
 S T A T U T O R Y I N S T R U M E N T S

1975 No. 276

EDUCATION, ENGLAND AND WALES

**The Teachers' Superannuation (War Service, etc.)
Regulations 1975**

Made - - - - - 3rd March 1975

Laid before Parliament 10th March 1975

Coming into Operation 1st April 1975

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 and with such representatives of other persons likely to be affected as appear to him to be appropriate, in exercise of the powers conferred on him by section 9 of the Superannuation Act 1972(a) hereby makes the following regulations:—

*Introductory**Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Teachers' Superannuation (War Service, etc.) Regulations 1975 and shall come into operation on 1st April 1975.

(2) Expressions used in these regulations which are used in the Teachers' Superannuation Regulations 1967 to 1974 or the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1974 shall, as the context may require, have the meanings respectively assigned to them by those regulations.

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

*War Service**War Service to count for benefits*

2.—(1) Subject to paragraphs (2) and (3) and regulation 5 below, any war service of a teacher to whom this regulation applies shall be treated as half that period of reckonable service for the purpose of calculating—

- (a) the amount of any allowance or gratuity payable by virtue of the Teachers' Superannuation Regulations 1967 to 1974;
- (b) any transfer value payable by virtue of regulation 24 of the Teachers' Superannuation (Added Years and Interchange) Regulations 1974(c); and
- (c) in a case to which regulation 7 below applies, any pension payable by virtue of the Teachers' Superannuation (Family Benefits) Regulations 1970 to 1974 to which that regulation applies—

being an allowance (other than an additional superannuation allowance), gratuity, transfer value or pension payable after 31st August 1974 or an additional superannuation allowance whenever paid or payable.

(a) 1972 c. 11.

(b) 1889 c. 63.

(c) S.I. 1974/260 (1974 I, p. 831).

(2) This regulation does not apply if the first period of reckonable service referred to in regulation 3 below is not treated as reckonable service for the purpose of calculating any such allowance, gratuity, transfer value or pension as is mentioned in paragraph (1) above.

(3) In these regulations "war service" means such service over the age of 18 as is mentioned in section 1 of the Superannuation Act 1946(a) at any time between the beginning of September 1939 and the end of March 1949, but does not include any such service which was, or is treated as, contributory service or in respect of which a naval pension, a service pension (within the meaning of the Recall of Army and Air Force Pensioners Act 1948(b)) or retired pay is payable.

Application of regulation 2

3.—(1) Regulation 2 above applies to any teacher who, after war service and without having first been employed in service which is or was pensionable under a scheme for the superannuation of teachers in any other part of the British Islands, was first employed in reckonable service before July 1950, or after June 1950 on the completion of either—

- (a) a course of training approved for the purposes of regulation 15 of the Primary and Secondary Schools (Grant Conditions) Regulations 1945(c), being—
- (i) a course provided under the scheme for the emergency recruitment and training of teachers established by the Ministry of Education or any scheme to the like effect established by the Scottish Education Department or the Ministry of Education, Northern Ireland; or
 - (ii) a course in respect of which grants were paid to him under the Ministry of Education (Further Education and Training) Grant Regulations 1946(d) or the Further Education and Training Scheme administered by the Scottish Education Department; or
 - (iii) a course which he had begun before July 1950; or
- (b) if he had begun the final year of the course before November 1950, any such course as is mentioned in regulation 30(1) (four year first degree and teacher training courses) of the Training of Teachers Grant Regulations 1948(e).

(2) In this regulation—

- (a) "reckonable service" includes service which was contributory service by virtue of a scheme made under section 21(1)(a) of the Teachers (Superannuation) Act 1925(f); and
- (b) "teacher" includes a person who was in reckonable service, or in receipt of superannuation allowances, at any time from 1st September 1974 until 1st April 1975 (both dates inclusive).

(3) Any question arising under this regulation as to whether a teacher became employed in reckonable service on the completion of a course to which paragraph (1) applies shall be determined by the Secretary of State and his determination shall be final.

(a) 1946 c. 60.

(c) S.R. & O. 1945/636 (Rev. VI, p. 534: 1945 I, p. 269).

(d) S.R. & O. 1946/1291 (Rev. VI, p. 518: 1946 I, p. 392).

(e) S.I. 1948/1704 (Rev. VI, p. 570: 1948 I, p. 736).

(b) 1948 c. 8.

(f) 1925 c. 59.

Contributions in respect of war service

4.—(1) For the purpose of defraying the costs of the increase in any benefits which is payable by virtue of regulation 2(1)(a) or (b) above there shall be deducted from the additional superannuation allowance or gratuity payable to or in respect of the teacher an amount equal to the aggregate of—

- (a) $3\frac{3}{4}$ per cent. of the aggregate remuneration in respect of war service which would have been received by a teacher in receipt of a salary at an annual rate of £200 (if the teacher is a man) or £175 (if the teacher is a woman) during that period; and
- (b) compound interest on that sum at the rate of $3\frac{1}{2}$ per cent. per annum with yearly rests from 1st July 1950 until what is in the case of that teacher the relevant date as provided by paragraph (2) below.

