teachers' Widows' and Children's Pension Scheme shall be continued and be administered in accordance with the provisions of this Part under the name of the Teachers' Dependants' Pension Scheme (hereafter in this Part referred to as "the Scheme").

## NOMINATION OF DEPENDANTS

*Dependants*

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

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

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

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

*Nomination by Teachers*

58.—(1) A teacher who is employed in reckonable service may make a nomination in favour of a dependant if he has been so employed for not less than three years and has not attained the age of fifty-five.

(2) Without prejudice to the provisions of paragraph (1) above, a teacher who, while employed in class A external service made a valid nomination of dependant under a scheme corresponding to the Scheme, may nominate the same dependant if—

- (a) on ceasing to be so employed he was not entitled to superannuation benefits in respect of his class A external service and has not been repaid the superannuation contributions paid by him in respect of that service and

(b) he becomes employed in reckonable service within one year of ceasing to be employed in class A external service.

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

(a) his salary has increased by not less than £120 a year; or

(b) not less than three years have elapsed.

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

(a) nominated for life pensions: one adult and one incapacitated child of whom the teacher is the parent; and

(b) nominated for temporary pensions: three children:

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

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

Provided that—

(a) a woman teacher who nominates her husband for a life pension may—

(i) nominate him for a life pension not exceeding one-sixth of her salary at the time of nomination; and

(ii) nominate another adult for a life pension not exceeding one-sixth of her salary at the time of nomination; and

(iii) nominate her incapacitated child for a life pension not exceeding £230 a year; and

(iv) nominate not more than three children each for temporary pensions not exceeding £60 a year;

(b) a teacher who is unmarried may—

(i) nominate an adult for a life pension not exceeding one-sixth of his salary at the time of the nomination; and

(ii) nominate his incapacitated child for a life pension not exceeding £350 a year; and

(iii) nominate not more than three children each for temporary pensions not exceeding £80 a year.

#### *Validity of Nominations*

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

(a) that the requirements of regulations 57 and 58 are satisfied in respect of the dependant nominated; and

(b) that the teacher is, at the time of making the nomination, in good health, regard being had to his age.

(2) For the purpose of paragraph 1(b) the Secretary of State may require the teacher to be examined by a duly qualified medical practitioner designated by him.

*Avoidance of Nominations*

**60.** A nomination of a dependant shall become void—

- (a) on the receipt by the Secretary of State of a written notice of revocation from the teacher by whom it was made;
- (b) on the dependant ceasing to be wholly or mainly dependant on the teacher by whom he was nominated;
- (c) on the death of the dependant;
- (d) on the marriage of the dependant if female;
- (e) on the attainment of the age of sixteen by a dependant nominated for a temporary pension;
- (f) on the dependant becoming a person to whom or for whose benefit a pension is or may become payable under Part IV;
- (g) on the teacher by whom it was made being repaid his superannuation contributions after ceasing to be employed in reckonable service; and
- (h) on the teacher by whom it was made ceasing to be employed in reckonable service for a period exceeding one year without entitlement to superannuation allowances or a short service gratuity unless, having become employed in class A external service, he nominates the dependant and pays contributions in respect of him under a scheme corresponding to the Scheme.

CONTRIBUTIONS

*Payment of Contributions*

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

*Amount of Contributions*

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

(2) The contributions to be paid by a teacher in respect of a nomination to which regulation 58(2) applies shall be—

- (a) the amount of the arrears of the contributions which would, if he had continued to be employed in class A external service, have been payable in respect of the dependant from the time of ceasing to be so employed until becoming employed in reckonable service; and
- (b) further contributions at the rate at which he was previously paying contributions in respect of the dependant.

*Duration of Contributions*

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

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

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

#### *Contributions in respect of Intervals in Service*

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

#### *Payment of Contributions on Death*

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

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

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

(2) Where a teacher dies before attaining pensionable age, having previously ceased to be employed in reckonable service and being qualified on so ceasing to be paid superannuation allowances on attaining that age, any sums due from him by way of contributions in respect of any nomination, together with compound interest thereon calculated at four per cent. per annum with yearly rests, shall be paid by the surrender of the whole or a proportion of any terminal sum payable in respect of him.