(2) The relevant date as regards any teacher is—

- (a) the date of the payment of the allowance or gratuity from which the deduction falls to be made; or
- (b) in the case of a teacher in respect of whom after the end of August 1974 a transfer value falls to be paid by the Secretary of State under regulation 24 (payment of transfer value) of the Teachers' Superannuation (Added Years and Interchange) Regulations 1974, the date on which he becomes subject to the approved superannuation scheme mentioned in paragraph (1) of that regulation; or
- (c) in the case of a teacher who on 1st September 1974 was in receipt of superannuation allowances awarded to him on or before that date, 1st September 1974.

Exception

5. Unless regulation 7 below applies, regulations 2 and 4 above shall not apply to any period of war service of a teacher if, apart from this regulation, the annual superannuation allowance payable to or in respect of him would not be more, or the death gratuity payable in respect of him would be less, than would have been the case if those regulations had not applied to that period.

Elections

6.—(1) A teacher may—

- (a) notwithstanding the provisions of regulation 7 of the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1973(a), make a first election for the purposes of regulations 4, 5 or 6 of those regulations;
- (b) notwithstanding the provisions of regulation 7 of the Teachers' Superannuation (Added Years and Interchange) Regulations 1974, but subject to regulation 6(1) of those regulations, make a first or further election for the purposes of regulation 6 or 12 of those regulations.

(2) A further election made in pursuance of paragraph (1)(b) above may not reduce the number of added years which the teacher elected to purchase by more than half his war service.

(3) Any election made by virtue of this regulation shall be made not later than 30th September 1975 and shall otherwise comply with the provisions above referred to relating to such elections.

(a) S.I. 1973/936 (1973 II, p. 2816).

Family Benefits

7.—(1) If a teacher to whom this regulation applies so elects, regulation 2 above shall apply for the calculation of the amount of pension payable in respect of him under regulations 20 (widow or adult beneficiary) and 21 (child) of the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1973.

(2) This regulation applies to—

- (a) any teacher in whose case the whole of his reckonable service would in the event of his death count for benefit for the purposes of regulation 20 of the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1973;
- (b) any teacher in receipt of an annual superannuation allowance awarded after the end of March 1966 under the enactments relating to the superannuation of teachers in their application to England and Wales who either—
 - (i) paid additional contributions under the Teachers' Superannuation (Family Benefits) Regulations 1966(a) or 1970(b) in respect of the whole of his previous service as respectively defined in those regulations; or
 - (ii) elected under regulation 25(2) of the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972(c) as originally made that on his death a pension was to be paid to his widow.

(3) In any case where a teacher makes an election for the purposes of this regulation the superannuation allowance or gratuity payable to or in respect of him shall be further reduced by the amount determined by the Government Actuary as the actuarial cost of the increase in the amount of any pension which is payable by virtue of this regulation.

(4) An election for the purposes of this regulation shall be made in writing and delivered to the Secretary of State so as to be received by him before the payment of the allowance or gratuity from which the reduction falls to be made.

(5) If the teacher dies without having made an election, the election may be made by his widow and paragraphs (3) and (4) shall apply with the necessary modifications accordingly.

*Miscellaneous Amendments**Retrospective reduction of teacher's contribution*

8.—(1) Subject to the provisions of this regulation, the Teachers' Superannuation (Teacher's Contribution) Regulations 1974(d) (which reduced the teacher's contribution from $6\frac{3}{4}$ per cent. to 6 per cent.) shall have effect as from 1st December 1973.

(2) A teacher who paid contributions at the rate of $6\frac{3}{4}$ per cent. under regulation 5(2) of the Teachers' Superannuation (Financial Provisions) Regulations 1972(e) as amended by regulation 3(a) of the Teachers' Superannuation (Financial Provisions and Family Benefits) (Amendment) Regulations 1972(f) during any period between the beginning of December 1973 and the end of March 1974 shall not by reason of paragraph (1) above be entitled to be repaid the excess of his contributions over the amount which would have

(a) S.I. 1966/357 (1966 I, p. 813).
 (c) S.I. 1972/1960 (1972 III, p. 5853).
 (e) S.I. 1972/568 (1972 I, p. 1892).

(b) S.I. 1970/862 (1970 II, p. 2736).
 (d) S.I. 1974/390 (1974 I, p. 1227).
 (f) S.I. 1972/1092 (1972 II, p. 3223).

been paid by him at the rate of 6 per cent., but shall instead be treated in accordance with paragraph (3) below as having purchased added years for the purposes of regulation 3(1) of the Teachers' Superannuation (Added Years and Interchange) Regulations 1974.

(3) A teacher who at any time between the beginning of December 1973 and the end of March 1974 was employed in full-time reckonable service, or is treated by regulation 6(1) of the Teachers' (Part-time) Superannuation Regulations 1967(a) as having been so employed, for any number of days specified in the first column below shall be treated as having purchased the number of days specified in the corresponding entry in the second column.

Less than 8	8	...	...	...	...	...	...	...	0
8- 22	22	...	...	...	...	...	...	...	1
23- 37	37	...	...	...	...	...	...	...	2
38- 52	52	...	...	...	...	...	...	...	3
53- 67	67	...	...	...	...	...	...	...	4
68- 83	83	...	...	...	...	...	...	...	5
84- 98	98	...	...	...	...	...	...	...	6
99-113	113	...	...	...	...	...	...	...	7
more than 113	113	...	...	...	...	...	...	...	8

(4) So much of the contributions paid during the aforesaid period by a teacher under regulation 31 (intervals of service) of the Teachers' Superannuation Regulations 1967(b) as amended(c) as are treated by virtue of paragraph (5) of that regulation as having been paid by way of teacher's contributions shall be treated as having been paid at the rate of 6 per cent. of the teacher's salary (within the meaning of paragraph (2) of the regulation); and accordingly paragraphs (2) and (3) above shall not apply to a teacher in respect of any part of that period in respect of which he paid such contributions.

(5) This regulation shall have effect notwithstanding anything in regulation 2(2) (permitted maximum) of the Teachers' Superannuation (Added Years and Interchange) Regulations 1974; but in any case where, by reason of the operation of paragraphs (2) and (3) above, the reckonable service of a teacher before he attains the age of 60 exceeds 40 years, the provisions for the payment of contributions contained in regulation 9(1), 10 or 11 (as the case may be) of those regulations shall be modified accordingly.

Incapacitated children

9. For the purposes of regulations 18 and 22 of the Teachers' Superannuation (Family Benefits) (Amendment) Regulations 1973 a person who is incapacitated on the day when, apart from this regulation, he would be treated as ceasing to be a child shall continue to be treated as a child for so long as that incapacity persists.

Reckoning of part-time service

10. In its application to a teacher employed in reckonable service after 5th April 1975, regulation 6(1) (reckoning of service) of the Teachers' (Part-time) Superannuation Regulations 1967 shall have effect with the insertion after "Regulations" of "except regulation 41 of the Teachers' Superannuation Regulations 1967 as substituted by regulation 12 of the Superannuation (Teachers and Teachers' Families) (Amendment) Regulations 1972."

(a) S.I. 1967/1286 (1967 II, p. 3721).

(b) S.I. 1967/489 (1967 I, p. 1562).

(c) The relevant amending instruments are S.I. 1970/10, 1974/260 (1970 I, p. 11; 1974 I, p. 831).

Interchanges (Northern Ireland)

11. Regulations 23 to 29 of the Teachers' Superannuation (Added Years and Interchange) Regulations 1974 shall have effect as from 1st June 1974 with the inclusion in regulation 23(a) (statutory schemes) of those regulations of a reference to any scheme established under or arrangements for superannuation maintained in pursuance of regulations made under the Superannuation (Northern Ireland) Order 1972(a).

Admitted schools

12.—(1) Any school which immediately before 1st May 1975 is an admitted school shall on that day cease to be such a school; and accordingly as from that day Part VIII of the Teachers' Superannuation Regulations 1967(b) as amended(c) shall cease to have effect and together with the reference to that Part in regulation 5(b)(ii) of the Teachers' (Part-time) Superannuation Regulations 1967(d) is hereby revoked.

(2) Nothing in this regulation shall affect the operation of the provisions revoked by paragraph (1) above nor of any other provision relating to the superannuation of teachers in their application to admitted schools, and to service in admitted schools, before 1st May 1975.

Given under the Official Seal of the Secretary of State for Education and Science on 28th February 1975.

(L.S.)

Reg. Prentice,
Secretary of State for Education
and Science.

Consent of the Minister for the Civil Service given under his Official Seal on 3rd March 1975.

(L.S.)

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

(a) S.I. 1972/1073 (N.I. 10)

(b) S.I. 1967/489 (1967 I, p. 1562).

(c) The relevant amending instrument is S.I. 1968/1353 (1968 II, p. 3753).

(d) S.I. 1967/1286 (1967 II, p. 3721).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide for the war service of certain teachers who became employed in teaching after completing that service to count for the purpose of calculating the superannuation benefits payable to or in respect of them. They also make a number of miscellaneous amendments to the existing regulations relating to the superannuation of teachers. The more important of these are regulation 8 (which provides for the reduction in the teacher's contribution effected by the Teachers' Superannuation (Teacher's Contribution) Regulations 1974 to have effect as from 1st December 1973) and regulation 12 which revokes the provisions relating to admitted schools. Regulations 8 and 11 have retrospective effect by virtue of section 12(1) of the Superannuation Act 1972.

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