#### *Repayment of Contributions*

66. A sum equal to one-half of the contributions paid by a teacher in respect of the nomination of a dependant for a life pension shall, together with compound interest thereon calculated as in regulation 74 provided, be repaid to him—

- (a) on his being repaid his superannuation contributions after ceasing to be employed in reckonable service; or
- (b) unless he has become employed in class A external service and has made a valid nomination of the same dependant under the scheme applicable to that employment corresponding to the Scheme, on his ceasing to be employed in reckonable service for a period exceeding one year without entitlement to superannuation allowances or a short service gratuity.

## BENEFITS

*Entitlement to Pensions*

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

- (a) the nomination has not become void;
- (b) contributions for not less than one year have been paid in respect of the nomination; and
- (c) the teacher dies—
  - (i) while employed in reckonable service; or
  - (ii) after ceasing to be so employed, having been on so ceasing either entitled to be paid superannuation allowances by virtue of regulation 41(1)(b) of the principal Teachers' Regulations or a short service gratuity or qualified to be paid superannuation allowances on attaining pensionable age; or
  - (iii) within one year of ceasing to be so employed and any contributions outstanding at the date of his death are paid in accordance with regulation 65; or
  - (iv) while employed in class A external service, having made a valid nomination of the dependant under the scheme applicable to that employment corresponding to the Scheme.

*Life and Temporary Pensions*

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

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

and "life pension" and "temporary pension" shall in this Part be construed accordingly.

*Amounts of Pensions*

69.—(1) Subject to the provisions of regulation 58 and of paragraphs (2) and (3)—

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

(2) The annual amount of a pension payable under the Scheme to or in respect of a dependant to or in respect of whom a pension is also payable under a scheme applicable to class A external service corresponding to the 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) below bears to the amount determined under sub-paragraph (b) below—

- (a) the amount held in the Fund which represents contributions paid in respect of the dependant, together with compound interest on any such contributions calculated at three and a half per cent. per annum with yearly rests from 1st October in the year in which it was paid to the end of the month immediately preceding the day on which such amount is determined;
- (b) the total of the amount determined under sub-paragraph (a) and the amount of the contributions paid in respect of the dependant under any scheme applicable to class A external service corresponding to the Scheme, together with compound interest on any such contributions calculated at three and a half per cent. per annum with yearly rests from 1st October in the year in which it was paid to the end of the month immediately preceding the day on which such amount is determined.
- (3) Where the teacher who nominated the dependant to whom a pension is payable ceased to be employed in reckonable service before attaining the age of sixty, being then qualified to be paid superannuation allowances on attaining that age, the annual amount of the pension shall be reduced by such amount as shall be appropriate having regard to the amount by which the contributions actually paid is less than those which would have been paid if the teacher had continued to be employed in reckonable service until attaining the age of sixty.

#### *Duration of Pensions*

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

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

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

## PART VI

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Functions of Secretary of State and Employers*

71.—(1) The Secretary of State shall—

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



(2) Local education authorities and other employers of teachers to whom the Teachers' Widows' and Children's Pension Scheme applies or by whom valid nominations have been made for the purposes of the Teachers' Dependents' Pension Scheme shall—

- (a) maintain records of the contributions collected for the purposes of each of the Schemes from such teachers employed by them; and
- (b) make to the Secretary of State such reports and returns and give him such information relating to such teachers as he may require for the purposes of his functions under these Regulations.

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

#### *Supplementary Provisions as to Contributions*

72.—(1) The provisions of the principal Teachers' Regulations specified in paragraph (2) shall apply in relation to contributions payable under these Regulations (other than additional contributions payable by Method III) in like manner as they apply in relation to superannuation contributions.

- (2) The following are the provisions referred to in paragraph (1):—
  - regulation 20, relating to the payment of contributions by deduction from salary;
  - regulation 21, relating to the payment of contributions direct to the Secretary of State; and
  - regulation 27, relating to interest on overdue contributions.

(3) Where a payment on account of contributions payable under these Regulations (other than additional contributions payable by Method III) is less than the amount due, then, without prejudice to regulation 38—

- (a) there shall be deducted therefrom such an amount as is required to meet any liability in respect of interest under regulation 27 of the principal Teachers' Regulations as applied by this regulation; and
- (b) the remainder thereof shall be appropriated as the payment for such part of the period in respect of which contributions are payable as the Secretary of State may think fit.

#### *Limitation of Amount of Contributions*

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

- (a) superannuation contributions;
- (b) normal contributions;
- (c) additional contributions payable by either Method I or Method II;
- (d) further annual contributions payable under regulation 38; and
- (e) contributions payable under Part V

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

- (2) For the purposes of this regulation—

- (a) the amount of the superannuation contributions payable by a teacher shall be deemed to be—
- (i) the amount thereof before any modification in consequence of the National Insurance Act 1965; and
  - (ii) not less than six per cent. nor more than thirteen per cent. of his salary for the year; and
- (b) “year” means a year of assessment for the purposes of income tax.

*Interest on Repaid Contributions*

74. Where contributions are repaid under Part IV or Part V compound interest shall be added thereto and, for that purpose, shall be calculated at the rate of three per cent. per annum with yearly rests from 1st October in the year in which the contributions were paid to the day specified in column (2) of the following Table opposite to the paragraph of regulation 41 or regulation 66 by virtue of which the repayment is made specified in column (1) thereof:—

TABLE

(1) Paragraph	(2) Day to which compound interest is to be calculated
Paragraph (a) of regulation 41 and paragraph (a) of regulation 66	The day three months after that on which the person by whom the contributions were paid last ceased to be employed in reckonable service or class A or class B external service or the day on which he attained the age of seventy, whichever shall be the earlier.
Paragraph (b) of regulation 41	The day on which interchange rules become applicable to the person by whom the contributions were paid.
Paragraph (c) of regulation 41	The day on which the person by whom the contributions were paid becomes entitled to be paid superannuation allowances or a short service gratuity.
Paragraph (d) of regulation 41	The day on which the person by whom the contributions were paid dies.
Paragraphs (e), (f) and (g) of regulation 41	The day three months after that on which the person by whom the contributions were paid last ceased to be employed in reckonable service or class A external service.
Paragraph (b) of regulation 66	The day one year after that on which the person by whom the contributions were paid ceased to be employed in reckonable service.

*Deductions from Repaid Contributions*

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

*Payment of Pensions*

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

*Payments in respect of Deceased Persons*

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

*Payments in respect of Minors and Infirm Persons*

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

*Remission of Debts to Fund*

79. The Secretary of State may remit the payment of any sum due to him and payable into the Fund—

- (a) if it is less than £50; and
- (b) on the recommendation of the Board, if it is £50 or more.

*Benefits not Assignable*

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

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

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

*Provision of Information*

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

---

(a) 1914 c. 59.

*Extension of Time*

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

*Determination of Questions*

83. Any question arising under these Regulations as to—

- (a) any election;
- (b) any nomination;
- (c) liability to pay and the amount of any contributions;
- (d) the period which in relation to a re-instated contributor or a former external contributor is to be treated under regulation 34 or, as the case may be, regulation 35 as service counting for benefit;
- (e) the amount by which a pension payable to or in respect of a dependant is to be reduced under regulation 69(3); and
- (f) the entitlement to receive and the amount of any benefit or payment shall be decided by the Secretary of State and his decision thereon shall be final.

## SCHEDULE 1      Regulations 31 and 32

## RATES OF ADDITIONAL CONTRIBUTIONS—METHODS I AND II

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

## SCHEDULE 1—continued

(1) Age on date from which additional contributions payable		(2) Percentage of Salary (Method I)	(3) Percentage of Salary (Method II)
Years	Completed months		
43	—	.15	.12
44	—	.15	.13
45	—	.16	.13
46	—	.18	.14
47	—	.20	.15
48	—	.21	.16
49	—	.23	.17
50	—	.25	.18
51	—	.28	.19
52	—	.31	.20
53	—	.35	.22
54	—	.41	.24
55	—	.46	.26
	1	.46	.26
	2	.47	.26
	3	.48	.26
	4	.49	.26
	5	.50	.27
	6	.51	.27
	7	.52	.27
	8	.53	.27
	9	.54	.28
	10	.55	.28
	11	.56	.28
56	—	.57	.28
	1	.58	.29
	2	.59	.29
	3	.60	.29
	4	.61	.29
	5	.62	.30
	6	.63	.30
	7	.65	.30
	8	.67	.30
	9	.69	.31
	10	.71	.31
	11	.73	.31
57	—	.75	.32
	1	.77	.32
	2	.79	.32
	3	.81	.32
	4	.84	.33
	5	.86	.33
	6	.89	.33

## SCHEDULE 1—continued

(1) Age on date from which additional contributions payable		(2) Percentage of Salary (Method 1)	(3) Percentage of Salary (Method II)
Years	Completed months		
58	7	.92	.34
	8	.95	.34
	9	.99	.34
	10	1.03	.35
	11	1.07	.35
	—	1.11	.36
	1	1.16	.36
	2	1.21	.36
	3	1.27	.37
	4	1.33	.37
	5	1.40	.38
	6	1.48	.38
59	7	1.57	.38
	8	1.67	.39
	9	1.78	.39
	10	1.90	.40
	11	2.00	.40
	—	—	.41
	1	—	.41
	2	—	.42
	3	—	.42
	4	—	.43
	5	—	.43
	6	—	.44
60	7	—	.44
	8	—	.45
	9	—	.45
	10	—	.46
	11	—	.46
	—	—	.46
	1	—	.46
	2	—	.47
	3	—	.48
	4	—	.49
	5	—	.50
	6	—	.51
61	7	—	.52
	8	—	.53
	9	—	.54
	10	—	.55
	11	—	.56
	—	—	.57
	1	—	.58

## SCHEDULE 1—continued

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

## SCHEDULE 2

Regulation 33

## RATES OF ADDITIONAL CONTRIBUTIONS—METHOD III

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



Given under the Official Seal of the Secretary of State for Education and Science on 28th May 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 3rd June 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 consolidate with amendments the existing regulations relating to the payment of pensions to the widows or widowers of teachers and their children and other dependants.

The principal amendments are:—

- (a) All men teachers entering service for the first time are now (and have been since 1st April 1969) required to participate in the Teachers' Widows' and Children's Pension Scheme and the only option whether to do so or not is for men teachers returning to service for the first time since 1st April 1966 (regulation 23).
- (b) Provision is made to enable a teacher to increase his service counting for benefit by paying additional contributions in respect of teaching service in the United Kingdom, the Isle of Man or the Channel Islands on repayment of personal superannuation contributions in respect of that service previously withdrawn by him (regulation 29).

- (c) A teacher who left pensionable service prematurely without qualification for any pension but subsequently completed the qualifying period for his own pension by some other employment will be able to pay the appropriate contributions and a pension will be payable to his widow (regulations 36(3) and 46).
- (d) Sums owing by reason of non-payment of contributions may be settled by periodic payments (regulation 38).
- (e) Pensions will be paid to or in respect of the widow and children of a teacher who has less than ten years' service counting for benefit and to whom superannuation benefits or a short service gratuity were payable on the ground of ill health (regulation 49).
- (f) The Secretary of State is authorised to remit debts to the Teachers' Family Benefits Fund (regulation 79).

SI 1970/ 862  
ISBN 0-11-000862-6



780110 008622